

US EPA ARCHIVE DOCUMENT

APPENDIX B

EPA/STATE RCRIS/RCRA INFO MEMORANDUM OF AGREEMENT

RESOURCE CONSERVATION AND RECOVERY INFORMATION SYSTEM

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

WEST VIRGINIA DIVISION OF NATURAL RESOURCES

AND THE

U.S. ENVIRONMENTAL PROTECTION AGENCY

Introduction

The West Virginia Division of Natural Resources (WVDNR) and the U.S. Environmental Protection Agency (EPA) agree that, due to the nature of Federal/State administration of the Resource Conservation and Recovery Act (RCRA) program, successful data management will be the product of a shared responsibility between WVDNR and EPA for the operation of the Resource Conservation and Recovery Information System (RCRIS). RCRIS has been developed as a replacement for the Hazardous Waste Data Management System (HWDMS) and the Corrective Action Reporting System (CARS), and will promote more effective tracking and reporting of hazardous waste activities. To ensure that data integrity is preserved, and to provide sufficient data to adequately administer and properly oversee the RCRA program, the undersigned enter into this Memorandum of Understanding (MOU).

The MOU documents the terms and responsibilities associated with both the initialization and operation of RCRIS. Specifically, the MOU establishes agreements regarding:

- 1) Implementer-of-Record (IOR) designations;
- 2) Information sharing scenarios;
- 3) Conversion/initialization parameters;
- 4) Dispute resolution procedures; and
- 5) General RCRIS management.

A. IOR Designation

As a result of a shared responsibility, both WVDNR and EPA will maintain separate RCRIS implementer data bases. To ensure the integrity of the data generated by program staff of either Agency, WVDNR and EPA will designate which Agency is ultimately responsible for (i.e., is the IOR for) the data. (See Attachment #1)

The WVDNR and EPA agree to the following basic IOR decisions, which are also reflected in the assignment of IOR responsibilities at the block level:

- (1) Handler Identification numbers will be assigned by EPA, until such a time that access to the Facility Index System (FINDS) is provided to the State, thereby allowing the State to assume that function.
- (2) Notification forms will be processed by EPA.
- (3) Part A forms will be received and processed by West Virginia.
- (4) WVDNR will be the ultimate IOR for any Biennial Report data entered into RCRIS.
- (5) WVDNR and EPA will agree on any implementer-defined values in RCRIS, i.e., Contact Type, which can be standardized within EPA Region III.
- (6) Permitting unit groups will be designated jointly by EPA and WVDNR.
- (7) Areas for corrective action will be designated by EPA.
- (8) Constituents for corrective action will be designated by EPA.
- (9) All Hazardous and Solid Waste Amendment (HSWA) components will be designated by EPA.
- (10) Compliance Monitoring and Enforcement (CM&E) information will be designated jointly by EPA and WVDNR.

Once the State receives authorization to administer HSWA, they may assume IOR responsibilities for all HSWA components including corrective action areas and constituents, and for joint corrective action events and instruments.

In accordance with the above basic IOR decisions, WVDNR and EPA agree that WVDNR will be the IOR for the following blocks of data:

Handler Source (and associated data, for Source = A, R or S)

Handler SIC Code

Handler Permit

Permitting Unit Groups

Permitting Permit (when Permit Authority is State or Joint)

Permitting Event (when Event Responsible Agency is State or Joint)

CM&E (when Enforcement Responsible Agency is State)
 CM&E Evaluation (when Evaluation Responsible Agency is
 State or State Contractor)
 CM&E Pending (when Evaluation Responsible Agency is State
 or State Contractor)
 CM&E Violation (when Enforcement Responsible Agency is
 State)

CA Event (when Event Responsible Agency is State)
 CA Instrument (when Instrument Responsible Agency is State)

PM Commitments (for Projected Grant Commitments and Multi-
 Year Strategy Commitments at the implementer level)

WVDNR and EPA agree that EPA will be the IOR for the following
 blocks of data:

Handler 1
 Handler Owner/Operator
 Handler Contact
 Handler Source (and associated data, when Source = N or E)

Permitting Permit (when Permit Authority is EPA)
 Permitting Event (when Event Responsible Agency is EPA)

CM&E Enforcement (when Enforcement Responsible Agency is
 EPA)
 CM&E Evaluation (when Evaluation Responsible Agency is EPA,
 EPA Oversight, or EPA Contractor)
 CM&E Pending (when Evaluation Responsible Agency is EPA,
 EPA Oversight, or EPA Contractor)
 CM&E Violation (when Enforcement Responsible Agency is EPA
 or EPA Oversight)

CA Area
 CA Constituent
 CA Event (when Event Responsible Agency is EPA, Joint,
 Other/Voluntary or Permit)
 CA Instrument (when Instrument Responsible Agency is EPA or
 Joint)

PM Commitments (for Grant Commitments and Multi-Year
 Strategy Oversight Commitments, and SPMS Commitment)

In addition, EPA and the State acknowledge that IOR responsi-
 bilities for the CA Area, CA Constituent, CA Event and CA
 Instrument blocks may revert to the State (if the Responsible
 Agency is Joint) once the State receives authorization for HSWA.

The State and EPA also agree that the RCRIS "authorization status" element, used in determining the hierarchy by which universes will be calculated by the system, will be set to 'N' (not authorized) (thereby setting the hierarchy to E-S-A-N), until such a time that EPA and the State mutually agree that the State may assume responsibility for controlling the handler universes.

B. Information Sharing Scenario

At a minimum, EPA and WVDNR are required to transfer all designated oversight data elements from their respective implementer data bases to the merged data base. EPA and WVDNR agree to transfer additional data to the merged data base as identified, by module, below:

<u>MODULE</u>	<u>WVDNR</u>	<u>EPA</u>
Handler Identification (HID)	all elements	all elements
Permitting/Closure/Post-closure (PMT)	all elements	all elements
Compliance Monitoring and Enforcement (CM&E)	all elements	all elements
Corrective Action (CA)	all elements	all elements
Program Management (PM)	oversight only	oversight only

B.1. Timeframes for Data Transfer

It is the goal of WVDNR and EPA to meet routine data transfer timeframes to maintain current and accurate data in RCRIS.

Routine data transfers from the State implementer data base to the merged data base will occur on a regular schedule. These data transfers will take place at a minimum of one data transfer per month, in accordance with the current cooperative agreement workplan. This is not to preclude additional data transfers on a more frequent basis to the merged data base to be negotiated as required.

WVDNR will provide a verbal notification to EPA within 24 hours once WVDNR determines the minimum data transfer will be missed. WVDNR will provide written notification to EPA within ten working days of this determination. In the event EPA does not find WVDNR's reasons for the delay acceptable, EPA will so notify WVDNR in writing.

EPA will provide routine data transfers of oversight data from the merged data base on a regular schedule as determined by EPA Headquarters. To ensure the integrity of WVDNR's data, EPA will provide a schedule to the State of routine data transfers to the National Oversight Data Base.

C. Conversion/Initialization Parameters

There is flexibility allowed in establishing the parameters regarding the conversion of data for the initialization of RCRIS. WVDNR and EPA agree to convert the following data, by module, from HWDMS to RCRIS:

<u>MODULE</u>	<u>WVDNR</u>	<u>EPA</u>
HID	Core and Non-core	Core and Non-core
PMT	Core and Non-core	Core and Non-core
CM&E	Core and Non-core	Core and Non-core
CA	Core and Non-core	Core and Non-core

WVDNR and EPA will work together to establish procedures for converting data currently maintained in HWDMS, but not incorporated into the automated conversion software, into RCRIS. These procedures will be standardized across Region III whenever possible.

In addition, WVDNR and EPA agree to convert portions of the Compliance Monitoring and Enforcement data. All historical data for Generators and Transporters should be converted. For Treatment Storage and Land Disposal Facilities all historical data from fiscal year 1986 should be converted as well as all unfinished business trees from fiscal year 1985. EPA agrees to provide WVDNR with a hard copy of all historical data in HWDMS prior to 1986 for their records. WVDNR and EPA also agree to convert Class 1 and 2 violation data.

D. Dispute Resolution Procedures

WVDNR and EPA agree that a formal dispute resolution procedure must be established in order to expeditiously resolve any conflicts that may arise between the two Agencies regarding value/content of the data in RCRIS. Therefore, WVDNR and EPA agree to assume responsibility for reviewing the exception reports generated during the merge process, as well as any other tools that may be identified, in order to identify the possible areas of dispute. If the non-IOR is in disagreement with the IOR, then the non-IOR will assume responsibility for initiating the resolution procedures.

WVDNR and EPA agree that disputes should be resolved at the staff levels whenever possible. Once elements in dispute have been identified, the data administrator will contact his/her counterpart, either by telephone or in writing, within five days, to discuss the data in question. If the WVDNR and EPA data administrators cannot resolve the dispute, then they will bring it to the attention of their immediate supervisors. Resolution will have been attempted for no more than two weeks before this escalation occurs. If necessary, final authority for dispute resolution will reside with the EPA Hazardous Waste Management Division Director and the State Director.

In case a final resolution cannot be reached, the final decision will be established by the Agency which is the Implementer-of-Record for the data element.

WVDNR and EPA agree that the maximum timeframe for resolution of all disputes will not exceed 30 days.

E. General RCRIS Management

WVDNR and EPA will continue to develop RCRIS management procedures to facilitate the flow of RCRA program data into RCRIS, assure the timeliness and accuracy of data at the implementer, merged, and national oversight data bases, and maintain the most current working version of RCRIS software on each Agency's operating platform. WVDNR and EPA agree to adhere to any operating procedures developed for RCRIS management. If the State and EPA mutually determine that the procedures prove inadequate for the operation of RCRIS, then WVDNR and EPA agree to revise the procedures.

WVDNR and EPA agree to abide by the recommendations and procedures developed by the RCRIS Configuration Management Board, and agree to participate in the configuration management process.

WVDNR and EPA agree to participate in the RCRIS National User Group meetings and training, whenever possible. The EPA will provide all RCRIS documents, policy papers, and RCRIS user manuals to WVDNR in a timely fashion, in the event that such documents are not made available through the National Governors' Association.

F. Grant Incorporation

This MOU is incorporated by reference as part of the current RCRA cooperative agreement.

G. Effective Date

This agreement is meant to provide the framework within which the two Agencies intend to initialize and operate RCRIS. This agreement does not waive any legal rights that either party has, nor does it provide any rights to facilities or persons not a signatory. Once executed, this MOU will continue in effect unless modified by mutual consent of both parties. However, this MOU is subject to re-negotiation based on revisions to the RCRIS implementation process and national implementation framework, revisions to relevant State or Federal guidance, regulations, statutes, or revisions to the State's RCRA/HSWA authorization status. The effective date of this MOU will be one week after the date of the final signature.



J. Edward Hamrick VII, Director
West Virginia Division of Natural Resources

9/7/90
Date



Bruce P. Smith, Director
Office of Hazardous Programs
U.S. Environmental Protection Agency

9/13/90
Date

ATTACHMENT I - IMPLEMENTOR OF RECORD TABLE FOR WEST VIRGINIA

IOR BLOCK	DECISION FIELD	FIELD VALUE	ALLOWED OWNER VALUES	WV IOR VALUE
-----	-----	-----	-----	-----
HANDLER ID			R S J	R
HANDLER 1			R S	R
HANDLER OWN/OP			R S J	R
HANDLER SIC CODE			R S J	S
HANDLER PERMIT			R S J	S
HANDLER CONTACT	HCONT_TYPE			
	(PART A)	A	R S	S
	(STATE DEFINED)	E	R S	S
	"	F	R S	S
	"	G	R S	S
	"	H	R S	S
	"	I	R S	S
	"	J	R S	S
	(EPA DEFINED)	K	R S	R
	"	L	R S	R
	"	M	R S	R
	(NOTIFICATION)	N	R S	R
	(BIENNIAL REP)	R	R S	S
HANDLER SOURCE	HWA_SRC			
	(PART A)	A	R S	S
	(EPA INSP)	E	R S	R
	(NOTIFICATION)	N	R S	R
	(BIENNIAL REP)	R	R S	S
	(STATE INSP)	S	R S	S
PERMITTING UNIT			R S	S
PERMITTING PERMIT	PAUTHORITY	E	R	R
		J	R S J	S
		S	S	S
PERMITTING EVENT	PRESP_AGENCY	E	R	R
		S	S	S
CME ENFORCEMENT	CEE_ENF_AGCY	E	R	R
		S	S	S
		X	R S	R
CME EVALUATION	CE_AGENCY	B	R S	S
		C	R S	R
		E	R	R
		S	S	S
		X	R S	R

IOR BLOCK -----	DECISION FIELD -----	FIELD VALUE -----	ALLOWED OWNER VALUES -----	WV IOR VALUE -----
CME PENDING	CEP_EAGN	B	R S	S
		C	R S	R
		E	R	R
		S	S	S
		X	R S	R
CME VIOLATION	CEV_VIOL_KEY	B	R S	S
		C	R S	R
		E	R	R
		S	S	S
		X	R S	R
CA AREA			R S J	R
CA CONSTITUENT			R S J	R
CA EVENT	EV_AGCY	E	R	R
		J	R S J	R
		O	R S J	S
		P	R S J	R
		S	S	S
CA INSTRUMENT	CI_AGENCY	E	R	R
		J	R S J	R
		S	S	S
PM COMMITMENTS	COM_TYPE	GRC	R S	R
		GRP	R S	S
		MYI	R S	S
		MYO	R S	R
		SPM	R S	R