

US EPA ARCHIVE DOCUMENT

**APPENDIX L**

**WEST VIRGINIA  
OFFICE OF WASTE MANAGEMENT/  
OFFICE OF AIR QUALITY  
MEMORANDUM OF UNDERSTANDING**

**FINANCIAL AGREEMENT  
WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF WASTE MANAGEMENT  
AND  
WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY**

**FEDERAL FISCAL YEAR 2000**

THIS AGREEMENT is made \_\_\_\_\_, 1999, by and between the WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION, OFFICE OF WASTE MANAGEMENT, (hereinafter referred to as OWM) and the WEST VIRGINIA DIVISION OF ENVIRONMENTAL PROTECTION, OFFICE OF AIR QUALITY, (hereinafter referred to as OAQ).

WHEREAS, OWM is responsible for the coordination and administration of the Hazardous Waste Management Program implemented under the West Virginia Hazardous Waste Management Act, Chapter 22, Article 18; and

WHEREAS, OAQ has responsibilities under the State's Hazardous Waste Management Act to implement aspects of the Hazardous Waste Management Program governing air emissions from hazardous waste treatment, storage and disposal facilities, including air pollution performance standards and permit requirements and procedures; and

WHEREAS, OWM and OAQ have responsibilities under the West Virginia Hazardous Waste Management Act, Chapter 22, Article 18 and have entered into this Financial Agreement relating to the joint development and implementation of the State's Hazardous Waste Management Program to protect the environment and the public health from the adverse effects of improper hazardous waste management; and

WHEREAS, the State's Hazardous Waste Management Act and this Financial Agreement set forth certain authorities and responsibilities, substantive and procedural arrangements between OWM and OAQ, and require the OAQ to make inspections, conduct permit application review and issuance, and enforce the Hazardous Waste Management Program pursuant to West Virginia Administrative Regulations, Air Quality Board, Series XXV.

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the mutual promises and covenants hereinafter set forth, the parties hereto agree as follows:

1. OAQ will perform inspections, promulgate regulations, review applications and enforce regulations and program requirements implementing their authority under the West Virginia Hazardous Waste Management Act and this Financial Agreement.
2. OWM agrees to distribute federal Resource Conservation and Recovery Act (RCRA) grant funds to OAQ for implementation of the Hazardous Waste Management program, contingent upon receipt of federal funds from the United States Environmental Protection Agency (EPA). The amount of federal funds subject for distribution will be based on the actual appropriation as stipulated in the approved Hazardous Waste Financial Assistance to States Grant for Federal Fiscal Year 2000.
3. For FY 2000, OAQ has an authorized work plan and financial assistance in the amounts of \$65,120.00 for Base Grant activities; \$33,154.00 for Combustion Strategy; and \$45,000.00 for Supplemental Base. OAQ assumes responsibility for providing the state match funds at a rate of 30% which amounts to a total of \$61,405.00. The federal funds will be distributed to OAQ as outlined in the Division of Environmental Protection's Policy and Procedures Statement for Shared Accounts. The OAQ hazardous waste management operating expenses will be processed by OAQ with the following information:

<u>Fims</u> <u>Fund</u> 8708	<u>Fims</u> <u>EY</u> 2000	<u>Fims</u> <u>Org</u> 9330	<u>Fims</u> <u>Act</u> 096	<u>Fims</u> <u>Grant</u> 05171	<u>Fims</u> <u>Project</u> 02920
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4. OAQ agrees to keep orderly and accurate records of all costs incurred by it in performing said service and to produce adequate proof of the services rendered.
5. OAQ agrees to submit to OWM, all copies of inspection reports and completed Resource Conservation and Recovery Information System (RCRIS) data entry forms for Hazardous Waste Combustion Inspections.
6. OAQ agrees to comply with the U.S. Office of Management and Budget Circular A-128 for audit requirements and to hold open all records for inspection to the Environmental Protection Agency, DEP, or their representatives.
7. OAQ agrees to undertake activities to enable the State to retain authorization of the federal RCRA program.
8. OAQ agrees to submit a quarterly report to OWM of its progress of various tasks by the 15th day of the month following each quarter.
9. Penalties collected by OWM through joint consent order negotiations that are specifically for violations of the provisions of WV Code Chapter 22, Article 5 et seq., or rules or orders issued pursuant to that Article, or WV Code Chapter 22B, Article 1 et seq., shall be deposited into the Hazardous Waste Management Fund and then transferred to the OAQ's Air Pollution Education and Environmental Fund (FIMS coding listed below) within 60 days of said deposit.

<u>Fims</u> <u>Fund</u> 3335	<u>Fims</u> <u>EY</u> 2000	<u>Fims</u> <u>Org</u> 9320	<u>Fims</u> <u>Act</u> 099
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IN Witness WHEREOF, the parties hereto cause their names to be signed by the proper officials duly authorized.

OFFICE OF WASTE MANAGEMENT

BY 

B. F. Smith, Chief  
Office of Waste Management

OFFICE OF AIR QUALITY

BY \_\_\_\_\_

Edward L. Kropp, Chief  
Office of Air Quality