

US EPA ARCHIVE DOCUMENT

**MEMORANDA OF UNDERSTANDING
BETWEEN THE
WEST VIRGINIA DIVISION OF LAND RESTORATION
AND
WEST VIRGINIA DIVISION OF WATER AND WASTE MANAGEMENT
YEAR 2003**

THIS AGREEMENT, Made by and between the following two divisions of the WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL PROTECTION: the WEST VIRGINIA DIVISION OF LAND RESTORATION, ("DLR") and the WEST VIRGINIA DIVISION OF WATER AND WASTE MANAGEMENT, ("DWWM"), is effective commencing from June 1, 2003.

WHEREAS, DWWM is the statutorily designated lead agency for the West Virginia Hazardous Waste Management Program (HWMP) implemented under the West Virginia Hazardous Waste Management Act, (HWMA), W. Va. Code 22-18-1- to -25, and is responsible for coordinating the HWMP. The State's authority to adopt Federal regulations by reference is provided by the HWMA at W. Va. Code 22-1-3(c) which authorizes the promulgation of 33 CSR 20, West Virginia Hazardous Waste Management Rule (HWMR).

WHEREAS, DWWM, at 33 CSR 20, has responsibility under the HWMA to implement regulatory aspects of the HWMP governing RCRA Corrective Action at hazardous waste sites in the State, including the responsibility to make inspections, promulgate and enforce rules, and enforce program requirements, DLR has responsibility under VRRDA to evaluate the technical aspects of proposed remedial activities.

NOW THEREFORE, THIS AGREEMENT WITNESSETH: That for and in consideration of the mutual promises and covenants hereafter set forth, the parties hereto agree to share the responsibilities regarding implementation of the HWMA and its Federal counterpart, Subtitle C of the Resource Conservation and Recovery Act, (RCRA), as follows:

1. DLR will perform technical review of documents submitted to DLR regarding Corrective Action. Technical review may include risk assessments, among other things.
2. DLR will enter into an agreement with the applicant regarding the work to be conducted.
3. DWWM will issue any Corrective Action Permit that may be required pursuant to the agreement.

(CC/MB; 9-2-99)

4. DLR and DWWM agree to work together to implement the Corrective Action component of the HWMP and agree to undertake activities to enable the State to retain EPA authorization of the equivalent RCRA Program. Each division is committed to providing the other with as much support and assistance as is practicable.
5. DLR and DWWM agree that either division may withdraw from an agreement with the Corrective Action applicant in the event that the applicant fails to abide by the terms of the agreement.
6. DLR and DWWM agree to abide by all HWMP-specified public notice and comment procedures regarding implementation of the agreement.
7. DLR and DWWM agree that this Memorandum of Understanding in no way abrogates the authority of the USEPA regarding the Resource Conservation and Recovery Act.

IN WITNESS WHEREOF, the parties hereto cause their names to be signed by the proper officials duly authorized.

By Ken Ellison
Ken Ellison, Director
Division of Land Restoration

By Allyn Turner
Allyn Turner, Director
Division of Water and Waste Management