

US EPA ARCHIVE DOCUMENT

ENFORCEMENT MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
OKLAHOMA STATE DEPARTMENT OF HEALTH  
AND  
U.S. ENVIRONMENTAL PROTECTION AGENCY

*Based  
Signed by RA  
9/28/84*

Introduction

The State of Oklahoma and the U.S. Environmental Protection Agency (EPA) agree that enforcement is one of the key components of any environmental protection program. To ensure that both State and Federal resources are used effectively to achieve high rates of compliance within Oklahoma's authorized Resource Conservation and Recovery Act program and to work together to deter non-compliance, the undersigned enter into this memorandum of understanding (MOU).

This MOU documents the State/EPA relationship for implementing an effective enforcement program in accordance with minimum national criteria for Enforcement response as outlined in Appendices A through E, and Exhibits A through E which the State of Oklahoma and EPA Region 6 agree to follow. Specifically, the MOU ensures that there are 1) clear oversight criteria and procedures for EPA to use in assessing the State Compliance and Enforcement program performance, 2) clear criteria for direct Federal enforcement including procedures for advance consultation and notification, 3) adequate State reporting to ensure effective oversight, and 4) timely and appropriate enforcement actions.

Oversight Criteria and Measures

A good enforcement program must 1) have a complete and accurate list of all regulated facilities, 2) have clear enforceable requirements, 3) have reliable compliance monitoring, 4) strive toward high rates of continuing compliance, 5) take timely and appropriate enforcement actions, and 6) possess sound overall management. The Oklahoma State Department of Health is committed to maintaining such a program.

The Oklahoma State Department of Health agrees to update and maintain a complete inventory of all controlled industrial waste facilities under its jurisdiction and to submit Hazardous Waste Data Management System updates in accordance with the schedule stipulated in the fiscal year grant work plan to indicate the compliance status.

The Oklahoma State Department of Health agrees to ensure compliance with program requirements through on-site inspections and record reviews in accordance with the fiscal year grant work plan schedule.

The above program requirements, combined with timely and appropriate enforcement, will lead us toward a high level of compliance with the State's laws and regulations. The Oklahoma State Department of Health agrees to maintain a qualified, trained staff to review permit applications, write permits, conduct field inspections and review all reports so the State RCRA program is

## Oversight Procedures and Protocols

The EPA will conduct evaluations of the Oklahoma State Department of Health RCRA program enforcement activities. These reviews will be conducted in conjunction with the regularly scheduled mid-year and end-of-year State program evaluations. During the current fiscal year, EPA will review the State program to assess five measures of compliance and enforcement performance. These are:

1. Overall compliance rate for the regulated community,
2. Correction of violations,
3. Inspections,
4. Formal enforcement actions, and
5. Judicial referrals and filed court cases.

A focus of the review will be an evaluation of the timeliness and appropriateness of the responses to violations. The data needed to evaluate this enforcement program will be drawn from the evaluations of the State's program and reporting data supplied by the State. EPA will also review files on approved and/or pending permit applications to ensure effective implementation of the late/incomplete Part B application policy.

## Criteria for Direct Federal Enforcement

In delegated programs, primary responsibility action resides with the State. EPA may take direct enforcement action under the conditions specified in Appendix C.

In the event that EPA does take a direct enforcement action in the State; in order to maintain a strong and effective State/EPA working relationship, EPA will make arrangements for joint action (where possible considering the circumstances), use available State inspection/information, offer the State the opportunity to attend settlement conferences, acknowledge the contribution of the State in the news media to ensure that the State is not erroneously perceived as failing and keep the State continually apprised of events and reasons for Federal actions.

## Advance Notification and Consultation

The EPA will provide advance notice of direct enforcement actions in accordance with the policy of "no surprises" which is the centerpiece of the State/Federal partnership for achieving compliance. The EPA will also coordinate any inspection activity EPA intends to undertake with the State.

All compliance monitoring and enforcement activities to be conducted by EPA shall be in agreement with the policies, responsibilities and procedures set forth in the current and existing Memorandum of Agreement between the State and EPA, except as modified herein.

State Reporting

The State will provide information in accordance with the requirements of this MOU and the current fiscal year grant work plan.

Once executed, this MOU will continue in effect unless modified by the mutual consent of both parties. The MOU will be re-evaluated annually and revised as necessary.

FOR THE STATE AGENCY,

*Mark J. Colaneri*

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Signature of Agency Head

*8-28-84*

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Date

FOR THE ENVIRONMENTAL PROTECTION AGENCY, REGION 6

*Dick Whittington*

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Signature of Regional Administrator

*9-28-84*

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Date