

**MEMORANDUM OF AGREEMENT
BETWEEN**

THE NORTH CAROLINA DIVISION OF WASTE MANAGEMENT

**AND THE MECKLENBURG COUNTY LAND USE AND ENVIRONMENTAL SERVICES
AGENCY**

Memorandum of Agreement between the N.C. Division of Waste Management (the Division) and the Mecklenburg County Land Use and Environmental Services Agency (the County) as it pertains to the enforcement of the non-hazardous solid waste program that has been delegated to the County, pursuant to the Delegation of Authority to the County, signed by Dexter Matthews for the Division on the ____ day of October, 2013. This Memorandum of Agreement and the Delegation of Authority shall remain in effect for five years, unless modified in writing and signed by the parties, or unless terminated in writing by one of the parties pursuant to paragraph 14.

1. Employees of the County authorized to enforce the delegated program shall meet the minimum equivalent training requirements established for the Division's Environmental Senior Specialists, including OSHA 40 hour training, and shall demonstrate to the Division the following:
 - A. Working knowledge of the statutes and rules pertaining to the delegated program.
 - B. Working knowledge of the Solid Waste Section policies pertaining to the delegated program. Such documents shall be provided by the Division.
 - C. The ability to represent the County in a professional manner in implementing the delegated program.
2. The County and Division shall assume the full responsibility for actions of their respective employees operating under this program delegation in accordance with law and shall defend claims against their representative employees in accordance with law. For the purposes of this delegation and any activities arising from participation, authorized employees of the County shall not be considered agents of the state of North Carolina.
3. Mecklenburg County shall demonstrate that appropriate mechanisms are in place to cover any claim of injury or damage brought against the County based, in whole or in part, upon its implementation of the delegated solid waste management program. Mecklenburg County agrees to provide for the defense of and payment of any judgment against a County employee(s) or former employee(s) in any civil action or proceeding brought against him or her in his or her official or individual capacity, or both, on account of an act of omission made in the course and scope of his or her employment as a County employee engaged, in whole or in part, in implementing the delegated solid waste management program.

Demonstration shall be for at least the maximum amount payable under the North Carolina Tort Claims Act, subject to said policy. As of August 27, 2007, that amount is \$1,000,000 payable cumulatively to all claimants on account of injury and damage to any one person.

Said mechanism shall be kept in force at all times that Mecklenburg County operates the delegated solid waste management program and shall cover claims made and actions and proceedings brought after Mecklenburg County ceases to operate the delegated solid waste management program, to the extent that the claims, actions, or proceedings arise from Mecklenburg County's implementation of the delegated program, and in accordance with the above said policy of the Board of Commissioners.

This delegation shall not be effective until a demonstration of responsibility that satisfies the Division of Waste Management of the above said policy of the Board of Commissioners is filed with the Division of Waste Management.

4. An annual review will be made of the delegated program by the Division's Solid Waste Section (Section) to determine compliance with the conditions specified in this agreement.
 - A. The review shall include a records inspection to assure adequate compliance monitoring, appropriate corrective action, complete documentation, timely follow-up, and inspection frequency in accordance with Section policy.
 - B. In addition, each authorized employee of the delegated program shall, as part of the annual review, make a minimum of two permitted site inspections and a non-facility and/or complaint investigation jointly with the Environmental Senior Specialist.
5. All inspections performed under the delegated program shall be conducted in accordance with the Solid Waste Management statutes, rules and policies.
6. Illegal disposal sites shall be addressed in accordance with rule 15A NCAC 13B .0502.
7. The County agrees to review permit applications for solid waste management facilities proposed for location in Mecklenburg County and for which permitting authority has not been delegated. The County will provide comments on said applications to the Division regional engineer within thirty days of receipt of a copy of an application from the Division. Comments may include any information available to the County relevant to the proposed permit and any local conditions which may affect conditions of the permit.

8. Upon issuance of a Permit for which a delegated program has compliance monitoring responsibility, the Solid Waste Section shall provide the delegated program with a complete set of approved plans and a complete copy of the permit. The delegated program shall review such plans and contact, in a timely manner, the Regional Engineer or Environmental Senior Specialist assigned to the County if clarification or explanation is necessary.
9. A copy of all Inspection Reports, warning letters, and notices of violation issued by or generated under this delegated program shall be forwarded immediately upon issuance to the Solid Waste Section's Environmental Senior Specialist assigned to the County. The Environmental Senior Specialist will review the documents and will place them onto CARA, the Department's Online Filing system located here: <https://edm.nc.gov/DENR-Portal/>
10. If it becomes necessary, the delegated program shall consult with the Solid Waste Section's District Supervisor and submit a draft compliance order to the District Supervisor. The draft compliance order shall include:
 - A. Statement of Facts
 - B. Statement of Violations
 - C. Conditions for Compliance
 - D. Copies of all supporting documents and correspondence
 - E. The Section's District Supervisor will submit a statement of corroboration of the facts presented and forward the request for a Compliance Order with Administrative Penalty to the Raleigh Central Office.
11. The County will make every effort to immediately notify the District Supervisor of any imminent or potential imminent hazard to public health or the environment when it becomes known to the county or its authorized personnel.
12. The Division or the County may terminate this Delegation of Authority upon 30 days written notice with an explanation of the reason for the termination. Termination by the Division shall not be appealable under N.C.G.S. section 150B-23.

Mecklenburg County Delegation of Solid Waste Program Authority
Memorandum of Agreement

Agreed to this _____ day of October, 2013.

Ebenezer Gujjarlapudi, Director
Land Use and Environmental Services
Agency

Dexter Matthews, Director
Division of Waste Management

[County Seal Here]

Sworn to and subscribed before
me this _____ day of _____, 2013

Sworn to and subscribed before
me this _____ day of _____, 2013

(Notary Public)

(Notary Public)

My commission expires: _____

My commission expires: _____