

# *APPENDIX D*

## **MEMORANDUM OF UNDERSTANDING**

Office of Indiana State Chemist and Seed Commissioner

and

Indiana Department of Environmental Management

### **I. Introduction**

In order to provide a coordinated structure for the implementation of the State of Indiana's Generic Management Plan for Pesticides in Ground Water (SMP as reviewed and approved by U.S. EPA, the Office of Indiana State Chemist and Seed Commissioner (OISC) and the Indiana Department of Environmental Management (IDEM) hereby agree to coordinate their respective activities by entering into this Memorandum of Understanding. Subject to the availability of funds and within the constraints dictated by law or regulation, OISC and IDEM agree to the roles and responsibilities outlined as follows:

### **II. Roles and Responsibilities**

#### **A. Assessment and Planning**

The IDEM Office of Water Management and the OISC are responsible for developing the assessment of the relative susceptibility of Indiana's ground water to contamination from pesticides and fertilizer.

Specifically, the IDEM activities will focus on the vulnerability of aquifers located in Indiana, especially in the areas of well head protection for community and non-community drinking water supplies. The OISC activities will focus on the label directed use of pesticides including application, handling, and storage practices and their potential effects on aquifers located in Indiana.

The IDEM Office of Water Management will organize a committee to evaluate and recommend a data entry and information management system which will be utilized in a Multi-Agency approach to record collected ground water data on pesticides pursuant to IC. 13-7-26-3. The information will follow a standardized format in order that each agency will record its own data in an accessible and compatible manner.

The responsibilities attributed to the Office of Water Management throughout this Memorandum of Understanding, are presently delegated to the Ground Water Section. At this time, all roles of the Office of Water Management will be maintained by the Ground Water Section.

## **B. Prevention**

The IDEM Office of Water Management will identify areas susceptible to ground water contamination where prevention measures will likely be more stringent for community and non-community drinking water wellhead protection.

The OISC will identify and coordinate the implementation of prospective management approaches which prevent or reduce ground water contamination. The OISC will provide a format for introducing these approaches to the pesticide user.,

The OISC will implement federal rules which address the development of reusable, refillable, returnable and recyclable pesticide containers.

The OISC will have the primary responsibility to insure and facilitate the education of the regulated community and the public on the subject of best management practices relating to the use, storage, and handling, of pesticides and the storage of fertilizer.

The OISC will incorporate into training programs and materials for pesticide users and handlers, both legal requirements and best management practice information designed to protect ground water from pesticides.

## **C. Monitoring**

The IDEM Office of Water Management will monitor for pesticides and fertilizer to provide any necessary base line or back around water quality data in areas where a site-specific ground water quality assessment is deemed necessary to implement the State Pesticide Management Plan or the Wellhead Protection Program.

The IDEM Office of Water Management will monitor for pesticides and fertilizer in response to alleged contamination events and to gather data in order to evaluate the effectiveness of prevention, response and enforcement measures.

These data will be available in the standardized and compatible format identified in the assessment and planning component (Section A) of the Memorandum of Understanding.

## **D. Response**

The IDEM and the OISC shall screen all of the complaints they receive concerning the potential of contamination or alleged contamination of ground water with pesticides and fertilizer.

All incidents reported as a result of a fire or spill will be immediately referred to the IDEM Office of Environmental Response for their consideration. When it is required to do so the Office of Environmental Response (OER) is responsible for coordinating the containment of the source, an assessment of the environmental impact and clean up of the event. Information gathered as the result of an OER investigation will be forwarded to OISC and to the IDEM Office of Water Management. The OISC will determine if a violation of the Indiana Pesticide Use and Application Law or the Indiana Pesticide Registration Law occurred. The IDEM Office of Water Management will include any sampling, information as part of the pesticide in ground water data base information and coordinate with OER to determine if additional water monitoring activities are appropriate.

Complaints which occur as a result of alleged improper application, storage, or handling of a pesticide or complaints which occur as a result of improper storage of fertilizer will be forwarded to OISC for their consideration. The OISC is responsible for the on-site inspection, sampling and interview process concerning the incident. The OISC is responsible for notifying the complainant of results of sample analysis completed. The OISC will include the results of sampling information as part of the pesticide in ground water data base information.

If during an investigation by OISC, a sample analysis determines detection of pesticides/fertilizer in ground water, the information gathered will be forwarded to the IDEM Office of Water Management to determine if additional water monitoring activities are appropriate. The IDEM Office of Water Management will include sampling information as part of the pesticide in ground water data base information. The IDEM Office of Water Management may refer the case to IDEM OER for consideration of site cleanup; and/or refer the case to the IDEM Office of Enforcement for action; and, coordinate with the appropriate IDEM Offices for site cleanup/disposal.

If during an investigation by OISC, a soil sample analysis determines detection of pesticides, but pesticides are not detected in ground water samples, the information gathered will be referred, if necessary to the IDEM Office Of Environmental Response for consideration of site clean up/disposal.

Complaints which allege contamination of private residential wells, public water supply wells or ground water through label directed use of pesticides or fertilizer shall be forwarded to IDEM Office of Water Management for their consideration. The IDEM Office of Water Management is responsible for the on-site inspection, sampling and interview

process to determine the origin of the pesticide/fertilizer contamination. The IDEM Office of Water Management is responsible for notifying the complainant of the results of sample analysis completed. The IDEM Office of Water Management will include the results of sampling information as part of the pesticide in ground water data base information. If the origin of the contamination is determined, the IDEM Office of Water Management may refer the case to the IDEM Office of Enforcement for action, and coordinate with the appropriate IDEM offices for consideration of site cleanup/disposal.

### **E. Enforcement**

The OISC will enforce all regulations concerning the storage and containment of bulk pesticide/fertilizer and the use and application of pesticides.

The IDEM will enforce all regulations concerning the presence of pesticide/fertilizer relating to ground and surface water quality standards, spills, site cleanups and disposal of wastes.

### **F. Resources**

The IDEM Office of Water Management will provide information concerning ground water quality to OISC upon request. The IDEM Office of Pollution Prevention and Technical Assistance will provide information to the manufacturers of pesticide products concerning the prevention of environmental wastes. If requested to do so the IDEM Office of Solid and Hazardous Waste Management, Special Waste Section will provide information concerning the proper disposal of pesticide contaminated media, debris, and wastes. The OISC will provide information to IDEM concerning pesticide specific properties in the vegetation, soil, and water environments upon request.

### **G. Legal Authority**

The State of Indiana has adequate authority under IC 13-7, IC 13-1 (Environmental Management) and IC 15-3 (Horticulture Control) to develop and implement programs that will enforce requirements that will be identified in the State Management Plan. These requirements will include the ability to collect pesticide incident information, establish ground water quality standards and to regulate the application and storage of pesticides and provide for the subsequent clean-up of pesticide contaminated ground and surface waters. Specific rules for many of these requirements will be developed.

### **H. Public Participation**

IDEM and OISC will coordinate and when possible, jointly carry out public communication, including media efforts concerning elements of the State Management Plan.

Public participation will be encouraged by both agencies through the Ground Water Task Force, Pesticide Review Board and the public meetings/hearings process. Where the State Management Plan requires rule development for implementation, the OISC will encourage public participation in the rule development process.

### **I. Participating Program Staff**

Subsequent to the proper execution of this memorandum of understanding, each of the parties agrees to provide to the other party an accurate list of job positions with job titles for those job positions responsible for the proper implementation of this Memorandum of Understanding. Such a list of job positions with job titles would include but not be limited to the name of the person hired for each listed job position, their workplace telephone number and their workplace mailing address. In addition, the parties agree to update twice each year a respective list of job positions with job titles and to provide it to the other party so to maintain its usefulness to the other party.

### **III. Amendment and Termination**

This Memorandum of Understanding may be amended by written and signed agreement of the parties at any time, and may be terminated by either party upon 30 days written notice to the other party. It will terminate upon the expiration of two years from the date of last signature of the parties, unless extended by written agreement of the parties, prior to expiration.

FOR THE INDIANA DEPARTMENT OF ENVIRONMENTAL  
MANAGEMENT

Kathy /Prosser  
Commissioner

Date 7/15/95

FOR THE OFFICE OF INDIANA STATE CHEMIST AND SEED  
COMMISSIONER

Dr. Alan Hanks  
Indiana State Chemist

Date 7/27/95