

Lead Contaminated Soil/Residential Sites: Association of State and Territorial Solid Waste Management Official's Comments on Lowered Recommended Screening Levels



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The Association of State and Territorial Solid Waste Management Officials (“ASTSWMO”) Board of Directors submitted a March 19th letter to the United States Environmental Protection Agency (“EPA”) providing comments on its updated residential soil lead guidance for CERCLA sites and RCRA corrective action facilities. See Docket ID NO. EPA-HQ-OLEM-2023-0664.

ASTSWMO describes itself as an association representing the waste management and remediation programs of the fifty states, five territories, and the District of Columbia.

EPA had previously announced that it lowered to 200 parts per million (“ppm”) and 100 ppm the recommended screening levels for lead-contaminated soil in residential areas. The screening levels were addressed in a January 17th Memorandum from the EPA Office of Land and Emergency Management Principal Deputy Administrator Barry Breen to the EPA Regional Administrators.

Soil screening levels are described by the EPA as a guidance tool whose purpose is to standardize and accelerate the evaluation and clean up of this contaminated soils. Therefore, environmental median screening level guidance is not a national clean up standard. In other words, they do not necessarily trigger the need for responsive actions or define unacceptable levels of contaminants in soil. Instead, “screening” often refers to the process of identifying and defining areas, contaminants, and conditions at a site that may or may not require further attention.

Components of the EPA Memorandum include:

- Best available science and data.
- Rationale for updated screening levels/guidance.
- Childhood, race and ethnicity, proximity to lead sources, residential factors (housing, age, and poor nutrition’s relationship to increased risk of lead-related health effects).
- Implementation

The March 19th comments submitted by the ASTSWMO Board were in the form of questions and comments on the implementation of the new guidance.

Twenty-two questions and comments were submitted.

Examples of questions include:

- Does EPA have a communication plan to roll out plan that can be shared with states?
- What criteria should be evaluated to determine when the 100 mg/kg screening levels should be used instead of the 200 mg/kg?
- Will the EPA identify regions where a lower RSL is appropriate?
- Will there be guidance for re-evaluating protectiveness related to lead levels during a five-year review.

Examples of comments include:

- The lack of implementation details available when EPA announced the update to the guidance has caused some confusion.
- The applicable universe of sites is unknown.
- Disposal capacity is a significant concern for many states and thus this remains a high-priority issue for ASTSWMO.
- The lower lead numbers make delineation difficult in urban settings.

A copy of the ASTSWMO comments can be downloaded [here](#).