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Integrating Climate Change Adaption Considerations into the RCRA Corrective Action Process: U.S. Environmental Protection Agency Guidance Memorandum

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The United States Environmental Protection Agency issued what it describes as “foundational policy document” for addressing climate adaption in the Resources Conservation and Recovery Act (“RCRA”) corrective action process.

The Memorandum was transmitted from Carolyn Hoskinson, Director of the Division of Resource Conservation and Recovery of the EPA’s Office of Land and Emergency Management to the Land, Chemicals, and Redevelopment Division Directors in EPA Regions 1-10 and titled:

Integrating Climate Change Adaption Consideration into the Resource Conservation and Recovery Act Correction Action Process (“Memorandum”).

The stated purpose of the Memorandum is to provide EPA’s recommendation on how its Regions and authorized states should work with RCRA facility owners or operators to:

...integrate climate change adaption considerations into the corrective action process under the Resource Conservation and Recovery Act (“RCRA”) of 1976 as amended by the Hazardous and Solid Waste Amendments (“HSWA”) of 1984.

The intended result is to assist in the protection of human health and the environment by ensuring that RCRA corrective action cleanups:

- Remain effective.
- Prevent the migration of hazardous waste to constituents.

The impetus is the concern that climate change will cause the following:

- Increase the frequency and intensity of extreme weather events, such as heavy precipitation and storms.
- Cause more gradual changes, such as sea level rise.

Such seasonal changes, which increase the risk of floods or their intensity along with hurricanes and wildfires are cited as potential events that can impact RCRA cleanups. If so, the possibility of hazardous waste or constituents being released or interfering with the operation of remedies is noted.

Components of the Memorandum include:

- Background (referencing the 2021 Climate Adaption Plan and the 2022 Climate Adaption Implementation Plan).
- Legal authority (citing Section 3004(u) of RCRA).
- Climate adaption considerations in the corrective action process.
- RCRA facility assessment.
- RCRA facility investigation and/or corrective measures study.
- Remedy selection.
- Remedy implementation.
- Long-term stewardship.
- Examples of climate adaption strategies that can be implemented in the corrective action process.

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