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Nation's Environmental Stewardship Since 1974

January 26, 2024

U.S. Environmental Protection Agency  
Office of Resource Conservation and Recovery

via RCRAPost@epa.gov

Re: Comments on draft memo Integrating Climate Change Adaptation Considerations into Hazardous Waste Permitting

Dear Sir or Madam:

The Corrective Action and Permitting Task Force (CAP TF) within the Hazardous Waste Subcommittee of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO) has reviewed the draft "Implementing Climate Resilience in Hazardous Waste Permitting Under the Resource Conservation and Recovery Act (RCRA)" memorandum that the U.S. Environmental Protection Agency (EPA) issued for public comment on December 12, 2023. These comments are from the CAP TF and have not been reviewed or adopted by the ASTSWMO Board of Directors. In addition, individual State or Territorial (State) hazardous waste programs may also provide comments based on their own perspectives and experiences.

ASTSWMO is an association representing the waste management and remediation programs of the 50 States, five Territories and the District of Columbia (States). Our membership includes State hazardous waste management programs.

The CAP TF solicited comments from States in their respective Regions, and would like to convey one question that was received by a member State regarding the facility siting standards paragraph on page three of the memo. As siting standards are primarily considerations for new facilities, there may be confusion regarding the applicability of these siting standards in the face of changing 100-year floodplains. What considerations should be taken into account when evaluating permit renewals for facilities that fall within newly designated 100-year floodplains? The question brings up whether the new criteria are intended to apply only to siting of new facilities, or will regulators be expected to re-evaluate siting decisions based on new conditions related to revised flood plains. The CAP TF recommends that EPA clarify applicability of the criteria to new and existing facilities in the final memo.

The CAP TF also appreciates EPA emphasizing that this guidance memo does not supersede applicable statutory or regulatory requirements, and that RCRA authorized State program decision makers retain the discretion to adopt approaches on a site-specific basis that differ from the memo's recommendations where appropriate.

If you have any questions, please feel free to contact me at [ashby.scott@deq.virginia.gov](mailto:ashby.scott@deq.virginia.gov) or (804) 350-5623.

Sincerely,

A handwritten signature in black ink, appearing to be 'Ashby Scott', written in a cursive style.

Ashby Scott (VA), Chair  
Corrective Action and Permitting Task Force  
ASTSWMO Hazardous Waste Subcommittee