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Residential Lead Directive for CERCLA Sites/RCRA Hazardous Waste Cleanup Program Facilities: U.S. Environmental Protection Agency Memorandum

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The United States Environmental Protection Agency ("EPA") issued an October 16th directive titled:

Residential Lead Directive for CERCLA Sites and RCRA Hazardous Waste Cleanup Program Facilities ("Directive").

The Memorandum was transmitted from EPA's Assistant Administrator for Office of Land and Emergency Management John Busterud to the EPA Regional Administrators.

The Directive states that EPA is establishing:

...a new vision for addressing residential lead exposures at Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) sites that integrates available authorities to provide multiple layers of protection in impacted communities.

The Directive is stated to support EPA's "commitment to reduce children's exposure to lead across the nation in an expedited manner." It takes the position that January 2024 guidance issued by EPA "hampered cleanup efforts by creating uncertainty for decision makers and the public at Superfund sites and hazardous waste cleanups."

The Directive establishes the following:

- Regional screening level of 200 parts per million for lead in residential soil.
- Regional removal management level of 600 parts per million for lead in residential soil.
- Target children's blood lead level of 5 micrograms per deciliter to determine preliminary remediation goals.

The Directive also states that EPA will be:

- Implementing important process improvements.
- Tools to support more nationally consistent cleanup decisions.
- Early engagement with state and local partners
- Sharing best practices through the establishment of a National Center of Excellence for Residential Lead Cleanups
- Specialized contracting mechanisms to leverage removal and remedial actions.
- Continue to use site-specific factors such as:
- Exposure considerations.

- Soil lead background levels.
- Community input.

The Directive supersedes the January 2024 Updated Residential Soil Lead Guidance for CERCLA Sites and RCRA Corrective Action Facilities.

EPA states that the Directive should be considered for all sites with residential lead contamination subject to CERCLA response and RCRA Hazardous Waste Cleanup Program authorities. These include federal facility cleanup programs subject to CERCLA section 120, and potentially by federal agencies using response action authorities delegated to them under Executive Order 12580.

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