Engineering/Institutional Control Components of RCRA Corrective Action Remedies: U.S. Environmental Protection Agency Guidance Document



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02/03/2026

The United States Environmental Protection Agency ("EPA") Office of Resource Conservation and Recovery transmitted a November 24, 2025, guidance document addressing the following subject:

Long-Term Implementation of Engineering and Institutional Control Components of RCRA Corrective Action Remedies ("Memorandum").

The Memorandum is transmitted from the Office of Resource Conservation and Recovery Waste and Chemical Implementation Division Acting Director Catherine M. Davis to EPA's Land, Chemicals and Redevelopment Division Directors, Regions 1-10.

The purposes of the Memorandum are stated to include:

1. Remind program implementers of that upcoming goal deadline to have approaches in place by 2025 to ensure implementation of the key elements of long-term stewardship , and
2. Provide suggestions to help meet that goal.

Corrective action is required under RCRA for facilities that treat, store, and/or dispose of hazardous waste. Such facilities can be required to investigate and/or remediate releases of hazardous waste or constituents in soil, groundwater, surface water, and air.

The initial discussion notes that the long-term effectiveness of RCRA cleanups:

... often relies on the continued effectiveness of engineering controls (ECs) and institutional controls (ICs).

ICs are typically defined as non-engineered and/or legal controls that minimize the potential human exposure to contamination by limiting land or resource use. ECs are often stated to consist of engineering measures (caps, treatment systems, etc.) designed to minimize the potential for human exposure to contamination by either limited direct contact with contaminated areas or controlling migration of contaminants through environmental media.

EPA issued a July 27, 2022 memorandum in which it undertook:

- Description of the key elements of effective long-term stewardship.
- Recommendations that EPA Regions work with states to incorporate or expand components of those elements into their long-term stewardship efforts.

The Memorandum notes that some EPA Regions have made significant progress toward integrating long-term stewardship practices into their programs and develop tools for implementing long-term stewardship. Such tools are stated to have included checklists, which are described as "an important tool to support facility assessments." Such Regions are encouraged to share these practices and tools with other Regions and states.

The Memorandum identifies a site assessment checklist as a valuable tool for establishing a long-term assessment protocol for facilities. The information that such checklists are stated to potentially provide to support a facility assessment includes:

- A history of facility activities.
- Reference to the permit or alternate authority(ies) governing the facility.
- Information including findings of note from previous assessments.
- The type and location of the ECs and ICs relied on at the facility.
- A description of how to determine if the ECs and ICs are being implemented effectively.
- Contact information related to implementation of the controls.
- Areas of the facility that should be included in the assessment.
- Any records or additional information that should be reviewed during the assessment.

A copy of the Memorandum can be found here.