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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
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May 13, 2019

The Honorable Gene Dodaro
Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro,

Extreme weather events, such as flooding from extreme rainfall, are expected to become ever more frequent and intense due to climate change in many regions of the United States, according to the National Academies of Sciences, Engineering, and Medicine and the United States Global Change Research Program. Extreme weather events can generate vast amounts of hazardous waste and damage hazardous waste facilities, potentially leading to releases that pose risks to human health and the environment. For example, after the floodwaters recede from the 2019 Midwest storms, remaining debris, some of which may be hazardous, could cause serious pollution problems which may result in serious adverse health effects. The Resource Conservation and Recovery Act of 1976, or RCRA, as amended, seeks to manage hazardous waste from generation to disposal, along with clean-up of contamination at permitted facilities that treat, store, and dispose of hazardous waste.

The Environmental Protection Agency (EPA) has primary responsibilities for establishing the regulatory framework governing RCRA-permitted facilities as well as collecting and properly disposing of hazardous waste material in the wake of extreme events. EPA may authorize states to implement key provisions of hazardous waste requirements in lieu of the federal government. If a state program does not exist, EPA directly implements the hazardous waste requirements in that state. Under RCRA, owners and operators of permitted hazardous waste facilities must prepare a contingency plan designed to minimize hazards to human health or the environment from fires, explosions, or unplanned releases of hazardous waste or hazardous waste constituents to air, soil, or surface water.

In 2014, EPA reported that the design and placement of RCRA facilities, their permitting requirements, capacity, and levels of necessary financial assurance may need to be updated to reflect the impacts of climate change. Among other vulnerabilities, EPA stated that current waste management capacity may be insufficient to handle surges in necessary treatment and disposal of hazardous wastes from climate events. For example, in response to Hurricane Maria, EPA collected and shipped almost 100 tons of solid hazardous waste and over 2,000 gallons of liquid hazardous waste from Puerto Rico and the U.S. Virgin Islands.

Given the potential for uncontrolled releases from hazardous waste facilities and surges in the treatment and disposal of hazardous waste as a result of climate change, we are requesting GAO's assistance in addressing the following questions:

- 1) To what extent, if at all, does EPA consider the impacts of climate change in its oversight of state RCRA permit programs, such as in the design, placement, capacity, and financial assurances for RCRA-permitted facilities?
- 2) To what extent, if at all, does EPA direct or encourage states to require RCRA-permitted facilities to consider the impacts of climate change in their contingency plans?
- 3) What challenges, if any, do EPA and the states face in planning for the treatment and disposal of hazardous materials generated during extreme events that may be exacerbated by climate change?

Thank you very much for your attention to this important issue. If you have any questions, please ask the appropriate members of your staff to contact Michal Freedhoff, a senior member of the minority staff of the Environment and Public Works Committee, at Michal_Freedhoff@epw.senate.gov, or Lauren Tavar of Senator Booker's office at Lauren_Tavar@booker.senate.gov.

With best personal regards, we are,

Sincerely yours,



Tom Carper
Ranking Member
Committee on Environment and
Public Works



Cory A. Booker
Ranking Member
Subcommittee on Superfund,
Waste Management, and
Regulatory Oversight