



March 26, 2024

MEMBER COMPANIES

Bayer CropScience
Clean Harbors Environmental Services
Eastman Chemical Company
Heritage Thermal Services
INV Nylon Chemicals Americas, LLC
Ross Incineration Services, Inc.
The Dow Chemical Company
Veolia ES Technical Solutions, LLC
Westlake US 2, LLC

GENERATOR MEMBERS

Eli Lilly and Company
Formosa Plastics Corporation, USA
3M

ASSOCIATE MEMBERS

AECOM
Alliance Source Testing LLC
B3 Systems
Civil & Environmental Consultants, Inc.
Coterie Environmental, LLC
Envitech, Inc.
Eurofins TestAmerica
Focus Environmental, Inc.
Franklin Engineering Group, Inc.
Montrose Environmental Group, Inc.
Ramboll
Spectrum Environmental Solutions LLC
Strata-G, LLC
TEConsulting, LLC
Trinity Consultants
W.L. Gore and Associated, Inc.
Wood, PLC

INDIVIDUAL MEMBERS

Ronald E. Bastian, PE
Ronald O. Kagel, PhD

ACADEMIC MEMBERS

(Includes faculty from:)

Clarkson University
Colorado School of Mines
Lamar University
Louisiana State University
Mississippi State University
New Jersey Institute of Technology
University of California – Berkeley
University of Dayton
University of Kentucky
University of Maryland
University of Utah

43330 Junction Plaza, Suite 164-641
Ashburn, VA 20147

Phone: 703-431-7343
E-mail: mel@crwi.org
Web Page: <http://www.crwi.org>

U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OLEM-2023-0085

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on the *Definition of Solid Waste Applicable to Corrective Action for Releases From Solid Waste Management Units*; Proposed rule. 89 FR 8,598 (February 8, 2024). CRWI is a trade association comprised of 30 members representing companies that own and operate hazardous waste combustors and companies that provide equipment and services to the combustion industry.

On February 8, 2024, EPA published two proposed rules. One would modify the definition of hazardous waste as applicable to the Corrective Action Program (89 FR 8,598) and the other would add nine per- and polyfluoroalkyl substances (PFAS) to the list of hazardous constituents in 40 CFR 262 Appendix VIII (89 FR 8,606). Although these are two separate actions, to understand the potential impacts, they must be considered together.

In the preamble of the proposal to modify the definition of hazardous waste (89 FR 8,602), EPA states that it does not believe that making these additions will impose additional requirements on facilities. This is true only if the current action does not apply to units already in the Corrective Action Program. Even if that is the case, it will have a significant impact on any future solid waste management units.


EPA also states that it does not expect an increase in permit conditions to address corrective actions as a result of these changes. CRWI does not believe this to be correct either. Taken together, these two rules, should they become final as proposed, could require every site in the Corrective Action Program to potentially modify their process. At the least, these actions will require additional testing or documentation to show that none of the nine compounds are/could be present. This may be a difficult task simply because of the ubiquitous nature of the nine new compounds to be added to Appendix VIII compounds (<https://www.epa.gov/pfas/pfas-explained>). If any of the nine

compounds are found, it could require potential modification of every step within the Corrective Action Program including re-opening sites that have been closed. CRWI does not see how EPA can make the statement that no additional permit conditions will result from the proposed changes. While it may be true that the changes in the definition of solid waste proposed rule will not directly make any changes, the combination of the change in the definitions coupled with the addition of nine compounds will have a significant impact on the Corrective Action Program.

CRWI would like to address two additional points. One is that the Agency is not proposing guidance on how this proposed rule will be incorporated into past, current and future permits. CRWI agrees with leaving this out of the final rule because such decisions should continue to be left to the local permit writers. The second is that the Agency should make clear in the final rule that an investigation of a current Corrective Action Program permit should only be undertaken if there is known or suspected contamination.

Thank you for the opportunity to submit comment. If you have any questions, please contact me at (703-431-7343 or mel@crwi.org).

Sincerely yours,



Melvin E. Keener, Ph.D.
Executive Director

cc: B. Foster, EPA