



## MEMBER COMPANIES

Arcwood Environmental  
Arkema, Inc.  
Bayer CropScience  
Clean Harbors Environmental Services  
Eastman Chemical Company  
Formosa Plastics Corporation, USA  
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  
3M

## ASSOCIATE MEMBERS

AECOM  
ALL4 LLC  
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](mailto:mel@crwi.org)  
Web Page: <http://www.crwi.org>

## CRWI Update May 31, 2025

### HWC MACT RTR

EPA currently estimates that the hazardous waste combustor (HWC) maximum achievable control technology (MACT) risk and technology (RTR) proposed rule will be sent to the Office of Management and Budget in early June. EPA will ask for an abbreviated review and plans for a signed rule sometime this summer.

### Broadly applicable alternative test methods

On May 28, 2025, EPA published three broadly applicable alternative test method decisions. While not directly applicable to the hazardous waste combustion universe, two are alternatives for measuring net heating value. The third pertains to burning wood fuel. Additional details can be found in the *Federal Register* notice.

### PFAS

The Administration is struggling to decide on how to handle per- and polyfluoroalkyl substances (PFAS). The Biden Administration promulgated a rule that added perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under CERCLA. That rule has created several unanticipated issues. The Department of Defense (DoD) has sampled most of their sites for PFAS contamination. Preliminary data shows that 574 of the sites will require a remedial investigation/ feasibility study under CERCLA to determine what cleanup action is needed. No action is required at 131 sites. DoD estimates these actions will cost \$9 billion dollars to complete. Another is where “passive receivers” have asked for exemptions from CERCLA requirements. Unfortunately, CERCLA does not allow for any exemptions. The Senate Environment and Public Works Committee has started the process of amending CERCLA to create exemptions for these “passive receivers,” but finding the middle ground that will provide relief for certain sectors without letting others off the hook will be a challenge. Although there is bipartisan support in both houses of Congress for this type of action, expect this to be a slow process that will likely take until the end of this Congress (December 2026) to complete.

Industry has challenged the rule that designated PFOA and PFOS as hazardous substances under CERCLA in the U.S. Appeals Court for the District of Columbia Circuit. The Agency has requested another 30 days to decide whether to continue defending the rule. Industry continues to urge EPA to repeal this rule while environmental groups want the Agency to defend the rule. EPA has not signaled how it intends to proceed on this litigation and any subsequent rulemaking.

In 2024, the Biden Administration established maximum contaminant levels (MCLs) under the Safe Drinking Water Act for PFOA, PFOS, perfluorohexane sulfonic acid (PFHxS), perfluorononanoic acid (PFNA), and hexafluoropropylene oxide dimer acid (HFPO-DA) as individual contaminants, and PFAS mixtures containing at least two or more of PFHxS, PFNA, HFPO-DA, and perfluorobutane sulfonic acid (PFBS) using a hazard index. The limits for PFOA and PFOS were set at 4 ppt (the detection limit of the method), and the limits for PFHxS, PFNA, and HFPO-DA were set at 10 ppt. The hazard index for the mixture was set at 1. On May 14, 2025, EPA announced they will keep the current MCLs for PFOA and PFOS, but will rescind the regulations and reconsider the regulatory determinations for PFHxS, PFNA, HFPO-DA, and the hazard index mixture of these three PFAS plus PFBS. In addition, the Agency announced it would extend the PFOA and PFOS MCL compliance deadlines and establish a federal exemption framework. This announcement was not popular with the environmental groups.

The original start date for reporting some PFAS releases under TSCA was November 12, 2024. EPA moved that date to July 11, 2025, based on issues getting the on-line system ready for data entry. This date has now been moved to April 13, 2026. Additional details can be found in the May 13, 2025, *Federal Register* notice.

In the absence of federal guidance, the states are proceeding with each sometimes going its own direction. In December 2024, Maryland filed a Superfund cleanup and cost recovery suit against W. L. Gore & Associates for releasing PFAS from their manufacturing facility in Elkton, MD. In May, the state added claims under RCRA citizen suit provisions. The state argues that PFAS meets the definition of hazardous waste under RCRA. In addition, Maryland residents have filed a notice of intent to sue under the citizen suit provisions of RCRA that Purdue caused contamination of groundwater by releasing PFAS from their wastewater treatment plant, sludge lagoons, spray irrigation, and firefighting foam disposal. In September 2024, Maryland Department of Environment determined that the Purdue facility in Salisbury was a “responsible person” under CERCLA for this PFAS contamination. In response, Purdue provided testing for private wells and installed treatment systems where required.

## **OMB**

In May, EPA started sending rules to the Office of Management and Budget (OMB). There are currently six proposed or final rules under review. These include a proposed rule to repeal carbon pollution standards, a proposed rule to repeal amendments to the coal- and oil-fired electric generators, a final rule setting standards for other solid waste

incinerators, a proposed rule on the renewable fuel standards, a final rule on cellulosic biofuels, and an interim final rule on the technology review for the integrated iron and steel manufactures. In addition, the White House Council on Environmental Quality has sent their draft permitting technology action plan to OMB for review.

## **CRA**

The Congressional Review Act (CRA) allows Congress to disapprove of any federal agency regulation by a simple majority of both Houses of Congress. Once the President signs a resolution of disapproval, that agency cannot promulgate a substantially similar regulation. On March 14, 2025, President Trump signed a resolution of disapproval for the rule charging fees for excessive methane releases within the oil and gas sector. A direct final rule removing those provisions was published on May 19, 2025. On May 23, 2025, President Trump signed a resolution of disapproval for the November 29, 2024, rubber tire manufacturing technology review final rule. This rule also added emission limits for previously unregulated pollutants. This one will be interesting because the Clean Air Act requires EPA to conduct a technology review every eight years and the *LEAN* court decision required the Agency to develop emissions for unregulated hazardous air pollutants once identified. But the CRA statutory language prevents EPA from promulgating a substantially similar rule in the future. Thus, there is a conflict between the CRA and the courts and the Clean Air Act. Not sure how this one is going to get worked out. The House and Senate have passed resolutions of disapproval for the September 10, 2024, amendments to the major source reclassification rule. These amendments added restrictions on the potential-to-emit provisions of the rule. Mr. Trump is expected to sign this resolution in June. Finally, the Senate passed resolutions of disapproval for EPA waivers for three California vehicle emissions programs. In response, Senator Alex Padilla (D-CA), has put a hold on three EPA nominees voted out of committee but not yet confirmed by the Senate. While a hold on a nominee from an individual Senator does not stop the full Senate from voting on a nominee, it does block the unanimous consent provision sometimes used to speed approval. What a hold does is force the Senate to use Floor time to debate and vote on each nominee taking up limited Floor time.

## **EPA personnel**

The Senate has approved the nomination of Sean Donahue as the next Assistant Administrator for the Office of General Counsel. Nominations for Aaron Szabo, Office of Air and Radiation and Jessica Kramer, Office of Water, and David Fotouhi, Deputy Administrator, have cleared committee. As stated above, Senator Padilla has put a hold on these three nominations. Hearings were held for John Busterud for Assistant Administrator for the Office of Land and Emergency Management but the committee has not taken a vote on his nomination. Nominations for Jeffery Hall, Assistant Administrator for the Office of Enforcement and Compliance Assurance, Usha-Maria Turner, Assistant Administrator for the Office of International and Tribal Affairs, and Catherine Hanson, Chief Financial Officer, have been submitted to the Senate but no hearings have been scheduled. Mr. Zeldin, EPA Administrator, and Mr. Donahue are the

only two nominees that has been confirmed by the Senate as of the end of May. All regional administrators are in place.

### **EPA reorganizations**

On May 2, 2025, EPA announced major reorganizations of the Office of Air and Radiation (OAR) and the Office of Research and Development (ORD). The OAR reorganization appears mostly to be an effort to significantly reduce any climate change work and add more outreach to the states. For example, two of the offices within the OAR will remain the same: Office of Transpiration and Air Quality and Office of Radiation and Indoor Air. While there still may be some rearrangement of staff, the structure of those two offices appears to remain intact. Office of Air Quality, Planning, and Standards (OAQPS) and the Office of Climate Protection are to be combined and then split into two offices, one as an outreach to the states and the other the Office of Clean Air Programs. It appears that most of the climate change functions will disappear while most of the OAQPS functions will remain. The outreach to the states will be new. Additional details in the coming months should add clarity. In the slide deck that accompanied the announcement, EPA outlined the following steps to achieve this reorganization.

1. Finalize the formal reorganization package.
2. Package to be submitted to the Office of Mission Support for a stakeholder review.
3. Package submitted to Congress for approval (primarily done by the committees of jurisdiction in the House and Senate - does not require enacting legislation).
4. Coordination with union.
5. Schedule additional staff briefings.
6. Implementation including a *Federal Register* notice to modify 40 CFR Part 1.

This process may last until late 2025.

While the impacts on OAR may not be large, the same may not be true of the PFAS research and measurement work being done in ORD. Based on current information, a significant portion of ORD will be moved into other offices. ORD staff have been asked to apply for various positions within other EPA offices. It is not clear if the projects will move with the personnel.

EPA has already notified the environmental justice offices of a reduction in force (RIF). It is likely that the next two groups to see large RIFs will be the climate change groups and ORD, probably in that order.

All of this has been made more complicated by orders from district judges halting the RIFs and reorganization plans and the subsequent appeals by EPA to overturn the district judges. In some of these cases, EPA is also making an emergency appeal to the Supreme Court to bypass the appeals courts.

## **EPA budget**

EPA sent their detailed FY 2026 budget to Congress on May 30, 2025. Overall, the budget request for FY 2026 is \$4.16 billion, down 54% from the current fiscal year (\$9.14 billion). The biggest cuts are coming from two categories – infrastructure financing (\$1.1 billion to \$0.1 billion) and categorical grants (\$3.3 billion to \$0.7 billion). Trust fund allocation fall from \$0.6 billion to \$0.3 billion and the operating budget falls from \$4.1 billion to \$3.1 billion. EPA stated that the current Superfund taxes are sufficient to fund that program and additional revenue from Congress is not needed. By far the biggest cuts come out of the Clean Water State Revolving Fund (90.5%) and the Drinking Water State Revolving Funds (87%). These funds are used by states to upgrade wastewater treatment and drinking water treatment facilities. Criminal enforcement budgets will be cut by 49%, civil enforcement by 30%, and compliance monitoring by 35%. It also reduces the staff full-time-equivalents (FTE) to 12,856, the lowest level in 40 years. The FTEs in FY 2025 is 14,130. Senate appropriators have expressed skepticism over the amounts included in the budget and where the cuts have been requested. In addition, the budget proposed by the Administration attempts to remove “earmarks” where Congress gives specific instructions on where the Administration can spend money. The Administration would like more flexibility while Congress wants more control. Typically, administration requests for funds during the annual budget do not have much of an impact on how Congress allocates money. However, there is nothing ordinary about this administration.

## **Louisiana community monitoring law**

In May of 2024, the Louisiana Governor signed the Louisiana Community Air Monitoring Reliability Act. This act requires that any community air monitoring program for the purpose of enforcement for criteria pollutants and hazardous air pollutants must use EPA approved sampling methods and any data analysis must be conducted at a Louisiana approved laboratory. Louisiana Department of Environmental Quality can use data from other collection methods to initiate a review of the suspected source but every enforcement action must be backed with data from EPA approved methods. The law states that “Data produced from community air monitoring programs alone is insufficient to demonstrate a stationary source is in violations of rule, regulation, or permit conditions.” Environmental groups have challenged this law in the U.S. District Court for the Middle District of Louisiana arguing that it unlawfully restricts community air monitoring. Louisiana’s Attorney General has stated they will defend the law.

## **CRWI meetings**

The next CRWI meeting will be held on August 20-21, 2025, in Joplin, MO. It will feature a tour of Arcwood’s hazardous waste combustors. Please contact CRWI (703-431-7343 or [mel@crwi.org](mailto:mel@crwi.org)) if you are interested in attending.