



CRWI Update September 30, 2026

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

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Eli Lilly and Company

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

INDIVIDUAL MEMBERS

Ronald E. Bastian, PE

ACADEMIC MEMBERS

(Includes faculty from:)

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

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HWC rulemakings

The hazardous waste combustor (HWC) risk and technology review (RTR) rule was published on June 3, 2026. Five entities (Amrize, the Cement Kiln Recycling Coalition, CRWI, Heidelberg Materials, and a group of environmental organizations lead by Sierra Club) filed petitions for review with the U.S. Court of Appeals for the District of Columbia Circuit. Each filed their non-binding list of issues. The list of issues from industry are fairly generic. Sierra Club's issues list includes the following items:

- Failure to set numerical emission limits for PAHs and PCBs;
- Use of surrogates for PAHs and PCBs;
- If surrogated are used for PAHs and PCBs, must set limits based on the best performing sources;
- Work practices should not be used for hydrogen fluoride for incinerators and liquid fired boilers;
- The 99% upper prediction limit method should not be used to set numerical emissions limits; and
- The rule should not exempt sources from compliance during startup, shutdown, and malfunctions;

At this time, EPA is currently working on four items. They need to finalize a technical amendment to correct "typographical" errors in the June 3 final rule. They need to decide whether to grant Sierra Club's petition for reconsideration, and they need to decide how to proceed on the writ of mandamus. Each will modify how EPA moves forward with the RTR litigation. EPA asked for and received permission to delay procedural motions until October 28, 2026. It is unlikely there will be any movement on these issues until after the Agency makes their decisions and reports this back to the court.

PFAS

In April 2022, the Biden Administration released guidance urging the states to use existing Clean Water Act (CWA) authority to add effluent limits and monitoring requirements to National Pollution Discharge Elimination System (NPDES) permits to control per- and polyfluoroalkyl substances (PFAS) emissions. In 2025, EPA Region 1 issued an NPDES permit that required the Manchester (NH)

Wastewater Treatment Facility to monitor PFAS emissions but did not set any numeric discharge limits. The Conservative Law Foundation appealed the permit to EPA's Environmental Appeals Board (EAB). On August 26, 2026, the EAB sent the permit back to Region 1 because it failed to perform a "reasonable potential" analysis for PFAS. On September 25, 2026, Region 1 withdrew the permit based on inappropriate ammonia limits. Region 1 will reissue a draft permit with revised the ammonia limits and a reevaluation of its approach to including PFAS. Also playing onto how the Region may address PFAS limits in NPDES permits is an August 2026 EPA memo that withdrew the 2022 guidance saying that it was not appropriate to use emission guidelines set under the Safe Drinking Water Act in CWA permits.

In 2025, Public Employees for Environmental Responsibility (PEER) filed a Demand for Correction under the Information Quality Act on two EPA website Q&A's. The first was on under TSCA and the second was under CERCLA. In the first, PEER alleged that EPA's statement that the manufacture and import of perfluorooctanoic acid (PFOA) has been phased out in the United States was in error and produced EPA documents to show this. For the second, PEER alleged that a similar statement in the CERCLA Q&A was also false. EPA responded on September 18, 2026. On the first, EPA modified the website by adding a sentence that some PFOA may be produced, imported, and used by the companies that are not participating in the 2010/2015 PFOA Stewardship program. EPA modified the CERCLA question by removing the word "small" from the response. The response now reads that quantities of PFOA may be produced, imported, or used by companies not participating in the PFOA stewardship program. A copy of the complaint and EPA's response can be found at <https://www.epa.gov/quality/rfc-26001-toxic-substances-control-act-tsca-superfund-and-pfas>.

On September 1, 2026, the Chamber of Commerce released a PFAS Treatment Technology and Policy Outlook white paper. While it does not contain the latest results for hazardous waste incineration as a destruction technology, it is a reasonable 30,000 foot view of the technologies available and what policies are currently being considered. A copy can be found at <https://www.uschamber.com/assets/documents/PFAS-Treatment-Technologies-Policy-Whitepaper-082426.pdf>.

On September 2, 2026, the Environmental Council of States (ECOS) released a resolution on PFAS liability. In this, ECOS requests that if Congress takes action of PFAS liability and cleanup under CERCLA, they should:

- Engage with the states on identifying ways to prevent pollution and "push liability upstream to the polluters;"
- Provide resources to the states to address PFAS contamination;
- Use enforcement discretion to push cleanup costs to the "PFAS polluters;"
- Require that any costs for alternative drinking water resources be paid for by the responsible entities;
- Continue to support EPA's CERCLA authority to provide protection for parties that did not significantly contribute to the release of PFAS to the environment;

- Expand the use of tools under the Clean Water Act, RCRA, the Clean Air Act, and TSCA to eliminate or reduce PFAS releases; and
- Increase support for research on the toxicity of PFAS and their mixtures.

A copy of the resolution can be found at <https://www.ecos.org/documents/resolution-26-1-pfas-liability-and-cooperative-federalism/>.

IRIS

In April of this year, EPA added a banner on the top of the Integrated Risk Information System (IRIS) webpage (<https://www.epa.gov/iris>) stating that IRIS values are not necessarily to be used as regulatory levels. Instead, each of the program offices should consider whether the current information in the IRIS database represents the best available science. Industry has long criticized IRIS values for adding layers of conservative assumptions that they say overstates actual risk. As a part of the reorganization of the Office of Research and Development, the IRIS office was disbanded. The website remains in place for all evaluations that have been completed. However, the Agency is no longer working on developing new assessments.

To fill this gap, California and Texas are leading a 20 state effort to develop reference doses, reference concentration, and cancer slope factors for substances not currently in the IRIS database. Since California and Texas often do not see chemical hazard assessment the same way, it will be interesting to see how this collaboration works. The most obvious set of chemicals not on the current IRIS assessments are PFAS compounds. The duration of this collaboration may depend upon which party controls the White House in 2029.

Methylene chloride

In 2024, EPA used authority under TSCA to prohibited the use of methylene chloride for 40 of the 53 listed uses and imposed workplace protection requirements on those uses not banned. EPA made that determination despite finding that six of the uses posed no unreasonable risk. This was challenged in the U.S. Court of Appeals for the Fifth Circuit. On September 15, 2026, the Fifth Circuit vacated the 2024 rule saying EPA exceed their authority by assuming that workers handling methylene chloride did not use personal protective equipment. The court also rejected environmental groups challenges that the rule failed to consider risks from fence line exposure, potential damage to the ozone layer, and increased skin cancer risks. This is the first court decision on a TSCA rule since the 2016 amendments. Observers are interpreting this to mean that EPA must consider the risk from each use of the chemical to determine if it results in “unreasonable” risk.

Senate permitting reform

On September 29, 2026, a bipartisan group of Senators released a draft of the Bipartisan American Affordability and Jobs Act. The concepts behind this effort are to

reduce the time and litigation needed to permit certain types of construction. The current draft contains provisions to:

- Set a two-year deadline for Environmental Impact Statement reviews and a one-year deadline for Environmental Assessment reviews;
- Set up a new National Historic Preservation Act (NHPA) process that runs in parallel to National Environmental Policy Act (NEPA) to allow tribes to determine how to protect historic and cultural resources;
- Limit the types of impacts projects are required to mitigate;
- Set a 150-day deadline for legal challenges under the Clean Water Act, Endangered Species Act, NEPA, and NHPA;
- Limit challenges to groups that participated in the relevant comment period;
- Limit when a court can temporarily stop a project;
- Allow states to handle endangered species consultations where they have the resources; and
- Prevent the federal government from changing the rules after the fact for certain wetlands and waterways.

While most of this is pointed toward NEPA permitting reform and is designed to speed up the permitting process for infrastructure and large industrial construction, it may spread into other permitting activities.

Even though this is a bipartisan effort in the Senate, the legislative time clock may present a hurdle for getting it passed in this Congress. The Senate will not come back into session until the week of November 9, 2026. Given the holiday seasons in November and December, this does not give Congress much time to act. In addition, the results of the election may make a significant difference on what is done in the lame duck session and what is pushed to the next Congress. The current continuing resolution funds the government until December 11, 2026. Congress will need to either extend that funding or pass FY 2027 funding legislation before that time. In addition, Congress has yet to act on the FY 2027 National Defense Authorization Act. Both are considered as “must pass” legislation.

CRA report on hazardous waste management

On September 23, 2026, Charles River Associates (CRA) released a report commissioned by Veolia on the role of hazardous waste management in industrial activity and economic growth (<https://www.crai.com/insights-events/publications/new-research-analyzes-the-impact-of-hazardous-waste-management-on-us-economic-growth/>). The report projects that hazardous waste generation will increase from 32 million tons per year to 37 million tons by 2033. The report alleges that a shortfall in treatment and disposal capacity would reduce projected gross output by \$27.5 to 82.4 billion in 2033. Some of the factors that may impact this shortfall in capacity are closure of captive facilities, unplanned maintenance and facility outages, large scale

remediations, increased manufacturing due to onshoring, extreme weather events, and changes in the current regulatory scheme.

CRWI meetings

The next CRWI meeting will be held on October 26-27, 2026, in Salt Lake City, UT, in conjunction with the IT3 conference. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.