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Arcwood Environmental
Arkema, Inc.
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Clean Harbors Environmental Services
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INV Nylon Chemicals Americas, LLC
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GENERATOR MEMBERS

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ALL4 LLC
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B3 Systems
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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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CRWI Update March 31, 2026

Air curtain incinerators

Air curtain incinerators (ACIs) that only burn wood wastes, yard wastes, and clean lumber are excluded from the definition of solid waste incineration units. Opacity limits and associated monitoring, recordkeeping, and reporting requirements for these units are included in four categories of waste incinerators (large municipal waste combustors, small municipal waste combustors, commercial and industrial solid waste incinerators (CISWI), and other solid waste incinerators (OSWI).

In 2025, EPA published an interim final rule that allowed CISWI units to burn disaster debris. This was put into place to deal with potential clean up issues during the 2025 hurricane season. It allowed CISWI units to have the same requirements as OSWI rule for handling disaster debris. To qualify for the reduced restrictions, the debris must come from an area that has been declared as a state of emergency by a local, state, or federal government and all CISWI control devices must be operated if technically feasible.

On March 19, 2026, EPA officially withdrew the interim final rule. In its place, EPA proposed (March 20, 2026) to create a new subpart specific for ACIs (40 CFR part 60, subpart Ca) and consolidate all of the requirements for ACI into one place. EPA is also proposing to remove the Title V permitting requirement for ACIs that only burn wood wastes, yard wastes, and clean lumber. This would allow states to start using ACIs immediately to aid in natural disaster cleanup and wildfire mitigation. In addition, EPA is proposing to allow CISWI units to combust debris from a qualifying disaster or emergency on a temporary basis without complying with requirements that would otherwise apply during normal operations. This would bring the CISWI rule subparts into alignment with existing OSWI provisions when used in disaster or emergency circumstances.

Finally, the proposed rule asks for comments on revising the OSWI definition of "municipal waste combustion unit" to remove the reference to "pyrolysis/combustion units." If finalized, this would clarify that the OSWI rule does not regulate pyrolysis units used in advanced recycling operations. Comments are due on May 4, 2026.

Abandoned tires

A 2011 final rule determined that scrap tires that were managed in an established tire collection program and burned for energy recovery were not discarded and could be used as a non-waste fuel. Abandoned tire piles were excluded from this exemption because they had already been discarded. The 2011 program was successful in reducing the number of tires that were being discarded but did nothing to deal with the tires that had already been discarded. On March 23, 2026, EPA proposed to modify the non-hazardous secondary materials regulations to include abandoned tires as long as they are recovered and managed as a valuable commodity until they are burned in a cement kiln. EPA also stated that abandoned scrap tires have comparable heating value to coal and their contained contaminants are comparable or less than those in coal. EPA states that this meets the legitimacy criteria. Comments are due on May 22, 2026.

E-manifests

In 2012, Congress passed a law requiring EPA to move from paper manifests to electronic manifests. Since then, EPA has been attempting to develop and implement an e-manifest system. They have faced resistance from states, industry, and others. Voluntary adaptation of the e-manifest systems has been slow and sporadic even when EPA tried to use financial incentives. On March 5, 2026, EPA proposed a rule that would phase out all paper manifests within two years of publication of a final rule. After that date, EPA would not accept paper manifests, only hybrid or e-manifests. The comment period closes on May 4, 2026.

PCE and CTC proposed extension dates

On March 27, 2026, EPA proposed a rule to extend the compliance dates for perchloroethylene (PCE) and carbon tetrachloride (CTC). The 2024 rules set different Workplace Chemical Protection Program compliance dates for federal facilities than was set for non-federal facilities. For example, the non-federal compliance date was December 15, 2025, while the federal compliance date was June 21, 2027. In this action, EPA is proposing to set all of the compliance dates at June 21, 2027. Comments are due on April 27, 2026.

DoW PFAS destruction and disposal memo

The Department of War (DoW) released its revised guidance on destruction and disposal of per- and polyfluoroalkyl substances (PFAS) containing materials on February 26, 2026 (memo dated February 20, 2026). The memo listed the following commercially available options to be used by DoW to dispose of or treat PFAS containing materials:

- Carbon reactivation units with environmental permits (for used granular activated carbon only);

- Hazardous waste landfills with environmental permits;
- Solid waste landfills with environmental permits that have composite liners, and gas and leachate collection and treatment systems (not an option for AFFF concentrate);
- Hazardous waste incinerators with environmental permits and that meet specific temperature requirements;
- Underground injection control wells with environmental permits;
- Thermal desorption units that use off-gas collection and thermal oxidation with environmental permits (for soils); and
- Other PFAS destruction options with environmental permits or regulator approval where permits are not required, with pre-notification to the Office of the Assistant Secretary of War for Energy, Installations, and Environment.

This ends the ban on using hazardous waste incinerators to destroy DoW PFAS containing materials. In the attachment to the memo, DoW gives additional details on requirements for each. The requirements for hazardous waste incinerators are that each facility:

- Must have RCRA and CAA permits;
- Must operate at temperatures greater than 1100 °C in the afterburner/secondary combustion chamber,
- Must have conducted testing in accordance with EPA's 2024 guidance Appendix A; and
- Must provide a copy of the emissions field test documentation that the incinerator submitted to EPA.

This guidance only applies to DoW generated PFAS materials. A copy of the memo can be found at <https://www.acq.osd.mil/eie/eer/ecc/pfas/tf/policies.html>.

Other PFAS news

EPA released their initial PFAS disposal and destruction guidance in 2020. The second version was released in 2024. The third version was submitted to the Office of Management and Budget (OMB) for review on March 3, 2026. OMB can take up to 90 days to review an action.

In 2024, New Jersey, New Mexico, and North Carolina submitted a petition asking EPA to list perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS), perfluorononanoic acid (PFNA), and hexafluoropropylene oxide dimer acid (HFPO-DA) as hazardous air pollutants under the Clean Air Act. Under the statute, EPA is required to grant or deny that petition within 18 months. That deadline was the end of February. In March, EPA denied that it had missed any deadlines, saying that the Agency was still reviewing the petition to determine if the human health or environmental impacts presented in the petition were sufficient to support listing these four compounds. EPA's contention is that until the adequacy determination is made, the 18 month clock does

not start. The three states have not announced how they will respond to EPA's position that the clock has not yet started.

EPA is currently in litigation over the 2024 final rule that set maximum contaminant levels (MCL) for six PFAS compounds. The Agency has made a decision to continue to defend the MCLs for PFOA and PFOS but are planning to revise the requirements for the other four. EPA tried to divide and postpone briefing for the four but the court denied this motion. EPA sent a proposed rule to OMB on February 24, 2026, to remove the MCLs for perfluorohexane sulfonic acid, PFNA, HFPO-DA, and the mixture of these three PFAS plus perfluorobutane sulfonic acid. Citing this action, EPA again tried to get the litigation split. The court also denied this motion. This sets up an interesting process where EPA will be defending the PFOA and PFOS MCLs but not defending the other four. Environmental groups are expected to defend these four MCLs. All of this is going on while EPA is proposing to remove the four MCLs.

The Air and Waste Management Association's Science of PFAS conference will be held on September 22-24, 2026 in Durham, NC. Information on the conference can be found at <https://www.awma.org/PFAS>.

EPA personnel

President Trump has selected Thomas Croci to be the Acting Assistant Administrator for the Office of Land and Emergency Management. Mr. Croci will continue his role as Associate Administrator for the National Security and Operations Coordination as well. Steven Cook will remain as the Deputy Assistant Administrator.

EPA enforcement

On March 9, 2026, EPA released their enforcement and compliance report for FY 2025. The press release claimed that during this period, EPA concluded 2,127 civil enforcement cases, assessed more than \$ 1.16 billion in civil penalties, commitments for more than \$6 billion for facilities to return to compliance, opened 187 new cases, and charged 156 defendants. Critics are arguing that part of these results has been started by the previous administration and that a real test of the current EPA's commitment to enforcement will come when the report on FY 2026 is released.

OB/OD NEPA litigation

In May 2025, a Supreme Court decision told lower courts to give federal agencies' National Enforcement Policy Act (NEPA) reviews "substantial deference" and limited situations where indirect effects should be considered. A community group challenged an open burn/open detonation (OB/OD) RCRA permit in Guam, arguing that the Air Force did not properly consider NEPA as part of the permitting process. The Air Force responded that the RCRA process was functionally equivalent to a NEPA review and the NEPA review was not required. A district court agreed with the Air Force but upon appeal, the U.S. Appeals Court for the 9th Circuit reversed that decision. The Air Force

asked the Supreme Court to review this decision. This case was accepted and put on the calendar.

East Palestine cleanup

During the East Palestine train derailment cleanup, Tetra Tech, Inc. was EPA's primary contractor. Samples collected were analyzed by ALS Houston. Split samples were taken. It was discovered that some of the results from ALS Houston did not match those from other labs (based on split sample analysis) for 2-butoxyethanol. Upon further investigation, it was determined that ALS Houston had failed to follow standard operating procedures and the data delivered to Tetra Tech and EPA were falsified. Two analysts were terminated. EPA stated in the press release (March 2, 2026) that none of the false data was used to make decisions.

IT3

The next IT3 conference will be held on October 28-29, 2026, in Salt Lake City, UT. The organizing committee has put out a call for abstracts. The deadline for submittal is May 12, 2026. Details for submittal and registration can be found at <https://www.awma.org/it3>.

CRWI meetings

The next CRWI meeting will be held on May 20-21, 2026, in Oak Ridge, TN. It will feature a tour of an Oak Ridge Incineration facility. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.