Coalition for Responsible Waste Incineration

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August 29, 2025

U. S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Attn: Docket ID No. EPA-HQ-OPPT-2020-0720

The Coalition for Responsible Waste Incineration (CRWI) appreciates the opportunity to submit comments on the *Perchloroethylene (PCE); Regulation under the Toxic Substance Control Act (TSCA); Request for Comments*. 90 FR 35,858 (July 30, 2025). CRWI is a trade association comprised of 32 members representing companies that own and operate hazardous waste combustors and companies that provide equipment and services to the combustion industry.

CRWI is submitting comments on two areas: where Workplace Chemical Protection Program should be used as opposed to prohibition; and why the Agency should add an exclusion for the use of PCE during required testing of hazardous waste combustors. Each is addressed below.

Thank you for the opportunity to submit these comments. 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: P. Deck, EPA

Where WCPPs should be used instead of prohibition

There are three general uses of perchloroethylene (PCE) that CWRI would suggest the Agency use Workplace Chemical Protection Programs (WCPP) instead of prohibition. These are:

1. A laboratory WCPP where EPA required environmental compliance samples are analyzed to generate required Federal/State Permit compliance data;
2. A stack sampling company WCPP where EPA required environmental compliance samples are generated to obtain required Federal/State Permit compliance data; and
3. A company operating hazardous waste incinerators WCPP where EPA required environmental compliance samples are generated also requiring the use of a chlorine source with a low heat of combustion to obtain required Federal/State Permit compliance data.

When the Agency revises the PCE rule, CRWI suggests all three be added.

Exclusion for the use of PCE during required hazardous waste combustion testing

The final rule banning the use of PCE was published on December 18, 2024. It banned manufacturing after June 11, 2026, processing after September 9, 2026, and distribution in commerce other than dry cleaners after December 8, 2026, and all distribution after March 2027. The only exclusion is a 10-year phase out for the National Aeronautics and Space Administration.

The hazardous waste combustion industry routinely uses PCE as a part of the required testing program under 40 CFR 63.1207. This compound is used because it provided an optimum mix of heating value and chlorine loading. Both criteria are necessary for the facility to show it is meeting the emission limits in 40 CFR Part 63, Subpart EEE and to set operating conditions to show continuous compliance with those emission limits. The hazardous waste industry has been safely using PCE as a part of its testing program for over 25 years. It is critical that the Agency to add an exclusion for the use of PCE for testing purposes for the hazardous waste combustion industry.

The original goal of the ban was to protect the public. The hazardous waste industry already does this in the following manner.

The first step in the testing process is to develop a spiking solution. This involves blending an organic compound used to show destruction and removal efficiency with a chemical containing the appropriate amounts of chlorine (PCE) and any other spiking compounds. Companies prepare the spiking solutions using the proper PPE and

engineering controls to minimize emissions and protect personnel. A typical test will require approximately 300 pounds of PCE (a typical 55 gallon drum of PCE will weigh about 700 pounds). EPA's archived Hazardous Waste Combustion Permitting Manual[1] provides additional information on spiking, as does EPA's related 1989 Handbook[2], which specifically mentions PCE in section 4.2.1 as a part of the desired mix of spiking compounds.

As a part of determining the spiking solution, the facility must select a compound from the University of Dayton Research Institute thermal stability list[3]. The thermal stability index is a list of organic compounds ranked by their difficulty to thermally destroy. This index is divided into classes with Class 1 being the hardest to destroy. Most hazardous waste combustors will choose a test compound from Class 1 to give them the widest possible operational range. The facility must show 99.99% destruction and removal (DRE)[4] for the selected chemical. PCE is a Class 2 chemical on this index. Thus, if a hazardous waste combustor proves 99.99% DRE for a Class 1 compound, it will achieve greater than 99.99% DRE for PCE. This will result in very little PCE being emitted to the atmosphere during the testing. In addition, a typical test consisted of three runs of 2 to 5 hours, a short operating time when PCE will be fed. Typically, these tests are run once every five years.

During the actual testing, the spiking solution is fed through a closed injection system. This system often has engineering controls to minimize fugitive emissions. These can include carbon filters on the bung of a drum and the suction wand (which is stainless steel tubing) is threaded into the bung. During spiking, the drum liquid volume is being reduced and outside air is being pulled in to the drum, again minimizing fugitive emissions. Any time the spiking solution needs to be sampled, personnel use face shields, respiratory protection, and skin protection to minimize exposure. Again, spiking companies have successfully been doing this for 25 years.

Using PCE as a part of a hazardous waste combustion testing program is necessary, releases to the environment will be minimal because over 99.99% will be destroyed during the test, there is minimal opportunity for fugitive emissions during spiking solution preparation and testing, and personnel have been trained and follow health safety protocols as dictated by safety data sheets. As such, very little PCE will be released and there will be minimal exposure to personnel.

For all these reasons, CRWI asks the Agency to propose a rule to add an exemption from the ban for the use of PCE during the required testing of hazardous waste combustors.

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[1] https://archive.epa.gov/region6/6pd/rcra_c/pd-o/web/pdf/compon7a.pdf
[2] Guidance on Setting Permit Conditions and Reporting Trial Burn Results. Volume II of the Hazardous Waste Incineration Guidance Series, page 45.
[3] Ibid, Table D-1, page 109
[4] 40 CFR 63.1216 - 1221

This exemption could be modeled after the current exemption in 40 CFR 751.617(b). One possible method to accomplish this request is to add the following regulatory language to 40 CFR 751.617.

§ 751.617 Exemptions.

(c) **Time-limited exception for use in determining compliance with 40 CFR Part 63 Subpart EEE**

Under 15 U.S.C. 2605(g)(1)(A), use of PCE or PCE containing products for the conditions of use identified in paragraph (c)(1) is exempt from the requirements of § 751.605 until December 19, 2034.

(1) **Applicability**. This exemption shall apply to the following specific conditions of use:

(i) Domestic manufacturing;
(ii) Industrial and commercial importing;
(iii) Industrial and commercial processing into formulation, mixture, or reaction product;
(iv) Industrial and commercial repackaging; and
(v) Industrial and commercial disposal.

(2) **Eligibility**. To be eligible for the exemption, an industrial or commercial user must:

(i) Select PCE because there are no technically and economically feasible safer alternative available to assure compliance with 40 CFR 63,1206(f)(2).
(ii) Comply with the following conditions: Within 30 working days of the use, the owner or operator must provide notice to the EPA Assistant Administrators of both the Office of Enforcement and Compliance Assurance and the Office of Chemical Safety and Pollution Prevention that includes the following:
(A) Identification of the conditions of use detailed in paragraph (b)(1) of this section that the use fell under;
(B) An explanation of why PCE was selected, including why there were no technically and economically feasible safer alternatives available in the particular emergency.
(iii) The owner or operator must comply with and document such compliance efforts under the WCPP provisions in § 751.607, to the extent technically feasible in light of the particular use.
(iv) The owner or operator of the location where the use takes place must comply with the recordkeeping requirements in § 751.615.