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Arcwood Environmental
Arkema, Inc.
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W.L. Gore and Associated, Inc.
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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

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CRWI Update April 30, 2025

HWC MACT RTR

EPA's 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 late May or early June. EPA will ask for an abbreviated review and plans for a signed rule sometime this summer.

TCE ban

In December 2024, EPA published a final rule that prohibited most uses of trichloroethylene (TCE) within one year. The effective date for this rule was January 16, 2025. Thirteen entities filed petitions for review. On April 2, 2025, EPA published a notice that postponed the effective date until June 20, 2025, to allow time to decide how or whether to respond to allegations raised by the petitioner.

RMP rule

EPA has announced it will review and possibly modify the Biden Administration amendments to the risk management plan (RMP) rule. In an April 18, 2025, update to the RMP website, EPA closed the public access to the database of chemical plants that present safety risks to fence line communities. The website now states that this information can be found in federal reading rooms.

PFAS

On April 28, 2025, EPA Administrator Zeldin released a list of activities to address per- and polyfluoroalkyl substances (PFAS) contamination. While most were a continuation of the Biden Administration efforts, there were some changes. The new list includes:

- Develop a single Agency lead;
- Use the authority under TSCA Section 4 to determine hazard characteristics and exposure pathways;
- Develop additional testing methods for all media;

- Update the PFAS Destruction and Disposal Guidance once a year;
- Determine how to better use RCRA authorities to address releases from manufacturers and users;
- Enforce Clean Water Act and TSCA limitations on PFAS use to prevent further contamination;
- Prioritize risk-based review of new and existing PFAS chemicals;
- Work with Congress to establish a clear liability framework that operates on the polluter pays and protects passive receivers;
- Advance remediation and cleanup efforts where drinking water supplies are impacted; and
- Finish the biosolids risk assessment.

Most are general statements but they give a direction on how this administration plans to approach the PFAS issue. The list includes how PFAS will be handled under RCRA but does not give any specifics on how the Agency is planning to proceed with adding PFAS compounds to the list of hazardous constituents in Appendix VIII or how they fit into the Corrective Action Program. In addition, the list did not clarify how or if the Agency will revise or withdraw the effluent guidelines for perfluorooctanoic acid (PFOA), perfluorooctane sulfonic acid (PFOS) and perfluorobutane sulfonic acid. Industry and the utilities have raised questions on the toxicity data that is the basis for these guidelines. One big change was that the EPA PFAS Disposal and Destruction Guidance will be updated once a year instead of every three years.

The Agency has not formally announced whether they intend to defend the rule adding PFOA and PFOS to the list of hazardous substances under CERCLA. They asked the court for an additional 30 days to make that decision. This was granted on April 30, 2025. The Agency knows that the statute will need to be amended before passive receivers to be exempted from CERCLA.

New Mexico Governor Michelle Lujan Grisham signed into law two PFAS-related bills. One bill (House Bill 140) designates specific types of aqueous film forming foam as hazardous waste when discarded. The other (House Bill 212) bans most products containing intentionally added PFAS. Details can be found at <https://www.governor.state.nm.us/2025/04/08/governor-signs-strategic-water-supply-and-environmental-protection-bills-state-acts-to-protect-all-surface-waterbodies-a-targeted-response-to-the-2023-u-s-supreme-court-ruling-that-narrowed-federal/>.

Permitting reform

On April 15, 2025, Mr. Trump released a memo directing federal agencies to apply modern technologies to improve the environmental permitting process. This process is initially aimed at infrastructure permitting under the National Environmental Protection Act (NEPA) but will likely be extended to other environmental permitting activities. The first section of the memo directs agencies to “make maximum use of technology in

environmental review and permitting process for infrastructure projects of all kinds...” It includes:

- Eliminate the use of paper-based applications and review processes;
- Accelerate the processing time for projects;
- Reduce the length and accessibility of permit applications;
- Reduce duplicative data submissions;
- Use existing analysis from other agencies involved in the same project;
- Improve transparency and predictability of permitting schedules; and
- Ensure legal departments have sufficient resources to defend challenged permitting decisions.

The second part of the memo orders the Chair of the White House Council on Environmental Quality (CEQ) to issue a permitting technology action plan within 45 days. This action plan will include:

- An initial data and technology standard for permit applications under NEPA and other applicable permits;
- Develop a permitting software system;
- Develop a roadmap for a unified interagency permitting and review system; and
- A timetable to implement this system.

Within 90 days of CEQ issuing the action plan, each agency is to implement that plan.

In addition, the Chair of the CEQ is to establish and lead a permitting innovation center that will design and test prototype tools to be implemented. The memo setting up this center was issued by the Chief of Staff for CEQ on April 30, 2025. It will be led and staffed by CEQ.

EPA personnel

The Senate Environment and Public Works Committee favorably reported the nominations of Sean Donahue to be the next Assistant Administrator for the Office of General Counsel and Jessica Kramer to be the next Assistant Administrator for the Office of Water. These two nominations now go to the full Senate for a vote. Two other nominations (Aaron Szabo, Office of Air and Radiation, and David Fotouhi, Deputy Administrator) are also waiting for a full Senate vote. A date for these votes has not been announced. Nominations of Usha-Marie Turner (Office of International and Tribal Affairs), John Busterug (Office of Land and Emergency Management), and Catherine Hanson (Office of Chief Financial Officer) have been submitted and are waiting for hearings by the Environment and Public Works Committee. Mr. Zeldin, EPA Administrator, is the only nominee that has been confirmed by the Senate as of the end of April.

In January, EPA told all remote workers to return to the office. In February, Mr. Zeldin sent out a memo stating that telework and remote work agreements are rescinded unless certain exclusions apply. In an April 8, 2025, email, the Office of Mission Support notified employees of the steps that will be taken to ensure they have returned to the office. Failure to follow these steps will result in formal discipline that could include termination.

In an April 28, 2025, email, EPA is re-opening their deferred resignation program (DRP) and exercising its voluntary early retirement authority (VERA). The DRP offer is similar to what was offered in January. Personnel choosing this option will retain all pay and benefits and be exempted from returning to the office. Some may be placed on administrative leave and not required to work until formally resigning or retiring. The VERA program will temporarily lower the age and service requirements to allow personnel to retire early. Personnel that are at least 50 years old with at least 20 years of federal service or those with at least 25 years of federal service are eligible. Applications for both programs are due by May 5, 2025. Approved applicants will be placed on administrative leave no later than June 16.

Environmental justice

In an April 21, 2025, memo, the Office of Personnel Management formally send notices to the Agency's environmental justice office personnel (both headquarters and regions) of a reduction in force (RIF) for staff in these offices. The RIF for this group will take effect on July 31, 2025, and formal notices to staff will be sent out at least 30 days prior to the effective date. RIFs are also being considered for the Office of Research and Development, the Office of Enforcement and Compliance Assurance, and some regional offices.

EPA is telling states they can continue state environmental justice programs, but they cannot use federal money for those activities.

Early in the Biden Administration, the Department of Justice (DOJ) initiated an investigation of complaints about sewage backups and failing septic tanks in Lowndes County, Alabama. The investigation led to an agreement between DOJ and the Alabama Department of Public Health (ADPH) to address these issues. On April 11, 2025, DOJ terminated that settlement agreement. An ADPH spokesperson stated that they would continue the work as outlined in the settlement agreement until available funds are exhausted.

Environmental groups have sued EPA for removing without notice the online tools to aid the public in understanding and identifying risks to environmental justice and other communities. The suit alleges the removal did not follow the requirements in the Administrative Procedures Act. This includes the removal of EJSCREEN. This suit was filed in the U.S. District Court for the District of California.

In March of 2023, environmental groups filed a suit in the U.S. District Court for the Eastern District of Louisiana alleging that St. James Parish had violated their civil rights by developing and implementing a land use plan allowing industrial development in the parish. In November of that year, the district court dismissed the suit saying the plaintiffs did not have standing. The plaintiffs appealed this decision to the U.S. Court of Appeals for the 5th Circuit. On April 9, 2025, the appeals court overturned the district court dismissal and send the case back to the district court for a hearing on merits.

Executive orders

President Trump released several executive orders and memos concerning environmental rules and actions during April. On April 8, 2025, he signed four coal-related executive orders. These ended the Biden Administration's coal leasing ban on federal lands, speeds permitting for mining on these lands, designated coal as a critical mineral, and implemented a two-year delay for coal fired electric generation plants to comply with the Mercury and Air Toxics Substances rule. The last order covered 68 units at 47 sites.

On April 9, 2025, Mr. Trump signed a memo requiring the repeal of any regulation the administration deems illegal based on recent Supreme Court opinions. The memo listed 10 opinions that included *Looper* (overturned the *Chevron* decision), *West Virginia* (EPA lacked authority to regulate greenhouse gases), and *Sackett* (restricting EPA's definition of the waters of the United States). Agencies have 60 days to identify unlawful and potentially unlawful regulations. Once identified, the agencies have 30 days to submit a one-page summary of each identified regulation to the Office of Information and Regulatory Affairs. Agencies are also directed to repeal these rules wherever possible using the "good cause" provisions of the Administrative Procedures Act. This exemption allows the agencies to avoid a notice and comment period. A copy of the memo can be found at <https://www.whitehouse.gov/presidential-actions/2025/04/directing-the-repeal-of-unlawful-regulations/>.

Another presidential memo on April 9, 2025, requires certain agencies to provide sunset provisions in their regulations governing energy production where allowed by statute. Neither EPA nor specific environmental statutes were mention in the lists of agencies and statutes covered. However, EPA was given 30 days to provide the Office of Management and Budget with a list of statutes that would be covered by this memo. A copy of the memo can be found at <https://www.whitehouse.gov/presidential-actions/2025/04/zero-based-regulatory-budgeting-to-unleash-american-energy/>.

TCEQ permit search portal

The Texas Commission on Environmental Quality has posted an online permits search portal. This is a map-based search engine for the public to find regulated facilities and their permits. Individuals can find basic and detailed information about each facility that has a TCEQ issued permit. The new permit search portal can be accessed at <https://www.tceq.texas.gov/>. A video tutorial gives instructions on how to use the portal.

CRWI meetings

The next CRWI meeting will be held on May 21-22, 2025, in Longview, TX. It will feature a tour of Texas Eastman's hazardous waste combustors. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.