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Arkema, Inc.
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Spectrum Environmental Solutions LLC
Strata-G, LLC
TEConsulting, LLC
Trinity Consultants
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

December 31, 2024

HWC MACT RTR rule

On December 12, 2024, the judge released his decision setting a December 31, 2025, deadline for EPA to complete a final risk and technology review (RTR) of the 2005 hazardous waste combustor (HWC) maximum achievable control technology (MACT) rule. He did not set a date for a proposed rule but left it to the Agency to manage the rulemaking process. This ruling gives EPA a little more than a year to propose, respond to comments, and finalize a rule.

PCE and TCE final rules

In December, EPA published final rules to ban the manufacture and use of perchlorethylene (PCE) and trichloroethylene (TCE). The TCE rule was published on the 17th and the PCE rule was published on the 18th. Both are effective 30 days after publication. Unless the industrial sector has an exemption, all persons are prohibited from manufacturing (including importing and manufacturing for export) TCE after March 17, 2025, banned from processing after June 16, 2025, and banned from commercial use after September 15, 2025. There are several exemptions for TCE with staggering phase out times from five to 50 years.

All persons are prohibited from manufacturing (including importing) PCE after June 11, 2026, processing after September 9, 2026, distributing after December 8, 2026, and distributing in commerce other than dry cleaners after December 8, 2026, and all distribution after March 2027. The only exemption for PCE is a 10-year phase out for the National Aeronautics and Space Administration. Additional details can be found in the two *Federal Register* notices.

EPA management method codes

EPA uses Management Method Codes to describe the types of hazardous waste management used to treat, recover, or dispose of a hazardous waste. Code H141 is currently used in the biennial report and e-manifests for temporary storage of waste with no treatment or recovery (H010-H129), fuel blending (H061), or disposal (H131-H135). On December 24, 2024, EPA announced an expansion of the H141 code. The stated purpose is to improve data precision and quality. There are 22 new S codes including ones for solvent recovery (S020), incineration (S40), open burn/open

detonation (S041), and thermal desorption (S042). Generators can continue to use the H141 code until January 1, 2027, but the Agency is urging an earlier switch to the S codes. CRWI received an email with the announcement. It did not contain a link to an official EPA web site. The only reference found (other than the email) is a Keller publication (https://www.ijkeller.com/news/article/EPA-adds-new-temporary-hazardous-waste-management-codes_id-166240d9-fc28-4216-b489-d0c7e008b829). A request for an official link has been submitted to the Agency.

CISWI federal plan

On December 11, 2024, EPA published a federal plan to implement the 2019 emission guidelines for commercial and industrial solid waste incineration (CISWI) units. The emission guidelines were promulgated under the authority of section 129 of the Clean Air Act. Under this section, EPA published the guidelines and the states develop plans that allow enforcement of those emission limits. If the states do not develop those plans, the Agency is required to develop a federal plan. The federal plan will apply to CISWI units in Alaska, American Samoa, Guam, Illinois, Northern Mariana Island, and Wisconsin and will likely apply to units in California, Hawaii, Michigan, Oregon, Washington, and North Carolina. Additional details can be found in the *Federal Register* notice.

LQG and SQG registration

The E-manifest third final rule requires large quantity generators (LQG) and small quantity generators (SQG) to register and maintain an account in RCRAInfo. Registration must be done by January 22, 2025. More information and a link to register can be found at <https://www.epa.gov/e-manifest/e-manifest-user-registration>.

EPA FY 24 enforcement

On December 5, 2024, EPA released their enforcement results for FY 2024. Civil and criminal penalties and restitution were the highest since 2017. EPA conducted more than 1,850 civil cases and charged more than 120 criminal defendants. They claimed credit for reducing emissions of “climate super pollutants” (methane and hydrofluorocarbons) and record setting settlements with Marathon (\$64.5 million) and Cummins (total of \$ 2 billion). The complete report can be found at <https://www.epa.gov/enforcement/enforcement-and-compliance-assurance-annual-results-fy-2024-year-review>.

PFAS

In 2023, EPA and Chemours entered into an administrative compliance order on consent that required the company to take corrective action on stormwater and effluent discharges of per- and polyfluoroalkyl substances (PFAS) from their facility in West Virginia. On December 5, 2024, the West Virginia Rivers Coalition filed suit in the U.S. District Court for the Southern District of West Virginia alleging that Chemours violated

the discharge limits in the compliance order. The suit was filed under the Clean Water Act civil suit provisions. The group stated the suit was filed because the Agency had failed to follow up on requirements in the compliance order and presented monthly discharge data showing violations of permit limits.

For the past several years, the National Defense Authorization Act (NDAA) has been the vehicle for legislative changes to PFAS regulations. The FY2025 NDAA (H.R. 5009, signed into law on December 23, 2024) did not include any substantial changes to PFAS regulatory requirements. An amendment to make it clear that the 2024 version of EPA's PFAS disposal and destruction guidance was a trigger to end the temporary moratorium on incineration of PFAS was considered but not included in the final law.

Environmental justice

On December 23, 2024, EPA's Office of Environmental Justice and External Civil Rights released their *Environmental Justice Strategic Plan*. The plan includes three goals to help the Agency achieve progress in vulnerable, underinvested, and/or overburdened communities. A copy can be found at <https://www.epa.gov/environmentaljustice/environmental-justice-strategic-plan>.

Money appropriated under the Bipartisan Infrastructure Act and the Inflation Reduction Act continues to flow to environmental justice communities. In December, EPA announced that \$7.7 million in grants would be given to 16 organizations for environmental job trainings programs as a part of the Brownfields Job Training Program. A list of the recipients can be found at <https://www.epa.gov/newsreleases/biden-harris-administration-boosts-workforce-training-underserved-and-overburdened>.

Under the Community Change Program, EPA announced nearly \$1.6 billion in grants to 105 applicants with a focus on projects to reduce pollution, increase climate resilience, and build capacity. A list of the recipients can be found at <https://www.epa.gov/inflation-reduction-act/community-change-grants-selections>.

EPA personnel

EPA Administrator Regan announced he would resign on December 31, 2024. Jane Nishida will be the acting Administrator until January 20, 2025.

Transitions

Two members of the EPA transition team for the Trump Administration have been identified. One is Aaron Szabo. Mr. Szabo is currently a regulatory affairs attorney at Faegre Drinker. He also served in the former Trump Administration as a senior counsel for the White House Council on Environmental Quality and worked in the Office of Information and Regulatory Affairs. The other is Travis Voyles, currently Virginia's Secretary of Natural and Historic Resources. Prior to that, he was the oversight counsel for the Senate Environment and Public Works Committee and in EPA's Office of

Congressional and Intergovernmental Affairs. The team is said to have 10 members. None of the other members have been identified.

Lee Zeldin, Mr. Trump's pick to be the next EPA Administrator, has been meeting with Senators. The next Senate Majority Leader, John Thune (R-SD) will attempt to get nominees confirmed as quickly as possible. While the official nominations cannot be sent until after inauguration on January 20, the presumed nominees can meet with Senators and the Senate can hold hearings on each nomination prior to January 20. This will clear some procedural hurdles allowing a full Senate vote as early as the afternoon of January 20 for some nominees.

One hundred and three industry groups submitted a letter to the Trump transition team with a wish list of regulations they would like to see modified. Some of the environmental issues raised were to ease the permitting requirements under the National Environmental Policy Act, replace EPA's rule for existing coal-fired and new natural gas-fired power plants with workable standards, reverse the proposed updates to the Air Emissions Reporting Requirements, undo the recent revision the major source reclassification rule, consider all relevant factors including balancing costs and health risk when determining whether to set new Maximum Achievable Control Technology standards, revise the PFAS drinking water guidelines, remove perfluorooctanoic acid and perfluorooctane sulfonic acid from the list of hazardous substances under CERCLA, revise reporting requirements for PFAS under TSCA, and re-evaluate the IRIS determination for ethylene oxide.

There is little doubt that the theme for the next four years at EPA will be deregulatory. Some of the issues can be easily modified using executive orders. Others will take a full rulemaking. The Agency will not have time to address all of their or industry's wish list but some will get accomplished. The other thing to watch will be resolutions of disapproval under the Congressional Review Act. The Congressional Research Service has not published the exact lookback date but it was estimated earlier to be August 1, 2024.

RMP litigation

In March 2024, EPA published final amendments to the risk management plan. Industry and several states filed petitions for review with the U.S. Court of Appeals for the District of Columbia Circuit. They also filed a petition for reconsideration. At the request of EPA, the suit was put into abeyance while the Agency decided how to respond to the petition for reconsideration. On December 30, 2024, EPA published a notice in the *Federal Register* denying the petition for reconsideration. The litigation will resume in 2025 unless the Trump Administration decides it does not wish to defend the rule. In that case, the Agency would probably remand the rule while they go through the formal process of withdrawing it.

CRWI meetings

The next CRWI meeting will be held on February 25, 2025, in Tulsa, OK. It will be held in conjunction with the IT3 Conference. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.