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Ronald E. Bastian, PE  
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## ACADEMIC MEMBERS

(Includes faculty from:)

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## CRWI Update July 31, 2025

### HWC MACT RTR

The hazardous waste combustor (HWC) maximum achievable control technology (MACT) risk and technology (RTR) proposed rule was not sent to the Office of Management and Budget (OMB) in July. It is not clear what is taking the Agency so long to submit the document for review. For the past few rules, OMB has been taking about 30 days to review each action. While history is an imperfect predictor, it is often the best we have.

### PCE request for comments

In late 2024, EPA published a final rule banning the use of perchloroethylene (PCE) except for one exclusion (use by the National Aeronautics and Space Administration). Several entities sued. EPA indicated in May they intended to reconsider the final PCE rule through further rulemaking. On July 30, 2025, EPA published a notice requesting comments on all aspects of the final rule. They also requested specific comments on:

- The Existing Chemical Exposure limit of 0.14 ppm as an 8-hour weighted average as promulgated in the final rule;
- The conditions of use where the Agency could use Workplace Chemical Protection Program as opposed to a prohibition; and
- Including workplace controls in industrial cleaning processes instead of prohibition.

The comment period ends August 29, 2025.

### Permitting reform

In a July 17, 2025, opinion piece released to Fox News, EPA Administrator Zeldin outlined a number of overhauls to the air permitting process. While there were no specific details or timetables, EPA plans to revise:

- The Biden Administration's reactivation policy under the Prevention of Significant Deterioration permits (PSD) program;
- The "applicable requirements" that determines what must be in a Clean Air Act operating permit

- The policy on when a facility begins actual construction under PSD;
- The public participation requirements for minor source New Source Review (NSR); and
- The policy on how permit applicants should estimate future emissions under the NSR program.

The policy documents can be quickly modified. However, two (applicable requirements and public participation for minor sources) must go through the rule making process. Environmental groups have expressed concern that these changes will allow companies to complete a significant amount of construction before obtaining a permit. This announcement seems to be a part of the overall strategy to reduce permitting requirements for data centers that support artificial intelligence work and the power plants needed to supply electricity for those data centers.

## **PFAS**

EPA has yet to develop a clear strategy on how to deal with the per- and polyfluoroalkyl substance (PFAS) issue. The Agency announced it would maintain the 4 ppt maximum contamination limit under the Safe Drinking Water Act for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) but would reconsider the limits for the other four PFAS compounds.

The rule listing PFOA and PFOS as hazardous substances under CERCLA is currently being litigated. EPA asked for and received another 45 day stay of this litigation. This is the fourth extension. This final rule has created multiple consequences that the Agency is trying to determine the best way to address. One of these is how to deal with the land application of biosolids that contain PFAS. In January, EPA released a draft risk assessment of PFOA and PFOS contamination in biosolids. The draft found that both landfilling and land application pose human health risks to nearby populations. The comment period for this proposed rule has been extended until August 14, 2025. EPA has indicated they may revise the conclusions in the proposed rule. Meanwhile, the House Appropriations Subcommittee added a rider that forbids EPA from spending any funds to “finalize, implement, administer, or enforce” this rule should it become final. Whether this language makes it into the final appropriations bill is yet to be determined.

The National Defense Authorization Act (NDAA) has been the primary vehicle for PFAS legislation for the past several years. For example, the 2020 NDAA section 343 banned the incineration of PFAS waste until the Department of Defense developed a guidance on the incineration process or EPA developed a rule that regulated PFAS destruction by incineration. This year appears no different. The House Committee version calls for the Department of Defense to accelerate PFAS cleanup. The Senate Committee version would repeal Section 343. Congress is still in the early stages of this legislation and a lot can change between now and final passage.

States continue to move faster than the federal government on this issue. The North Carolina legislature passed a state law (H.B. 402) that all rules with a projected aggregated cost equal to or greater than \$1 million must be adopted by at least a two-thirds vote of the relevant board or commission. If the aggregate cost is greater than \$10 million in a five year period, the vote must be unanimous. In addition, if the aggregate cost is greater than \$20 million, the rule only becomes effective if passed by the General Assembly. The Governor vetoed the bill but the General Assembly overrode that veto. While this bill does not explicitly mention PFAS, it will certainly apply to future state PFAS regulations. Washington State has enacted a law (SB 5033) that requires facilities to monitor PFAS contamination in biosolids. Once contamination is found, state regulators are to recommend how this contamination should be addressed.

The Air Force and New Mexico continue to discuss how to address contaminated soils in and around Cannon Air Force Base. New Mexico recently enacted a state law that defined any discarded aqueous film-forming foam containing PFAS as hazardous waste. New Mexico is trying to use that law to compel the Air Force to deal with their PFAS contamination. The air base recently denied permission for state inspectors to sample for PFAS contamination on the base. The Air Force's position is that PFAS is not covered under the base's hazardous waste permit. New Mexico's respond is that PFAS has been detected in the groundwater near the base at levels exceeding 26,200 ppt, greatly exceeding both state and federal groundwater limits.

### **CSB settlement**

The Chemical Safety and Hazard Investigation Board (CSB) was created in the 1990 amendments to the Clean Air Act. Its purpose is to investigate industrial accidents much like the National Transportation Safety Board investigates airplane crashes. It does not have any enforcement powers but has the discretion to refer alleged violations to EPA. In 2020, the CSB promulgated a rule that required stationary sources to report accidental releases of hazardous air pollutants that result in a fatality, serious injury, or substantial property damage within 8 hours of the start of the incident. In this instance, CSB alleged that Pacific Gas and Electric Company (PGE) failed to report a qualifying incident in 2023 within the eight hour reporting window. On July 29, 2025, EPA, CSB, and PGE announced a settlement agreement where the company would pay a \$45,273 civil penalty.

### **EPA personnel**

On July 23, 2025, the Senate confirmed Aaron Szabo to be the next Assistant Administrator for the Office of Air and Radiation. The Senate Environment and Public Works Committee held a confirmation hearing on the nomination of Jeffrey Hall to be the next Assistant Administrator of the Office of Enforcement and Compliance Assurance. The Committee is not likely to vote on this nomination until mid-September. On July 30, 2025, President Trump submitted the nomination of Douglas Troutman to be the next Assistant Administrator for the Office of Chemical Safety and Pollution Prevention. Mr. Troutman currently holds several positions including co-CEO in the

American Cleaning Institute, a trade group representing household, industrial, and institutional cleaning product makers and their suppliers.

## **EPA reorganizations**

On July 8, 2025, the Supreme Court stayed a district court's injunction blocking the Trump Administration's reorganizations of various federal agencies. The appeal of the district court's injunction is continuing in the U.S. Appeals Court for the 9<sup>th</sup> Circuit but the Supreme Court ruling allows the administration to continue with its reorganization plans while the appeal is being heard. Since the ruling, EPA has announced reorganizations of the Office of Enforcement and Compliance Assurance (OECA), the Office of Land and Emergency Management (OLEM), and the Office of Research and Development (ORD). The reorganization of OECA is expected to consolidate offices, moving non-enforcement staff to program offices, and focusing administrative functions in one place. The reorganization of OLEM will put some of the emergency response functions in the Superfund office and move the others to the Office of the Administrator. The changes to ORD will be the largest. ORD has approximately 1400 employees. One hundred thirty have been assigned to the chemicals office, 30-50 have been assigned to the air office, and 300 have been put into a small research office directly under Mr. Zeldin's control. This leaves almost 900 subject to a reduction in force. EPA has not released details for any of the new organizational structures.

The overall goal is to reduce EPA staff from 16,155 (January 2025) to 12,448, a reduction of 3,707. EPA plans to meet this goal by early retirements, buyouts, and reduction in force. The first two rounds reduced staff by 2,257. EPA announced a third round of voluntary retirements. To take advantage of the latest program, an employee must be 50 years old with at least 20 years of service or at least 25 years of service.

## **OB BB**

Congress passed and the president signed the One Big Beautiful Bill (OB BB) on July 4, 2025. Most are familiar with the major parts of the legislation. It also effectively ends several programs started in the Inflation Reduction Act of 2022. These include rescinding:

- Grants and other support to reduce greenhouse gases;
- Unspent funds in the Greenhouse Gas Reduction Fund;
- The oil and gas sector methane emissions fee;
- Environmental justice block grants;
- Funding for diesel emissions reductions;
- Support for reductions at schools; and
- Money to implement the phase down of hydrofluorocarbons.

The Administration has been trying to pull back some of these funds that have already been committed. In some of these cases, the process has been slowed by court order preventing that.

## **FY 2026 Appropriations**

EPA's funding for FY 2025 is \$9.1 billion. The president's request for FY 2026 funding for EPA was \$4.16 billion. Presidential requests for funding are often ignored by Congress. This time is no exception. Legislation to fund EPA has been passed out of committee in both the House and Senate. H.R. 4754 was approved by a 33-28 vote mostly along party lines. It gives EPA \$7 billion for FY 2026. This is \$2.1 billion less than last year and almost twice what the Administration ask for. S. 2431 was approved by committee on a 26-2 vote. It gives EPA \$8.6 billion for FY 2026, more than twice what was asked for and almost the same level as FY 2025. Both bills will likely be modified before being passed by each chamber. Once passed, they will likely differ and a compromise will need to be worked out. The federal fiscal year ends September 30, 2025.

Under normal order, Congress passes 12 appropriations bills. As of the end of July, nine have been passed out of committee in the House and eight have been approved by the committee in the Senate. Two have been passed by the House and none have been approved by the Senate. Congress is on vacation for the month of August and will not return until after Labor Day. This leaves a limited time for both chambers to pass their bills, work out differences between the two versions, and pass a compromise bill. This is unlikely to occur by the end of the fiscal year. This either leads to a government shutdown or a continuing resolution. A continuing resolution is the likely choice but nothing is guaranteed.

Each committee submits a report for its bill giving further explanation on Congressional intent and directions on where to spend the funds. In the Senate Committee report (S. Rept. 119-46) accompanying S 2431, the Committee has strong words for the current reorganization of EPA's Office of Research and Development (ORD). The following sentences are copied from the report.

"The Committee is appalled that the Agency has announced the imminent closure of ORD, which would result in the further loss of biologists, chemists, engineers, ecologists, and other expert scientists numbering in the thousands and the closure of world-class laboratories and research centers."

"The Committee directs the Agency to immediately halt all actions related to the closure, reduction, reorganization, or other similar such changes to ORD and the EPA scientific workforce and instead, if the administration continues to wish to pursue this change, include any such changes within the President's budget request for fiscal year 2027 as a proposal for the Committee to make a decision on in a final funding bill for that year."

There is still a long way to go in the appropriations process and many changes will be made during that process.

### **CRWI meetings**

The next CRWI meeting will be held on August 20-21, 2025, in Joplin, MO. It will feature a tour of Arcwood's hazardous waste combustors. Please contact CRWI (703-431-7343 or [mel@crwi.org](mailto:mel@crwi.org)) if you are interested in attending.