



## MEMBER COMPANIES

Bayer CropScience  
Clean Harbors Environmental Services  
Eastman Chemical Company  
Formosa Plastics Corporation, USA  
Heritage Thermal Services  
INV Nylon Chemicals Americas, LLC  
Ross Incineration Services, Inc.  
The Dow Chemical Company  
Veolia ES Technical Solutions, LLC  
Westlake US 2, LLC

## GENERATOR MEMBERS

Eli Lilly and Company  
3M

## ASSOCIATE MEMBERS

AECOM  
ALL4 LLC  
Alliance Source Testing LLC  
B3 Systems  
Civil & Environmental Consultants, Inc.  
Coterie Environmental, LLC  
Envitech, Inc.  
Eurofins TestAmerica  
Focus Environmental, Inc.  
Franklin Engineering Group, Inc.  
Montrose Environmental Group, Inc.  
Ramboll  
Spectrum Environmental Solutions LLC  
Strata-G, LLC  
TEConsulting, LLC  
Trinity Consultants  
W.L. Gore and Associated, Inc.  
Wood, PLC

## 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 October 31, 2024

### HWC MACT RTR

The judge in the hazardous waste combustor (HWC) maximum achievable control technology (MACT) risk and technology review (RTR) deadline suite held an in-person conference of the parties on October 21, 2024. On October 22, 2024, the judge ordered EPA to respond the following questions.

- a. What percentage of the overall data expected from the second survey has been received by the EPA?
- b. How many of the nine entities surveyed still have outstanding test results yet to be received by the EPA?
- c. Of those entities with outstanding test results, what is the breakdown between test results remaining from regulated HAPs and those from unregulated HAPs?
- d. What is the EPA's best estimate for when the final survey results will be returned?
- e. Which tasks have been completed and which remain from those presented to the court in Lassiter Declaration I, and what is the updated estimated timeline for the remaining tasks in light of the delay in survey results?

EPA is required to file the additional information by November 4, 2024. Once the court has examined the responses, it will determine whether further briefing is needed. The order also stated that the Agency has a heavy burden to demonstrate that it would be impossible to comply with a shorter deadline than August 14, 2026, for a final rule.

### RCRA Corrective Action Program

EPA announced that their Corrective Action Program would be renamed as the Hazardous Waste Cleanup Program. The Agency decided the change was needed to better describe the program in plain English. It does not appear there will be substantive changes in the program. For the next six months, the Agency will refer to the program as Hazardous Waste Cleanup Program (formerly Corrective Action Program).

## Climate change

On October 15, 2024, EPA released 2023 data collected under the greenhouse gas reporting program. For 2023, power plants were the largest emitters of greenhouse gases followed by the petroleum and natural gas sectors. Power plants reduced greenhouse gas emission by 7.2% from 2022 but emissions from the petroleum sector increased by 1.4%. Additional details can be found at <https://www.epa.gov/newsreleases/epa-releases-2023-data-collected-under-greenhouse-gas-reporting-program>. The site includes an interactive maps that allows a user to determine greenhouse gas emission at a facility level.

EPA announced a training webinar on how to incorporate climate change adaption into RCRA permitting and hazardous waste cleanup. The webinar will be held on November 18, 2024, from 1:30 pm until 3:30 pm EST. For additional information and a link to sign up for the webinar, please go to <https://www.trainex.org/classdetails.cfm?classid=9929&courseid=2036>.

## Definition of solid waste training slides

EPA has recently updated their training slides for defining solid waste. The updated slides can be found at [https://www.epa.gov/system/files/documents/2024-09/dsw\\_101\\_training\\_slides\\_updated.pdf](https://www.epa.gov/system/files/documents/2024-09/dsw_101_training_slides_updated.pdf).

## International requirements for electronic waste

EPA has published a new website on the recently adopted amendments to the Basel Convention for international shipments of electronic waste and scrap. It includes an overview of the new requirements and how these changes will impact U.S. exporters and importers. Additional information can be found at <https://www.epa.gov/hwgenerators/new-international-requirements-electrical-and-electronic-waste>.

## E-manifest videos

EPA has posted a series of E-manifest system demonstrations videos. The description and link to each video is included in the following table copied from the EPA notice.

### Generator Functionality

- [How to create a manifest.](#)
- [How to quick sign a manifest.](#)
- [How to sign a manifest remotely.](#)
- [How to quick sign manifests in bulk.](#)

- [How to sign manifests in bulk remotely.](#)
- Transporter Functionality:**
- [How to print and sign a hybrid manifest.](#)
  - [How to sign a manifest remotely.](#)
- Receiving Facility/Treatment Storage Disposal Facility Functionality:**
- [How to create and schedule a manifest.](#)
  - [How to schedule a pending manifest.](#)
  - [How to schedule a hybrid manifest.](#)
  - [How to quick sign a manifest.](#)
- Other Functionality:**
- [How to copy a manifest.](#)
- Corrections:**
- [How to complete a correction request as an industry user.](#)
  - [How to request a correction as regulator.](#)

## Hazardous material transportation notice

On October 28, 2024, the Pipeline and Hazardous Materials Safety Administration published an Advanced Notice of Proposed Rulemaking asking for information to support future amendments to current regulations. This request pertains to the requirements for transportation of hazardous materials under 49 CFR parts 171 to 180 and 49 CFR part 107. The proposed rule will amend the specific provisions for highway, rail, and vessel transportation of hazardous materials. The comment period ends on January 27, 2025. Additional details can be found in the *Federal Register* notice.

## EPA grants for developing technologies

Late in October, EPA announced \$2.8 million in grants to seven small businesses. Each of these entities have received earlier grants to show proof of concept. The October grants were for \$400,000 each to further develop and commercialize their technologies. Some of the grants were for:

- Plasma treatment technology to destroy PFAS in complex water matrices;
- An artificial intelligence application to improve safety and efficacy of disaster responses;
- Autonomous robot sorting systems to improve recycling facilities; and
- A UV based PFAS destruction system for saline wastewater.

Additional information can be found at

[https://cfpub.epa.gov/ncer\\_abstracts/index.cfm/fuseaction/recipients.display/rfa\\_id/729/records\\_per\\_page/ALL](https://cfpub.epa.gov/ncer_abstracts/index.cfm/fuseaction/recipients.display/rfa_id/729/records_per_page/ALL).

## Environmental justice

Funds continue to flow into the environmental justice communities. Region 6 announced two grants in October. One was a \$500,000 grant to a community group in El Paso, TX to conduct ambient air monitoring. The other was a \$2.4 million grant to the Deep South Center for Environmental Justice to build the capacities of the environmental justice communities in coastal Louisiana.

In 2022, EPA Administrator Regan began a series of “environmental justice” tours. The first tour was Mississippi, Louisiana, and Texas. This was followed up with inspections by the EPA’s Pollution Accountability Team. The team found violations at the DuPont Pontchartrain Works (La Place, LA), Vopak, Inc. (Hahnville, LA), and Westlake Chemical (Lake Charles, LA). Dupont was assessed \$480,000 in civil penalties, Vopak was assessed \$168,000 in civil penalties, and Westlake was assessed \$825,000 in civil penalties. A copy of the inspection reports can be found at <https://www.epa.gov/la/enforcement-and-compliance-assurance-documents-louisiana>.

## PFAS

On October 8, 2024, EPA published a proposed rule to add 16 individual per- and polyfluoroalkyl substances (PFAS) and 15 PFAS categories to the Toxics Release Inventory reporting list. Several entities asked for an extension of the comment period but those requests were denied. The comment period closes on December 9, 2024. Additional details can be found in the *Federal Register* notice.

Senator Brown (D-OH) sent a letter urging the Department of Defense (DoD) to “immediately halt” its reconsideration of incineration as a disposal method for PFAS containing wastes. The letter cited a recent paper that showed “East Liverpool has measurable soil samples of PFAS due to the years of incineration that took place between 2019 and the start of DoD’s moratorium.” The letter forgot to mention that the study concluded that none of the PFAS in the soils around East Liverpool could be attributed to the local hazardous waste incinerator.

Typically, the toxicity of chemicals is studied based on individual compounds primarily because it is difficult to interpret results when mixtures of compounds are tested. In a recently published paper (<https://pubs.acs.org/doi/10.1021/acs.est.4c06017#>), scientists examined the cytotoxicity, neurotoxicity, and mitochondrial toxicity of 12 PFAS compounds and four “realistic mixtures” of PFAS compounds on two cell lines. The results indicate that the effects on the cell lines was additive for the mixtures. If confirmed, this concept could have a significant impact on how PFAS mixtures are regulated. The study was funded by an EPA grant.

The Air Force and EPA have settled their dispute over PFAS contaminated groundwater in Tucson, AZ. The Air Force will develop and implement a sampling program to determine the extent of the contamination and cover past and future costs for the treatment program at the Tucson Airport. The Air Force will also complete Superfund

remediation investigation/feasibility study for PFAS compounds at the Air Force Plant 44 and the Morris National Guard Base. In addition, the Air Force will determine if the PFAS releases from the two sites have migrated off-site.

In mid-October, Washington State released their final programmatic environmental impact statement (EIS) for the disposal and destruction of aqueous film-forming foam (AFFF) (<https://ecology.wa.gov/waste-toxics/reducing-toxic-chemicals/product-replacement-program/afff-disposal/afff-eis>). The document considered five options: hold in place; incineration; solidification and landfill; Class I deep well injection; or no action. To implement option 1, the state would need to draft new regulations, policies, permits, or guidance for the proper storage of AFFF. For option 2, the state would need to authorize their existing waste contractor to transport AFFF to a hazardous waste incinerator in Utah or Nebraska. For options 3 and 4, the state would need to solicit bids from qualified contractors to transport the materials to the chosen site of disposal. The EIS did not state a preference for any of the first four options. The document says the state can start making decisions within seven days of publication but local officials suggested it would be the end of November before any decisions were made or announced.

### **Stericycle MWI**

Stericycle has opened a new medical waste incinerator (MWI) in McCarran, NV. The press release said that the company invested \$110 million in the site. The site includes a process water reuse system that results in no discharge. It will also provide steam for other on-site operations.

### **SEPs**

As part of a consent agreement with a Puerto Rican cement company, EPA included two supplemental environmental projects (SEP). The company will be required to complete two rooftop solar installations with battery backup. One will be at a local school and the other at a local daycare center. The civil penalty for the enforcement was approximately \$111,000. The cost for the two solar projects is projected to be approximately \$210,000.

### **Denka**

Denka Performance Polymers and EPA have been at odds with each other over chloroprene emissions from their La Place, LA facility. EPA sued to get the plant to reduce emissions but that suit was suspended until the Agency promulgated emission limits. EPA announced those in a final rule on April 9, 2024. The rule required neoprene manufacturing portion of the Denka facility to install two ambient air monitoring stations for chloroprene with an action level of 0.3 ug/m<sup>3</sup>. On September 30, 2024, EPA filed a paper that asked the court to require Denka to reduce its emissions to below an ambient concentration of 0.2 ug/m<sup>3</sup>. The Agency is asking for emissions

lower than a recently promulgated rule based on “imminent and substantial endangerment.”

**CRWI meetings**

Our next meeting will be on November 13-14, 2024 in RTP, NC. It will include discussions on the upcoming HWC MACT RTR proposed rule. Please contact CRWI (mel@crwi.org or 703-431-7343) if you are interested in attending.