Coalition for Responsible Waste Incineration

MEMBER COMPANIES

Arcwood Environmental
Arkema, Inc.
Bayer CropScience
Clean Harbors Environmental Services
Eastman Chemical Company
Formosa Plastics Corporation, USA
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

ASSOCIATE MEMBERS

Alliance Source Testing LLC
B3 Systems
Coterie Environmental, LLC
Envitech, Inc.
Eurofins TestAmerica
Focus Environmental, Inc.
Franklin Engineering Group, Inc.
Montrose Environmental Group, Inc.
Ramboll
Strata-G, LLC
TEConsulting, LLC
Trinity Consultants
W.L. Gore and Associated, Inc.

INDIVIDUAL MEMBERS

Ronald E. Bastian, PE

ACADEMIC MEMBERS
(Includes faculty from:)

Colorado School of Mines
Lamar University
Louisiana State University
Mississippi State University
New Jersey Institute of Technology
Northern Illinois University
University of California – Berkeley
University of Dayton
University of Kentucky
University of Maryland
University of Utah

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CRWI Update

October 31, 2026

HWC RTR

The Appeals Court granted EPA's request to extend the time to file procedural motions until October 28, 2026. On October 21, 2026, EPA asked the court to further extend that deadline. The court granted that request on October 23rd. EPA now has until December 18, 2026, to decide how they intend to address the writ of mandamus and the petition for reconsideration. One should not expect any announcements on how the Agency will address these issues until that date, unless another extension is requested and granted.

Plywood and composite wood products MACT litigation

The recent plywood and composite wood products MACT rule is being challenged by environmental groups (U.S. Court of Appeals for the District of Columbia Circuit – case number 26-1230). Some of the issues raised in this litigation are very similar to the ones being raised in the HWC RTR litigation or may be considered in the next HWC remand rule. Some of the overlaps include:

- Improper use of subcategories;
- Using a method to include variability in setting floor numerical emission limits instead of using the average;
- Setting work practices where the Agency has not shown that it is infeasible to develop or enforce numerical emission limits; and
- Failure to set numerical emission limits for PAHs.

Even though this suit was filed after the HWC RTR, it may move faster because of the current delays in the HWC RTR litigation.

RCRA turns 50

President Gerald Ford signed the Resource Conservation and Recovery Act (RCRA) into law on October 21, 1976. To celebrate RCRA's 50th anniversary, EPA held a press conference touting 50 years of progress and outlining new initiatives. There is little doubt that the U.S. has made significant progress in 50 years to reduce pollution. Some of the newer initiatives were EPA's proposed rules to eliminate paper manifests and to allow the use of discarded tires

as fuel. The press release states that the Agency is currently working on 25 additional actions including:

- Reducing unnecessary burdens in RCRA permitting;
- Recovering critical minerals from waste streams;
- Revise waste management to include modern, innovative technologies; and
- To accelerate the pace of cleanups.

Probably the most important of these to TSDFs will be the upcoming proposed rule to revise the RCRA permitting process. Staff has suggested this proposed rule should be released in November or December. Some of the newer challenges will be how to manage lithium ion batteries and end-of-life solar panels.

PFAS TECH Strategy

On October 26, 2026, EPA released their strategy for addressing PFAS issues for the rest of the Trump Administration. The Office of Water and the Office of Applied Science and Environmental Solutions (OASES) will investigate ways to use Cooperative Research and Development Agreements and public-private partnerships to promote research, development, and scalable water treatment technologies for per- and polyfluoroalkyl substances (PFAS) removal. These activities will include:

- Developing analytical methods to measure PFAS in drinking water;
- Partnering with emerging technology and novel sorbent companies to remove PFAS from drinking water; and
- Conduct field demonstrations of foam fractionation as a method to remove PFAs from water.

The Office of Land and Emergency response and OASES will:

- Conduct laboratory experiments to evaluate methods for removing PFAS materials from soils using surface modified minerals; and
- Modify previously developed anerobic digestion remediations systems to handle ground water PFAs contamination;

In addition, EPA will make funds available for research and development for PFAS destruction under the Science to Achieve Results grant programs and Small Business Innovation Research Program. OASES will also optimize the performance of granular activated carbon (GAC), evaluate supercritical water oxidization, assess the use of hydrothermal alkaline treatment methodologies, publish the results of the Arcwood PFAS tests, examine the use of gasification for sewage sludge, evaluate method for GAC regeneration, and a number of other tasks designed to move technologies from the design and pilot phases to field implementation. To keep the public informed of the

progress, EPA plans to launch a PFAS Break the Bond Navigator webpage. Additional details can be found at https://www.epa.gov/pfas/pfas-tech.

Other PFAS issues

States and others continue to ask EPA to develop rules to govern and standardize the use of various technologies to dispose of and destroy PFAS compounds. Other than the maximum contaminant levels under the Safe Drinking Water Act and the designation of perfluorooctanoic acid and perfluorooctane sulfonic acid as hazardous substances under CERCLA, the Agency has been reluctant to respond. EPA has not acted on a 2021 petition from New Mexico to list certain PFAS compounds as hazardous waste under RCRA. They have not responded to a 2024 petition from three states to list four PFAS chemicals as hazardous air pollutants under the Clean Air Act. In 2026, EPA withdrew the 2024 proposed rule to "clarify" how the Corrective Action program could be used to address emerging pollutants. EPA officials are now telling the public that the proposed rule to add nine PFAS compounds to the list of hazardous constituents in Part 261, Appendix VIII and the biosolids guidance document will be further delayed. While the PFAS Disposal and Destruction Guidance is now to be updated annually, there is only so much EPA can do in guidance. Guidance cannot be used to set emission limits or treatment standards. Those require notice and comment rule makings.

As such, states continue to move ahead with their own solutions. For example, California's Office of Environmental Health Hazard Assessment is proposing to list perfluorohexanioc acid, perfluorobutanoic acid, and perfluorodecanoic acid as reproductive toxins using the authority of the state's toxic warning label laws. This comment period closes on November 30, 2026. More information these actions can be found at https://oehha.ca.gov/proposition-65/crnr/notice-intent-list-chemical-authoritative-bodies-mechanism-perfluorobutanoic-acid-pfba-and-related.

TFA monitoring in NJ

New Jersey Institute of Technology (NJIT) scientists conducted a study where they analyzed 113 samples, including 70 tap-water samples from across New Jersey and 43 commercially available bottled beverages. Using a specialized laboratory method, they screened for five ultra-short-chain PFAS that can be difficult to measure through conventional testing procedures. These five are:

- Trifluoroacetic acid (TFA);
- Perfluoropropanoic acid (PFPrA);
- Perfluoromethanesulfonic acid (PFMeS);
- Perfluoroethanesulfonic acid (PFEtS); and
- Perfluoropropanesulfonic acid (PFPrS).

TFA was by far the most frequently detected compound, appearing in 64 of 70 tap-water samples and 34 of 43 bottled beverages. Although concentrations varied geographically, at least one tap-water sample from every New Jersey county contained detectable TFA. The study found a median concentration of 352 ng/l among tap-water samples with detectable TFA, with higher county averages observed in several northern and northeastern counties.

One of the study's findings was there were considerable differences between plain bottled water and beverages containing added ingredients. Among the 43 bottled beverages tested, the 12 formulated beverages had an average TFA concentration approximately 52 times higher than the 31 bottled waters. Concentrations in some electrolyte waters and sports drinks were particularly elevated, with the highest measurement reaching 94,100 ng/l. By comparison, the highest TFA concentration detected in New Jersey tap water was 1,360 ng/l. The study did not offer an explanation of why the TFA concentration was so much higher in formulated beverages than in bottled water. Although the findings demonstrate widespread exposure potential, researchers caution that detecting TFA does not necessarily establish an immediate health risk to humans. A copy of the paper can be found at https://pubs.acs.org/estlcu/article/13/10/1418/5428851/Occurrence-of-Ultra-Short-Chain-PFASs-in-Bottled.

EPA enforcement strategies

In December 2025, EPA released a framework on future enforcement that prioritized compliance over civil penalties. EPA's Office of Enforcement and Compliance Assurance (OECA) Assistant Administrator Jeffery Hall recently expanded on how that framework would be implemented. He plans to completely revise the National Enforcement and Compliance Initiatives that define the parameters of federal involvement. OECA plans to continue pushing enforcement to the states and plans to release a comprehensive document for why the Agency is involved in a federal enforcement action. Another forthcoming document is a statute-by-statute and regulation-by-regulation review to determine a best interpretation of each. This is designed to set consistent expectations for federal enforcement action. Mr. Hall wants to standardize inspection scripts, create templates for enforcement actions, develop common penalty calculators, and provide more guidance on injunctive relief and mitigation penalties. EPA has not announced when these documents will be released.

EPA personnel

Aaron Szabo has formally left his position as the Assistant Administrator (AA) for the Office of Air and Radiation. The current Principal Deputy Assistant Administrator, Abigale Tardif, will be acting AA. The Trump Administration has announced they will nominate Justin Schwab to be the next AA. Mr. Schwab was EPA's Deputy General Counsel in the first Trump Administration and has been active in the White House Council on Environmental Quality.

Baltimore medical waste incinerator to close

The Maryland Department of the Environment and Curtis Bay Energy, LP filed a proposed consent order in the circuit court for Baltimore City on September 30, 2026. Under the proposed order, Curtis Bay will continue to operate a medical waste transfer station but will no longer operate their medical waste incinerator. The site's permit allowed them to accept 62,050 tons per year of waste and burn an much as 150 tons per day. Under the settlement agreement, the site will only handle 20,000 ton per year as a transfer station with no incineration. The company agreed to pay $600,000 in penalties. The company also agreed that if there were any additional violations during the shift away from incineration, they would pay $5,000 to $7,000 per day per violation. The company will cease incineration operations in approximately five months. A copy of the proposed order can be found at https://mde.maryland.gov/Documents/MDE%20v%20CBE_OAG%20Approved%20Consent%20Decree_%209-30-2026_Executed.pdf.

CRWI meetings

The next CRWI meeting will be held on February 3-4, 2027, in Durham, NC. We are planning a tour of EPA's combustion research laboratory. Please contact CRWI (703-431-7343 or mel@crwi.org) if you are interested in attending.