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# RCRA PFOA/PFAS Rulemaking

## Definitions of HW Applicable to RCRA Corrective Action

- ▶ Clarifies that the RCRA Corrective Action Program has the authority at permitted facilities to require investigation & cleanup not only for regulatory hazardous waste and constituents, but also for wastes that meet the statutory definition of hazardous waste, under RCRA section 1004(5).

# RCRA Appendix VIII PFOA/PFAS Rulemaking

- ▶ Proposal to add nine PFOA/PFAS, their salts, and their structural isomers to its list of hazardous constituents under 40 CFR Part 261 Appendix VIII.
  - ▶ Chemicals can be listed on 40 CFR Part 261 Appendix VIII if the data shown in scientific studies determines these chemicals have toxic, carcinogenic, mutagenic or teratogenic effects on humans or other life forms.
  - ▶ Appendix VIII are subject to corrective action requirements at hazardous waste TSDFs.
  - ▶ Comment period closed April 8, 2024

# New PCB Rulemaking Effective February 26, 2024

- ▶ Addresses several key issues related to implementing the PCB Cleanup and Disposal Program:
  - ▶ PCB Extraction Rulemaking
    - ▶ Addition of Extraction Methods - solvent reduction
    - ▶ Addition of Determinative Methods
  - ▶ Amendments to PCB Cleanup and Disposal Regulations
    - ▶ Addition of Cleanup Provisions to 61(b)
    - ▶ Disallowing PCB Bulk Product Waste as Roadbed
    - ▶ Flexible Provisions for Emergency Situations

New **PCB**  
**Technical**  
**Guidance**  
Available Now  
-  
PCB Products in  
Buildings and  
Other Structures

- ▶ Technical guidance to assist property owners or operators, their contractors, and analytical labs in determining the presence of manufactured PCB products in buildings or other structures.
- ▶ Presents a statistically-based sampling approach to potentially determine the presence of PCBs

[Technical Guidance for Determining the Presence of Manufactured PCB Products in Buildings and Other Structures Document](#)

# Used Drum Reconditioner ANPRM

- ▶ In 2023, EPA published the [Used Drum Management and Reconditioning Advance Notice of Proposed Rulemaking \(ANPRM\)](#) to take comment on a planned regulation proposal to address significant issues identified in the [2022 Damage Case Report](#).
  - ▶ The report found that an estimated 181 drum reconditioning facilities process approximately 40 million total drums each year.
  - ▶ 35% of drums are reconditioned using burn-off ovens, and the remaining are reconditioned through washing methods.
  - ▶ 86 drum reconditioning facilities had one or more reported incidents,

# Used Drum Reconditioner ANPRM

## ▶ Potential Regulation Changes:

- ▶ Reduce the “one-inch” regulatory limit for defining RCRA empty containers
  - ▶ Require rinsing for all containers before they would be considered RCRA empty
  - ▶ Require empty drums to meet structural integrity requirements prior to shipment
- ▶ EPA is currently reviewing comments received on the ANPRM.

# Legacy Coal Combustion Residuals Surface Impoundments and CCR Management Units

- ▶ Under the new rule “Legacy CCR Surface Impoundments” means a CCR surface impoundment that no longer receives CCR, but contained both CCR and liquids on or after October 19, 2015
- ▶ The Legacy CCR final rule, largely mirrors the requirements for active facilities, including requiring the proper closure of the impoundments and remediating CCR contaminated groundwater.



# e-Manifest Update

- ▶ EPA is continuing to encourage registration for e-Manifest.
  - ▶ Since October 2023, over 2,000 site IDs, listed on more than 280,000 manifests, have registered their first Site Manager in RCRAInfo.
  - ▶ EPA is contacting generators directly to encourage them to register for e-Manifest.
  - ▶ EPA is working internally to get its own house in-order to ensure EPA is using e-Manifest for its own hazardous waste shipments.
- ▶ The e-Manifest “third rule” was proposed in April 2022 to incorporate export manifests and other manifest-related reporting in e-Manifest, and other proposed changes. The final rule is expected in 2024.

# Hazardous Waste Incinerator Backlog

- ▶ EPA identified flexibilities outlined in a 2021 memo that can continue applied by states on a case-by-case basis, including the option to grant hazardous waste generators 30-day extensions to their accumulation times.
- ▶ EPA continues monitor where the incinerator backlog has continued.
- ▶ In January 2024, EPA published [a new webpage, along with FAQs](#), on this issue.

# Universal Waste for **Lithium Batteries** and **Solar Panels**.

- ▶ October 2023, EPA announced it is starting work on a new rulemaking effort to improve recycling and management.
- ▶ Proposal possible in June 2025.