

February 20, 2024

The Honorable Michael Regan  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

RE: [EPA-HQ-OLEM-2023-0085; FRL-9247-01-OLEM] RIN 2050-AH27 Definition of Hazardous Waste Applicable to Corrective Action for Releases From Solid Waste Management Units

Dear Administrator Regan:

The undersigned organizations urge you to provide an extension of at least 45-days to the deadline for commenting on EPA's proposed rule regarding the Definition of Hazardous Waste Applicable to Corrective Action for Releases From Solid Waste Management Units. We have consistently supported appropriate use of the Agency's authority under the Resource Conservation and Recovery Act (RCRA) as a viable approach to address PFAS-related cleanup needs. However, expanding the definition of hazardous waste under RCRA is complex and far reaching in the potential implications on current and future permitholders and requires more evaluation by the business community and other stakeholders, particularly in light of the variation in relevant practices across the states and important and unsettled scientific and regulatory questions.

Careful review is required in considering and formulating comments on the potential unintended consequences, costs, and impacts of the proposal on state regulators and permitholders alike. Considering our diverse membership and the number of potential emerging contaminants, including non-PFAS chemistries that could be impacted by this rulemaking, thirty days is not sufficient to coordinate a constructive comment letter that includes feedback from our membership.

The requested extension would facilitate a more thorough review, improving the quality of any final rule and mitigating legal and policy risks for the Agency and for all stakeholders.

We stand ready to work with you on this important issue.

Sincerely,

Alliance for Chemical Distribution  
American Chemistry Council  
American Fuel & Petrochemical Manufacturers  
American Petroleum Institute

Associated General Contractors of America  
Fluid Sealing Association  
National Association for Surface Finishing  
National Council of Textile Organizations  
National Mining Association  
National Oilseed Processors Association  
National Pork Producers Council  
North American Meat Institute  
PRINTING United Alliance  
RCRA Corrective Action Project  
Superfund Settlements Project  
TRSA - The Linen, Uniform and Facility Services Association  
U.S. Chamber of Commerce

Cc: Barry Breen, Acting Assistant Administrator, Office of Land and Emergency Management