

## SCS TECHNICAL BULLETIN

### 2026 INTERIM GUIDANCE ON THE DESTRUCTION AND DISPOSAL OF PFAS AND MATERIALS CONTAINING PFAS

MAY 1, 2026

This SCS Engineers Technical Bulletin provides an overview of recent developments in the regulation of per- and polyfluoroalkyl substances (PFAS) under the U.S. Environmental Protection Agency (EPA). We focus on the regulatory actions during the Trump and Biden administrations. Then highlight ongoing and forthcoming rules affecting industrial and environmental health and safety (EHS) professionals, emphasizing that PFAS regulation is becoming more stringent, not less.

#### EPA's Hazardous Substance Designation for PFOA and PFOS

In April 2024, the Biden EPA finalized a rule designating two PFAS constituents - perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS), along with their salts and structural isomers, as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). [This rule](#) became effective in July 2024. Despite uncertainty at the start of the Trump Administration and legal challenges led by industry groups such as the U.S. Chamber of Commerce, the EPA announced in [September 2025](#) its intention to defend these designations to hold polluters accountable for cleanup costs. Litigation in the D.C. Circuit is ongoing with a decision expected later in the year.

In addition to PFOA and PFOS, the EPA is considering classifying seven additional PFAS constituents as CERCLA hazardous substances. An Advance Notice of Proposed Rulemaking (ANPRM) was issued in [April 2023](#), asking the public for input regarding potential future CERCLA designations covering perfluorobutanesulfonic acid (PFBS), perfluorohexanesulfonic acid (PFHxS), perfluorononanoic acid (PFNA), hexafluoropropylene oxide dimer acid (HFPO-DA, sometimes called GenX), perfluorobutanoic acid (PFBA), perfluorohexanoic acid (PFHxA), and perfluorodecanoic acid (PFDA). EPA is still evaluating potential CERCLA designations for these seven PFAS constituents.

#### Practical Implications for Industrial Facilities and the Real Estate Industry

This hazardous substance designation has widespread implications for industrial facilities and the real estate industry, including *changes to Phase I Environmental Site Assessment requirements*, potential responsible party (PRP) determinations, the reopening or modification of previously closed CERCLA (aka Superfund) sites, release reporting obligations, and the application of the Hazardous Materials Transportation Act to PFOA and PFOS.

Notably, any entity releasing one pound or more of these substances or their related compounds within 24 hours must report the release under CERCLA Section 103 and the Emergency Planning and Community Right-to-Know Act (EPCRA) Section 304. *This is an immediate compliance requirement for facilities handling these materials.*

### **Increased Litigation and Monitoring Efforts**

With EPA’s continued support for PFOA and PFOS hazardous substance designations, an increase in cost recovery and contribution litigation under CERCLA by government and private parties is anticipated. EPA is also advancing requests for additional sampling and analysis of PFAS compounds at certain open Superfund sites, even where PFAS presence was previously unknown.

### **Upcoming RCRA Hazardous Constituent Designation for Nine PFAS Compounds**

In [February 2024](#), the EPA proposed a rule to designate nine PFAS compounds, including PFOA, PFOS, PFBS, HFPO-DA (GenX), PFNA, PFHxS, PFDA, PFHxA, and PFBA, as hazardous constituents under the Resource Conservation and Recovery Act (RCRA). EPA intends to finalize the rule in 2026.

*This rule will affect both waste generators and hazardous waste treatment, storage, and disposal facilities (TSDFs) with solid waste management units that have known or potential releases of these PFAS compounds. Approximately 1,740 such facilities may be subject to additional corrective action requirements.*

### **Updated EPA PFAS Waste Guidance**

In [April 2024](#), EPA issued “Interim Guidance on the Destruction and Disposal of Perfluoroalkyl and Polyfluoroalkyl Substances and Materials Containing Perfluoroalkyl and Polyfluoroalkyl Substances—Version 2.” The document provides guidance to generators and the treatment/disposal industry regarding the destruction and disposal of PFAS-

containing materials that are not consumer products.

The EPA PFAS destruction and disposal guidance was recently updated to address current regulatory requirements and technological advancements in this rapidly changing arena. See: “[Interim Guidance on the Destruction and Disposal of PFAS and Materials Containing PFAS.](#)”

According to the updated EPA guidance, technologies having “lower potential for environmental release of PFAS compared to other technologies” include disposal in permitted hazardous waste (aka Subtitle C) landfills, thermal treatment at permitted hazardous waste combustors, and underground injection in permitted Class I non-hazardous industrial or hazardous waste injection wells.

### **Regulatory Landscape Trends for Superfund and RCRA**

Contrary to expectations of regulatory rollbacks under the Trump Administration, PFAS regulation in critical areas such as Superfund liability and RCRA corrective action is intensifying. The EPA is advancing regulatory frameworks that impose stricter controls and liabilities related to PFAS contamination and management.

For information specific to your operation, please get in touch with [SCS Engineers](#) or one of our National Experts.

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