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June 2, 2023

Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Regan:

I write regarding equal treatment for publicly and privately owned/operated municipal solid waste landfills in EPA's proposed regulation of PFAS chemicals under CERCLA. I understand the EPA in March announced its plans to draft an enforcement discretion policy stating that the agency may choose not to take CERCLA enforcement action against certain entities, to include "publicly owned/operated municipal solid waste landfills."

EPA has not specified why it would limit the enforcement discretion policy to publicly owned/operated municipal solid waste landfills. Nearly half of municipal solid waste facilities in the U.S. are privately-owned. Both publicly and privately owned landfills take municipal solid waste from public and private customers and are essential public services that are subject to the same federal and state regulatory requirements. There does not appear to be any public benefit to regulating public and private landfills differently.

I ask you to provide full and fair consideration in providing equal treatment for both publicly and privately owned/operated municipal solid waste landfills. Thank you for your consideration.

Sincerely,

MIKE THOMPSON
Member of Congress

*Thank you for your attention
to and consideration of this matter.*