

Section 304(a)(1) of the Clean Water Act (CWA) requires EPA to develop and publish and, from time to time, revise, criteria for protection of water quality and human health that accurately reflect the latest scientific knowledge. Water quality criteria developed under section 304(a) are based solely on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. Section 304(a) criteria do not reflect consideration of economic impacts or the technological feasibility of meeting pollutant concentrations in ambient water.

EPA's recommended Section 304(a) criteria provide technical information to States and authorized Tribes in adopting water quality standards that ultimately provide a basis for assessing water body health and controlling discharges or releases of pollutants. Under the CWA and its implementing regulations, States and authorized Tribes are to adopt water quality criteria to protect designated uses (e.g., public water supply, aquatic life, recreational use, or industrial use). EPA's recommended water quality criteria do not substitute for the CWA or regulations, nor are they regulations themselves. Thus, EPA's recommended criteria do not impose legally binding requirements. States and authorized Tribes have the discretion to adopt, where appropriate, other scientifically defensible water quality criteria that differ from these recommendations.

III. What are the updated criteria?

Today, EPA is publishing draft updated national recommended water quality criteria for the protection of human health for ninety-four chemical pollutants. These revisions are based on EPA's current methodology for deriving human health criteria (*See: Methodology for Deriving Ambient Water Quality Criteria for the Protection of Human Health* (2000), EPA-822-B-00-004, October 2000). The methodology describes EPA's current approach for deriving national recommended water quality criteria for the protection of human health.

The revision of these criteria represents a systematic update of EPA's national recommended 304(a) criteria. EPA has previously described its process for publishing revised criteria [see National Recommended Water Quality Criteria—Correction (64 FR 19781; or EPA 822-Z-99-001) or the Federal Register Notice for EPA's 2000 Methodology (65 FR 66444)]. EPA is announcing the availability of the updated human health criteria in today's Notice in order to solicit scientific views. EPA has updated the

draft human health criteria using information sources and models that have previously undergone external peer review. A fact sheet and a summary of updated input parameters (e.g., cancer slope factor, reference dose, and bioaccumulation factors) used to derive the updated criteria was prepared to assist reviewers. EPA has also developed chemical-specific support documents for each of the ninety-four chemical pollutants. The support documents detail the latest scientific information supporting the updated draft human health criteria, particularly the updated toxicity and exposure input values. All of these documents are available in the docket (EPA-HQ-OW-2014-0135) and on EPA's Web site <http://water.epa.gov/scitech/swguidance/standards/criteria/current/hhdraft.cfm>.

IV. What is the relationship between the draft national recommended water quality criteria and your state or tribal water quality standards?

As part of the water quality standards triennial review process defined in section 303(c)(1) of the CWA, the States and authorized Tribes are responsible for maintaining and revising water quality standards. Water quality standards consist of designated uses, water quality criteria to protect those uses, a policy for antidegradation, and may include general policies for application and implementation. Section 303(c)(1) requires States and authorized Tribes to review and modify, if appropriate, their water quality standards at least once every three years.

States and authorized Tribes must adopt water quality criteria that protect designated uses. Protective criteria are based on a sound scientific rationale and contain sufficient parameters or constituents to protect the designated uses. Criteria may be expressed in either narrative or numeric form. States and authorized Tribes have four options when adopting water quality criteria for which EPA has published section 304(a) criteria. They can:

- (1) Establish numerical values based on recommended section 304(a) criteria;
- (2) Adopt section 304(a) criteria modified to reflect site specific conditions;
- (3) Adopt criteria derived using other scientifically defensible methods; or
- (4) Establish narrative criteria where numeric criteria cannot be determined (40 CFR 131.11).

EPA believes that it is important for States and authorized Tribes to consider any new or updated 304(a) criteria as part of their triennial review to ensure

that state or tribal water quality standards reflect current science and protect applicable designated uses. These updated criteria recommendations may change based on scientific views shared in response to this notice, but once final they would supersede EPA's previous recommendations.

Consistent with 40 CFR 131.21, new or revised water quality criteria adopted into law or regulation by States and authorized Tribes on or after May 30, 2000 are in effect for CWA purposes only after EPA approval.

Dated: April 29, 2014.

Nancy K. Stoner,
Acting Assistant Administrator, Office of Water.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL-9910-78-OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Consent Decree; Request for Public Comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended ("CAA" or the "Act"), notice is hereby given of a proposed consent decree to address a lawsuit filed by WildEarth Guardians in the United States District Court for the District of Colorado: *WildEarth Guardians v. McCarthy*, Civil Action No. 1:13-cv-03457-JLK (D. Colo.). On December 23, 2013, Plaintiffs filed a complaint alleging that Gina McCarthy, in her official capacity as Administrator of the United States Environmental Protection Agency ("EPA"), failed to take action on an application for an Operating Permit under Title V of the CAA, and EPA's implementing regulations for the Deseret Bonanza coal-fired power plant, which is located in Uintah County in northeastern Utah, within the Uintah and Ouray Indian Reservation, in the timeframe required. The proposed consent decree would establish deadlines for EPA to take such action.

DATES: Written comments on the proposed consent decree must be received by *June 12, 2014*.

ADDRESSES: Submit your comments, identified by Docket ID number EPA-HQ-OGC-2014-0368 online at www.regulations.gov (EPA's preferred

method); by email to oei.docket@epa.gov; by mail to EPA Docket Center, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; or by hand delivery or courier to EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave., NW., Washington, DC, between 8:30 a.m. and 4:30 p.m. Monday through Friday, excluding legal holidays. Comments on a disk or CD-ROM should be formatted in Word or ASCII file, avoiding the use of special characters and any form of encryption, and may be mailed to the mailing address above.

FOR FURTHER INFORMATION CONTACT:

Kristi M. Smith, Air and Radiation Law Office (2344A), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone: (202) 564-3068; fax number: (202) 564-5603; email address: smith.kristi@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the Proposed Consent Decree

The proposed consent decree would resolve a lawsuit filed by WildEarth Guardians (“Guardians”) seeking to compel the Administrator to take action on an application for an Operating Permit under Title V of the CAA, 42 U.S.C. 7661–7661f, and EPA’s implementing regulations at 40 CFR part 71 (“Title V Permit”), for the Deseret Bonanza coal-fired power plant (“Deseret Bonanza Power Plant”), which is located in Uintah County in northeastern Utah, within the Uintah and Ouray Indian Reservation. Under the terms of the proposed consent decree, on or before August 29, 2014, EPA will issue a final Title V permit decision for the Deseret Bonanza Power Plant and provide notice to Guardians in accordance with 40 CFR 71.11(i). In addition, the proposed consent decree arranges for payment to the Plaintiffs for the costs of litigation, including attorney fees.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree from persons who are not named as parties or intervenors to the litigation in question. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act. Unless EPA or the Department of Justice

determines that consent to this consent decree should be withdrawn, the terms of the consent decree will be affirmed.

II. Additional Information About Commenting on the Proposed Consent Decree

A. How can I get a copy of the consent decree?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2014-0368 contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

An electronic version of the public docket is available through www.regulations.gov. You may use www.regulations.gov to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select “search”.

It is important to note that EPA’s policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at www.regulations.gov without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket. EPA’s policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA’s electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

B. How and to whom do I submit comments?

You may submit comments as provided in the **ADDRESSES** section.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment and with any disk or CD-ROM you submit. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the www.regulations.gov Web site to submit comments to EPA electronically is EPA’s preferred method for receiving comments. The electronic public docket system is an “anonymous access” system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment. In contrast to EPA’s electronic public docket, EPA’s electronic mail (email) system is not an “anonymous access” system. If you send an email comment directly to the Docket without going through www.regulations.gov, your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA’s electronic public docket.

Dated: May 5, 2014.

Lorie J. Schmidt,
Associate General Counsel.

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FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as