

The EPA hereby announces the designation of one new reference method for measuring concentrations of CO in ambient air and one new equivalent method for measuring concentrations of NO₂ in ambient air. These designations are made under the provisions of 40 CFR part 53, as amended on October 26, 2015 (80 FR 65291–65468).

The new reference method for CO is an automated method (analyzer) utilizing a measurement principle based on non-dispersive infrared (NDIR) analysis and is identified as follows:

RFCA–0317–244, “Kentek Mezus Model 310 Carbon Monoxide Analyzer” non-dispersive infrared (NDIR) analyzer operated in the measurement range of 0–50 ppm, with 0.5 µm, 47 mm diameter Teflon® filter installed, operated at any ambient temperatures between 20 °C and 30 °C, at nominal input line voltages of 110 VAC or 220 VAC and frequencies of 50 to 60 Hz, with temperature and pressure compensation, at a nominal sampling flow rate of 800 cc/min, and operated according to the Kentek Mezus 310 CO User’s Instruction Manual.

This application for a reference method determination for this CO method was received by the Office of Research and Development on May 25, 2016. This analyzer is commercially available from the applicant, Kentek Environmental Technology, Hanshin S Meca Room #526, 65 Techbi 3-ro, Yuseong-gu, Daejeon, Republic of Korea, 34016.

The new equivalent method for NO₂ is an automated method (analyzer) utilizing a measurement principle based on cavity attenuated phase shift (CAPS) spectroscopy and is identified as follows:

EQNA–0217–242, “Ecotech Serinus 60 NO₂ CAPS (Cavity Attenuated Phase Shift) Analyzer” operated at temperatures between 20 °C and 45 °C, a line voltage between 80V and 260V, and with or without any of the following options: Rack mounts, internal pump, internal permeation device, high pressure calibration ports, Ethernet output. The following menu choices must be selected: Control Loop—Enabled; Diagnostic Mode—Operate; Pres/Temp/Flow Compensation—Enabled; Span Compensation—Disabled, and operated according to the Serinus 60 User Manual.

This application for an equivalent method determination for this NO₂ method was received by the Office of Research and Development on January 11, 2017. This analyzer is commercially available from the applicant, Ecotech

Pty. Ltd., 1492 Ferntree Gully Rd., Knoxfield, Victoria, 3180, Australia.

Representative test analyzers have been tested in accordance with the applicable test procedures specified in 40 CFR part 53, as amended on October 26, 2015. After reviewing the results of those tests and other information submitted by the applicant, EPA has determined, in accordance with part 53, that these methods should be designated as a reference or equivalent method.

As a designated reference or equivalent method, these methods are acceptable for use by states and other air monitoring agencies under the requirements of 40 CFR part 58, Ambient Air Quality Surveillance. For such purposes, each method must be used in strict accordance with the operation or instruction manual associated with the method and subject to any specifications and limitations (e.g., configuration or operational settings) specified in the designated method description (see the identification of the method above).

Use of the method also should be in general accordance with the guidance and recommendations of applicable sections of the “Quality Assurance Handbook for Air Pollution Measurement Systems, Volume I,” EPA/600/R–94/038a and “Quality Assurance Handbook for Air Pollution Measurement Systems, Volume II, Ambient Air Quality Monitoring Program,” EPA–454/B–13–003, (both available at <http://www.epa.gov/ttn/amtic/qalist.html>). Provisions concerning modification of such methods by users are specified under Section 2.8 (Modifications of Methods by Users) of Appendix C to 40 CFR part 58.

Consistent or repeated noncompliance with any of these conditions should be reported to: Director, Exposure Methods and Measurement Division (MD–E205–01), National Exposure Research Laboratory, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711.

Designation of these reference and equivalent methods is intended to assist the States in establishing and operating their air quality surveillance systems under 40 CFR part 58. Questions concerning the commercial availability or technical aspects of the method should be directed to the applicant.

Dated: May 17, 2017.

Jennifer Orme-Zavaleta,
Director, National Exposure Research Laboratory.

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ENVIRONMENTAL PROTECTION AGENCY

[FRL–9963–45—Region 10]

Re-Proposal of an NPDES General Permit for Offshore Seafood Processors in Federal Waters Off the Washington and Oregon Coast (Permit Number WAG520000)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of re-proposal of General Permit.

SUMMARY: The Environmental Protection Agency (EPA) Region 10 re-proposes a National Pollutant Discharge Elimination System (NPDES) General Permit for Offshore Seafood Processors in Federal Waters off the Washington and Oregon Coast (Permit Number WAG520000). On August 24, 2015, EPA released a draft NPDES General Permit for public review. The public comment period closed on October 8, 2015. Based on the comments received, EPA has made revisions to the draft General Permit. EPA is re-proposing a revised draft General Permit, revised Fact Sheet and a revised Biological Evaluation. EPA is only accepting comments on permit conditions that are different from those proposed in the draft General Permit that was issued for review and comment on August 24, 2015.

Specifically, EPA seeks public comment on the following proposed changes: A seasonal prohibition on wastewater discharges in waters shallower than 100 meters in depth and a year-round discharge prohibition over the Heceta/Stonewall Banks complex; clarification on the jurisdiction of the General Permit; the addition of a Best Management Practice (BMP) that vessels be moving while discharging in order to aid dispersion of the discharge; clarification of terminology used in the General Permit; clarification of the sea surface monitoring requirements; provisions to mitigate impact to seabirds; updates to the standard NPDES language and conditions; revisions to the Notice of Intent (NOI) for permit coverage; revisions to the Annual Report; and other factors that the EPA considered prior to re-proposing this draft General Permit based on comments received (i.e., effluent monitoring, harmful algal blooms and scientific study sites).

DATES: The public comment period for the re-proposed General Permit for Offshore Seafood Processors in Federal Waters off the Washington and Oregon Coast will be 45 days from the date of publication of this Notice. Comments

must be received or postmarked by no later than midnight Pacific Standard Time, August 3, 2017. EPA will only consider comments on the re-proposed permit provisions. Comments submitted previously on the initial draft General Permit need not be resubmitted; comments addressing permit provisions or issues beyond the scope of this re-proposal will not be considered.

ADDRESSES: EPA will consider comments on the re-proposed permit provisions before making its final decision. You may submit comments by any of the following methods:

Mail: Send paper comments to Catherine Gockel, Office of Water and Watersheds, Mail Stop OWW-191, 1200 6th Avenue, Suite 900, Seattle, WA 98101-3140.

Email: Send electronic comments to gockel.catherine@epa.gov.

Hand Delivery/Courier: Deliver comments to Catherine Gockel, Office of Water and Watersheds, Mail Stop OWW-191, 1200 6th Avenue, Suite 900, Seattle, WA 98101-3140. Call (206) 553-0523 before delivery to verify business hours.

Viewing and/or Obtaining Copies of Documents. A copy of the draft General Permit and the Fact Sheet, which explains the proposal in detail, may be obtained by contacting EPA at 1 (800) 424-4372. Copies of the documents are also available for viewing and downloading at: <https://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/DraftPermitsORWA>.

FOR FURTHER INFORMATION CONTACT:

Catherine Gockel, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, Mail Stop OWW-191, 1200 6th Avenue, Suite 900, Seattle, WA 98101-3140, (206) 553-0325, gockel.catherine@epa.gov.

SUPPLEMENTARY INFORMATION:

Public Hearing. Persons wishing to request a public hearing may do so, in writing, by the expiration date of this public comment period. A public hearing is a formal meeting whereby EPA officials hear the public's views and concerns about an EPA action or proposal. A request for a public hearing must state the nature of the issues to be raised, reference the NPDES permit name and permit number, and include the requester's name, address, and telephone number.

Document Viewing Locations. The re-proposed General Permit and Fact Sheet may also be viewed at the following location: EPA Region 10 Library, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101; (206) 553-1289. EPA's current administrative record for the draft General Permit is available for

review at the EPA Region 10 Office, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101, between 9:00 a.m. and 4:00 p.m., Monday through Friday. Contact Catherine Gockel at gockel.catherine@epa.gov or (206) 553-0325.

State Water Quality Standards and Certification. The General Permit's area of coverage is only in federal waters, thus EPA is not seeking 401 certification from any State or Tribe. However, seafood waste discharged under this General Permit could potentially affect waters of Washington and Oregon. EPA has sent the draft General Permit to the States of Oregon and Washington as required under Section 401(a)(2) and received feedback from each State.

Coastal Zone Management Act—Federal Consistency Determination. Section 307 of the Coastal Zone Management Act of 1972 (CZMA) requires that federal actions, within and outside the coastal zone, which have reasonably foreseeable effects on any coastal use (land or water) or natural resource of the coastal zone be consistent with the enforceable policies of a state's federally approved coastal management program. Federal agency activities must be consistent to the maximum extent practicable with the enforceable policies of a state coastal management program, and license and permit and financial assistance activities must be fully consistent. EPA has submitted CZMA federal consistency determinations to Washington and Oregon. The consistency determinations conclude that the General Permit is consistent with the enforceable policies of each State. Both States will now review the consistency determinations and General Permit, and will provide their own opportunities for public notice.

Endangered Species Act. Section 7 of the Endangered Species Act, 16 U.S.C. 1531-1544, requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions have the potential to affect any threatened or endangered species. EPA analyzed the discharges proposed to be authorized by the draft General Permit and their potential to adversely affect any of the threatened or endangered species or their designated critical habitat areas in the vicinity of the discharges in a Biological Evaluation dated August 2015. On December 18, 2015, NMFS concurred with EPA that the proposed action is not likely to adversely affect the ESA-listed fish, marine mammals, and turtles under NMFS jurisdiction. On September 29, 2015, EPA received a response from

USFWS indicating that the draft General Permit has the potential to affect ESA-listed or migratory birds. EPA has updated its Biological Evaluation to reflect changes to the re-proposed General Permit. EPA has reviewed the re-proposed draft permit and determined that the proposed changes would not alter the original conclusions that the discharges may affect, but are not likely to adversely affect listed, proposed, and candidate species or their designated critical habitat areas. The Fact Sheet, the re-proposed draft General Permit, and the revised Biological Evaluation will be sent to NMFS and USFWS for review during the public comment period.

Essential Fish Habitat. The Magnuson-Stevens Fishery Conservation and Management Act requires EPA to consult with NMFS when a proposed permit action has the potential to adversely affect Essential Fish Habitat (EFH). The EPA submitted a Biological Evaluation dated August 2015 to NMFS, which included an EFH assessment. The EFH assessment concluded that the discharges authorized by the draft General Permit will not adversely affect EFH. On December 18, 2015, the NMFS communicated to the EPA that the proposed action could adversely affect EFH because of impacts to water quality and to benthic conditions. The NMFS provided conservation recommendations to avoid, mitigate, or offset the impact of the proposed action on EFH. The EPA has considered these recommendations and responded via letter.

Executive Order 12866. The Office of Management and Budget exempts this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

Paperwork Reduction Act. EPA has reviewed the requirements imposed on regulated facilities in the draft General Permit and finds them consistent with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

National Marine Sanctuaries Act. Section 304(d) of the NMSA (16 U.S.C § 1434(d)) requires federal agencies to consult with the Secretary of Commerce, through NOAA, regarding any federal action or proposed action, including activities authorized by federal license, lease, or permit, that is likely to destroy, cause the loss of, or injure any sanctuary resource. In a letter dated May 25, 2016, the Sanctuary provided the EPA with recommended alternatives to protect Sanctuary resources and minimize or mitigate injury to Sanctuary resources associated with the proposed General Permit. The EPA has considered the

Sanctuary's recommendations and has responded via letter.

Regulatory Flexibility Act. Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, a federal agency must prepare an initial regulatory flexibility analysis "for any proposed rule" for which the agency "is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking." The RFA exempts from this requirement any rule that the issuing agency certifies "will not, if promulgated, have a significant economic impact on a substantial number of small entities." EPA has concluded that NPDES General Permits are permits, not rulemakings, under the APA and thus not subject to APA rulemaking requirements or the RFA.

Authority: This action is taken under the authority of Section 402 of the Clean Water Act as amended, 42 U.S.C. 1342. I hereby provide public notice of the revised draft General Permit for Offshore Seafood Processors in Federal Waters off the Washington and Oregon Coast in accordance with 40 CFR 124.10.

Dated: May 25, 2017.

Christine Psyk,

Acting Director, Office of Water and Watersheds, Region 10.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2017-0189; FRL-9962-95-OAR]

Alternative Method for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From BMW Group, Ford Motor Company, and Hyundai Motor Group

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is requesting comment on applications from BMW of North America (BMW), Ford Motor Company (Ford), and Hyundai Motor Group for off-cycle carbon dioxide (CO₂) credits under EPA's light-duty vehicle greenhouse gas emissions standards. "Off-cycle" emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas

program acknowledges these benefits by giving automobile manufacturers several options for generating "off-cycle" carbon dioxide (CO₂) credits. Under the regulations, a manufacturer may apply for CO₂ credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. These three manufacturers have submitted applications that describe methodologies for determining off-cycle credits. The off-cycle technologies vary by manufacturer and include thermal control technologies such as solar reflective glass/glazing and solar reflective surface coating (paint), a high efficiency alternator, and an efficient air conditioning compressor. Pursuant to applicable regulations, EPA is making descriptions of each manufacturer's off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before July 19, 2017.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA-HQ-OAR-2017-0189, to the Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www2.epa.gov/dockets/commenting-epa-dockets>.

FOR FURTHER INFORMATION CONTACT: Roberts French, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214-4380. Fax: (734) 214-4869. Email address: french.roberts@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO₂) credits for those technologies that achieve CO₂ reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO₂ standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning in model year 2014.¹ This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, as long as the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as "5-cycle" testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO₂ credits.² The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO₂ credits.³ This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option for model years prior to 2014 to demonstrate off-cycle CO₂ reductions for technologies that are on the predetermined list, or to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.*, under the third pathway described previously) must describe a

¹ See 40 CFR 86.1869-12(b).

² See 40 CFR 86.1869-12(c).

³ See 40 CFR 86.1869-12(d).