

**SUMMARY:** This notice announces EPA's proposed decision to identify certain water quality limited waters and the associated pollutant to be listed, pursuant to Clean Water Act (CWA) Section 303(d)(2), on New York's list of impaired waters, and requests public comment. Section 303(d)(2) of the CWA and EPA's implementing regulations require States to submit, and EPA to approve or disapprove, lists of waters for which technology-based and other controls are not stringent enough to attain or maintain State water quality standards and for which total maximum daily loads (TMDLs) must be established. States are required to establish a priority ranking for waters on the list and to identify waters targeted for TMDL development over the next two years.

New York submitted its 2016 CWA Section 303(d) list (2016 303(d) list) to EPA in correspondence dated December 21, 2016. On July 21, 2017, EPA partially approved and partially disapproved New York's 2016 303(d) list. Specifically, EPA approved New York's 2016 303(d) list with respect to the 792 waterbody/pollutant combinations requiring TMDLs that New York included on its list, the State's priority ranking for these waterbody/pollutant combinations and the waterbody/pollutant combinations targeted for TMDL/Restoration Strategy development in 2017. However, EPA disapproved New York's 2016 303(d) list because EPA determined that it does not include seventy-one waterbody/pollutant combinations that meet CWA Section 303(d) listing requirements.

For a detailed explanation of EPA's partial approval/partial disapproval, please refer to EPA's Support Document (<https://www.epa.gov/tmdl/new-york-impaired-waters-list>). EPA is providing the public the opportunity to review its proposed decision to add these seventy-one waterbody/pollutant combinations to New York's 2016 303(d) list. EPA will consider public comments before transmitting its final listing decision to the State.

**DATES:** Comments must be submitted to EPA on or before September 8, 2017.

**ADDRESSES:** Comments on the proposed decision should be sent to Aimee Boucher, U.S. Environmental Protection Agency Region 2, 290 Broadway, New York, NY 10007, email [boucher.aimee@epa.gov](mailto:boucher.aimee@epa.gov), telephone (212)-637-3837. Oral comments will not be considered. Copies of EPA's letter and support document regarding New York's list can be obtained by calling or emailing Ms. Boucher at the address above. Underlying documents from the

administrative record for these decisions are available for public inspection at the above address. Please contact Ms. Boucher to schedule an inspection.

**FOR FURTHER INFORMATION CONTACT:**

Aimee Boucher at (212) 637-3837 or at [boucher.aimee@epa.gov](mailto:boucher.aimee@epa.gov).

**SUPPLEMENTARY INFORMATION:**

EPA partially disapproved New York's 2016 303(d) list because EPA determined that it does not include seventy-one waterbody/pollutant combinations that meet CWA Section 303(d) listing requirements. These seventy-one waterbody/pollutant combinations include:

(1) Thirty-eight waterbody/pollutant combinations New York previously placed in Integrated Report Category 4b (*i.e.*, impaired waters where a TMDL is not necessary because other required controls will result in attainment of water quality standards within a reasonable period of time) without adequate justification;

(2) one waterbody/pollutant combination New York delisted from its 2014 303(d) list and moved to Integrated Report Category 4b without adequate justification;

(3) four waterbody/pollutant combinations New York delisted from its 2014 303(d) list without data or information indicating New York's applicable water quality standard for dissolved oxygen is met;

(4) twenty-six waterbody/pollutant combinations New York delisted from its 2014 303(d) list without data or information indicating New York's applicable narrative nutrients standard is met; and

(5) two waterbody/pollutant combinations New York did not include on its 2016 303(d) list where data or information indicate that New York's applicable water quality standard for dissolved oxygen is not met.

**Authority:** Clean Water Act, 33 U.S.C. 1251 *et seq.*

Dated: July 27, 2017.

**Catherine McCabe,**

Acting Regional Administrator, U.S. Environmental Protection Agency, Region 2.  
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**ENVIRONMENTAL PROTECTION AGENCY**

[EPA-HQ-OPPT-2017-0141; FRL-9965-34]

**Certain New Chemicals or Significant New Uses; Statements of Findings for June 2017**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from June 1, 2017 to June 30, 2017.

**FOR FURTHER INFORMATION CONTACT:** For technical information contact: Greg Schweer, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460-0001; telephone number: (202) 564-8469; email address: [schweer.greg@epa.gov](mailto:schweer.greg@epa.gov).

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

*B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA-HQ-OPPT-2017-0141, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William

Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC. The 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 OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

## II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from June 1, 2017 to June 30, 2017.

## III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term "conditions of use" is defined in TSCA section 3 to mean "the circumstances, as determined

by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of."

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of "not likely to present an unreasonable risk of injury to health or the environment" may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

## IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Web site link to EPA's decision document describing the basis of the "not likely to present an unreasonable risk" finding made by EPA under TSCA section 5(a)(3)(C).

*EPA case number:* P-17-0264;  
*Chemical identity:* Alkanoic acid, 2-alkyl-, substituted alkyl ester, polymer with alkyl alkenoate, substituted carbomonocycle, substituted alkyl alkenoate and alkyl substituted alkenoate, substituted alkanenitrile-initiated; polymer exemption flag

(generic name); *Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsc-section-5a3c-determination-66>.

*EPA case number:* P-16-0426;  
*Chemical identity:* Alkenyl bis-succinimide (generic name); *Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsc-section-5a3c-determination-65>.

*EPA case number:* P-17-0255;  
*Chemical identity:* Carbomonocyclic dicarboxylic acid, polymer with carbomonocyclic dicarboxylic acid, alkanedioic acid, alkanedioic acid, substituted dioxoheteropolycyclic, substituted dioxoheteropolycyclic, alkanedioic acid, alkoxyated alkylidene dicarbomonocycle and alkoxyated alkylidene dicarbomonocycle, ester (generic name); *Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsc-section-5a3c-determination-64>.

*EPA case number:* P-16-0587;  
*Chemical identity:* Galactoarabinoxylan (CASRN: 37324-70-2); *Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsc-section-5a3c-determination-63>.

*EPA case number:* P-16-0401;  
*Chemical identity:* Alkyl acrylate polymer; polymer exemption flag (generic name); *Web site link:* <https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsc-section-5a3c-determination-62>.

**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: July 27, 2017.

**Greg Schweer,**

Chief, New Chemicals Management Branch,  
Chemical Control Division, Office of Pollution  
Prevention and Toxics.

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9965-66-OARM]

### National and Governmental Advisory Committees

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Public Advisory Committee meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the National Advisory Committee and the Governmental Advisory Committee will hold a public meeting on Thursday, September 14 and Friday, September 15,