

regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information on a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <http://www.epa.gov/dockets/comments.html>.

**II. Background**

Registration review is EPA’s periodic review of pesticide registrations to

ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. As part of the registration review process, the Agency has completed the revised proposed interim decisions for coumaphos listed in the Table in Unit IV. Through this program, EPA is ensuring that each pesticide’s registration is based on current scientific and other knowledge, including its effects on human health and the environment.

**III. Authority**

EPA is conducting its registration review of coumaphos pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the

registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

**IV. What action is the Agency taking?**

Pursuant to 40 CFR 155.58, this notice announces the availability of EPA’s revised proposed interim registration review decisions for coumaphos. The revised proposed interim registration review decision is supported by rationale included in the docket established for each chemical.

TABLE—REGISTRATION REVIEW PROPOSED INTERIM DECISIONS BEING ISSUED

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Coumaphos (Case0018) .....	EPA-HQ-OPP-2008-0023 .....	Michelle Nolan, <a href="mailto:nolan.michelle@epa.gov">nolan.michelle@epa.gov</a> , (703) 347-0258.

The registration review docket for a pesticide includes earlier documents related to the registration review case. For example, the review opened with a Preliminary Work Plan, for public comment. A Final Work Plan was placed in the docket following public comment on the Preliminary Work Plan.

The documents in the dockets describe EPA’s rationales for conducting additional risk assessments for the registration review of coumaphos, as well as the Agency’s subsequent risk findings and consideration of possible risk mitigation measures. This revised proposed interim registration review decision is supported by the rationales included in those documents. Following public comment, the Agency will issue an interim or final registration review decision for coumaphos.

The registration review final rule at 40 CFR 155.58(a) provides for a minimum 60-day public comment period on all proposed interim registration review decisions. This comment period is intended to provide an opportunity for public input and a mechanism for initiating any necessary amendments to the proposed interim decision. All comments should be submitted using the methods in **ADDRESSES** and must be

received by EPA on or before the closing date. These comments will become part of the docket for coumaphos. Comments received after the close of the comment period will be marked “late.” EPA is not required to consider these late comments.

The proposed interim registration review decision for coumaphos was posted to the docket in May 2018 and the public was invited to submit any comments or new information during the 60-day comment period. A comment extension request was submitted by Bayer Animal Health which resulted in a 30-day extension or 90-day total comment period. Comments from the 90-day comment period that were received were considered and affected the Agency’s revised proposed interim decision. EPA addressed the comments or information received during the 90-day comment period for the proposed interim decision and is issuing a revised proposed interim decision for a 60-day comment period. Pursuant to 40 CFR 155.58(c), the registration review case docket for the chemicals listed in the Table will remain open until all actions required in the proposed interim decision have been completed.

Background on the registration review program is provided at: <http://www.epa.gov/pesticide-reevaluation>.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: August 14, 2020.

**Mary Reaves,**

*Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.*

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**ENVIRONMENTAL PROTECTION AGENCY**

[CERCLA-04-2020-2505; FRL-10012-64-Region 4]

**Pilot Mountain Superfund Site; Notice of Settlement**

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

**ACTION:** Notice of proposed settlement.

**SUMMARY:** The United States Environmental Protection Agency (EPA) proposes to enter into a Settlement Agreement for Recovery of Past Response Costs with New River Tire Recycling, LLC, concerning the Pilot Mountain Superfund Site located in Pilot Mountain, North Carolina. The

settlement addresses recovery of CERCLA costs for a cleanup action performed by the EPA at the Site.

**DATES:** The Agency will consider public comments on the settlement until September 24, 2020. The Agency will consider all comments received and may modify or withdraw its consent to the proposed settlement if comments received disclose facts or considerations which indicate that the proposed settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods: Internet: <https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices>; Email: [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Paula V. Painter at 404/562-8887.

**Authority:** 122(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Dated: July 21, 2020.

**Maurice Horsey,**

*Chief, Enforcement Branch, Superfund & Emergency Management Division.*

[FR Doc. 2020-18386 Filed 8-24-20; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10013-70-Region 4]

### Order Denying Petition To Set Aside Consent Agreement and Proposed Final Order

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

**ACTION:** Notice of order denying petition to set aside consent agreement and proposed final order.

**SUMMARY:** In accordance with the Code of Federal Regulations and the Clean Water Act ("CWA or "Act"), notice is hereby given that an Order Denying Petition to Set Aside Consent Agreement and Proposed Final Order has been issued in the matter styled as *In the Matter of Jerry O'Bryan, Curdsville, Kentucky*, Docket No. CWA-04-2018-5501(b). This document serves to notify the public of the denial of the Petition to Set Aside Consent Agreement and Proposed Final Order filed in the matter and explain the reasons for such denial.

**ADDRESSES:** To access and review documents filed in the matter that is the

subject of this document, please visit: <https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/07a828025febe17885257562006fff58/4a9eaf5114545a51852584b700740a38?OpenDocument>.

**FOR FURTHER INFORMATION CONTACT:**

Patricia Bullock, Regional Hearing Clerk, Environmental Protection Agency, Region 4, 61 Forsyth Street, Atlanta, Georgia 30303; telephone number: 404-562-9511; email address: [bullock.patricia@epa.gov](mailto:bullock.patricia@epa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Legal Authority

Section 404 of CWA, 33 U.S.C. 1344(f)(2), requires a permit for "any discharge of dredged or fill material into navigable waters incidental to any activity having as its purpose bringing an area of the navigable waters into a use to which it was not previously subject, where the flow or circulation of navigable waters may be impaired or the reach of such waters be reduced. . . ." Section 301(a) of the CWA, 33 U.S.C. 1311, provides that, "the discharge of any pollutant into waters of the United States . . . except as in compliance with sections 301 . . . and 1344 shall be unlawful. Sections 309(g)(1) and (g)(2) of the CWA empower the Environmental Protection Agency ("EPA," "Complainant" or "Agency") to assess a Class 1 or Class 2 civil administrative penalty against any person found to have violated section 1311 . . . of the CWA or [who] has violated any permit limitation or condition implementing any such sections in a permit . . . issued under Section 1344.

Before issuing an order assessing a Class I civil penalty under Section 309(g) of the CWA, the EPA is required by the Act and "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" (Consolidated Rules) to provide public notice of and reasonable opportunity to comment on the proposed issuance of such order. (33 U.S.C. 1319(g)(4)(A); 40 CFR 22.45(b)).

Any person who comments on the proposed assessment of a Class I civil penalty under 33 U.S.C. 1319(g)(4)(B) is entitled to receive notice of any hearing held under this Section and at such hearing is entitled to a reasonable opportunity to be heard and to present evidence. (33 U.S.C. 1319(g)(4)(B); 40 CFR 22.45(c)). If no hearing is held before issuance of an order assessing a Class I civil penalty under 33 U.S.C. 1319(g)(4)(C) of the CWA, such as where the administrative penalty action in

question is settled pursuant to a consent agreement and final order (CAFO), any person who commented on the proposed assessment may petition to set aside the order on the basis that material evidence was not considered and request a hearing be held on the penalty. (33 U.S.C. 1319(g)(4)(C); 40 CFR 22.45(c)(4)(ii)).

The CWA requires that if the evidence presented by the Petitioner in support of the petition is material and was not considered in the issuance of the order, the Administrator shall immediately set aside such order and provide a hearing in accordance with Section 309(g)(4)(C) of the CWA, 33 U.S.C. 1319(g)(4)(C). On the other hand, if the Administrator denies a hearing, the Administrator shall provide to the petitioner, and publish in the **Federal Register** notice of and reasons for such denial. *Id.*

Pursuant to Section 309 of the CWA, the authority to decide petitions by commenters to set aside final orders entered without a hearing and provide copies and/or notice of the decision has been delegated to Regional Administrators in administrative penalty actions brought by regional offices of EPA. (See EPA Administrator's Delegation of Authority 2-51). The Region 4 Administrator has delegated authority to decide such petitions to the Regional Judicial Officer. (See Region 4 Delegation of Authority 2-51, Class I Administrative Penalty Action). The Consolidated Rules require that where a commenter petitions to set aside a CAFO in an administrative penalty action brought by a regional office of the EPA, the Regional Administrator shall assign a Petition Officer to consider and rule on the petition. (40 CFR 22.45(c)(4)(iii)). Upon review of the petition and any response filed by the Complainant, the Petition Officer shall then make written findings as to: (A) The extent to which the petition states an issue relevant and material to the issuance of the consent agreement and proposed final order; (B) whether the complainant adequately considered and responded to the petition; and (C) whether resolution of the proceeding by the parties is appropriate without a hearing. (40 CFR 22.45(c)(4)(v)).

If the Petition Officer finds that a hearing is appropriate, the Presiding Officer shall order that the consent agreement and proposed final order be set aside and establish a schedule for a hearing. (40 CFR 22.45(c)(4)(vi)). Conversely, if the Petition Officer finds that resolution of the proceeding without a hearing is appropriate, the Petition Officer shall issue an order denying the petition and stating reasons