

However, EPA should be notified in order to ensure that the official EIS record is accurate. Notifications can be sent by email to: [EIS-filing@epa.gov](mailto:EIS-filing@epa.gov). Official notification is a signed letter on agency letterhead by an appropriate approving official. EPA will publish a NOA in the **Federal Register** that states that an adoption has occurred. This will not establish a comment or review period, but will complete the public record.

#### **Withdrawing, Delaying, or Reopening a Comment or Review Period**

EPA should also be notified of all situations where an agency has decided to withdraw, delay, or reopen a comment or review period on an EIS. Notifications can be sent by email to: [EIS-filing@epa.gov](mailto:EIS-filing@epa.gov). Official notification may be a signed letter on agency letterhead by an appropriate approving official or a copy of the agency's published **Federal Register** public notice detailing a withdraw, delay or a reopening of a comment or review period. All such notices to EPA will be reflected in EPA's weekly NOA published in the **Federal Register**. In the case of reopening an EIS comment or review periods, the lead agency should notify EPA as to what measures will be taken to ensure that the EIS is available to all interested parties. This is especially important for EISs that are being reopened after a substantial amount of time has passed since the original comment or review period closed.

#### **Notice in the Federal Register**

EPA will prepare a weekly report of all EISs filed during the preceding week for publication each Friday under an NOA in the **Federal Register**. If the Friday is a Federal holiday the publication will be on Thursday. At the time EPA sends its weekly report for publication in the **Federal Register**, the report will also be sent to the CEQ. Amended notices may be added to the NOA to include corrections, changes in comment or review periods of previously filed EISs, withdrawals of EISs by lead agencies, and retractions of EISs by EPA.

#### **Comment/Review Periods**

The minimum time periods set forth in 40 CFR 1506.11 (b), (c), and (d) are calculated from the date EPA publishes the NOA in the **Federal Register**.

Comment periods for draft EISs, draft supplements, and revised draft EISs will end 45 calendar days after publication of the NOA in the **Federal Register**; review periods for final EISs and final supplements will end 30 calendar days

after publication of the NOA in the **Federal Register**, unless otherwise provided by law. If a calculated comment or review period ends on a weekend or holiday, then the comment or review period would end on the next Federal business day. While these comment or review periods are minimum time periods, a lead agency may establish longer comment or review periods when filing the EIS through e-NEPA.

If the lead agency extends the comment or review period after the publication of EPA's NOA, it must notify EPA of the extended comment or review period by submitting an official notification to EPA Office of Federal Activities. Official notification may be a signed letter on agency letterhead by an appropriate approving official or a copy of the agency's published **Federal Register** public notice detailing a comment or review period extension. For more detail on the process, please contact [EIS-Filing@epa.gov](mailto:EIS-Filing@epa.gov).

Agencies often publish (either in their EISs or individual notices to the public) a date by which all comments on an EIS are to be received; such actions are encouraged. However, agencies should ensure that the date they use is based on the date of publication of EPA's NOA in the **Federal Register**. If the published date gives reviewers less than the minimum review time computed by EPA, EPA will contact the agency explaining how the comment/review period is calculated and the correct date by which comments are due back to the lead agency. In these cases, EPA encourages agencies to notify all reviewers and interested parties of the corrected comment/review periods.

It should be noted that 40 CFR 1506.11(c) allows for an exception to the rules of timing. An exception may be made in the case of an agency decision which is subject to a formal internal appeal. Agencies should assure that EPA is informed when the agency determines to run the period for appeal of the decision concurrent with the 30-day review period so that it can be coordinated with EPA's NOA publication in the **Federal Register**.

Moreover, under 40 CFR 1506.11(e), EPA has the authority to extend or reduce the time periods on draft and final EISs based on a demonstration of "compelling reasons of national policy." A lead agency request to EPA to reduce comment or review periods or another Federal agency (not the lead agency) request to formally extend a time period should be submitted in writing to the Director, Office of Federal Activities, and outline the reasons for the request. These requests can be submitted by

email to: [EIS-filing@epa.gov](mailto:EIS-filing@epa.gov). A meeting to discuss the consequences for the project and any decision to change comment or review periods may be necessary. For this reason, EPA asks that it be made aware of any intent to submit requests of this type as early as possible in the NEPA process. This is to prevent the possibility of the time frame for the decision on the comment or review period modification from interfering with the lead agency's schedule for the EIS. EPA will notify CEQ of any reduction or extension granted.

#### **Retention**

Filed EISs are retained in the EPA EIS database and made available to the public through EPA's website. After a total of fifteen (15) years the EISs are transferred to the National Archives Records Administration. The retention schedule does not affect the availability of these electronic copies.

Dated: September 14, 2020.

**Cindy S. Barger,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

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**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-10014-40-Region 8]

### **Public Water System Supervision Program Revision for the State of Utah**

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

**ACTION:** Notice.

**SUMMARY:** Public notice is hereby given that the state of Utah has revised its Public Water System Supervision (PWSS) Program by establishing Administrative Penalty Authority that applies to its drinking water program. EPA has reviewed Utah's submittal, and determined that the Administrative Penalty Authority is no less stringent than the federal regulations. EPA is proposing to approve the Administrative Penalty Authority requirements for Utah. This approval action does not extend to public water systems in Indian country. Please see **SUPPLEMENTARY INFORMATION**, Unit B.

**DATES:** Any interested parties may request a public hearing on this determination by October 19, 2020. Please see **SUPPLEMENTARY INFORMATION**, Unit C, for details. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his/her own motion,

this determination shall become applicable October 19, 2020 and no further public notice will be issued.

**ADDRESSES:** Requests for a public hearing should be addressed to: Robert Clement by email at [clement.robert@epa.gov](mailto:clement.robert@epa.gov) or by phone (303) 312-6653.

**FOR FURTHER INFORMATION CONTACT:** Robert Clement, Drinking Water B Section, EPA Region 8, Denver, Colorado by email at [clement.robert@epa.gov](mailto:clement.robert@epa.gov) or by phone (303) 312-6653.

**SUPPLEMENTARY INFORMATION:** In accordance with the provisions of section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g-2, and 40 CFR 142.13, public notice is hereby given that the state of Utah has revised its PWSS program by adopting federal regulations for the Penalty Authority Rule that correspond to the NPDWR in 40 CFR parts 141 and 142. EPA has reviewed Utah's regulations and determined they are no less stringent than the federal regulations. EPA is proposing to approve Utah's primacy revision for the Penalty Authority rule. This approval action does not extend to public water systems in Indian country as defined in 18 U.S.C. 1151. Please see **SUPPLEMENTARY INFORMATION**, Unit B.

#### A. Why are revisions to State programs necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 to maintain primacy. They must adopt regulations that are at least as stringent as the NPDWRs at 40 CFR parts 141 and 142, as well as adopt all new and revised NPDWRs in order to retain primacy (40 CFR 142.12(a)).

#### B. How does this action affect Indian country (18 U.S.C. 1151) in Utah?

EPA's approval of Utah's revised PWSS program does not extend to Indian country as defined in 18 U.S.C. 1151. Indian country in Utah generally includes (1) lands within the exterior boundaries of the following Indian reservations located within Utah, in part or in full: the Goshute Reservation, the Navajo Indian Reservation, the reservation lands of the Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes and Shivwits Band of Paiutes), the Skull Valley Indian Reservation, the Uintah and Ouray Reservation (subject to federal court decisions removing certain lands from Indian country status within the Uintah and Ouray Reservation), and the Washakie Reservation; (2) any land held in trust by the United States for an Indian tribe;

and (3) any other areas which are "Indian country" within the meaning of 18 U.S.C. 1151. EPA or eligible Indian tribes, as appropriate, will retain PWSS program responsibilities over public water systems in Indian country.

#### C. Requesting a Hearing

Any interested party may request a hearing on this determination within thirty (30) days of this notice. All requests shall include the following information: Name, address, and telephone number of the individual, organization, or other entity requesting a hearing; a brief statement of interest and information to be submitted at the hearing; and a signature of the interested individual or responsible official, if made on behalf of an organization or other entity. Frivolous or insubstantial requests for a hearing may be denied by the RA.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing and will be made by the RA in the **Federal Register** and in a newspaper of general circulation in the state. A notice will also be sent to both the person(s) requesting the hearing and the state. The hearing notice will include a statement of purpose of the hearing, information regarding time and location for the hearing, and the address and telephone number where interested persons may obtain further information. The RA will issue an order affirming or rescinding the determination upon review of the hearing record.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: September 10, 2020.

**Gregory Sopkin,**

*Regional Administrator, Region 8.*

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**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA-HQ-OW-2020-0426; FRL-10014-59-OW]**

### Proposed 2020 Financial Capability Assessment for Clean Water Act Obligations

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

**ACTION:** Notice; request for comment.

**SUMMARY:** As part of EPA's commitment to implementing Clean Water Act (CWA) objectives in a sustainable manner, EPA continues to enhance our

understanding of the issues surrounding financial capability assessments (FCA) and seeks ways to move past the 1997 FCA Guidance and the 2014 FCA Framework. Consistent themes have emerged during discussions with stakeholders, such as the benefit of expanding on the flexibility available under the existing 1997 FCA Guidance and ensuring a consistent approach for implementing these flexibilities. The proposed 2020 FCA embraces these stakeholder priorities and provides tools to more easily articulate local financial circumstances, while advancing the mutual goal to protect clean water. The 2020 FCA directly incorporates relevant portions of the 1997 FCA Guidance and the 2014 FCA Framework as Appendices. When finalized, EPA expects to use the 2020 FCA to support negotiations of schedules for implementing CWA requirements for municipalities and local authorities. EPA is requesting comment on approaches for assessing financial capability of communities to meet CWA obligations.

**DATES:** Comments must be received on or before October 19, 2020.

**ADDRESSES:** You may send comments, identified by Docket ID No. EPA-HQ-OW-2020-0426, by the following method:

- *Federal eRulemaking portal:* <https://www.regulations.gov/>. Follow the online instructions for submitting comments.

*Instructions:* All submissions received must include the Docket ID No. for this guidance. Comments received may be posted without change to <https://www.regulations.gov/>, including any personal information provided. For detailed instructions on sending comments and additional information on the guidance process, see the "Submitting Your Comments" heading of the **SUPPLEMENTARY INFORMATION** section of this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov/> or email, as there may be a delay in processing mail and faxes. Hand deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.