

West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

**Abstract:** Regulations implementing section 301(h) of the Clean Water Act (CWA) are found at 40 CFR part 125, subpart G. This CWA section allows for a case-by-case review of treatment requirements for publicly owned treatment works (POTW) discharges to marine waters. Eligible POTW applicants that met the set of environmentally stringent criteria received a modified National Pollutant Discharge Elimination System (NPDES) permit waiving secondary treatment requirements. CWA section 301(h) only applies to the 25 POTWs that applied by December 29, 1982, that currently hold modified permits and the six states in which the POTWs are located. No new applications are accepted.

The CWA section 301(h) program involves collecting information from municipal wastewater treatment facilities (POTWs), and the state in which the POTW is located. A POTW holding a modified permit or reapplying for a modification provides application, monitoring, and toxic control program information. The state provides information on its determination whether the discharge under the proposed conditions of the modified permit ensures the protection of water quality, biological habitats, and beneficial uses of receiving waters and whether the discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. The state also provides information to certify that the discharge will meet all applicable state laws and that the state accepts all permit conditions.

There are four situations where information will be required: (1) A POTW reapplying for a CWA section 301(h) modified permit. As the permits with section 301(h) modifications reach their expiration dates, EPA must have updated information on the discharge to determine whether criteria are still being met and whether the modified permit should be reissued. (2) Once a modified permit has been granted, EPA must continue to assess whether the discharge is meeting the CWA criteria, and that the receiving water quality, biological habitats, and beneficial uses of the receiving waters are protected. To do this, EPA needs monitoring and toxics control information furnished by the permittee. (3) Application revision information: A POTW is allowed to revise its application one time only,

following a tentative decision by EPA to deny the modified permit request. In its application revision, the POTW usually corrects deficiencies and changes proposed treatment levels as well as outfall and diffuser locations. The application revision is a voluntary submission for the applicant. (4) State determination and state certification information: The state determines whether all state laws are satisfied. Additionally, the state must determine if the applicant's discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. This process allows the state's views to be considered when EPA reviews the application and develops permit conditions.

**Form numbers:** None.

**Respondents/affected entities:** Municipalities that currently have CWA section 301(h) modifications from secondary treatment, or have applied for a renewal of a CWA section 301(h) modified permit, and the states within which these municipalities are located.

**Respondent's obligation to respond:** Required to obtain or retain a benefit.

**Estimated number of respondents:** 31 (total).

**Frequency of response:** From once every five years, to varies case-by-case, depending on the category of information.

**Total estimated burden:** 44,985 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$1,300,339 (per year), includes \$0 annualized capital or operation & maintenance costs.

**Changes in the estimates:** There is an increase of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to changes in respondent universe, program status, information needs, and use of technology.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[CERCLA-04-2018-3762; FRL 10019-53-Region 4]

### KOPPERS CO., Inc. (Charleston Plant), Charleston, North Carolina; Notice of Modified Settlement

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

**ACTION:** Notice of Modified Settlement.

**SUMMARY:** Under 122(h) of the Comprehensive Environmental

Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has modified an existing settlement entered by the EPA and Prospective Purchaser (PP) Highland Resources for the Koppers Co., Inc. (Charleston Plant) Superfund National Priorities List (NPL) Site ("Site") in Charleston, Charleston County, South Carolina. The existing Administrative Agreement on Consent (AOC) (CERCLA Docket No. 2018-3762) became effective on March 11, 2019. HR Charleston VII, LLC agreed to perform work at the Koppers Superfund Site to support redevelopment. This modification adds a newly acquired parcel which was not previously included in the agreement.

**DATES:** The Agency will consider public comments on the settlement until March 31, 2021. The Agency will consider all comments received and may modify or withdraw its consent to the modified settlement if comments received disclose facts or considerations which indicate that the 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.

Dated: January 21, 2021.

**Maurice Horsey,**

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

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10020-66-Region 8]

### Clean Air Act Operating Permit Program: Petitions for Objection to State Operating Permit for Hunter Power Plant (Emery County, Utah) and State Operating Permit for Coyote Station Power Plant (Mercer County, North Dakota)

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

**ACTION:** Notice of final orders on petitions to object to state operating permits.

**SUMMARY:** The EPA Administrator signed orders, dated January 13, 2021, and January 15, 2021, denying the petitions submitted on separate permitting actions in Utah and North Dakota, respectively. The January 13, 2021 Order pertains to two petitions submitted by the Sierra Club requesting that EPA object to the issuance of the Clean Air Act (CAA) title V operating permit issued to the Hunter Power Plant in Castle Dale, Emery County, Utah, by the Utah Department of Environmental Quality, Division of Air Quality (UDAQ). The January 13, 2021 Order responds to Sierra Club's April 11, 2016 petition regarding title V operating permit # 1500101002 (2016 Permit), and Sierra Club's October 20, 2020 petition regarding title V operating permit # 1500101004 (2020 Permit). The January 15, 2021 Order responds to petitions submitted by Casey and Julie Voigt requesting that EPA object to the title V operating permit issued to the Coyote Station Power Plant in Beulah, Mercer County, North Dakota, by the North Dakota Department of Environmental Quality (NDDEQ).

The Orders constitute final actions on the petitions.

**ADDRESSES:** You may review copies of the Orders and petitions electronically at <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>. To reduce the risk of COVID-19 transmission, for this action we do not plan to offer hard copy review of these documents or other supporting information. Please email or call the person listed in the **FOR FURTHER INFORMATION CONTACT** section if you need to make alternative arrangements for access to the documents.

**FOR FURTHER INFORMATION CONTACT:** Gail Fallon, Air Permitting and Monitoring Branch (8ARD-PM), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. Phone: (303) 312-6281. Email: [fallon.gail@epa.gov](mailto:fallon.gail@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661-7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of EPA's 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was

impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. Pursuant to sections 307(b) and 505(b)(2) of the Act, a petition for judicial review of those portions of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this document appears in the **Federal Register**.

#### **State Operating Permit for Hunter Power Plant (Emery County, Utah)**

EPA received petitions from the Sierra Club, requesting that EPA object to the 2016 Permit and the 2020 Permit for the Hunter Power Plant. Among other things, the Sierra Club claims that the 2016 and 2020 Permits are deficient because they do not include Prevention of Significant Deterioration (PSD) permitting requirements. More specifically, the Sierra Club asserts that Best Achievable Control Technology requirements as well as terms and conditions necessary to adequately protect national ambient air quality standards and PSD increments are required. EPA denied the 2016 petition on October 16, 2017; however, the Sierra Club sought judicial review of a portion of the 2017 Order in the United States Court of Appeals for the Tenth Circuit. On July 2, 2020, the Tenth Circuit issued a decision vacating and remanding the 2017 Order. EPA's January 13, 2021 Order responds to the Tenth Circuit's decision, replaces the vacated portion of EPA's 2017 Order, and separately responds to the 2020 Petition.

On January 13, 2021, the Administrator issued an Order denying the petitions, but directing UDAQ to reopen the 2020 Permit for cause.

#### **State Operating Permit for Coyote Station Power Plant (Mercer County, North Dakota)**

EPA received petitions from the Voigts, requesting that EPA object to the title V permit for the Coyote Station Power Plant. The Voigts allege that the permit fails to ensure compliance with applicable requirements under the CAA in that: (1) The Coyote Station Power Plant and the nearby Coyote Creek Mine should be considered a single source for title V and New Source Review preconstruction permitting purposes; and (2) the permit fails to include appropriate CAA requirements for the mine, the mine's coal processing plant, and the power plant. On January 15, 2021, the Administrator issued an Order denying the petition.

The Orders issued on January 13, 2021, and January 15, 2021, explain EPA's basis for denying the petitions.

Dated: February 23, 2021.

**Debra Thomas,**

*Acting Regional Administrator, Region 8.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OW-2021-0128; FRL-10020-81-OW]**

### **Proposed Information Collection Request; Comment Request; Clean Watersheds Needs Survey (CWNS) (Reinstatement)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is planning to submit an information collection request (ICR), "Clean Watersheds Needs Survey (CWNS) (Reinstatement)" (EPA ICR No. 0318.14, OMB Control No. 2040-0050) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a reinstatement of the ICR. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

**DATES:** Comments must be submitted on or before April 30, 2021.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OW-2021-0128 online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

**FOR FURTHER INFORMATION CONTACT:** Elisabeth Schlaudt, Office of Water, State Revolving Fund Branch, (4204M), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC