

Prevention of Significant Deterioration Program; (2) the permit is unlawful for not including a specific timeframe for restoring normal operation of bag leak detection systems after a malfunction or repair; (3) the permit is unlawful because it relies on deficient and erroneous calculations; (4) the permit is unlawful because it fails to assure continuous compliance with emission limitations; and (5) the permit is unlawful because its issuance violated public participation requirements.

On March 14, 2023, the EPA Administrator issued an Order denying the Petition. The Order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review of the Administrator's March 14, 2023, Order shall be filed in the United States Court of Appeals for the appropriate circuit no later than June 20, 2023.

*Authority:* 42 U.S.C. 7401 *et seq.*

Dated: April 17, 2023.

**Debra Shore,**

*Regional Administrator, Region 5.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2023-0243; FRL-10914-01-OGC]

### Proposed Settlement Agreement, Clean Water Act and Administrative Procedure Act Claims

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

**ACTION:** Notice of proposed settlement agreement; request for public comment.

**SUMMARY:** In accordance with the EPA Administrator's March 18, 2022, memorandum regarding "Consent Decrees and Settlement Agreements to resolve Environmental Claims Against the Agency," notice is hereby given of a proposed settlement agreement that would resolve *Chesapeake Bay Foundation, Inc. et al. v. U.S. EPA et al.*, No. 1:20-cv-2529 (D.D.C.). On September 10, 2020, four states—Maryland, Virginia, Delaware, and the District of Columbia—and a number of non-state plaintiffs including the Chesapeake Bay Foundation ("CBF") and Anne Arundel County ("Plaintiffs") filed complaints in the U.S. District Court for the District of Columbia. The Plaintiffs asserted that EPA has a mandatory duty under the Clean Water

Act ("CWA") to ensure that the goals of the Chesapeake Bay Agreement are met, and that EPA failed to perform that duty. Plaintiffs also asserted that EPA's evaluation of Pennsylvania's 2019 plan for implementing the Chesapeake Bay TMDL was arbitrary and capricious in violation of the Administrative Procedure Act ("APA"). EPA seeks public input on a proposed settlement agreement prior to its final decision-making with regard to potential settlement of the litigation.

**DATES:** Written comments on the proposed settlement agreement must be received by May 22, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0243 online at <https://www.regulations.gov> (EPA's preferred method). Follow the online instructions for submitting comments.

*Instructions:* All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For detailed instructions on sending comments, see the "Additional Information About Commenting on the Proposed Settlement Agreement" heading under the **SUPPLEMENTARY INFORMATION** section of this document. **FOR FURTHER INFORMATION CONTACT:** Alec Mullee, Water Law Office, Office of General Counsel, U.S. Environmental Protection Agency telephone: (202) 564-9616; email address: [mullee.alec@epa.gov](mailto:mullee.alec@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Settlement Agreement

The Chesapeake Bay Program (CBP) partnership collaborates to restore the water quality of the Chesapeake Bay, primarily through a series of Chesapeake Bay Agreements. The CBP partnership includes the states in the Chesapeake Bay watershed—Delaware, Maryland, Pennsylvania, New York, Virginia, West Virginia, and the District of Columbia—the Federal government led by EPA, and numerous other stakeholders. The CBP partnership agreed upon a goal of having all practices and controls installed by 2025 to achieve the Bay's dissolved oxygen, water clarity/submerged aquatic vegetation and chlorophyll-a water quality standards (2025 Goal). The 2025 Goal is reflected in the latest Chesapeake Bay Agreement. In 2010, in collaboration with the Bay states, EPA established a Total Maximum Daily Load (TMDL) for the entire Chesapeake Bay watershed for nitrogen, phosphorus

and sediment to address the aquatic life use impairments of tidal Bay waters and tidal tributaries. In 2019, the Bay states submitted their latest plans for implementing the Bay TMDL to EPA for evaluation. EPA's evaluation of Pennsylvania's plan concluded that, while the state plan would meet its numeric planning target for phosphorus, it would not meet its target for nitrogen by 2025. In 2022, Pennsylvania submitted an amended plan to EPA for evaluation, which EPA found still did not meet the state's nutrient goals.

On September 10, 2020, the Plaintiffs filed complaints, later consolidated, against EPA in the U.S. District Court for the District of Columbia. The parties have negotiated this proposed settlement agreement. EPA would agree in the proposed settlement agreement to take a number of steps regarding EPA oversight and funding of Pennsylvania's efforts under its CWA programs to reduce nutrient and sediment discharges within Pennsylvania's portion of the Bay watershed. EPA would also agree to evaluate by the end of 2026 how each Bay state fared in meeting the 2025 Goal.

For a period of thirty (30) days following the date of publication of this notice, EPA will accept written comments relating to the proposed settlement agreement from persons who are not parties to the litigation. EPA or the Department of Justice may withdraw or withhold consent to the proposed settlement agreement if the comments received disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Clean Water Act or Administrative Procedure Act.

##### II. Additional Information About Commenting on the Proposed Settlement Agreement

###### A. How can I get a copy of the proposed settlement agreement?

The official public docket for this action (identified by Docket ID No. EPA-HQ-OGC-2023-0243) contains a copy of the proposed settlement agreement. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center 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 OEI Docket is (202) 566-1752.

The electronic version of the public docket for this action contains a copy of the proposed settlement agreement and is available through <https://www.regulations.gov>. You may use <https://www.regulations.gov> to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select "search."

#### *B. How and to whom do I submit comments?*

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0243 via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. EPA may publish any comment received to its public docket. Do not submit to EPA's docket at <https://www.regulations.gov> 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. 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://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties

and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the <https://www.regulations.gov> website to submit comments to EPA electronically is EPA's preferred method for receiving comments. We strongly encourage you to send your comments electronically to ensure that they are received prior to the close of the comment period. The electronic public docket system is an "anonymous access" system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." EPA does not plan to consider these late comments.

**Steven Neugeboren,**

*Associate General Counsel.*

[FR Doc. 2023-08510 Filed 4-20-23; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-10911-01-OA]

### **Small Community Advisory Subcommittee Meeting**

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

**ACTION:** Notification of public meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), EPA hereby provides notice of a meeting for the Local Government Advisory Committee's (LGAC) Small Community Advisory Subcommittee (SCAS) on the date and time described below. This meeting will be open to the public. For information on public attendance and participation, please see the registration information under **SUPPLEMENTARY INFORMATION**.

**DATES:** The SCAS will meet virtually May 5th, 2023, from 12 p.m. through 1:15 p.m. Eastern Standard Time.

**FOR FURTHER INFORMATION CONTACT:** Edlynzia Barnes, Designated Federal Officer (DFO), at [Barnes.edlynzia@epa.gov](mailto:Barnes.edlynzia@epa.gov) or 773-638-9158.

*Information on Accessibility:* For information on access or services for individuals requiring accessibility accommodations, please contact Edlynzia Barnes by email at [Barnes.edlynzia@epa.gov](mailto:Barnes.edlynzia@epa.gov). To request accommodation, please do so five (5) business days prior to the meeting, to

give EPA as much time as possible to process your request.

**SUPPLEMENTARY INFORMATION:** The SCAS will discuss the PFAS National Drinking Water Proposal Standard and PFAS Risk Communication. An agenda will be posted online (link below) prior to the meeting.

*Registration:* The meeting will be held virtually through an online audio and video platform. Members of the public who wish to participate should register by contacting the Designated Federal Officer (DFO) at [Barnes.edlynzia@epa.gov](mailto:Barnes.edlynzia@epa.gov) by April 28, 2023. The agenda and other supportive meeting materials will be available online at <https://www.epa.gov/ocir/small-community-advisory-subcommittee-scas> and will be emailed to all registered. In the event of cancellation for unforeseen circumstances, please contact the DFO or check the website above for reschedule information.

**Edlynzia Barnes,**

*Designated Federal Officer, U.S. Environmental Protection Agency.*

[FR Doc. 2023-08480 Filed 4-20-23; 8:45 am]

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## **ENVIRONMENTAL PROTECTION AGENCY**

[FRL-10852-01-R6]

### **Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption Reissuance—Class I Hazardous Waste Injection; Lyondell Channelview Plant, Texas**

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

**ACTION:** Notice of a final decision on a no migration petition reissuance.

**SUMMARY:** Notice is hereby given that a reissuance of an exemption to the land disposal restrictions, under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act, has been granted to Lyondell Chemical Company for three Class I hazardous waste injection wells at the Lyondell Channelview Plant located in Channelview, Texas.

**DATES:** This action was effective as of December 13, 2022.

**ADDRESSES:** Copies of the petition reissuance and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency (EPA), Region 6, Water Division, Safe Drinking Water Branch (6WD-D), 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102.