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Dated: February 28, 2024.

**Debbie-Anne A. Reese,**  
Acting Secretary.

[FR Doc. 2024-04637 Filed 3-4-24; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10164-02-R4]

### Final National Pollutant Discharge Elimination System (NPDES) General Permit for New and Existing Sources and New Dischargers in the Offshore Subcategory of the Oil and Gas Extraction Category for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico

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

**ACTION:** Notice of final NPDES general permit issuance.

**SUMMARY:** The Director of the Water Division, Environmental Protection Agency (EPA) Region 4 provides in this notice the reissuing of the National Pollutant Discharge Elimination System (NPDES) General Permit (GEG460000) for existing and new sources and new dischargers in the Offshore Subcategory

of the Oil and Gas Extraction Point Source Category located and discharging to the Outer Continental Shelf (OCS) of the Eastern Gulf of Mexico. The permit covers discharges from exploration, development, and production facilities located in, and discharging to, all federal waters of the eastern portion of the Gulf of Mexico seaward of the outer boundary of the territorial seas. It covers existing and new source facilities with operations located on federal leases occurring in water depths seaward of 200 meters, occurring offshore the coasts of Alabama and Florida. The western boundary of the coverage area is demarcated by Mobile and Visoca Knoll lease blocks located seaward of the outer boundary of the territorial seas from the coasts of Mississippi and Alabama. Individual permits will be issued for operating facilities on lease blocks traversed by and shoreward of the 200-meter water depth.

**DATES:** This permit will be issued on the date it is published in the **Federal Register** and become effective at the end of the 30 day notice.

**FOR FURTHER INFORMATION CONTACT:** Ms. Bridget Staples, EPA Region 4, WD, NPDES Section, by telephone at (404) 562-9783 or by email at [Staples.Bridget@epa.gov](mailto:Staples.Bridget@epa.gov).

**SUPPLEMENTARY INFORMATION:** On June 9, 2023, EPA published in the **Federal Register** the proposed draft permit and supporting documents (88 FR 37878) entitled Notice of Draft National Pollutant Discharge Elimination System (NPDES) General Permit for the Eastern Portion of the Outer Continental Shelf (OCS) of the Gulf of Mexico (GEG460000) and subsequently an extension of the comment period to 90 total days (see 88 FR 43562). A copy of the Region's final permit, responses to comments document and other supporting documentation may be found online at <http://www.epa.gov/npdes-permits/eastern-gulf-mexico-offshore-oil-gas-ndes-permits>.

**Kathlene Butler,**  
Director, Water Division.

[FR Doc. 2024-04575 Filed 3-4-24; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2024-0075; FRL-11746-01-OCSPF]

### Draft Criteria for Product Category Rules To Support the Label Program for Low Embodied Carbon Construction Materials; Notice of Availability, Webinar and Request for Comment

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is announcing the availability of and seeking public comment on a draft document titled "EPA Criteria for Product Category Rules to Support the Label Program for Low Embodied Carbon Construction Materials" (PCR Criteria) and is announcing a webinar on March 21, 2024. The Inflation Reduction Act (IRA) authorized \$100 million to EPA to develop a program to identify and label construction materials and products that have substantially lower embodied carbon, in coordination with the General Services Administration (GSA) and the Department of Transportation's Federal Highway Administration (FHWA).

**DATES:**

*Webinar:* March 21, 2024, 1-2 p.m. EST.

*Registration:* To receive the webcast meeting link and audio teleconference information before the meeting, you must register by 12 p.m. on March 21, 2024.

*Special Accommodations:* To allow EPA time to process your request for special accommodations, please submit your request to EPA by 5 p.m. EST on March 7, 2024.

*Written comments:* Submit your comments on or before April 4, 2024.

**ADDRESSES:** Webinar: Register online at [https://www.zoomgov.com/webinar/register/WN\\_wE6i2h3qQc6WghXIDu7WFg](https://www.zoomgov.com/webinar/register/WN_wE6i2h3qQc6WghXIDu7WFg).

*Special Accommodations:* Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

*Written comments:* Submit your comments, identified by docket identification (ID) number EPA-HQ-OPPT-2024-0075, through <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional

instructions on commenting or visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:**

Peter Bacas, Data Gathering & Analysis Division (4410G), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 566-0549; email address: [bacas.peter@epa.gov](mailto:bacas.peter@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Executive Summary**

*A. Does this action apply to me?*

This is directed to the public in general. This notice may be of specific interest to Product Category Rule (PCR) Program Operators, PCR Committee members (trade associations, NGOs, material producers), Life Cycle Assessment (LCA) community members and PCR review panels. EPA will use this document to determine if PCRs are eligible to be used under EPA's Label Program for Low Embodied Carbon Construction Materials. Other interested stakeholders may include manufacturers of construction materials and products, Federal purchasers, institutional purchasers, private sector entities with large real estate portfolios, State and local governments and Tribal Nations purchasers, real estate developers, architects and engineers, standards development organizations, and construction trade groups and construction professionals.

*B. What is the Agency's authority for taking this action?*

IRA section 60116, 26 U.S.C. 55 *et seq.*, authorized \$100 million to EPA to develop a program to identify and label construction materials and products that have substantially lower embodied carbon, in coordination with the GSA and the FHWA.

*C. What action is the Agency taking?*

The Agency is requesting comment on the document titled "Criteria for Product Category Rules to Support the Label Program for Low Embodied Carbon Construction Materials" (PCR Criteria), which is available in the docket. EPA is requesting feedback on the PCR Criteria, which will enable the development of robust Environmental Product Declarations (EPDs) to be used for setting thresholds for the label program. EPA is also announcing a stakeholder engagement opportunity through a webinar. During the webinar EPA will give an informational presentation on the PCR Criteria.

*D. What should I consider as I prepare my comments?*

1. *Submitting CBI.* Do not submit CBI to EPA through <https://www.regulations.gov> or email. If you wish to include CBI in your comment, please follow the applicable instructions at <https://www.epa.gov/dockets/commenting-epa-dockets#rules> and clearly mark the part or all of the information that you claim to be 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 and/or 40 CFR part 703, as applicable.

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

**II. Background**

An increasing number of U.S. Federal, State, and local government procurement policies, as well as large institutional procurement policies, are aimed at driving down greenhouse gas (GHG) emissions related to construction materials. These policies often require manufacturers to disclose the embodied carbon of the materials and products they produce to be eligible for procurement. Embodied carbon refers to the amount of GHG emissions associated with the extraction, production, transport and manufacturing of materials and products.

The IRA, passed by Congress and signed into law in August 2022, leverages Federal procurement and funding of buildings and infrastructure to catalyze markets for American-made construction materials and products with lower embodied carbon (also known as embodied greenhouse gas emissions). IRA section 60116 provided EPA with \$100 million to develop and carry out a program to identify and label construction materials and products that have substantially lower levels of embodied greenhouse gas emissions associated with all relevant stages of production, use, and disposal, as compared to estimated industry averages of similar materials or products. EPA is committed to developing a label program that creates an easy and reliable way for purchasers to identify and procure such lower embodied carbon construction materials and products. Standardizing and

improving the quality of data provided in product Environmental Product Declarations (EPDs), including by establishing consistent PCR criteria, is an essential step in the development of the label program. An EPD is a disclosure document that discloses key environmental impacts of a product's life, as outlined in a PCR. A PCR is a set of guidelines that determine what data should be gathered and how it will be evaluated when conducting the life cycle analysis used to create the EPD. PCRs act as the guardrails by providing specific rules, requirements, and guidelines for calculating and reporting environmental data for a product.

Current data quality requirements and PCR process development approaches lack the consistency, transparency and oversight measures required by the Federal Government. Therefore, EPA's PCR Criteria document builds on existing standardization efforts in order to ensure high quality, consistent and transparent data and processes are used to develop the documents which will ultimately be used to set thresholds and certify products under the label program. Existing documents used to create EPA's PCR Criteria include the Agency's "Framework for the Assessment of Environmental Performance Standards and Ecolabels for Federal Purchasing" ([https://www.epa.gov/system/files/documents/2022-02/updated-framework\\_020222.pdf](https://www.epa.gov/system/files/documents/2022-02/updated-framework_020222.pdf)), The "Product Category Rule Development Initiative's Guidance for PCR Development" ([https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?dir;EntryId=259406&Lab=NRMRL](https://cfpub.epa.gov/si/si_public_record_report.cfm?dir;EntryId=259406&Lab=NRMRL)) and the American Center for Life Cycle Assessment (ACLCA) guidance titled "2022 ACLCA PCR Guidance—Process and Methods Toolkit, Version May 2022" ([https://aclca.org/wp-content/uploads/2022-ACLCA-PCR-Guidance\\_v1\\_Introduction\\_05252022.pdf](https://aclca.org/wp-content/uploads/2022-ACLCA-PCR-Guidance_v1_Introduction_05252022.pdf)) ("ACLCA PCR Guidance of 2022").

Much of EPA's PCR Criteria document is based on the 2022 ACLCA PCR Guidance, primarily focusing on the second checklist at the data source level of conformance. However, the 2022 ACLCA PCR Guidance published prior to a Federal mandate to develop an embodied carbon label. As such, EPA's PCR Criteria document includes additional information needed to support EPA's Label Program for Low Embodied Carbon Materials and Products given the Federal Government's needs associated with public procurement, data specification, and other related items.

EPA received public feedback on actions needed to improve PCRs and

EPDs in response to a request comment on a document titled “Request for Information (RFI) to Support New Inflation Reduction Act Programs to Lower Embodied Greenhouse Gas Emissions Associated with Construction Materials and Products (January 19, 2023)” (<https://www.regulations.gov/docket/EPA-HQ-OPPT-2022-0924/document>), as well as Federal subject matter feedback and support from the Department of Transportation’s Federal Highways Administration, the General Services Administration, the Department of Energy, the Department of Commerce’s National Institute of Standards and Technology, and others. See 88 FR 5002, January 26, 2023 (FRL–10439–01–OCSP).

### III. Request for Public Comment

#### A. What feedback does EPA hope to gain from the public comments?

EPA seeks feedback on whether the draft PCR Criteria adequately addresses existing gaps in data quality and standardization related to the PCRs to ensure robust, consistent, and representative EPDs are available to support the label program. EPA is also seeking input on the level of effort needed for PCRs to conform. EPA also welcomes specific input on each draft PCR criterion.

#### B. What is the request for information?

EPA encourages all potentially interested parties, including individuals, governmental and non-governmental organizations, non-profit organizations, academic institutions, research institutions, and private sector entities to comment on the PCR Criteria. To the extent possible, the Agency asks commenters to please cite any public data related to or that supports responses, and to the extent permissible, describe any supporting data that is not publicly available.

*Authority:* 26 U.S.C. 55 *et seq.*

Dated: February 29, 2024.

**Jennie Romer,**

*Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2024–04593 Filed 3–4–24; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2024–0098; FRL–11789–01–OGC]

### Proposed Consent Decree, Clean Air Act Citizen Suit

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

**ACTION:** Notice of proposed consent decree; request for public comment.

**SUMMARY:** In accordance with the Clean Air Act, as amended (“CAA” or “the Act”), notice is given of a proposed consent decree to address lawsuits filed by Our Children’s Earth Foundation (“Plaintiff”) in the United States District Court for the Northern District of California: *Our Children’s Earth Foundation v. Michael S. Regan*, No. 3:23–cv–04955–WHA (N.D. Cal.). Plaintiff filed a complaint alleging that the Administrator failed to perform certain non-discretionary duties in accordance with the Act to take final action on state implementation plan (“SIP”) revisions submitted by the States of Arizona, New Mexico, Colorado, and Utah. Certain claims included in the Complaint were acted upon by Environmental Protection Agency (EPA) or were withdrawn by the State during the pendency of the suit, and the proposed consent decree would establish deadlines for EPA to sign a notice of final rulemaking on the remaining claims.

**DATES:** Written comments on the proposed consent decree must be received by April 4, 2024.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0098, 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 and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Kyle Durch, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564–1809; email address [Durch.Kyle@epa.gov](mailto:Durch.Kyle@epa.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2024–0098) contains a copy of the proposed consent decree. 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 consent decree 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.”

#### II. Additional Information About the Proposed Consent Decree

The proposed consent decree would establish deadlines for EPA to take final action pursuant to CAA section 110(k) on certain SIP submissions by the States of Arizona, Colorado, and Utah. First, the proposed consent decree would require EPA to take final action on six SIP revisions submitted by the State of Arizona by December 15, 2024: (1) Arizona’s Redesignation Request/Maintenance Plan addressing the 1971 sulfur dioxide NAAQS in the Hayden planning area, submitted on or around June 27, 2002; (2) Maricopa County Air Quality District’s Rule 350 Storage and Transfer of Organic Liquids (Non-Gasoline) at an Organic Liquid Distribution Facility, submitted on or around December 3, 2020; (3) Maricopa County Air Quality District’s Rule 351 Storage and Loading of Gasoline at Bulk Gasoline Plants and at Bulk Gasoline Terminals, submitted on or around December 3, 2020; (4) Maricopa County Air Quality District’s Rule 352 Gasoline Cargo Tank Testing and Use, submitted on or around December 3, 2020; (5) Maricopa County Air Quality District’s Rule 353 Storage and Loading of Gasoline at a Gasoline Dispensing Facility, submitted on or around December 3, 2020; and (6) Arizona’s Infrastructure SIP addressing the 2015 ozone NAAQS, submitted on or about September 24, 2018.

Second, the proposed consent decree would require EPA to take final action on eight SIP revisions submitted by the State of Arizona by December 15, 2025: (1) Hayden PM<sub>10</sub> Plan, Arizona’s attainment plan, submitted on or about