

environmental protection for all affected populations over the 2017 CGP. EPA requested comments on this preliminary determination and/or any modifications that EPA should make to the proposed permit to address environmental concerns. EPA received no comments directly applicable to the request for feedback. Therefore, in the absence of comments that contradict the preliminary determination, EPA finds that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994).

#### **X. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments**

This action has tribal implications. However, it will neither impose substantial direct compliance costs on federally recognized tribal governments, nor preempt tribal law. With limited exceptions, EPA directly implements the NPDES program in Indian country as no tribe has yet obtained EPA authorization to administer the NPDES program. As a result, almost all eligible facilities with stormwater discharges from construction activities in Indian country fall under EPA's CGP or may be covered under an individual NPDES permit issued by EPA.

EPA consulted with tribal officials under EPA's Policy on Consultation and Coordination with Indian Tribes early in the process of developing this permit to have meaningful and timely input into its development to gain an understanding of and, where necessary, to address the tribal implications of the permit. During this consultation, EPA conducted the following activities:

- August 13, 2020—EPA initiated a tribal consultation and coordination process for this action by sending a "Notice of Consultation and Coordination" letter to all 573 federally recognized tribes. The letter invited tribal leaders and designated consultation representative(s) to participate in the tribal consultation and coordination process. The consultation period was from August 13, 2020 to October 27, 2020.

- September 9, 2020—EPA participated in the National Tribal Water Council monthly conference call and received written comments in response.

- September 16, 2020—EPA led an informational webinar to provide an overview of the 2017 CGP and information regarding the ongoing consultation to the National Tribal

Caucus. A total of 34 tribal representatives attended.

- June 24, 2021—EPA hosted an information webinar for tribal representatives on the proposed 2022 CGP. A total of 41 participants attended.

EPA received comments providing input from tribes. These comments are described in EPA's tribal consultation summary, which is can be accessed at <https://www.epa.gov/dockets> in the docket for this permit (refer to Docket ID No. EPA-HQ-OW-2021-0169). In addition, EPA received comments during the September 16, 2020 informational webinar and a September 9, 2020 National Tribal Water Council monthly conference call with EPA staff. EPA also received comments on the proposed permit, which the agency considered as part of the finalization of this permit. EPA's responses to comments can be found <https://www.epa.gov/dockets> in the docket for this permit (refer to Docket ID No. EPA-HQ-OW-2021-0169).

EPA also notes that as part of the finalization of this permit, the agency completed the Section 401 certification procedures with all applicable tribes where this permit applies (see Appendix B). EPA hosted two CWA Section 401 pre-filing meetings for tribes on the proposed 2022 CGP prior to requesting CWA Section 401 certification, as required. These meetings provided certifying tribes an opportunity to meet with EPA about the proposed permit before completing their certification. For the first meeting on June 3, 2021, there were 20 tribal representatives who signed up to participate, and for the second meeting on June 17, 2021 there were 24 representatives who signed up. EPA plans to provide email notification to all tribes of the final 2022 CGP.

As required by section 7(a) of the Executive Order, the EPA's Tribal Consultation Official has certified that the requirements of the executive order have been met in a meaningful and timely manner. A copy of the certification is included in the docket for this action.

#### **XI. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use**

This action is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution or use of energy. This is a renewal of a stormwater discharge permit for construction sites and was submitted to OMB for review.

*Authority:* Clean Water Act, 33 U.S.C. 1251 *et seq.*

**Deborah Szaro,**

*Acting Regional Administrator, EPA Region 1.*

**Javier Laureano,**

*Director, Water Division, EPA Region 2.*

**Carmen Guerrero-Perez,**

*Director, Caribbean Environmental Protection Division, EPA Region 2.*

**Catherine A. Libertz,**

*Director, Water Division, EPA Region 3.*

**Jeaneanne Gettle,**

*Director, Water Division, EPA Region 4.*

**Tera Fong,**

*Director, Water Division, EPA Region 5.*

**Charles W. Maguire,**

*Director, Water Division, EPA Region 6.*

**Jeffery Robichaud,**

*Director, Water Division, EPA Region 7.*

**Darcy O'Connor,**

*Director, Water Division, EPA Region 8.*

**Tomás Torres,**

*Director, Water Division, EPA Region 9.*

**Daniel D. Opalski,**

*Director, Water Division, EPA Region 10.*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OAR-2021-0951; FRL-9474-01-OAR]**

#### **Withdrawal of Broadly Applicable Alternative Test Methods**

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

**ACTION:** Notice of withdrawal.

**SUMMARY:** This notice announces the withdrawal of broadly applicable alternative test method approval decisions for Alternatives 125 and 127 (or ALT-125 and ALT-127) that the Environmental Protection Agency (EPA) made in 2018 under Standards of Performance for New Residential Wood Heaters.

**DATES:** The withdrawal of the broadly applicable alternative test methods ALT-125 and ALT-127 will become effective February 23, 2022.

**FOR FURTHER INFORMATION CONTACT:** Electronic copies of supporting documents for both alternative test method withdrawals are available at Docket ID No. EPA-HQ-OAR-2021-0951. For questions about this notice, contact Mrs. Lula H. Melton, Air Quality Assessment Division, Office of Air Quality Planning and Standards (E143-02), Environmental Protection Agency, Research Triangle Park, NC 27711;

telephone number: (919) 541–2910; fax number: (919) 541–0516; email address: [melton.lula@epa.gov](mailto:melton.lula@epa.gov).

#### SUPPLEMENTARY INFORMATION:

### I. General Information

#### A. Does this notice apply to me?

This notice will be of interest to entities regulated under 40 CFR part 60, subpart AAA—Standards of Performance for New Residential Wood Heaters; state, local, and tribal agencies; and the EPA Regional offices responsible for implementation and enforcement of regulations under 40 CFR part 60, subpart AAA—Standards of Performance for New Residential Wood Heaters.

#### B. How can I get copies of this information?

You may access copies of documents supporting our broadly applicable alternative test method withdrawal decision at Docket ID No. EPA–HQ–OAR–2021–0951.

### II. Background

The Administrator has the authority to approve the use of alternative test methods for compliance with requirements under 40 CFR parts 60, 61, and 63. This authority is found in 40 CFR 60.8(b)(3), 61.13(h)(1)(ii), and 63.7(e)(2)(ii). Additional and similar authority can be found in 40 CFR 59.104(f) and 65.158(a)(2). The criteria for approval and procedures for submission and review of broadly applicable alternative test methods are explained in a previous **Federal Register** notice published at 72 FR 4257 (January 30, 2007) and located at <https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods>. As explained in this notice, we will announce approvals for broadly applicable alternative test methods at <https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods> as they are issued and publish an annual notice that summarizes approvals for broadly applicable alternative test methods during the preceding year.

This notice relates to two broadly applicable alternative test methods that EPA approved in 2018 for Standards of Performance for New Residential Wood Heaters, 40 CFR part 60, subpart AAA. Specifically, ALT–125 allowed for the use of ASTM E3053–17 and ASTM E2515–11, both with the changes specified in the Agency’s approval letter dated February 28, 2018 (revised on August 22, 2018), and Canadian Standards Administration (CSA) Method CSA–B415.1–10, as an

alternative to test methods and procedures for certification of standards that are contained in 40 CFR 60.534. Similarly, as an alternative to 40 CFR 60.534, ALT–127 allowed the use of ASTM E3053–17 and ASTM E2515–11, both with the changes specified in the Agency’s approval letter dated April 13, 2018, and CSA Method CSA–B415.1–10. Further, alternatives 125 and 127 were included in the **Federal Register** notice published on March 4, 2019 (84 FR 7363).

### III. Withdrawal of Approved Alternative Test Methods

As explained in our January 30, 2007 notice, we will revisit approvals of alternative test methods in response to written requests or objections indicating that a particular approved alternative test method either should not be broadly applicable or that its use is not appropriate or should be limited in some way. Any objection to a broadly applicable alternative test method, as well as the resolution of that objection, will be announced at <https://www.epa.gov/emc/broadly-applicable-approved-alternative-test-methods> and in a subsequent **Federal Register** notice.

On April 28, 2021, the Alaska Department of Environmental Conservation (Alaska) requested that the Office of Air Quality Planning and Standards (OAQPS) withdraw previously approved broadly applicable alternative test methods ALT–125 and ALT–127, which, as earlier explained, are used for compliance test purposes to certify residential wood heaters pursuant to 40 CFR part 60, subpart AAA. According to Alaska, ASTM E3053–17 provides too much flexibility such that a test lab, while conducting compliance testing, may “explore” avenues within the test method in order to find approaches for passing any appliance, regardless of design, ultimately resulting in a certification program where a manufacturer simply pays the lab to provide a passing test, rather than objectively measure the actual emissions from their appliance. Further, on May 21, 2021, nine State Attorneys General requested OAQPS to withdraw both ALT–125 and ALT–127 citing a recent Northeast States for Coordinated Air Use Management (NESCAUM) report that found serious concerns with EPA’s implementation of subpart AAA and QQQQ certification programs. In addition, in July, August, and September of 2021, Alaska submitted seven test reports to OAQPS in support of their withdrawal request. For more detailed information, please refer to the supporting documents

available at Docket ID No. EPA–HQ–OAR–2021–0951.

After a thorough review and evaluation of these requests as well as data from Alaska’s test reports, on December 20, 2021, OAQPS decided to formally withdraw ALT–125 and ALT–127 as broadly applicable alternative test methods for Standards of Performance for New Residential Wood Heaters, 40 CFR part 60, subpart AAA. This **Federal Register** notice formalizes our withdrawal of Alternatives 125 and 127 as broadly applicable alternative test methods and announces the removal of both test methods from the Broadly Applicable Approved Alternative Test Methods web page.

The withdrawal of the broadly applicable alternative test methods ALT–125 and ALT–127 will become effective February 23, 2022. Certification tests completed prior to the effective date using ALT–125 or ALT–127 for residential wood heater applications pursuant to 40 CFR part 60, subpart AAA will be considered valid if otherwise meeting all certification requirements of the subpart (40 CFR 60.531).

Certification tests using ALT–125 or ALT–127 completed after the effective date for withdrawal of these alternative test methods will not be valid certification tests pursuant to 40 CFR 60.531 and 60.534(a)(2).

Renewal or recertification of a wood heater model line that was previously certified using ALT–125 or ALT–127 will not be granted a waiver from certification testing pursuant to 40 CFR 60.533(i)(2) or 60.533(k)(1) and must be retested using a valid test method at the time of application for renewal or recertification.

Dated: January 19, 2022.

**Richard A. Wayland,**

*Director, Air Quality Assessment Division.*

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### ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0318; FRL–9098–01–OCSPP]

**Agency Information Collection Activities; Proposed Renewal of an Existing Collection and Request for Comment; Request for Contractor Access to Toxic Substances Control Act (TSCA) Confidential Business Information (CBI)**

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

**ACTION:** Notice.