

**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-OAR-2021-0087; FRL-9706-01-OMS]****Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Benzene Waste Operations (Renewal)****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Benzene Waste Operations (EPA ICR Number 1541.13, OMB Control Number 2060-0183), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2022. Public comments were previously requested, via the **Federal Register**, on April 13, 2021 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**DATES:** Additional comments may be submitted on or before May 2, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2021-0087, online using [www.regulations.gov](http://www.regulations.gov) (our preferred method) or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 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.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Muntasir Ali, Sector Policies and Program Division (D243-05), Office of Air Quality Planning and Standards, U.S. Environmental Protection Agency, Research Triangle Park, North Carolina, 27711; telephone number: (919) 541-0833; email address: [ali.muntasir@epa.gov](mailto:ali.muntasir@epa.gov).

**SUPPLEMENTARY INFORMATION:**

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at <https://www.regulations.gov>, or in person at the EPA Docket Center, WJC West Building, 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:** The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Benzene Waste Operations (40 CFR part 61, subpart FF) apply to existing facilities and new facilities that generate waste containing benzene, such as chemical manufacturing plants, coke by-product recovery plants, petroleum refineries, and those owners and operators of hazardous waste treatment, storage, and disposal facilities (TSDF) that receive wastes from the above facilities. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance with 40 CFR part 61, subpart FF.

**Form Numbers:** None.

**Respondents/affected entities:**

Owners and operators of benzene waste facilities.

**Respondent's obligation to respond:**

Mandatory (40 CFR part 61, subpart FF).

**Estimated number of respondents:**

270 (total).

**Frequency of response:** Quarterly and annually.

**Total estimated burden:** 19,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$2,310,000 (per year), which includes \$0 in annualized capital/startup and/or operation & maintenance costs.

**Changes in the Estimates:** There is no change in burden from the most-

recently approved ICR as currently identified in the OMB Inventory of Approved Burdens. This situation is due to two considerations: (1) The regulations have not changed over the past three years and are not anticipated to change over the next three years; and (2) based on a review of EPA's Toxics Release Inventory that supports the existing estimated number of respondents, the growth rate for this industry is very low or non-existent. Since there are no changes in the regulatory requirements and there is no significant industry growth, there is no significant change in the overall burden and there are also no changes in the capital/startup and/or operation and maintenance (O&M) costs. There is a slight increase in costs, which is wholly due to the use of updated labor rates. This ICR uses labor rates from the most-recent Bureau of Labor Statistics report (September 2020) to calculate respondent burden costs.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2022-06759 Filed 3-30-22; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY****[FRL-9467-01-R2]****Notice of Availability of Draft NPDES General Permit for Small Municipal Separate Storm Sewer Systems in the Commonwealth of Puerto Rico and Federal Facilities Within the Commonwealth of Puerto Rico**

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

**ACTION:** Notice of draft NPDES general permit.

**SUMMARY:** The Director of the Caribbean Environmental Protection Division (CEPD), Environmental Protection Agency—Region 2 (EPA), is issuing this Notice of a Draft National Pollutant Discharge Elimination System (NPDES) general permit, PRR040000/PRR04000F, for discharges from small municipal separate storm sewer systems (small MS4s) from urbanized areas within the Commonwealth of Puerto Rico to waters of the United States. This draft NPDES general permit establishes Notice of Intent (NOI) requirements, standards, prohibitions and management practices for discharges of stormwater from small MS4 urbanized areas. A prior Notice of Availability of a draft general permit was issued by EPA on June 11, 2014. EPA has substantially modified the draft

general permit and is issuing a new draft general permit.

**DATES:** Public comments must be received on or before May 16, 2022. Within the comment period, interested persons may request a public hearing, pursuant to 40 CFR part 124, concerning the proposed draft permit. Requests for a public hearing must be sent or delivered in writing to the same address, as provided below, for public comments prior to the close of the comment period. Requests for a public hearing must state the nature of the issues proposed to be raised in the hearing. Pursuant to 40 CFR part 124, EPA shall hold a public hearing if it finds, on the basis of the requests, a significant degree of public interest on the proposed draft permit. If EPA decides to hold a public hearing, a public notice of the date, time and place of the hearing will be made at least 30 days prior to the hearing.

**ADDRESSES:** Submit your comments by one of the following methods:

1. *Mail:* Multimedia Permits and Compliance Branch, U.S. EPA Region 2, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069.

2. *Email:* [Bosques.Sergio@epa.gov](mailto:Bosques.Sergio@epa.gov).

The draft permit is based on an administrative record available for public review at EPA, Region 2, Caribbean Environmental Protection Division, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069. A reasonable fee may be charged for copying requests. However, the draft general permit and fact sheet are available at EPA's website: <https://www.epa.gov/npdes-permits/npdes-permits-phase-2-stormwater-program-puerto-rico>.

**FOR FURTHER INFORMATION CONTACT:**

Additional information concerning the draft permit may be obtained between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday excluding holidays from: Sergio Bosques, Caribbean Environmental Protection Division, U.S. EPA, Region 2, City View Plaza II, Suite 7000, 48 Road 165 Km 1.2, Guaynabo, Puerto Rico 00968–8069; telephones: 787–977–5838 or 787–977–5870; or by email: [Bosques.Sergio@epa.gov](mailto:Bosques.Sergio@epa.gov). EPA encourages virtual communication as access to the office is limited at this time.

**SUPPLEMENTARY INFORMATION:** EPA is proposing to issue the draft NPDES general permit for the discharge of stormwater from small MS4s to waters within the Commonwealth of Puerto Rico. The permit describes three distinct small MS4s, which include the conventional cities and towns; Non-

Conventional state, federal and other publicly-owned systems; and Non-Conventional transportation systems.

The conditions in the draft permit are established pursuant to Clean Water Act (CWA) Section 402(p)(3)(B)(iii) to ensure that pollutant discharges from small MS4s are reduced to the maximum extent practicable (MEP), protect water quality, and satisfy the appropriate water quality requirements of the CWA. The term small municipal separate storm sewer system is available in 40 CFR 122.26(b). In addition, this term also includes systems similar to separate storm sewer systems and flood management conveyances in municipalities such as military bases, large hospital or prison complexes, highways, flood control pump stations, and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings. For example, an armory located in an urbanized area would not be considered a regulated small MS4.

The draft general permit sets forth the requirements for the small MS4 to “reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design and engineering methods.” (See CWA section 402(p)(3)(B)(iii)). MEP is the statutory standard that establishes the level of pollutant reductions that MS4 operators must achieve. EPA believes that the implementation of best management practices (BMPs), designed to control storm water runoff from the MS4, is, generally, the most appropriate approach for reducing pollutants to satisfy the MEP standard. Pursuant to 40 CFR. 122.44(k), the draft permit contains BMPs, including development and implementation of a comprehensive stormwater management program (SWMP), as the mechanism to achieve the required pollutant reductions.

Section 402(p)(3)(B)(iii) of the CWA also authorizes EPA to include in an MS4 permit “such other provisions as [EPA] . . . determines appropriate for control of . . . pollutants.” This provision forms a basis for imposing water quality-based effluent limitations (WQBELs), consistent with the authority in Section 301(b)(1)(C) of the CWA. See *Defenders of Wildlife v. Browner*, 191 F.3d 1159, 1166–67 (9th Cir. 1999); 64 FR. 68722, 68753, 68788 (Dec. 8, 1999). Accordingly, the draft permit contains the WQBELs, expressed in terms of BMPs, which EPA has determined are necessary and appropriate under the CWA. EPA issued a final general permit to address stormwater discharges from small MS4s on June 13, 2016. The 2016 general permit required small MS4s to

develop and implement a SWMP designed to control pollutants to the maximum extent practicable and protect water quality. This draft permit continues to build on the requirements of the 2016 general permit.

EPA views the MEP standard in the CWA as an iterative process. MEP should continually adapt to current conditions of the MS4, and BMP effectiveness. Compliance with the requirements of this general permit will meet the MEP standard. The iterative process of MEP consists of a municipality developing a program consistent with specific permit requirements, implementing the program, evaluating the effectiveness of the BMPs included as part of the program, then revising those parts of the program that are not effective at controlling pollutants, then implementing the revisions, and evaluating again. The changes contained in the draft general permit reflect the iterative process of MEP. Accordingly, the draft general permit contains similar tasks and details of the 2016 general permit.

EPA has provided, in the draft general permit fact sheet, a summary of the permit conditions. The draft general permit and fact sheet are available at EPA's website: <https://www.epa.gov/npdes-permits/npdes-permits-phase-2-stormwater-program-puerto-rico>.

**Other Legal Requirements**

*A. Endangered Species Act (ESA)*

The provisions related to the ESA have been continued from those in the 2016 general permit. EPA will be requesting concurrence from the appropriate Federal services (U.S. Fish and Wildlife Service and National Marine Fisheries Service) in connection with the 2021 draft and has renewed this request for the proposed draft general permit.

*B. Executive Order 12866*

EPA has determined that this draft general permit is not a “significant regulatory action” under the terms of Executive Order 12866 and is therefore not subject to the Office of Management and Budget (OMB) review.

*C. Paperwork Reduction Act*

The information collection requirements of this permit were previously approved by OMB under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned OMB control number 2040–0004.

*D. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that EPA

prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. However, general NPDES permits are not “rules” subject to the requirements of 5 U.S.C. 553(b), and are therefore not subject to the RFA.

#### *E. Unfunded Mandates Reform Act*

Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104–4, generally requires federal agencies to assess the effects of their “regulatory actions” (defined to be the same as “rules” subject to the RFA) on tribal, state and local governments and the private sector. However, general NPDES permits are not “rules” subject to the requirements of 5 U.S.C. 553(b) and, are, therefore, not subject to the RFA or the UMRA.

*Authority:* This action is being taken under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

**Carmen R. Guerrero-Pérez,**

*Director, Caribbean Environmental Protection Division.*

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**BILLING CODE 6560–50–P**

## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA–HQ–OPPT–2022–0116; FRL–9412–01–OCSPP]**

### **Certain New Chemicals or Significant New Uses; Statements of Findings for January 2022**

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

**ACTION:** Notice.

**SUMMARY:** The Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of certain TSCA notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA. This document presents statements of findings made by EPA on such submissions during the period from January 1, 2022 to January 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact.* Rebecca Edelstein, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection

Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–1667 email address: [Edelstein.rebecca@epa.gov](mailto:Edelstein.rebecca@epa.gov).

*For general information contact:* The TSCA–Hotline, ABVI–Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. General Information**

###### *A. Does this action apply to me?*

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

###### *B. How can I get copies of this document and other related information?*

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2022–0116, is available at <https://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The 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 OPPT Docket is (202) 566–0280.

Due to the public health concerns related to COVID–19, the EPA Docket Center (EPA/DC) and Reading Room is open to visitors by appointment only. For the latest status information on EPA/DC services and docket access, visit <https://www.epa.gov/dockets>.

##### **II. What action is the Agency taking?**

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from January 1, 2022 to January 31, 2022.

##### **III. What is the Agency’s authority for taking this action?**

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term “conditions of use” is defined in TSCA section 3 to mean “the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.”

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of “not likely to present an unreasonable risk of injury to health or the environment”