

The SCAS will hear comments from the public from 3:00–3:15 p.m. (EDT). Individuals or organizations wishing to address the Subcommittee will be allowed a maximum of five (5) minutes to present their point of view. Also, written comments should be submitted electronically to [LGAC@epa.gov](mailto:LGAC@epa.gov) for the SCAS. Please contact the DFO at the email listed under **FOR FURTHER INFORMATION CONTACT** to schedule a time on the agenda by October 28th, 2022. Time will be allotted on a first-come first-served basis, and the total period for comments may be extended if the number of requests for appearances requires it.

The agenda and other supportive meeting materials will be available online at <https://www.epa.gov/ocir/small-community-advisory-subcommittee-scas> and can be obtained by written request to the DFO. In the event of cancellation for unforeseen circumstances, please contact the DFO or check the website above for reschedule information.

**Julian Bowles,**

*Director, State and Local Relations, Office of Congressional and Intergovernmental Relations.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[FRL–10093–01–OMS]**

### **Privacy Act of 1974; System of Records**

**AGENCY:** Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency (EPA).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Office of Chemical Safety and Pollution Prevention is giving notice that it proposes to modify the Federal Lead-Based Paint Program (FLPP) System of Records pursuant to the provisions of the Privacy Act of 1974. To perform Lead-Based Paint or Renovation, Repair, and Painting (RRP) Activities in target housing and child-occupied facilities, EPA requires firms to be certified, individuals to be trained/certified, trainers to be accredited, and individuals to adhere to certain work practice requirements. In addition, firms must notify EPA prior to commencement of lead-based paint abatement activities and accredited training providers must notify EPA with

information regarding courses scheduled and provided. The Agency uses the FLPP Database to manage and store information related to the application process for the accreditation of training providers and the certification of firms and individuals who perform abatement and renovation repair and painting activities.

**DATES:** Persons wishing to comment on this system of records notice must do so by November 18, 2022. New and modified routine uses for this modified system of records will be effective November 18, 2022.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–HQ–OEI–2017–0588, by one of the following methods:

*Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting comments.

*Email:* [docket\\_oms@epa.gov](mailto:docket_oms@epa.gov). Include the Docket ID number in the subject line of the message.

*Fax:* (202) 566–1752.

*Mail:* OMS Docket, Environmental Protection Agency, Mail Code: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery:* OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–OEI–2017–0588. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at <https://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Controlled Unclassified Information (CUI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CUI or otherwise protected through <https://www.regulations.gov>. The <https://www.regulations.gov> website is an “anonymous access” system for the EPA, which means the EPA will not know your identity or contact information. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. If you send an email comment directly to the EPA without

going through <https://www.regulations.gov>, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA public docket, visit the EPA Docket Center homepage at <https://www.epa.gov/dockets>.

*Docket:* All documents in the docket are listed in the <https://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CUI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in <https://www.regulations.gov> or in hard copy at the OMS Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20460. The Public Reading Room is normally 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 OMS Docket is (202) 566–1752. Further information about EPA Docket Center services and current operating status is available at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** Robert Wright, Existing Chemicals Risk Management Division (7404T), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; email address: [wright.robert@epa.gov](mailto:wright.robert@epa.gov); telephone number: 202.566.1975.

**SUPPLEMENTARY INFORMATION:** The FLPP System of Records (FLPPSOR) is being modified to (1) change the name of the system from FLPPSOR to FLPP Database to be more consistent with Agency nomenclature, (2) update the General Routine Uses to add routine uses D, J, L, and M, (3) add a new routine use for the purpose of sharing information for Agency research purposes or to support other research activities (e.g., academic institutions research), and (4) update the “categories of individuals”, “categories of records”, and “policies and practices for retrieval of records” sections to ensure that all personally identifiable information contained within FLPP Database is addressed.

**SYSTEM NAME AND NUMBER:**

Federal Lead-Based Paint Program (FLPP) Database, EPA-SORN 54.

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

The system will be managed by the Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460. Electronically stored information is hosted at the EPA National Computer Center (NCC), 109 TW Alexander Drive, Research Triangle Park, Durham, NC 27711. Paper records are also maintained at EPA regional offices as well as the Federal program contractor's facilities.

**SYSTEM MANAGER(S):**

Brian Symmes, Acting Director, Existing Chemicals Risk Management Division, USEPA, Office of Pollution Prevention and Toxics, (7404T), 1200 Pennsylvania Ave. NW, Washington, DC 20460, (202) 566-1652; and Michelle Price, Chief, Risk Management Branch 2, Existing Chemicals Risk Management Division, USEPA, Office of Pollution Prevention and Toxics, (7404T), 1200 Pennsylvania Ave. NW, Washington, DC 20460, (202) 566-0744.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Section 402 of the Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.*, 40 CFR part 745—Lead-based Paint Poisoning Prevention in Certain Residential Structures.

**PURPOSE(S) OF THE SYSTEM:**

Information collected in this system is used to establish an applicant's eligibility for (1) certification to conduct lead-based paint and RRP activities in target housing and child-occupied facilities; and (2) accreditation to teach lead-based paint and RRP activities training courses. This certification and accreditation information, as well as information collected from required notifications is used for compliance monitoring, enforcement purposes, and related research.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Firms (including sole proprietorships and individuals doing business), trainers and individuals that perform or wish to perform regulated lead-based paint and renovation activities. Members of the public who have been trained by an EPA accredited training provider to conduct regulated lead-based paint or renovation activities.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The FLPP Database system of records contains individuals' names, home addresses, business addresses, telephone numbers, email addresses, documentation of experience/education/training, date of birth, gender, height, weight, hair color, eye color, and photographs.

**RECORD SOURCE CATEGORIES:**

Information is obtained from individuals through their submission of relevant programmatic forms. These include applications for individual and firm certification, training provider accreditation, notification of training and abatement activities.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

The routine uses below are both related to and compatible with the original purpose for which the information was collected. The following general routine uses apply to this system (86 FR 62527): A, B, C, D, E, F, G, H, I, J, K, L and M.

Additional routine uses that apply to this system are:

(1) Information may be disclosed to contractors, grantees, consultants, volunteers, educational institutions, or research organizations who have a need to have access to the information in the performance of research related to the FLPP. Information may be shared for Agency research purposes or to support other FLPP-related research activities at educational institutions or research organizations. When appropriate, recipients will be required to comply with the requirements of the Privacy Act of 1974 as provided in 5 U.S.C. 552a(m).

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

These records are maintained electronically on computer storage devices located at the U.S. EPA National Computer Center, 109 T.W. Alexander Drive, Research Triangle Park, NC 27711. Paper records are maintained at the EPA regional offices and the facility operated by EPA's Federal program contractor's office.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records are retrieved by an individual's name, date of birth, home address, business address, application ID number, applicant ID number, or program activity.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

EPA will retain and dispose of these records in accordance with the EPA

Records Schedule 0089. The National Archives and Records Administration (NARA) Disposal Authority: DAA-GRS-2013-0002-0016 disposition instructions requires NARA records to be closed when no longer needed to conduct Agency business and to be destroyed immediately after file closure. When disposal of records is appropriate, sensitive information must be shredded or otherwise definitively destroyed to protect confidentiality.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Security controls used to protect personal sensitive data in the FLPP Database are commensurate with those required for an information system rated MODERATE for confidentiality, integrity, and availability, as prescribed in the National Institute of Standards and Technology (NIST) Special Publication, 800-53, "Security and Privacy Controls for Federal Information Systems and Organizations," Revision 5.

1. *Administrative Safeguards:* All personnel are required to complete annual agency Information Security and Privacy training. All personnel are instructed to lock their computers when they leave their desks.

2. *Technical Safeguards:* Electronic records are maintained in a secure, password protected electronic system. FLPP Database access is limited to authorized, authenticated users integrated with the Agency's single-sign-on or *Login.gov*. This integration uses the user's credentials to identify the user prior to granting access to the platform and the FLPP Database. All of the system's electronic communication utilizes the agency's Trusted internet Connection (TIC).

3. *Physical Safeguards:* All records are maintained in secure, access-controlled areas or buildings. Paper records stored at EPA's Federal program contractor and storage facility are protected by computerized badge-reading security systems, with files maintained in locked file drawers. Records stored at EPA offices are secured through building security protocols and computerized badge-reading systems.

**RECORD ACCESS PROCEDURES:**

All requests for access to personal records should cite the Privacy Act of 1974 and reference the type of request being made (*i.e.*, access). Requests must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a statement whether a personal inspection of the records or a copy of

them by mail is desired; and (4) proof of identity. A full description of EPA's Privacy Act procedures for requesting access to records is included in EPA's Privacy Act regulations at 40 CFR part 16.

#### CONTESTING RECORD PROCEDURES:

Requests for correction or amendment must include: (1) the name and signature of the individual making the request; (2) the name of the Privacy Act system of records to which the request relates; (3) a description of the information sought to be corrected or amended and the specific reasons for the correction or amendment; and (4) proof of identity. A full description of EPA's Privacy Act procedures for the correction or amendment of a record is included in EPA's Privacy Act regulations at 40 CFR part 16.

#### NOTIFICATION PROCEDURES:

Individuals who wish to be informed whether a Privacy Act system of records maintained by EPA contains any record pertaining to them, should make a written request to the EPA, Attn: Agency Privacy Officer, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, or by email at: [privacy@epa.gov](mailto:privacy@epa.gov). A full description of EPA's Privacy Act procedures is included in EPA's Privacy Act regulations at 40 CFR part 16.

#### EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

#### HISTORY:

70 FR 35251—Established a new System of Records (SOR) under the Federal Lead-Based Paint Program (June 17, 2005).

74 FR 42298—Amended an existing system of records (SOR) by changing the title of "Lead-Based Paint System of Records" (LPSOR) to the "Federal Lead-Based Paint Program System of Records" (FLPPSOR) (August 21, 2009) <https://www.govinfo.gov/content/pkg/FR-2009-08-21/pdf/E9-20209.pdf>.

84 FR 5673—Amended an existing system of records (SOR) to update the category of uses to add lead-based paint and renovator professionals' photographs, to add names of training program managers and principal course instructors as well as their education experience or training qualification, and to discuss EPA's Central Data Exchange (CDX) interconnection or online applications and notifications submissions and other administrative

updates to the FLPPSOR (February 22, 2019).

Vaughn Noga,

Senior Agency Official for Privacy.

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#### ENVIRONMENTAL PROTECTION AGENCY

[FRL-10280-01-R8]

#### Clean Air Act Operating Permit Program; Petition for Objection to State Operating Permit for Hunter Power Plant (Emery County, Utah)

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

**ACTION:** Notice of final order on petition to object to state operating permit.

**SUMMARY:** The EPA Administrator signed an order dated September 27, 2022, denying the petition submitted by the Sierra Club requesting that EPA object to the issuance of the Clean Air Act (CAA) title V operating permit (no. 1500101004) issued to the PacifiCorp Hunter Power Plant in Castle Dale, Emery County, Utah, by the Utah Department of Environmental Quality, Division of Air Quality (UDAQ). The September 27, 2022 Order responds to Sierra Club's January 14, 2022 petition regarding title V operating permit no. 1500101004 (2021 Permit). The Order constitutes final action on the petition.

**ADDRESSES:** You may review copies of the Order and petition 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:** Daniel Fagnant, Air Permitting and Monitoring Branch (8ARD-PM), EPA Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202-1129. Phone number: (303) 312-6927, email address: [fagnant.daniel@epa.gov](mailto:fagnant.daniel@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. 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, 2020, and 2021 operating permits for the Hunter Power Plant. Among other things, the Sierra Club claims that the operating permit is deficient because it does not include Prevention of Significant Deterioration (PSD) permitting requirements. More specifically, the Sierra Club asserts that the operating permit should include Best Achievable Control Technology requirements for nitrogen oxide, sulfur dioxide and particulate matter, terms and conditions necessary to adequately protect national ambient air quality standards, and PSD increments. 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 responded to the Tenth Circuit's decision, replaced the vacated portion of EPA's 2017 Order, and separately responded to the 2020 Petition. On October 1, 2021, UDAQ transmitted a proposed permit to EPA for the Agency's 45-day review. EPA did not object during this period. On November 19, 2021, UDAQ finalized the Permit. On January 14, 2022, the Sierra Club filed the Petition that this order responds to.

On September 27, 2022, the Administrator issued an Order denying the January 14, 2022 Petition. The Order explains EPA's basis for denying the petition.