

Filed Date: 11/17/21.

Accession Number: 20211117-5111.

Comment Date: 5 p.m. ET 12/8/21.

Docket Numbers: ER22-421-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing; Service Agreement No. 897 to be effective 1/18/2021.

Filed Date: 11/17/21.

Accession Number: 20211117-5165.

Comment Date: 5 p.m. ET 12/8/21.

Docket Numbers: ER22-422-000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing; Service Agreement No. 898 to be effective 2/15/2021.

Filed Date: 11/17/21.

Accession Number: 20211117-5170.

Comment Date: 5 p.m. ET 12/8/21.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: November 17, 2021.

**Debbie-Anne A. Reese,**

Deputy Secretary.

[FR Doc. 2021-25546 Filed 11-22-21; 8:45 am]

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. ER22-416-000]

#### Indra Power Business NJ, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Indra Power Business NJ, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that

such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is December 7, 2021.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at <http://www.ferc.gov>. To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<http://www.ferc.gov>) using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. At this time, the Commission has suspended access to the Commission's Public Reference Room, due to the proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact the Federal Energy Regulatory Commission at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov) or call toll-free, (866) 208-3676 or TTY, (202) 502-8659.

Dated: November 17, 2021.

**Debbie-Anne A. Reese,**

Deputy Secretary.

[FR Doc. 2021-25547 Filed 11-22-21; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2021-0800; FRL-9255-01-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 in *Our Children's Earth Foundation v. Regan*, No. 20 Civ. 8232 (JPO). On October 2, 2020, Plaintiff Our Children's Earth Foundation filed a complaint in the United States District Court for the Southern District of New York. Plaintiff alleged that the Environmental Protection Agency (EPA or the Agency) failed to perform certain non-discretionary duties in accordance with the Act to timely respond to numerous state implementation plan (SIP) revisions submitted by the State of New York. The proposed consent decree would establish deadlines for EPA to act on certain submissions.

**DATES:** Written comments on the proposed consent decree must be received by December 23, 2021.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2021-0800, 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. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to

provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov>, as there may be a delay in processing mail and faxes. Hand-deliveries and couriers may be received by scheduled appointment only. For further information on EPA Docket Center services and the current status, please visit us online at <https://www.epa.gov/dockets>.

EPA continues to carefully and continuously monitor information from the CDC, local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID-19.

**FOR FURTHER INFORMATION CONTACT:**

Elizabeth Pettit, Air and Radiation Law Office (7313K), Office of General Counsel, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone (202) 566-2879; email address [pettit.elizabeth@epa.gov](mailto:pettit.elizabeth@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-2021-0800) contains a copy of the proposed consent decree.

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 action pursuant to CAA section 110(k) on certain SIP submissions by the State of New York. First, on September 28, 2015, the State of New York made a SIP submission to EPA intended as a revision to the Proposed 2015 Ozone Infrastructure SIP. On September 2, 2021, EPA signed a final rule to approve in full the non-interstate transport provisions of the SIP (86 FR 49252), and Plaintiff agrees to dismiss its claim regarding this portion of the Proposed 2015 Ozone Infrastructure SIP submission. For the interstate portion of the Proposed 2015 Ozone Infrastructure

SIP submission, the proposed consent decree would require EPA to take final action by April 30, 2022. If, by February 28, 2022, EPA signs for publication a proposal of full or partial disapproval and a proposed federal implementation plan (FIP) to cover those transport provisions, the EPA shall then have until December 15, 2022 to take final action.

Second, on December 18, 2013, New York made a SIP submission to EPA intended as a revision to the Part 220, Portland Cement Plants and Glass Plants—Reasonably Available Control Technology (RACT) Determinations SIP. The proposed consent decree would require EPA to take action on this submission by February 29, 2024.

Third, on August 30, 2010, New York made a SIP submission to EPA intended as a revision for the Single-Source SIP Revisions, RACT Determinations (2010) SIP. The proposed consent decree would require EPA to take action on this submission by February 29, 2024.

Fourth, on September 16, 2008, New York made a SIP submission to EPA intended as a revision for the Single-Source SIP Revisions, RACT Determinations (2008) SIP. The proposed consent decree would require EPA to take action on this submission by February 29, 2024.

Fifth, on December 12, 2017, New York made a SIP submission to EPA intended as a revision for the SIP Revisions Incorporating 6NYCRR Part 218, Emission Standards for Motor Vehicles and Motor Vehicle Engines. The proposed consent decree would require EPA to take action on this submission by February 29, 2024. However, if New York withdraws this SIP submission before February 29, 2024, EPA shall no longer be subject to this deadline for the withdrawn submission (or any withdrawn portion).

Sixth, on July 12, 2013, New York made a SIP submission to EPA intended as a revision for the Proposed Revision to State Plan for Large Municipal Waste Combustors SIP. The proposed consent decree would require EPA to take action on this submission by February 29, 2024.

Additionally, during the pendency of this litigation, in the ordinary course of its administrative action, EPA has taken final action on some of the SIP submissions originally at issue in the litigation.<sup>1</sup>

In accordance with section 113(g) of the CAA, for a period of thirty (30) days following the date of publication of this document, the Agency will accept

<sup>1</sup> See, for example, 86 FR 49482 (September 3, 2021).

written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

**III. Additional Information About Commenting on the Proposed Consent Decree**

Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2021-0800, 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. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

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. 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 is not required to consider these late comments.

**Gautam Srinivasan,**

*Associate General Counsel.*

[FR Doc. 2021-25514 Filed 11-22-21; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R10-OW-2017-0369; FRL-9281-01-R10]

### Proposed Determination To Restrict the Use of an Area and a Disposal Site; Pebble Deposit Area

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

**ACTION:** Notice.

**SUMMARY:** In light of the U.S. District Court for the District of Alaska's recent decision to remand and vacate the United States Environmental Protection Agency (EPA)'s 2019 decision to withdraw the Proposed Determination to Restrict the Use of an Area and a Disposal Site; Pebble Deposit Area, Southwest Alaska pursuant to the Clean Water Act (CWA), EPA Region 10 is providing notice that EPA has good cause to extend the time requirement to allow the EPA Region 10 Regional Administrator to consider available information, including information that has become available since EPA issued the 2014 Proposed Determination in order to determine appropriate next steps in the review process.

**FOR FURTHER INFORMATION CONTACT:** Visit [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay) or contact Cami Grandinetti through the Bristol Bay-specific phone line, (206) 553-0040, or email address, [r10bristolbay@epa.gov](mailto:r10bristolbay@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### A. How To Obtain a Copy of the Bristol Bay Watershed Assessment

The Bristol Bay Watershed Assessment is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

### B. How To Obtain a Copy of the 2014 Proposed Determination

The July 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

### C. How To Obtain a Copy of the Settlement Agreement

The May 11, 2017 settlement agreement is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

### D. How To Obtain a Copy of the Proposal to Withdraw the 2014 Proposed Determination

The July 2017 proposal to withdraw the 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the proposal to withdraw can also be found in the docket for this effort at [www.regulations.gov](https://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

### E. How To Obtain a Copy of Notification of Suspension

The February 2018 notice announcing EPA's decision to suspend the proceeding to withdraw the 2014 Proposed Determination at that time is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the suspension can also be found in the docket for this effort at [www.regulations.gov](https://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

### F. How To Obtain a Copy of the Notice of Withdrawal of the 2014 Proposed Determination

The August 2019 notice of withdrawal of the 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the proposal to withdraw can also be found in the docket for this effort at [www.regulations.gov](https://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or via the following website

located at <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

## II. Factual Background

### A. Bristol Bay Watershed Assessment and 2014 Proposed Determination

In 2011, after EPA received petitions to use its CWA section 404(c) authority to protect Bristol Bay's salmon fishery, EPA initiated a three-year ecological risk assessment to determine the significance of the Bristol Bay watershed's ecological resources and to evaluate the potential impacts of large-scale mining on those resources. In January 2014, EPA finalized the peer-reviewed Bristol Bay Watershed Assessment (BBWA), which it prepared through an open and inclusive process that included two opportunities for public comment, eight public meetings, interagency coordination, and consultation with 13 federally recognized tribal governments.

On February 28, 2014, after careful consideration of available material, including information collected as part of the BBWA, other existing science and technical information, and information provided by stakeholders, EPA Region 10 notified the U.S. Army Corps of Engineers (Corps), the State of Alaska (State), and the Pebble Limited Partnership (PLP) that it had decided to proceed under its CWA section 404(c) regulations to review potential adverse environmental effects of discharges of dredged and fill material associated with mining the Pebble deposit in southwest Alaska. In accordance with its regulations at 40 CFR 231.3(a)(1), EPA Region 10 offered the Corps, the State, and PLP the opportunity to demonstrate to the satisfaction of the Region 10 Regional Administrator that no unacceptable adverse effects would occur as a result of such discharges.

On July 21, 2014, EPA Region 10 published in the **Federal Register** notice of its 2014 Proposed Determination to restrict the use of certain waters in the South Fork Kaktuli River, North Fork Kaktuli River, and Upper Talarik Creek watersheds (located within the larger Bristol Bay watershed) as disposal sites for the discharge of dredged or fill material associated with mining the Pebble deposit (79 FR 42314, July 21, 2014). EPA Region 10 held seven public hearings throughout southwest Alaska during the week of August 11, 2014 and received more than 670,000 public comments, more than 99% of which supported the 2014 Proposed Determination.