

retaining structure and contributes to the ability to maintain the impoundment and would, therefore, remain within the project boundary. Due to non-project oil contamination, the licensees previously ceased operation at the Derby Development, in cooperation with the U.S. Environmental Protection Agency (EPA). The EPA would permanently fill and abandon in place the water passage system associated with the hydroelectric facilities, and the licensees have removed the turbine to permit the EPA's access and remediation activities. The removal of the non-operational facility would result in a decrease in authorized capacity from 8.5 megawatts (MW) to 7.8 MW.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at <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. You may also register online at <http://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1-866-208-3676 or email [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), for TTY, call (202) 502-8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title "COMMENTS", "PROTEST", or "MOTION TO INTERVENE" as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the

requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: February 3, 2023.

**Kimberly D. Bose,**  
Secretary.

[FR Doc. 2023-02750 Filed 2-8-23; 8:45 am]

BILLING CODE 6717-01-P

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OGC-2023-0046; FRL-10610-01-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 *Environmental Integrity Project, et al. v. Regan*, No. 1:22-cv-2243 (D.D.C.). On July 29, 2022, Plaintiffs Environmental Integrity Project, Chesapeake Climate Action Network, and Sierra Club filed a complaint in the United States District Court for the District of Columbia, alleging that the Environmental Protection Agency (EPA or the Agency) failed to perform certain non-discretionary duties in accordance with the Act to timely review and, if necessary, revise, the methods ("emission factors") used to estimate the quantity of emissions of carbon monoxide, volatile organic compounds, and oxides of nitrogen for municipal solid waste landfills. EPA is providing notice of this proposed consent decree, which would resolve all claims in the case by establishing deadlines for EPA to review and, if necessary, revise these emission factors for municipal solid waste landfills.

**DATES:** Written comments on the proposed consent decree must be received by March 13, 2023.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OGC-2023-0046, 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:** Hali Kerr, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone (202) 564-2286; email address [Hali.Kerr@epa.gov](mailto:Hali.Kerr@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-2023-0046) 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

On July 29, 2022, Plaintiffs Environmental Integrity Project, Chesapeake Climate Action Network, and Sierra Club filed a complaint in the United States District Court for the District of Columbia, alleging that the Environmental Protection Agency failed to perform certain non-discretionary duties in accordance with the Act to timely review and, if necessary, revise,

the methods (“emission factors”) used to estimate the quantity of emissions of carbon monoxide, volatile organic compounds, and oxides of nitrogen under CAA section 130, 42 U.S.C. 7430, for municipal solid waste landfills. The proposed consent decree would establish deadlines for EPA to review and, if necessary, revise these emission factors for municipal solid waste landfills.

EPA is agreeing to issue draft revisions to these emission factors (or issue a draft determination that revision is not necessary) by January 15, 2024. EPA is also agreeing to issue final revisions to the emission factors (or issue a final determination that revision is not necessary) by August 15, 2024. EPA will update its AP-42 website, where EPA maintains its Compilation of Air Pollutant Emission Factors, with the emission factors (or determinations) for municipal solid waste landfills.

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 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-2023-0046, 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.

[www.epa.gov/dockets/commenting-epa-dockets](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 such late comments.

**Gautam Srinivasan,**  
Associate General Counsel.

[FR Doc. 2023-02776 Filed 2-8-23; 8:45 am]

**BILLING CODE 6560-50-P**

### FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 17-208; FR ID 126457]

#### Meeting of the Communications Equity and Diversity Council

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, this notice announces the February 23, 2023,

meeting of the Federal Communications Commission’s (Commission) Communications Equity and Diversity Council (CEDC or Council).

**DATES:** Thursday, February 23, 2023, from 10:00 p.m. ET to 4:00 p.m. ET.

**ADDRESSES:** The CEDC meeting will be held virtually and be available to the public for viewing via the internet at <http://www.fcc.gov/live>.

**FOR FURTHER INFORMATION CONTACT:** Jamila Bess Johnson, Designated Federal Officer (DFO) of the CEDC, Media Bureau (202) 418-2608, [Jamila-Bess.Johnson@fcc.gov](mailto:Jamila-Bess.Johnson@fcc.gov); or Aurélie Mathieu, Attorney Advisor, Wireline Competition Bureau, at (202) 418-2194, [Aurelie.Mathieu@fcc.gov](mailto:Aurelie.Mathieu@fcc.gov); or Diana Coho, Consumer Affairs and Outreach Specialist, Consumer and Governmental Affairs Bureau, at (202) 418-2848, [Diana.Coho@fcc.gov](mailto:Diana.Coho@fcc.gov).

**SUPPLEMENTARY INFORMATION:** *Proposed Agenda:* The agenda for the meeting will include reports from each of the three CEDC working groups including Innovation and Access, Digital Empowerment and Inclusion, and Diversity and Equity. This agenda may be modified at the discretion of the CEDC Chair and the DFO.

The CEDC meeting will be accessible to the public on the internet via live feed from the Commission’s web page at [www.fcc.gov/live](http://www.fcc.gov/live). Members of the public may submit questions during the meeting to [livequestions@fcc.gov](mailto:livequestions@fcc.gov). Additionally, members of the public may submit comments to the CEDC using the FCC’s Electronic Comment Filing System, ECFS, at [www.fcc.gov/ecfs](http://www.fcc.gov/ecfs). Comments to the CEDC should be filed in GN Docket No. 17-208.

Open captioning will be provided for this event. Other reasonable accommodations for persons with disabilities are available upon request. Requests for such accommodations should be submitted via email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or by calling the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY). Such requests should include a detailed description of the accommodation needed. In addition, please include a way for the Commission to contact the requester if more information is needed to fulfill the request. Please allow at least five days’ notice; last minute requests will be accepted but may not be possible to accommodate.

Federal Communications Commission.

**Thomas Horan,**  
Chief of Staff, Media Bureau.

[FR Doc. 2023-02787 Filed 2-8-23; 8:45 am]

**BILLING CODE 6712-01-P**