

**ENVIRONMENTAL PROTECTION AGENCY****[FRL-9442-01-R6]****Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permit for Kinder Morgan Crude & Condensate LLC, Galena Park Terminal, Harris County, Texas****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final Order on Petition for objection to Clean Air Act Title V operating permit.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order dated December 16, 2021, granting in part and denying in part a Petition dated August 29, 2017 from the Environmental Integrity Project, Texas Environmental Justice Advocacy Services, Sierra Club, Environment Texas, Air Alliance Houston, and Patricia Gonzales (the Petitioners). The Petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Texas Commission on Environmental Quality (TCEQ) to Kinder Morgan Crude & Condensate LLC (Kinder Morgan) for its Galena Park Terminal located in Harris County, Texas.

**ADDRESSES:** The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final Order, the Petition, and other supporting information. Out of an abundance of caution for members of the public and our staff, the EPA Region 6 office is currently closed to the public to reduce the risk of transmitting COVID-19. Please call or email the contact listed below if you need alternative access to the final Order and Petition, which are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

**FOR FURTHER INFORMATION CONTACT:** Aimee Wilson, EPA Region 6 Office, Air Permits Section, (214) 665-7596, [wilson.aimee@epa.gov](mailto:wilson.aimee@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords EPA a 45-day period to review and object to, as appropriate, operating permits proposed by state permitting authorities under title V of the CAA. Section 505(b)(2) of the CAA authorizes any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA's 45-day review period if the 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 unless the grounds for the issue arose after this period.

The EPA received the Petition from the Petitioners dated August 29, 2017, requesting that the EPA object to the issuance of operating permit no. O3764, issued by TCEQ to Kinder Morgan for its Galena Park Terminal in Harris County, Texas. The Petition claims the proposed permit failed to assure compliance with applicable requirements in Kinder Morgan's Nonattainment New Source Review permit, failed to assure compliance with emission limits and operating requirements established by Permits by Rule (PBRs), failed to specify how Kinder Morgan should quantify emissions from various units to assure compliance with emission limits in the nonattainment permit, and failure to identify and incorporate certified PBR registrations as applicable requirements.

On December 16, 2021, the EPA Administrator issued an Order granting in part and denying in part the Petition. The Order explains the basis for EPA's decision.

Dated: January 12, 2022.

**David Garcia,**

*Director, Air and Radiation Division, Region 6.*

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**ENVIRONMENTAL PROTECTION AGENCY****[EPA-HQ-ORD-2015-0765; FRL-9438-01-ORD]****Board of Scientific Counselors (BOSC) Executive Committee Meeting—February 2022****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of public meeting.

**SUMMARY:** The Environmental Protection Agency (EPA), Office of Research and Development (ORD), gives notice of a series of virtual meetings of the Board of Scientific Counselors (BOSC) Executive Committee (EC) Committee to finalize the BOSC's Air Climate and Energy (ACE), Sustainable and Healthy Communities (SHC), Safe and Sustainable Water Resources (SSWR), and Chemical Safety for Sustainability and Health & Environmental Risk Assessment (CSS and HERA) subcommittee reports.

**DATES:**

1. The deliberation meeting will be held over two days via videoconference:
  - a. Thursday, February 3, 2022, from 1 p.m. to 5 p.m. (EDT); and
  - b. Friday, February 4, 2022, from 1 p.m. to 5 p.m. (EDT).

Attendees must register by February 2, 2022.

2. A final BOSC deliberation videoconference will be held on February 18, 2022, from 11 a.m. to 2 p.m. (EDT). Attendees must register by February 17, 2022.

Meeting times are subject to change. This series of meetings is open to the public. Comments must be received by February 2, 2022, to be considered by the subcommittee. Requests for the draft agenda or making a presentation at the meeting will be accepted until February 2, 2022.

**ADDRESSES:** Instructions on how to connect to the videoconference will be provided upon registration at: <https://epa-bosc-ec-meeting.eventbrite.com>.

Submit your comments to Docket ID No. EPA-HQ-ORD-2015-0765 by one of the following methods:

- [www.regulations.gov](http://www.regulations.gov): Follow the online instructions for submitting comments.
- **Note:** Comments submitted to the [www.regulations.gov](http://www.regulations.gov) website are anonymous unless identifying information is included in the body of the comment.
- **Email:** Send comments by electronic mail (email) to: [ORD.Docket@epa.gov](mailto:ORD.Docket@epa.gov), Attention Docket ID No. EPA-HQ-ORD-2015-0765.
- **Note:** Comments submitted via email are not anonymous. The sender's email will be included in the body of the comment and placed in the public docket which is made available on the internet.

**Instructions:** All comments received, including any personal information provided, will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov). Information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute will not be included in the public docket and should not be submitted through [www.regulations.gov](http://www.regulations.gov) or email. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/dockets/>.

**Public Docket:** Publicly available docket materials may be accessed **Online** at [www.regulations.gov](http://www.regulations.gov).

Copyrighted materials in the docket are only available via hard copy. The

telephone number for the ORD Docket Center is (202) 566-1752.

**FOR FURTHER INFORMATION CONTACT:** The Designated Federal Officer (DFO), Tom Tracy, via phone/voicemail at: 919-541-4334; or via email at: [tracy.tom@epa.gov](mailto:tracy.tom@epa.gov).

Any member of the public interested in receiving a draft agenda, attending the meeting, or making a presentation at the meeting should contact Tom Tracy no later than February 2, 2022.

**SUPPLEMENTARY INFORMATION:** The Board of Scientific Counselors (BOSC) is a federal advisory committee that provides advice and recommendations to EPA's Office of Research and Development on technical and management issues of its research programs. The meeting agenda and materials will be posted to <https://www.epa.gov/bosc>.

Proposed agenda items for the meeting include, but are not limited to, the following: finalize the ACE, SHC, SSWR, and CSS HERA subcommittee reports.

*Information on Services Available:*

For information on translation services, access, or services for individuals with disabilities, please contact Tom Tracy at 919-541-4334 or [tracy.tom@epa.gov](mailto:tracy.tom@epa.gov). To request accommodation of a disability, please contact Tom Tracy at least ten days prior to the meeting to give the EPA adequate time to process your request.

**Authority:** Public Law 92-463, 1, Oct. 6, 1972, 86 Stat. 770.

**Mary Ross,**

*Director, Office of Science Advisor, Policy and Engagement.*

[FR Doc. 2022-00971 Filed 1-19-22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9434-01-OMS]

### Report on Environmental Protection Agency Federal Financial Assistance Infrastructure Programs Subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is publishing a report on EPA Federal financial assistance infrastructure programs subject to the Build America, Buy America Act Provisions of the Infrastructure Investment and Jobs Act (EPA BABAA

Report). This report is available at <https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build> and will be updated as additional information becomes available. Members of the public who are unable to access the EPA BABAA Report at <https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build> may request a copy of the most current version of the report from EPA's Information Contact identified below.

**DATES:** The EPA BABAA Report will be available to the public on January 21, 2022.

**FOR FURTHER INFORMATION CONTACT:**

EPA's National Policy Training and Compliance Division (Attention: Suzanne Hersh) at [EPA\\_Grants\\_Info@epa.gov](mailto:EPA_Grants_Info@epa.gov) or (202) 564-3361.

**SUPPLEMENTARY INFORMATION:** Consistent with the policy direction of Executive Order 14005: Ensuring the Future is Made in All of America By All of America's Workers, Title IX of Infrastructure Investment and Jobs Act (IIJA): Build America, Buy America Act (BABAA) imposes new, government-wide domestic content procurement preference requirements on all federally-funded infrastructure projects—whether or not funded through IIJA. Section 70913(a) of IIJA requires each agency covered by BABAA to submit a report to the Office of Management and Budget (OMB) and Congress that will be published in the **Federal Register**. As provided in section 70913(b) of IIJA this report must:

(1) Identify all domestic content procurement preferences applicable to EPA's Federal financial assistance programs for infrastructure.

(2) Assess the applicability of domestic content procurement preference requirements in certain specified statutes of which section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1388), section 1452(a)(4) of the Safe Drinking Water Act (42 U.S.C. 300j-12(a)(4)) and section 5035 of the Water Infrastructure Finance and Innovation Act of 2014 (33 U.S.C. 3914) are applicable to EPA.

(3) Assess the applicability of any other domestic content procurement preference requirement included in an appropriations Act or other Federal laws (including regulations) to an EPA Federal financial assistance program for infrastructure.

(4) Provide details on any domestic content procurement preference requirement applicable to an EPA Federal financial assistance program for

infrastructure, including the purpose, scope, applicability, and any exceptions and waivers issued under the requirement.

(5) Include a description of the type of infrastructure projects that receive funding under the program, including information relating to—

(A) the number of entities that are participating in the program;

(B) the amount of Federal funds that are made available for the program for each fiscal year; and

(C) any other information EPA's Administrator determines to be relevant.

Section 70913(c) of IIJA requires that the report include a list of "Deficient Programs" which identifies EPA's financial assistance programs for infrastructure (as defined in section 70912(5) of IIJA) for which a domestic content procurement preference requirement does not apply in a manner consistent with section 70914 of IIJA or is subject to a waiver of general applicability not limited to the use of specific products for use in a specific project. Section 70914 generally requires that all the iron, steel, manufactured products, and construction materials used in projects receiving EPA financial assistance for infrastructure be produced in the United States unless EPA provides a waiver of the requirement or application of the requirement would be inconsistent with the United States' obligations under international agreements.

The EPA BABA Report available at <https://www.epa.gov/grants/epas-identification-federal-financial-assistance-infrastructure-programs-subject-build> meets the requirements of section 70913 but will be updated as additional information becomes available.

**Lynnnann Hitchens,**

*Acting Principal Deputy Assistant Administrator, Office of Mission Support.*

[FR Doc. 2022-01082 Filed 1-19-22; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9384-01-R8]

### Administrative Settlement Agreement and Order on Consent: Rico-Argentine Site, Rico, Dolores County, Colorado

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

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** In accordance with the requirements of the Comprehensive