

Under the CCR regulations, owners and operators of unlined CCR surface impoundments were required to cease placing CCR and non-CCR wastestreams into unlined impoundments and initiate the closure (or retrofit) of the unit no later than April 11, 2021. 40 CFR 257.101(a)(1). However, the regulations also include procedures by which an owner or operator of an unlined impoundment could request additional time to cease the receipt of waste and initiate closure of the unit. 40 CFR 257.103(f). On November 30, 2020, Gavin submitted a timely demonstration pursuant to 40 CFR 257.103(f)(1) requesting additional time to develop alternative capacity to manage CCR and non-CCR wastestreams in its Bottom Ash Pond, an unlined CCR surface impoundment subject to the requirement to close no later than April 11, 2021.

On January 11, 2022, EPA proposed to deny Gavin's request for additional time to develop alternative capacity to manage CCR and non-CCR wastestreams in its Bottom Ash Pond. EPA sought comments on the proposed decision during a comment period that closed on March 25, 2022. In response to the proposed decision, the Agency received approximately 30 comment letters from the public. All comment letters can be accessed in the docket for this action at [www.regulations.gov](http://www.regulations.gov) under Docket ID EPA-HQ-OLEM-2021-0590. EPA's responses to public comments are either in the final decision or the Response to Comments document; both are available in the docket.

After considering the comments submitted on the proposal, EPA is denying the request for an extension of the deadline for the Bottom Ash Pond to cease receipt of waste because Gavin has not demonstrated that the facility is in compliance with all of the requirements of 40 CFR part 257, subpart D, as required in § 257.103(f)(1)(iii). First, EPA finds that Gavin has not demonstrated that it complied with the closure performance standards in 40 CFR 257.102(d) when it closed the Fly Ash Reservoir, a separate CCR surface impoundment at the Gavin Plant, with at least a portion of the CCR in the closed unit in continued contact with groundwater, and without taking any measures to address the groundwater continuing to migrate into and out of the impoundment. Second, Gavin did not develop a closure plan for the Fly Ash Reservoir consistent with 40 CFR 257.102(b). Third, Gavin has not demonstrated that the groundwater monitoring system for the Bottom Ash Pond is in compliance with the requirements of 40 CFR 257.93(a),

257.93(f)(3), or 257.94(c) regarding statistical analyses of data, or of 40 CFR 257.94(e)(2) for alternative source demonstrations. Finally, Gavin has not demonstrated that the groundwater monitoring system(s) for the Fly Ash Reservoir and Residual Waste Landfill (a CCR landfill at the Gavin Plant) comply with the requirements in 40 CFR 257.91, 257.93(a), 257.93(f)(3), 257.94(c), or 257.94(e)(2).

EPA's decision is also based on the determination that Gavin's workplan for obtaining alternative capacity does not meet the requirements of 40 CFR 257.103(f)(1)(iv)(A). Specifically, Gavin failed to present a detailed plan of the fastest technically feasible schedule to complete its alternative capacity for non-CCR wastestreams. 40 CFR 257.103(f)(1)(iv)(A)(1)(iii).

As a result, Gavin is hereby required to cease receipt of waste at the Bottom Ash Pond no later than April 12, 2023 or such later date as EPA establishes to address demonstrated electric grid reliability issues. EPA recognizes the importance of maintaining grid reliability and has established a process for Gavin to seek additional time if needed to address demonstrated grid reliability issues. Because Gavin is in the Pennsylvania-New Jersey-Maryland Interconnection (PJM) region, EPA closely considered the comments from and discussions with PJM and developed a process that relies on and is consistent with PJM's existing approach to scheduling outages and protecting electric grid reliability. To utilize this process, the final decision requires Gavin to submit a request for a planned outage to PJM no later than December 13, 2022 to ensure that PJM has sufficient time to evaluate the potential impacts of a planned outage at Gavin. Additionally, Gavin must engage with PJM no later than 5 days after submitting the request for an outage to PJM and no later than December 19, 2022, to request assistance in scheduling the planned outage so that Gavin and PJM can determine the shortest period of time, if any, in which the generating unit must be online to avoid a reliability violation. Finally, to obtain an extension of the new deadline to cease receipt of waste to the Bottom Ash Pond, the final decision requires Gavin to submit a copy of the planned outage request submitted to PJM and the PJM determination (including the formal reliability assessment) to EPA within 10 days of receiving the response from PJM and no later than March 28, 2023. EPA will review the request and,

without further notice and comment, issue a decision.

**Barry N. Breen,**

*Acting Assistant Administrator, Office of Land and Emergency Management.*

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## **ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OAR-2022-0074; FRL-10455-01-OMS]**

### **Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Secondary Brass and Bronze Production, Primary Copper Smelters, Primary Zinc Smelters, Primary Lead Smelters, Primary Aluminum Reduction Plants, and Ferroalloy Production Facilities (Renewal)**

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Secondary Brass and Bronze Production, Primary Copper Smelters, Primary Zinc Smelters, Primary Lead Smelters, Primary Aluminum Reduction Plants, and Ferroalloy Production Facilities (EPA ICR Number 1604.13, OMB Control Number 2060-0110), 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 January 31, 2023. Public comments were previously requested, via the **Federal Register**, on April 8, 2022, 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 December 28, 2022.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2022-0074, to EPA online using <https://www.regulations.gov/> (our preferred method), or by email to [docket@epa.gov](mailto:docket@epa.gov), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T,

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 New Source Performance Standards (NSPS) for Secondary Brass and Bronze Production (40 CFR part 60, subpart M) apply to both existing facilities and new facilities that commenced either construction or modification after June 11, 1973. These standards apply to the following facilities in secondary brass or bronze production plants: reverberatory and electric furnaces of 1,000 kg or greater production capacity and blast (cupola) furnaces of 250 kg/hr or greater production capacity. Furnaces from which molten brass or bronze are cast into the shape of finished products, such as foundry furnaces, are not considered to be affected facilities. The NSPS for Primary Copper Smelters (40 CFR part 60, subpart P) apply to both existing facilities and new facilities that commenced either construction or modification after October 16, 1974. These standards apply to the following facilities in primary copper smelters:

dryer, roaster, smelting furnace, and copper converter. The NSPS for Primary Zinc Smelters (40 CFR part 60, subpart Q) apply to both existing facilities and new facilities that commenced either construction or modification after October 16, 1974. These standards apply to the following facilities in primary zinc smelters: roaster and sintering machines. The NSPS for Primary Lead Smelters (40 CFR part 60, subpart R) apply to both existing facilities and new facilities that commenced either construction or modification after October 16, 1974. These standards apply to the following facilities in primary lead smelters: sintering machine, sintering machine discharge end, blast furnace, dross reverberatory furnace, electric smelting furnace, and converter. The NSPS for Primary Aluminum Reduction Plants (40 CFR part 60, subpart S) apply to both existing facilities and new facilities that commenced either construction or modification after October 23, 1974. These standards apply to the following facilities in primary aluminum reduction plants: potroom groups and anode bake plants. The NSPS for Ferroalloy Production Facilities (40 CFR part 60, subpart Z) apply to both existing facilities and new facilities that commenced either construction or modification after October 21, 1974. These standards apply to the following facilities in ferroalloy production plants: electric submerged arc furnaces which produce silicon metal, ferrosilicon, calcium silicon, silicomanganese zirconium, ferrochrome silicon, silvery iron, high-carbon ferrochrome, charge chrome, standard ferromanganese, silicomanganese, ferromanganese silicon, or calcium carbide; and dust-handling equipment.

In general, all NSPS 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, and are required of all affected facilities subject to NSPS.

**Form Numbers:** None.

**Respondents/affected entities:** Owners and operators or secondary brass and bronze production facilities, primary copper smelters, primary zinc smelters, primary lead smelters, primary aluminum reduction plants, and ferroalloy production facilities.

**Respondent's obligation to respond:** Mandatory (40 CFR 60, subparts M, P, Q, R, S, and Z).

**Estimated number of respondents:** 14 (total).

**Frequency of response:** Monthly, semiannually, annually.

**Total estimated burden:** 2,008 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$349,000 (per year), which includes \$107,000 in annualized capital/startup and/or operation & maintenance costs.

**Changes in the Estimates:** The decrease in burden from the most-recently approved ICR is due to an adjustment(s). Based on information collected by the Agency, all facilities subject to 40 CFR part 60, subpart S are complying with MACT Subpart LL for potroom groups and anode back furnaces as an alternative to the NSPS requirements. In addition, the MACT rule requirements for anode bake plants are more stringent and superseded the NSPS requirements for such affected facility. We assume all facilities subject to this NSPS will continue to comply with the MACT instead; therefore, this ICR adjusts the burden for Subpart S to reflect no respondents. In addition, Capital/Startup vs. O&M costs have decreased due to the same reasons as stated above.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2022-0085; FRL-10456-01-OMS]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Oil and Natural Gas Production (Renewal)

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NESHAP for Oil and Natural Gas Production (EPA ICR Number 1788.13, OMB Control Number 2060-0417), 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 January 31, 2023.