

announcing the availability of the final scopes within six months of the initiation of risk evaluations that occurred on December 20, 2019 (Ref. 2).

#### IV. References

The following is a listing of the documents that are specifically referenced in this **Federal Register** notice. The docket for this action includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket. For assistance in locating these referenced documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. EPA. Draft Scopes of the Risk Evaluations to be Conducted for Thirteen Chemical Substances Under the Toxic Substances Control Act; Notice of Availability. **Federal Register**. 85 FRxx, April 9, 2020 (FRL-10007-11).
2. EPA. High-Priority Substance Designations Under the Toxic Substances Control Act and Initiation of Risk Evaluation on High-Priority Substances; Availability. **Federal Register**. 84 FR 71924, December 30, 2019 (FRL-10003-15).

**Authority:** 15 U.S.C. 2601 *et seq.*

**Andrew Wheeler,**  
Administrator.

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**BILLING CODE 6560-50-P**

#### ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2020-0216; FRL-10008-65-Region 1]

#### Notice of Availability of Proposed Modifications to NPDES General Permits for Stormwater Discharges From Small Municipal Separate Storm Sewer Systems in Massachusetts and New Hampshire

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

**ACTION:** Notice of Availability of Proposed Permit Modifications; Request for Public Comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is providing this notice of availability (NOA) for proposed limited modifications to the final National Pollutant Discharge Elimination System (NPDES) general permits for discharges of stormwater from small Municipal Separate Storm Sewer Systems (MS4s) in Massachusetts and New Hampshire under the Clean Water Act (CWA). The proposed modifications represent the results of mediation supervised by the

U.S. Court of Appeals for the District of Columbia Circuit Mediation Program between EPA and petitioners the National Association of Homebuilders (NAHB), the Home Builders and Remodelers Association of Massachusetts, Inc. (HBRAMA), the New Hampshire Home Builders Association (NHHBA), the Center for Regulatory Reasonableness (CRR), the Massachusetts Coalition for Water Resources Stewardship (MCWRS), the Town of Franklin, Massachusetts (Franklin), the City of Lowell, Massachusetts (Lowell), the Conservation Law Foundation (CLF), and the Charles River Watershed Association (CRWA). EPA and the petitioners have entered into settlement agreements that include commitments for EPA to propose certain modifications to the 2016 Massachusetts Small MS4 General Permit and the 2017 New Hampshire Small MS4 General Permit, and then to take final action on each proposal.

**DATES:** Written comments on the proposed permit modifications must be received by June 8, 2020.

**ADDRESSES:** Submit your comments, identified by Docket ID number EPA-R01-OW-2020-0216, online at [www.regulations.gov](http://www.regulations.gov) (EPA's preferred method). For comments submitted at [www.regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [www.regulations.gov](http://www.regulations.gov). The EPA may publish any comment received to its public docket. Do not submit electronically 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. The EPA generally will 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, please contact the persons identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Newton Tedder, Water Division, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, MC 06-

4 Boston, MA 02109; telephone number: 617-918-1038; email address: [tedder.newton@epa.gov](mailto:tedder.newton@epa.gov); or

Suzanne Warner, Water Division, U.S. Environmental Protection Agency, Region 1, 5 Post Office Square, MC 06-4, Boston, MA 02109; telephone number: 617-918-1383; email address: [warner.suzanne@epa.gov](mailto:warner.suzanne@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Additional Information About the Proposed Permit Modifications

On April 4, 2016, EPA issued a final NPDES general permit for discharges of stormwater from small MS4s in Massachusetts (the MA MS4 Permit) under CWA section 402(p). 33 U.S.C. 1342(p). On July 18, 2016, CRR filed a petition for review of the permit in the U.S. Court of Appeals for the D.C. Circuit. CLF, CRWA, MCWRS, Franklin, NAHB, HBRAMA, and the City of Lowell also filed petitions for review of the permit, all of which were consolidated with CRR's petition in the D.C. Circuit. *Center for Regulatory Reasonableness, et al. v. EPA*, No. 16-1246 (DC Cir.) (2016 Massachusetts Small MS4 General Permit consolidated cases). On January 18, 2017, EPA issued a final NPDES general permit for discharges of stormwater from small MS4s in New Hampshire (the NH MS4 Permit). On February 1, 2017, CLF filed a petition for review of the permit in the U.S. Court of Appeals for the First Circuit. CRR, NAHB, and NHHBA later filed petitions for review in the D.C. Circuit. The First Circuit then transferred the CLF petition to the D.C. Circuit, where the D.C. Circuit consolidated it with the CRR, NAHB, and NHHBA petitions. *Center for Regulatory Reasonableness et. al v. EPA, Conservator Law Foundation, Intervenor* No. 17-1060 (DC Cir.) (2017 New Hampshire Small MS4 General Permit consolidated cases). The parties to both cases entered into mediation in 2017, and the D.C. Circuit has held the cases in abeyance. On December 27, 2019, EPA published three proposed settlement agreements in the **Federal Register** for a 30-day public comment period. See "Proposed Settlement Agreements, Clean Water Act Claims," 84 FR 71407 (Dec. 27, 2019). EPA's planned proposed permit modifications to the Massachusetts and New Hampshire permits and statements of basis describing those proposed modifications were attached as Exhibits A and B to the Massachusetts and New Hampshire proposed settlement agreements. EPA and the petitioners executed the settlement agreements on April 15, 2020. The first two settlement

agreements describe the modifications that EPA is proposing to the MA MS4 Permit and NH MS4 Permit. Pursuant to the settlement agreements, the proposed permit modifications reflect the substantive agreements that parties reached during mediation. In the settlement agreements, the petitioners agree not to submit adverse public comments on the Draft Permit Modifications, except that the Petitioners reserve their rights to submit any form of comment on EPA's proposed modification to the NH MS4 permit Part 2.3.6.a, and the definitions of "new development" and "redevelopment" in NH MS4 permit Appendix A. The agreements specify that EPA will take final action on each proposed modification within nine months of posting this NOA of the Draft Permit Modifications; that petitioners will then dismiss their current petitions for review with prejudice; and that petitioners agree not to challenge EPA's respective final actions if they modify the permits in a manner substantially similar to the proposed modifications (with one exception, discussed in the New Hampshire settlement agreement). The third settlement agreement commits Lowell, Massachusetts to voluntarily dismiss its petition without prejudice and commits EPA to process Lowell's individual permit application and then to take final action on Lowell's individual permit application. Today's notice includes only the proposed MA MS4 and NH MS4 proposed permit modifications. EPA will propose an individual permit for Lowell at a later date.

EPA is reopening, reexamining, and accepting comments on only the parts of the MA MS4 and NH MS4 permits that the proposed modifications specify. In the MA MS4 permit, only the following permit parts are open for modification and comment: parts 2.0; 2.1; 2.1.1; 2.1.2.a; 2.2.; 2.2.2; 2.3.3; 2.3.5; 2.3.6; 2.3.7.a; 2.3.7.b; 4.1; 4.4; Appendix F part A.I; Appendix F part A.II; Appendix F Attachments 2 and 3; and Appendix H. In the NH MS4 permit, only the following permit parts are open for modification and comment: 2.0; 2.1; 2.1.1; 2.1.2.a; 2.2.; 2.2.2 (paragraphs 2 and 3); 2.3.3.1; 2.3.5; 2.3.5.3; 2.3.6.a; 2.3.7.2.b.iii; 3.1.3; 4.1.4; 4.4.2.3; Appendix A; Appendix F part III and Attachment 3; and Appendix H.

EPA has emailed notifications of the Draft Permit Modifications to regulated parties, parties to this mediation, and other interested parties on EPA Region 1's NPDES permit mailing list. For a period of forty-five (45) days following the date of publication of this notice, the Agency will accept written comments

on the proposed permit modifications. Pursuant to 40 CFR 124.12(a), EPA may hold a public hearing during the comment period for any interested persons to submit oral comments. If EPA determines there is sufficient interest in a public hearing, EPA will post the details of the public hearing at EPA Region 1's website and will notify via email the petitioners, eligible permittees, and any other party who requests to be notified. EPA has requested that Massachusetts and New Hampshire provide a water quality certification pursuant to Section 401 of the Clean Water Act, 33 U.S.C. 1341. After considering any significant public comments on the permit sections that are open for proposed modification, EPA will take final action on the Draft Permit Modifications within nine months of the Agency's posting of the NOAs of the Draft Permit Modifications on its website.

Commenters must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period. Any supporting material which is submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in this proceeding, or consist of state or federal statutes and regulations, EPA documents of general applicability, or other generally available reference materials.

## II. Additional Information About Commenting on the Proposed Permit Modifications

*A. How can I get a copy of the proposed permit modifications?* The official public docket for this action, EPA-R01-2020-0216, contains copies of the proposed permit modifications and statements of basis. These documents are also posted on EPA Region 1's website at <https://www.epa.gov/npdes-permits/npdes-stormwater-permit-program-new-england#smallms4program>. The official public docket is available for public viewing at U.S. EPA Region 1, John W. McCormack Building, 5 Post Office Square, Boston, MA 02109. Please contact the persons listed in **FOR FURTHER INFORMATION CONTACT**.

An electronic version of the public docket is available through [www.regulations.gov](http://www.regulations.gov). You may use [www.regulations.gov](http://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." It is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing online at [www.regulations.gov](http://www.regulations.gov) without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. Information claimed as CBI and other information whose disclosure is restricted by statute is not included in the official public docket or in the electronic public docket.

EPA's policy is that copyrighted material, including copyrighted material contained in a public comment, will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the EPA Docket Center.

### *B. How and to whom do I submit comments?*

You may submit comments as provided in the **ADDRESSES** section. Please ensure that your comments are submitted within the specified comment period.

Use of the [www.regulations.gov](http://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. In contrast to EPA's electronic public docket, EPA's electronic mail (email) system is not an "anonymous access" system. If you send an email comment directly to the Docket without going through [www.regulations.gov](http://www.regulations.gov), your email address is automatically captured and included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

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 and with any disk or CD ROM you submit. 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.

Dated: April 17, 2020.

**Dennis Deziel,**

*Regional Administrator, EPA Region 1.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10008-66-OA]

### Notification of Public Meetings of the Science Advisory Board; COVID-19 Review Panel

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

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) Science Advisory Board (SAB) Staff Office announces its intent to convene a panel of experts drawn from the Chartered Science Advisory Board, the SAB Chemical Assessment Advisory Committee (CAAC), and the SAB Drinking Water Committee (DWC) to provide rapid advice on scientific and technical issues related to the COVID-19 Pandemic and opportunities for current and future EPA research activities that might enhance and inform EPA's current and any future responses to SARS-CoV-2. The Staff Office announces two public meetings: (1) A teleconference of the SAB COVID-19 Review Panel to conduct a review of EPA's research activities in response to SARS-CoV-2 and (2) a teleconference of the Chartered SAB to review the draft report of the SAB COVID-19 Review Panel.

**DATES:** The public teleconference of the SAB COVID-19 Review Panel will be held on Thursday, April 30, 2020, from 1:00 p.m. to 5:00 p.m. (Eastern Time) and the public teleconference of the Chartered SAB will be held on Wednesday, May 20, 2020, from 1:00 p.m. to 5:00 p.m. (Eastern Time).

**ADDRESSES:** The teleconferences will be conducted by telephone only.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public who wants further information concerning this notice may contact Dr. Zaida Figueroa, Designated Federal Officer (DFO), via telephone/voice mail (202) 566-2643, or email at [figueroa.zaida@epa.gov](mailto:figueroa.zaida@epa.gov). General

information about the SAB, as well as any updates concerning the meetings announced in this notice can be found on the SAB website at <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the EPA Administrator on the scientific and technical basis for agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB anticipates that the scope and scale of COVID-19 Pandemic will lead EPA Program Offices to request advice on an array of scientific and technical issues. Rapid advice from nationally recognized scientists and public health experts will assist the Agency in developing and implementing timely and scientifically appropriate responses to the COVID-19 Pandemic.

To expedite the development of scientific advice, pursuant to FACA and EPA policy, notice is hereby given that the SAB will convene a panel of experts drawn from the Chartered SAB, the SAB CAAC and the SAB DWC to provide rapid advice on scientific and technical issues of the COVID-19 Pandemic. Panel members will be invited to serve based on their scientific and technical expertise, knowledge, and experience; availability and willingness to serve; and absence of financial conflicts of interest. The panel will provide advice on opportunities for current and future EPA research activities that might enhance and inform EPA's current and any future responses to SARS-CoV-2.

The SAB will hold a public teleconference on Thursday, April 30, 2020, to convene the SAB COVID-19 Review Panel for deliberations. The Chartered SAB will then hold a teleconference on May 20, 2020 to review the SAB COVID-19 Review Panel's draft report.

Due to the exceptional circumstances of the ongoing COVID-19 Pandemic and the need to act quickly, the SAB is providing less than 15 days' notice in the **Federal Register** as there is insufficient time prior to the advisory committee meeting as required by the final rule on Federal Advisory Committee Management codified in 41 CFR 102-3.150(b). Information on the panel's peer review activities will be posted on the SAB website at <http://epa.gov/sab> as they become available.

**Availability of Meeting Materials:** All meeting materials, including the agenda will be available on the SAB web page at <http://epa.gov/sab>.

**Procedures for Providing Public Input:** Public comment for consideration by EPA's federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to the EPA. Members of the public can submit relevant comments pertaining to the committee's charge or meeting materials. Input from the public to the SAB will have the most impact if it provides specific scientific or technical information or analysis for the SAB to consider or if it relates to the clarity or accuracy of the technical information. Members of the public wishing to provide comment should follow the instruction below to submit comments.

**Written Statements:** Given the need for expedited advice on the COVID-19 Pandemic scientific related issues, written statements will be accepted throughout the advisory process. However, for timely consideration by SAB members, statements should be received in the SAB Staff Office by April 26, 2020, for consideration by the SAB COVID-19 Review Panel at the public teleconference on April 30, 2020. Written statements should be received in the SAB Staff Office by May 15, 2020, for consideration by the Chartered SAB as part of their quality review of the panel's work at the public teleconference on May 20, 2020. Written statements should be supplied to the DFO at the contact information above via email. The SAB Staff Office does not publish documents with signatures on its website. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the SAB website. Copyrighted material will not be posted without explicit permission of the copyright holder.

**Accessibility:** For information on access or services for individuals with disabilities, please contact the DFO, at the contact information noted above, preferably at least five days prior to the meeting, to give the EPA as much time as possible to process your request.