

requirements of CWA § 402(b) and 40 CFR part 123 and taking into consideration all comments received. However, pursuant to 40 CFR part 123.21(d), the EPA and the State agreed via email dated January 5, 2021, to extend the 90-day statutory review period deadline from January 11, 2021 to January 19, 2021 to allow the EPA additional time to consider and respond to all public comments.

Public notice of the application: On November 27, 2020, the EPA published notice of the State's application for NPDES program authorization for oil and gas discharges within the State and opened a 45-day comment period as required by 40 CFR part 123.61(a), which ended on January 11, 2021 (85 FR 76076).

Public notice of the State's application was also published in the following newspapers:

Dallas Morning News
Houston Chronicles
El Paso Herald
El Paso Time
Austin Times

Public Participation Process: The EPA held a public meeting and public hearing regarding the State's application virtually via Adobe Connect on January 5, 2021. The EPA deviated from its typical hearing approach because of the President's national emergency declaration due to the COVID-19 pandemic. Because of the current Center for Disease Control and Prevention recommendations, as well as state and local orders for social distancing to limit the spread of COVID-19, the EPA could not hold in-person public meetings/public hearings. The public meeting included an overview of federal and state NPDES program requirements, the state program approval and submittal process (in accordance with 40 CFR part 123), and the general elements of Texas' proposed program for administration of the NPDES program for oil and gas discharges (including the roles and responsibilities of the EPA and the TCEQ). The public hearing provided interested parties the opportunity to provide oral testimony for the official record. There were 52 attendees at the public meeting and 35 attendees at the public hearing. Two individuals presented oral testimony at the public hearing and 156 written comments were received by EPA prior to the close of the comment period.

Summary of Comments Received: In addition to the oral testimony at the public hearing, the EPA received 156 comments on the State of Texas' request for NPDES program authorization for oil and gas discharges. Comments were received from the following entities:

The Texas Alliance of Energy Producers
Environmental Defense Fund
The Sierra Club, Lone Star Chapter
Bay Coastal Watch Association
Audubon Texas
Pioneer Natural Resources, USA, Inc.
Texas Independent Producers and Royalty Owners Association
The American Exploration and Production Council (AXPC)
Citizens of the local communities

EPA received 156 written comments. Of those 156 comments, approximately 130 were very similar in nature, expressing concern with the State's request to implement the NPDES oil and gas program in the State and requesting an extension of the 45-day public comment period. Commenters in opposition to EPA's approval of the State program expressed various concerns, including TCEQ's ties to the oil and gas industry, the lack of current understanding as to the composition of produced waters, and the need for updated effluent limitations guidelines related to oil and gas discharges. At least one commenter acknowledged that the State's program likely met the minimum requirements for authorization under the CWA and 40 CFR part 123, but expressed concern that the EPA retain sufficient oversight over permit review and issuance to ensure compliance with the CWA.

The EPA received 6 comments in support of the State's request for program authorization. These commenters asserted, among other things, that TCEQ has extensive experience with writing NPDES permits for a wide range of discharges, that the requirement to incorporate applicable effluent limitations guidelines into discharge permits will not change with the transfer of NPDES permitting authority from EPA to TCEQ, and that TCEQ is the agency most knowledgeable with regard to the quality of State water bodies and the permit requirements needed to protect those water bodies.

All comments received by the EPA were considered by the agency in making its final decision to approve Texas' request for program authorization. Copies of all comments received and EPA's written responses to those comments are available at <https://www.epa.gov/npdes-permits>.

Additional information about the State's request for partial NPDES program authorization, including a copy of the State's application and supporting documents, is available at www.regulations.gov, Docket No. EPA-R06-2020-0608, or at EPA's Region 6 web page <https://www.epa.gov/npdes-permits>. Documents from the public

meeting and a transcript of the public hearing are available at the web page.

On December 17, 2020, the EPA held a virtual tribal consultation conference to notify affected Tribes of the opportunity for formal and informal consultation, as well as the availability of EPA staff for informal discussions through-out the public participation process. The federally-recognized Texas Tribes that were represented included: The Alabama-Coushatta Tribes of Texas and the Kickapoo Traditional Tribe of Texas. The Ysleta del Sur Pueblo was not in attendance. The EPA did not receive any comments from the Tribes during the 45-day public comment period on the State of Texas's request for NPDES program authorization for oil and gas discharges within the State or a request to initiate formal consultation. Therefore, the EPA concluded that a formal tribal consultation was not required.

Authority: This action is taken under the authority of section 402(b) of the Clean Water Act as amended, 33 U.S.C. 1342(b). Pursuant to 40 CFR 123.61(c), I hereby provide public notice of the EPA's final action approving the State of Texas' request for NPDES program authorization for discharges of produced water, hydrostatic test water, and gas plant effluent, otherwise known as oil and gas discharges, within the State.

Dated: February 5, 2021.

David Gray,

Acting Regional Administrator, Region 6.

[FR Doc. 2021-02895 Filed 2-11-21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-R10-OAR-2020-0563; FRL-10016-50-Region 10]

Final Eligibility Determination for the Kalispel Tribe To Be Treated in the Same Manner as a State Under Provisions of the Clean Air Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces that on December 1, 2020, the Environmental Protection Agency (EPA) Region 10 Regional Administrator determined that the Kalispel Tribe meets the eligibility requirements of the Clean Air Act (CAA) to be treated in the same manner as a state (TAS) for non-regulatory purposes under certain CAA provisions. None of the provisions for which the Kalispel

Tribe requested eligibility entails the exercise of Tribal regulatory authority under the CAA.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2020-0563. The eligibility determination and other docket materials are available electronically at the EPA's electronic public docket system, found at <https://www.regulations.gov>. Please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section if you need assistance.

FOR FURTHER INFORMATION CONTACT: India Young, Air and Radiation Division, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, Washington 98101, 206-553-1219, young.india@epa.gov.

SUPPLEMENTARY INFORMATION: The Kalispel Indian Community of the Kalispel Reservation (Kalispel Tribe) is a Federally recognized tribe located in northeastern Washington. On April 21, 2020, the EPA received an application from the Kalispel Tribe pursuant to section 301(d), 42 U.S.C. 7601(d), of the Clean Air Act (CAA) and the EPA's regulations at 40 CFR part 49. In their application, the Kalispel Tribe requested TAS eligibility for the non-regulatory provisions of six CAA provisions generally relating to grant funding (section 105 of the CAA, 42 U.S.C. 7405), interstate transport of air pollutants (sections 110(a)(2)(D) and 126 of the CAA, 42 U.S.C. 7410(a)(2)(D) and 7426), participation in certain interstate and regional air quality bodies (sections 169B and 176A of the CAA, 42 U.S.C. 7492 and 7506a), and receiving notices of, reviewing, and/or commenting on certain nearby permitting and sources (section 505(a)(2) of the CAA, 42 U.S.C. 7661d(a)(2)). None of the provisions for which the Kalispel Tribe requested eligibility entails the exercise of Tribal regulatory authority under the CAA. The Kalispel Tribe's TAS application thus does not request, and the EPA's decision to approve the application does not approve, Tribal authority to implement any CAA regulatory program or to otherwise implement Tribal regulatory authority under the CAA.

In accordance with the EPA's regulations, as part of its review process, the EPA notified all appropriate governmental entities and the public of the Kalispel Tribe's TAS application. In these notices, the EPA specified the geographic boundaries of the Kalispel Reservation as identified in the Kalispel Tribe's application. The EPA afforded the appropriate governmental entities and the public over 37 days to provide written comments regarding any dispute

concerning the boundary of the Kalispel Reservation. No one provided comments disputing the boundaries of the Kalispel Reservation.

On December 1, 2020, the EPA determined that the Kalispel Tribe has met the requirements of section 301(d)(2) and 40 CFR 49.6 and are therefore approved to be treated in the same manner as a state as follows:

- *Section 105 of the CAA, 42 U.S.C. 7405:* Status as a "State" such that the Kalispel Tribe is eligible for the maximum funding available to an "air pollution control agency."
- *Section 110(a)(2)(D) of the CAA, 42 U.S.C. 7410(a)(2)(D):* Status as an affected "other State" in the context of other states' implementation plans.
- *Section 126 of the CAA, 42 U.S.C. 7426:* Status as a "nearby State" in the context of interstate pollution from major stationary sources.
- *Section 169B of the CAA, 42 U.S.C. 7492:* Status as a "State" in the context of interstate visibility commissions.
- *Section 176A of the CAA, 42 U.S.C. 7506a:* Status as a "State" in the context of interstate transport commissions.
- *Section 505(a)(2) of the CAA, 42 U.S.C. 7661d(a)(2):* Status as an "affected State" in the context of Title V permits issued by other states.

The EPA's decision also concludes that, for the purposes of this eligibility determination, the Kalispel Tribe's jurisdiction extends to the exterior boundaries of the original, formal Kalispel Reservation established and described by Executive Order 1904, signed by President Woodrow Wilson on March 23, 1914, as well as the United States Surveyor General's Map of the Kalispel Indian Reservation dated May 26, 1919, included in the docket for this notice.

A detailed explanation of the EPA's approval of the Kalispel Tribe's TAS application may be found in the docket for this notice.

Judicial Review: Pursuant to section 307(b)(1) of the Clean Air Act (42 U.S.C. 7607(b)(1)), Petitioners may seek judicial review of this approval in the United States Court of Appeals for the Ninth Circuit. Any petition for judicial review shall be filed within 60 days from the date this notice appears in the **Federal Register**, *i.e.*, not later than April 13, 2021.

Authority: 42 U.S.C. 7401 *et seq.*

Dated: February 8, 2021.

Michelle L. Pirzadeh,

Acting Regional Administrator, Region 10.

[FR Doc. 2021-02956 Filed 2-11-21; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-9055-3]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202-564-5632 or <https://www.epa.gov/nepa>.

Weekly receipt of Environmental Impact Statements (EIS)

Filed February 1, 2021 10 a.m. EST

Through February 8, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search>.

EIS No. 20210017, Final, FEMA, CT, ADOPTION—Resilient Bridgeport, Review Period Ends: 03/15/2021, Contact: Eric Kuns 202-805-9089.

The Federal Emergency Management Agency (FEMA) has adopted the Connecticut Department of Housing Final EIS No. 20190215, filed 08/29/2019 with EPA. FEMA was not a cooperating agency on this project. Therefore, republication of the document is necessary under Section 1506.3(b)(1) of the CEQ regulations.

EIS No. 20210018, Final, BLM, CA, Crimson Solar Project Final Environmental Impact Statement and Proposed Land Use Amendment to the California Desert Conservation Area Plan, Review Period Ends: 03/15/2021, Contact: Miriam Liberatore 951-697-5200.

Amended Notice

EIS No. 20200223, Draft, NRC, NM, Disposal of Mine Waste at the United Nuclear Corporation Mill Site in McKinley County, New Mexico, Comment Period Ends: 05/27/2021, Contact: Ashley Waldron 301-415-7317. Revision to FR Notice Published 12/23/2020; Extending the Comment Period from 02/26/2021 to 05/27/2021.

EIS No. 20200239, Draft, MARAD, USCG, TX, Texas Gulfink Deepwater Port License Application, Comment Period Ends: 01/22/2021, Contact: Brad McKittrick 202-372-1443. Revision to FR Notice Published 11/27/2020; Correcting the Comment Period Due Date from 01/11/2021 to 01/22/2021; and Correcting the Lead Agency to include MARAD.

EIS No. 20200263, Draft, DOE, ID, Draft Versatile Test Reactor Environment