

West, 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:** Regulations implementing section 301(h) of the Clean Water Act (CWA) are found at 40 CFR part 125, subpart G. This CWA section allows for a case-by-case review of treatment requirements for publicly owned treatment works (POTW) discharges to marine waters. Eligible POTW applicants that met the set of environmentally stringent criteria received a modified National Pollutant Discharge Elimination System (NPDES) permit waiving secondary treatment requirements. CWA section 301(h) only applies to the 25 POTWs that applied by December 29, 1982, that currently hold modified permits and the six states in which the POTWs are located. No new applications are accepted.

The CWA section 301(h) program involves collecting information from municipal wastewater treatment facilities (POTWs), and the state in which the POTW is located. A POTW holding a modified permit or reapplying for a modification provides application, monitoring, and toxic control program information. The state provides information on its determination whether the discharge under the proposed conditions of the modified permit ensures the protection of water quality, biological habitats, and beneficial uses of receiving waters and whether the discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. The state also provides information to certify that the discharge will meet all applicable state laws and that the state accepts all permit conditions.

There are four situations where information will be required: (1) A POTW reapplying for a CWA section 301(h) modified permit. As the permits with section 301(h) modifications reach their expiration dates, EPA must have updated information on the discharge to determine whether criteria are still being met and whether the modified permit should be reissued. (2) Once a modified permit has been granted, EPA must continue to assess whether the discharge is meeting the CWA criteria, and that the receiving water quality, biological habitats, and beneficial uses of the receiving waters are protected. To do this, EPA needs monitoring and toxics control information furnished by the permittee. (3) Application revision information: A POTW is allowed to revise its application one time only,

following a tentative decision by EPA to deny the modified permit request. In its application revision, the POTW usually corrects deficiencies and changes proposed treatment levels as well as outfall and diffuser locations. The application revision is a voluntary submission for the applicant. (4) State determination and state certification information: The state determines whether all state laws are satisfied. Additionally, the state must determine if the applicant's discharge will result in additional treatment, pollution control, or any other requirement for any other point or nonpoint sources. This process allows the state's views to be considered when EPA reviews the application and develops permit conditions.

**Form numbers:** None.

**Respondents/affected entities:** Municipalities that currently have CWA section 301(h) modifications from secondary treatment, or have applied for a renewal of a CWA section 301(h) modified permit, and the states within which these municipalities are located.

**Respondent's obligation to respond:** Required to obtain or retain a benefit.

**Estimated number of respondents:** 31 (total).

**Frequency of response:** From once every five years, to varies case-by-case, depending on the category of information.

**Total estimated burden:** 44,985 hours (per year). Burden is defined at 5 CFR 1320.3(b).

**Total estimated cost:** \$1,300,339 (per year), includes \$0 annualized capital or operation & maintenance costs.

**Changes in the estimates:** There is an increase of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due to changes in respondent universe, program status, information needs, and use of technology.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[CERCLA-04-2018-3762; FRL 10019-53-Region 4]

### KOPPERS CO., Inc. (Charleston Plant), Charleston, North Carolina; Notice of Modified Settlement

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

**ACTION:** Notice of Modified Settlement.

**SUMMARY:** Under 122(h) of the Comprehensive Environmental

Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency (EPA) has modified an existing settlement entered by the EPA and Prospective Purchaser (PP) Highland Resources for the Koppers Co., Inc. (Charleston Plant) Superfund National Priorities List (NPL) Site ("Site") in Charleston, Charleston County, South Carolina. The existing Administrative Agreement on Consent (AOC) (CERCLA Docket No. 2018-3762) became effective on March 11, 2019. HR Charleston VII, LLC agreed to perform work at the Koppers Superfund Site to support redevelopment. This modification adds a newly acquired parcel which was not previously included in the agreement.

**DATES:** The Agency will consider public comments on the settlement until March 31, 2021. The Agency will consider all comments received and may modify or withdraw its consent to the modified settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

**ADDRESSES:** Copies of the settlement are available from the Agency by contacting Ms. Paula V. Painter, Program Analyst, using the contact information provided in this notice. Comments may also be submitted by referencing the Site's name through one of the following methods:

**Internet:** <https://www.epa.gov/aboutepa/about-epa-region-4-southeast#r4-public-notices>.

**Email:** [Painter.Paula@epa.gov](mailto:Painter.Paula@epa.gov).

**FOR FURTHER INFORMATION CONTACT:** Paula V. Painter at 404/562-8887.

Dated: January 21, 2021.

**Maurice Horsey,**

*Chief, Enforcement Branch, Superfund & Emergency Management Division.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-10020-66-Region 8]

### Clean Air Act Operating Permit Program: Petitions for Objection to State Operating Permit for Hunter Power Plant (Emery County, Utah) and State Operating Permit for Coyote Station Power Plant (Mercer County, North Dakota)

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

**ACTION:** Notice of final orders on petitions to object to state operating permits.