

Dated: September 4, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

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ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2024–0394; FRL–12196–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (“CAA” or “the Act”), the Environmental Protection Agency (“EPA” or “the Agency”) is providing notice of a proposed consent decree in *Louisiana Environmental Action Network, et al. v. Regan*, No. 1:23–cv–2714–DLF (D.D.C.). On December 7, 2023, Plaintiffs Louisiana Environmental Action Network, People Concerned About Chemical Safety, and Sierra Club (collectively Plaintiffs) filed an amended complaint in the United States District Court for the District of Columbia. Plaintiffs alleged that: EPA failed to perform certain non-discretionary duties in accordance with the Act to “review, and revise as necessary” the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) for the Polyether Polyols Production source category, at least every eight years; and EPA’s failure to timely issue a new final rule or other final action on the 2014 petition for reconsideration (the Reconsideration Petition) submitted by Louisiana Environmental Action Network and Sierra Club for the NESHAP as promulgated in 2014. The proposed consent decree would establish deadlines for EPA to take actions.

DATES: Written comments on the proposed consent decree must be received by October 10, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0394, online at <https://www.regulations.gov> (EPA’s preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to <https://www.regulations.gov>, including any personal information provided. For

detailed instructions on sending comments and additional information on the rulemaking process, see the “Additional Information about Commenting on the Proposed Consent Decree” heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Michael Thrift, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone: (202) 564–8852; email address: thrift.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2024–0394) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree, and is available through <https://www.regulations.gov>. You may use <https://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.”

II. Additional Information About the Proposed Consent Decree

Plaintiffs filed a complaint in the United States District Court for the District of Columbia alleging (i) that EPA failed to perform certain non-discretionary duties in accordance with the Clean Air Act under section 112(d)(6) to the NESHAP for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP, at least every eight years; and (ii) that EPA’s failure to issue a new final rule or other final action on the 2014 petition for reconsideration (the Reconsideration Petition) submitted by Louisiana Environmental Action Network and Sierra Club for the NESHAP as

promulgated in 2014, 79 FR 17340 (March 27, 2014), constitutes “agency action unreasonably delayed” under Clean Air Act section 304(a).

The EPA solicits public comments on a proposed consent decree that would establish deadlines for EPA to take proposed and final actions pursuant to Clean Air Act (CAA or Act) section 112(d)(6). Specifically, the consent decree would require by December 10, 2024, that EPA sign a final rule taking action on reconsideration of the affirmative defense provisions related to the 2014 national emission standards for hazardous air pollutants (NESHAP) for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP. In addition, the consent decree would require by December 10, 2024, that EPA sign a notice of proposed rulemaking on its review of the NESHAP for the Polyether Polyols Production source category, 40 CFR part 63, subpart PPP, including all “necessary” revisions (taking into account developments in practices, processes, and control technologies) to subpart PPP and to reconsider other aspects of the 2014 NESHAP subpart PPP. Finally, the consent decree would require by December 10, 2025, that EPA sign a final rule for these proposed actions. For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree. The EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0394, via <https://www.regulations.gov>. Once submitted, comments cannot be edited or removed from this docket. The EPA may publish any comment received to its public docket. Do not submit to EPA’s docket at <https://www.regulations.gov> 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 will generally 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, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <https://www.epa.gov/dockets/commenting-epa-dockets>. For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

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. 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.

Use of the <https://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.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked "late." The EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2024-20386 Filed 9-9-24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-ORD-2022-0831; FRL-12235-01-ORD]

2024 Workshops To Obtain Input on Initial Draft Materials for the Integrated Science Assessment (ISA) for Oxides of Nitrogen—Health Criteria

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of workshop.

SUMMARY: The Environmental Protection Agency (EPA) is preparing an Integrated Science Assessment (ISA) as part of the review of the primary (health-based) National Ambient Air Quality Standards (NAAQS) for oxides of nitrogen. As part of this review, EPA is announcing a series of public workshops to evaluate preliminary draft materials that will inform the development of the ISA for oxides of nitrogen. Preliminary materials are not being released externally but will be provided to the panelists to guide discussions that will inform the development of the draft ISA for oxides of nitrogen. The workshops are being organized by EPA's Center for Public Health and Environmental Assessment (CPHEA) within the Office of Research and Development and will be held by webinar and teleconference on October 8, October 30, and October 31. Members of the public may attend the webinars as observers. Space in the teleconferences may be limited, and reservations will be accepted on a first-come, first-served basis.

DATES: The workshops will be held on October 8, October 30, and October 31.

ADDRESSES: The workshops will be held by webinar and teleconference. The website information and call-in number for the webinars are available to registered participants. Please register by going to <https://www.eventbrite.com/o/us-epa-81991238023>.

FOR FURTHER INFORMATION CONTACT: Please direct questions regarding workshops registration or logistics to Lindsey Green; telephone: 571-459-4084; or email: EPA-Workshops@icf.com. For technical information, prior to the workshops, contact David Lehmann; telephone: 919-541-0234; or email: Lehmann.David@epa.gov and Alison Krajewski; telephone: 919-541-7688; or email: Krajewski.Alison@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Information About the Workshop

Section 108(a) of the Clean Air Act directs the Administrator to identify certain air pollutants which, among

other things, "cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare";¹ and to issue air quality criteria for them. These air quality criteria are to "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air. . . ." Under section 109 of the Act, EPA is then to establish NAAQS for each pollutant for which EPA has issued criteria. Section 109(d)(1) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. EPA is also required to review and, if appropriate, revise the NAAQS, based on the revised air quality criteria (for more information on the NAAQS review process, see <https://www.epa.gov/naaqs>).

EPA has established NAAQS for six criteria pollutants including oxides of nitrogen. Periodically, EPA reviews the scientific basis for these standards by preparing an ISA. In conjunction with additional technical and policy assessments conducted by EPA's Office of Air Quality Planning and Standards (OAQPS), the ISA provides the scientific and technical basis for EPA decisions on the adequacy of the current NAAQS and the appropriateness of possible alternative standards.

CPHEA is holding a series of workshops to inform the Agency's evaluation of the scientific evidence for the oxides of nitrogen. The purpose of these workshops is to obtain input on the scientific content of preliminary draft materials that will inform the development of the draft ISA. Workshop sessions will include discussion of preliminary draft materials from subject areas which may include exposure assessment, toxicology, epidemiology, air quality/exposure, and fate and transport. These preliminary materials are not being released as an external draft but will be provided to the panelists to guide discussions and inform the development of the draft ISA for Oxides of Nitrogen—Health Criteria. These workshops are planned to help ensure that the ISA, once developed, is up-to-date and focuses on the key

¹ Under Clean Air Act section 302(h), welfare effects include, but are not limited to, "effects on soils, water, crops, vegetation, manmade materials, animals, wildlife, weather, visibility, and climate, damage to and deterioration of property, and hazards to transportation, as well as effects on economic values and on personal comfort and well-being."