

EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely proposes to approve state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
  - Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
  - Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
  - Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
  - Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
  - Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
  - Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
  - Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
  - Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
  - Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the proposed rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

## List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Greenhouse gases, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: February 6, 2019.

**Douglas Benevento,**

*Regional Administrator, EPA Region 8.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 131

[EPA-HQ-OW-2018-0056; FRL-9989-46-OW]

### Extension of Public Comment Period for Water Quality Standards; Establishment of a Numeric Criterion for Selenium for the State of California

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

**ACTION:** Notice; extension of comment period.

**SUMMARY:** The Environmental Protection Agency (EPA) is extending the comment period for the proposed rule "Water Quality Standards; Establishment of a Numeric Criterion for Selenium for the State of California" for an additional 45 days, from February 11, 2019, to March 28, 2019. The EPA will offer virtual public hearings on the proposed rule via the internet on March 19, 2019, and March 20, 2019. The EPA is taking this action in order to ensure the public comment period remains open to accommodate the public hearings, originally scheduled for January 29, 2019, and January 30, 2019, and rescheduled due to the recent federal government shutdown. This extension is necessary to comply with public notice requirements.

**DATES:** Comments must be received on or before March 28, 2019.

**ADDRESSES:** *Comments:* Submit your comments, identified by Docket ID No. EPA-HQ-OW-2018-0056, at <https://www.regulations.gov> (our preferred method), or the other methods identified at <https://www.epa.gov/dockets/commenting-epa-dockets>. Once submitted, comments cannot be edited or removed from the docket. 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, 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>.

**Docket:** All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, *e.g.*, CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at two Docket Facilities. The Office of Water (OW) Docket Center is open from 8:30 a.m. until 4:30 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (202) 566-2426 and the Docket address is OW Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The 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.

**Public Hearings:** The EPA is offering two online public hearings so that interested parties may provide oral comments on this proposed rulemaking. For more details on the public hearings and a link to register, please visit <https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criterion-selenium-fresh-waters-california>.

**FOR FURTHER INFORMATION CONTACT:** Danielle Anderson, Office of Water, Standards and Health Protection Division (4305T), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 564-1631; email address: [Anderson.Danielle@epa.gov](mailto:Anderson.Danielle@epa.gov); or Diane E. Fleck, P.E., Esq., Water Division (WTR-2-1), U.S.

Environmental Protection Agency  
Region 9, 75 Hawthorne Street, San  
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**SUPPLEMENTARY INFORMATION:** On December 13, 2018, the Environmental Protection Agency (EPA) published the proposed rule, “Water Quality Standards; Establishment of a Numeric Criterion for Selenium for the State of California” in the **Federal Register** (83 FR 64059). The EPA is proposing to establish a federal Clean Water Act (CWA) selenium water quality criterion applicable to California that protects aquatic life and aquatic-dependent wildlife in the fresh waters of California.

The original deadline to submit comments on the proposed rule was February 11, 2019, and the public hearings were originally scheduled for January 29, 2019, and January 30, 2019. This action extends the comment period for 45 days. Due to the recent federal government shutdown, the public hearings have been rescheduled for March 19, 2019, and March 20, 2019, and written comments must now be received by March 28, 2019. Under CWA section 303(c)(1) and the EPA’s regulation at 40 CFR 131.20, states and authorized tribes are required to hold public hearings when revising water quality standards. When preparing for or conducting such public hearings, states and authorized tribes must comply with the EPA’s public hearing requirements at 40 CFR 25.5. Under 40 CFR 131.22(c), when the EPA promulgates a federal water quality standard for a state, it must comply with the same procedures established for states and authorized tribes. These provisions include requirements for providing at least 45 days advance notice of a public hearing. This public comment period is extended in order to accommodate complying with the public hearing requirements and to ensure the public comment period remains open to accommodate the rescheduled public hearings. Notice of the rescheduled public hearings was posted on the EPA’s website on January 30, 2019 at <https://www.epa.gov/wqs-tech/water-quality-standards-establishment-numeric-criterion-selenium-fresh-waters-california>.

The EPA will offer virtual public hearings on the proposed rule via the internet on Tuesday, March 19, 2019, from 9:00 a.m.–11:00 a.m. Pacific Time and Wednesday, March 20, 2019, from 4:00 p.m.–6:00 p.m. Pacific Time. For details on these public hearings, as well as registration information, please visit <https://www.epa.gov/wqs-tech/water->

*quality-standards-establishment-numeric-criterion-selenium-fresh-waters-california*.

Dated: February 6, 2019.

**David P. Ross,**

*Assistant Administrator, Office of Water.*

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Chapter I

[EPA-HQ-OPPT-2018-0682; FRL-9988-56]

#### Asbestos; TSCA Section 21 Petition; Reasons for Agency Response

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

**ACTION:** Petition; reasons for Agency response.

**SUMMARY:** This document provides the reasons for EPA’s response to a September 27, 2018, petition it received under the Toxic Substances Control Act (TSCA) from the following organizations: Asbestos Disease Awareness Organization, American Public Health Association, Center for Environmental Health, Environmental Health Working Group, Environmental Health Strategy Center, and Safer Chemicals Healthy Families (“petitioners”). Generally, the petitioners requested that EPA make multiple amendments to the Chemical Data Reporting (CDR) rule under TSCA by January 1, 2019, in order to increase the reporting of asbestos. After careful consideration, EPA denied the petition for the reasons discussed in this document.

**DATES:** EPA’s response to this TSCA section 21 petition was signed on December 21, 2018, and a copy is available in the docket.

#### FOR FURTHER INFORMATION CONTACT:

*For technical information contact:* Tyler Lloyd, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: (202) 564-4016; email address: [lloyd.tyler@epa.gov](mailto:lloyd.tyler@epa.gov).

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554-1404; email address: [TSCA-Hotline@epa.gov](mailto:TSCA-Hotline@epa.gov).

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### A. Does this action apply to me?

This action is directed to the public in general. This action may, however, be of particular interest to those persons who manufacture or process or may manufacture (which includes import) or process the chemical asbestos (CAS No. 1332-21-4). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

### B. How can I access information about this petition?

The docket for this TSCA section 21 petition, identified by docket identification (ID) number EPA-HQ-OPPT-2018-0682, is available at <https://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The 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 OPPT Docket is (202) 566-0280. Please review the visitor instructions and additional information about the docket available at <https://www.epa.gov/dockets>.

## II. TSCA Section 21

### A. What is a TSCA section 21 petition?

Under TSCA section 21 (15 U.S.C. 2620), any person can petition EPA to initiate a rulemaking proceeding for the issuance, amendment, or repeal of a rule under TSCA sections 4, 6, or 8, or an order under TSCA sections 4, 5(e), or (f). A TSCA section 21 petition must set forth the facts which it is claimed establish that it is necessary to initiate the action requested. EPA is required to grant or deny the petition with 90 days of its filing. If EPA grants the petition, the Agency must promptly commence an appropriate proceeding. If EPA denies the petition, the Agency must publish its reasons for the denial in the **Federal Register**. A petitioner may commence a civil action in a U.S. district court to compel initiation of the requested rulemaking proceeding either within 60 days of either a denial or, if EPA does not issue a decision, within 60 days of the expiration of the 90-day period.