

that replace the recommended numeric nutrient criteria of 2000 and 2001. These models and associated criteria are provided in accordance with the provisions of CWA Section 304(a) for EPA to revise national recommended ambient water quality criteria from time to time to reflect the latest scientific knowledge. The ecological responses on which these models and criteria are based were selected by applying a risk assessment approach to explicitly link nutrient concentrations to the protection of designated uses.

The recommended ambient water quality criteria for lakes and reservoirs are based on the available data from EPA's National Lakes Assessment (NLA) survey. The NLA surveys are carried out under EPA's National Aquatic Resource Survey program, which conducts water quality and biological surveys of the nation's surface waters in partnerships with state and authorized tribal water quality monitoring programs (<https://www.epa.gov/national-aquatic-resource-surveys>). The NLA surveys were designed using random sampling of lakes and reservoirs across the United States, and as a result, the collected data represent the characteristics of the full population of United States lakes and reservoirs. The NLA surveys were implemented using standardized field sampling and analytical methods, with internal oversight and independent quality control surveillance yielding data of high quality and statistical rigor.

The stressor-response models used in generating the recommended ambient water quality criteria are based on previously published EPA technical guidance (U.S. EPA 2010, *Using stressor-response relationships to derive numeric nutrient criteria*, Office of Water, U.S. Environmental Protection Agency, Washington, DC, EPA-820-S-10-001), as well as scientific peer-reviewed statistical and modeling techniques. Models provided in the recommended criteria document are based on national data, but states and authorized tribes may have additional data collected during routine monitoring. Incorporating these local data into the national models can refine and improve the precision of the stressor-response relationships on a site-specific basis. EPA stands ready to assist states and authorized tribes to add their data into the models through the Nutrient Scientific Technical Exchange Partnership & Support (N-STEPS) program. In the appendices of the criteria document, EPA describes case studies in which state monitoring data have been combined with national data, yielding models that can be used to derive numeric nutrient criteria that

account for both unique local conditions and national, large-scale trends.

### III. What are CWA Section 304(a) recommended water quality criteria?

CWA Section 304(a) water quality criteria are non-binding recommendations developed by EPA under authority of CWA Section 304(a) based on the latest scientific knowledge on the effects that pollutant concentrations have on aquatic species, recreation, and/or human health.

CWA Section 304(a)(1) directs EPA to develop, publish, and, from time to time, revise criteria for water quality accurately reflecting the latest scientific knowledge. Water quality criteria developed under CWA Section 304(a) are based on data and scientific judgments on the relationship between pollutant concentrations and environmental and human health effects. CWA Section 304(a) recommended criteria do not reflect consideration of economic impacts or the technological feasibility of meeting pollutant concentrations in ambient water.

CWA Section 304(a) recommended criteria provide non-binding guidance to states and authorized tribes in adopting water quality standards that ultimately provide a basis for controlling discharges of pollutants. Under the CWA and its implementing regulations, states and authorized tribes are to adopt water quality criteria to protect designated uses (e.g., aquatic life, recreational use). EPA's recommended water quality criteria are not regulations and do not constitute legally binding requirements. States and authorized tribes may adopt other scientifically defensible water quality criteria that differ from these recommendations. The CWA and its implementing regulations require that any new or revised water quality standards adopted by the states and authorized tribes be scientifically defensible and protective of the designated uses of the bodies of water. States and authorized tribes have the flexibility to do this by adopting criteria based on (1) EPA's recommended criteria, (2) EPA's criteria modified to reflect site-specific conditions, or (3) other scientifically defensible methods.

### IV. Use of the Recommended Ambient Water Quality Criteria for Lakes and Reservoirs by States and Authorized Tribes

EPA is publishing the recommended ambient water quality criteria for lakes and reservoirs for consideration by states and authorized tribes as they adopt numeric nutrient criteria to protect aquatic life, recreation, and

drinking water sources from nutrient pollution. States and authorized tribes could consider using the recommendations as an alternative to or as a supplement of other scientifically defensible approaches. States and authorized tribes may also modify the criteria to reflect site-specific conditions or establish criteria based on other scientifically defensible methods (40 CFR 131.11(b)). These updated CWA Section 304(a) recommended nutrient criteria for lakes do not, as a general matter, compel a state or authorized tribe to revise current EPA approved and adopted criteria, Total Maximum Daily Load nutrient load targets, or nitrogen or phosphorus numeric values established by other scientifically defensible methods. As part of its triennial review, if a state or authorized tribe uses its discretion to not adopt new or revised nutrient criteria based on these CWA Section 304(a) recommended criteria, then the state or authorized tribe shall provide an explanation when it submits the results of its triennial review (40 CFR 131.20(a)).

### V. What changed between the draft and final criteria?

Changes in the final recommended criteria document, compared to the May 2020 draft posted for public comment, include technical revisions to the models limited to the parameter estimates for the zooplankton model, which were updated to reflect a slight change in how the model calculates seasonal mean biomasses of phytoplankton and zooplankton. Other changes include the addition of an appendix that provides an example workflow for identifying appropriately protective numeric nutrient criteria using the interactive tools, as well as minor editorial revisions that clarify or expand on existing text.

**Radhika Fox,**

*Assistant Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OW-2021-0532; FRL-8836-01-OW]

### Notification of Safe Drinking Water Act (SDWA) Section 1441 Application Submissions

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The U.S. Environmental Protection Agency (EPA) is announcing receipt of Certifications of Need applications pursuant to the Safe Drinking Water Act (SDWA) Section 1441. Seven public water systems and three publicly owned treatment works submitted these applications. Each applicant cited receipt of notices of *force majeure* or unavailability of treatment chemical via normal procurement channels. The notices explained that a significant curtailment of deliveries of chlorine and derivative treatment chemicals from producers and from producers to repackagers would necessitate either a reduction in allocations of chlorine, sodium hypochlorite, or ferric chloride relative to the contractual agreements or an outright cancellation of the contracts. The applications further stated that after receiving the notices, each of these utilities tried to identify alternate treatment chemical suppliers with no success. EPA is providing an opportunity for written comments from the public on the SDWA Section 1441 applications, from chemical producers and repackagers that could supply the required chlorine, sodium hypochlorite, or ferric chloride to the applicants, and from any other interested parties.

**DATES:** Comments must be received on or before August 27, 2021.

**ADDRESSES:** You may send comments, identified by Docket ID Number EPA-HQ-OW-2021-0532, by any of the following methods:

*Federal eRulemaking Portal:* <https://www.regulations.gov> (our preferred method). Follow the online instructions for submitting comments.

*Mail:* U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Environmental Protection Agency, Mail code: 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery/Courier (by scheduled appointment only):* EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC 20004. The Docket Center's hours of operations are 8:30 a.m. to 4:30 p.m., Monday through Friday (except federal holidays).

*Instructions:* All submissions received must include the Docket ID No. EPA-HQ-OW-2021-0532 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, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of

this document. Out of an abundance of caution for members of the public and our staff, the EPA Docket Center and Reading Room are closed to the public, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov>, as there may be delay in processing mail. Hand deliveries and couriers may be received by scheduled appointment only. For further information of EPA Docket Center Services and the current status, please visit us online at <https://www.epa.gov/dockets>.

**FOR FURTHER INFORMATION CONTACT:** For information on SDWA Section 1441 applications contact Gabrielle Minton, Office of Ground Water and Drinking Water, Water Security Division, at (202) 564-8284 or email [minton.gabrielle@epa.gov](mailto:minton.gabrielle@epa.gov). For information on water utility disinfection products contact Steve Allgeier, Office of Ground Water and Drinking Water, Water Security Division, at (569) 513-7131 or email [allgeier.steve@epa.gov](mailto:allgeier.steve@epa.gov). For more information, visit EPA's website at: <https://www.epa.gov/waterutilityresponse/watersectorsupplychainchemicalshortages>.

#### **SUPPLEMENTARY INFORMATION:**

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##### **I. General Information**

*A. Does this action impose any requirements on Public Water Systems (PWSs) or Publicly Owned Treatment Works (POTWs)?*

This action, when published, will not impose any requirements on utilities.

##### *B. Public Participation*

Submit your comments, identified by Docket ID No. EPA-HQ-OW-2021-0532, at <https://www.regulations.gov> (our preferred method), or the other methods identified in the **ADDRESSES** section of this document. Once submitted, comments cannot be edited or removed from the docket. 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. 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>.

EPA is temporarily suspending its Docket Center and Reading Room for public visitors, with limited exceptions, to reduce the risk of transmitting COVID-19. Our Docket Center Staff will continue to provide remote customer service via email, phone, and webform. We encourage the public to submit comments via <https://www.regulations.gov> as there may be a delay in processing mail. Hand deliveries or couriers will be received by scheduled appointment only. For further information and updates on EPA Docket Center services, please visit us online at <https://www.epa.gov/dockets>.

EPA continues to carefully monitor information from the Centers for Disease Control and Prevention (CDC), local area health departments, and our federal partners so that we can respond rapidly as conditions change regarding COVID-19.

##### *C. What should I consider as I prepare my comments for EPA?*

You may find the following suggestions helpful for preparing your comments:

- Explain your views as clearly as possible.
- Describe any assumptions that you used.
- Provide any technical information and/or data you used that support your views.
- Provide full references for any peer reviewed publication you used that support your views.
- Provide specific examples to illustrate your concerns.
- Offer alternatives.

Make sure to submit your comments by the comment period deadline. To ensure proper receipt by EPA, identify the appropriate docket identification number in the subject line on the first page of your response. It would also be helpful if you provided the name, date,

and **Federal Register** citation related to your comments.

## II. Purpose, Background, and Statutory Requirements of This Action

This section briefly summarizes the purpose of this action and the statutory requirements.

### A. What is the purpose of this action?

The purpose of this action is to provide notification of the applications received under SDWA Section 1441.

EPA has received applications for Certifications of Need under SDWA Section 1441 authority, from the following public water systems and publicly owned treatment works: City of Oceanside—Mission Basin Groundwater Purification Facility (PWSID CA3710014, 12.5% sodium hypochlorite, 5,000 gallons delivered every 65 days); City of Oceanside—Weese Filtration Plant (PWSID CA3710014, 12.5% sodium hypochlorite, 5,000 gallons delivered every 5 days); City of Oceanside—San Luis Rey Water Reclamation Facility (POTW ID R9–2019–0166, 12.5% sodium hypochlorite, 5,000 gallons delivered every 10 days); Western Municipal Water District—Western Water Recycling Facility (POTW ID R9–2003–0113, 12.5% sodium hypochlorite, 5,000 gallons delivered every 10 days); Western Municipal Water District—Western Riverside County Regional Wastewater Authority (POTW CA8000216, 12.5% sodium hypochlorite, 5,000 gallons delivered every 3 days); City of Poway (PWSID CA3710015, 100% gaseous chlorine, 5 tons delivered every 21 days); Jordan Valley River Water Conservancy District (PWSID UT18027, 100% gaseous chlorine, 12 tons delivered every 7 days); Helix Water District (PWSID CA3710010, 100% gaseous chlorine, 12 tons delivered every 14 days); Niagara Falls Water Board Wastewater Treatment Plant (PWSID NY0026336, 12.5% sodium hypochlorite, 30,000 gallons delivered every day); and the City of Farmington Water and Wastewater Utility (PWSID NM–35–10224, 38%–42% ferric chloride, 5,000 gallons delivered every 55 days).

Submitted applications were reviewed by EPA for accuracy, completeness, and basis for need. After the comment period, EPA will issue or deny Certifications of Need. If issued, EPA will transmit the Certifications of Need to the U.S. Department of Commerce Undersecretary for Business and Industrial Security to implement the certification by issuing an order to contracted suppliers. The orders will require repackagers and/or suppliers to

provide the fully contracted chlorine and other derivative treatment chemical allocations to the utilities listed in this **Federal Register** document. EPA requests comment on the application submittals as well as feedback from repackagers or suppliers who may be able to assist.

On June 30, 2021, EPA Administrator Regan issued a letter to the chemical sector encouraging chemical manufacturers and suppliers to prioritize drinking water and wastewater systems. EPA has been in frequent communication with representatives from the chemical sector, including specific chlorine producers and chlorine repackagers. While drinking water and wastewater disinfection accounts for less than 5% of chlorine consumed in the U.S., the water sector's use of this chemical is essential for protecting public health.

The applicants indicated that if their public water systems cannot obtain a sufficient and reliable supply of the required treatment chemical in the form used at that treatment facility, they would be compelled to issue boil water notices and Tier 1 public notifications or shut down the treatment system until the supply of the required treatment chemical is restored. If public water systems are forced to shut down, the communities served by the system would lack a safe drinking water supply, with significant consequences to public health and the local economy. Similarly, if publicly owned treatment works lack adequate chlorine or derivative chemical supplies, they would be unable to disinfect treated wastewater prior to discharge to surface waters, potentially leading to an increase in the concentration of pathogens in the surface water, which may be used by downstream drinking water utilities as a source of drinking water or by recreational users.

### B. Background and Statutory Requirements

Pursuant to SDWA Section 1441, a PWS or POTW may submit an application to the EPA Administrator for a Certification of Need when the amount of a “chemical or substance necessary to effectively treat water is not reasonably available” or “will not be so available when required.” 42 U.S.C. 300j(a). Upon receipt of the application, EPA must publish a notice in the **Federal Register**, notify in writing all individuals who could be subject to an order based on the Certification of Need, and provide time for written comment. EPA may waive such requirements when the agency finds for good cause that a waiver is necessary to protect

public health. *Id.* at (b)(2). Within 30 days after publishing the notice in the **Federal Register** or after receipt of the application if publication is waived, EPA will either issue or deny the Certification of Need. *Id.* at (b)(3). The EPA Administrator has delegated the authority to receive applications for Certifications of Need, issue such certifications, and take other actions under SDWA Section 1441 to the EPA Assistant Administrator for Water.

If EPA issues the Certification of Need, the agency will forward it to the U.S. Department of Commerce (Department) for implementation. 42 U.S.C. 300j(c)(1). Within seven days of EPA issuing the certification, the Department will issue an order requiring the manufacturers, producers, processors, distributors, or repackagers of the chemical or substance, identified in the amount and form in the Certification of Need, that the Department determines the supplies to be necessary and appropriate. *Id.* Persons or companies subject to the order will be given a reasonable opportunity to consult with the Department with respect to implementation of the order. *Id.*

**Radhika Fox,**

*Assistant Administrator.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL–8844–01–R5]

### Great Lakes Advisory Board Notice for Virtual Meeting

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

**ACTION:** Notice of public meeting for Great Lakes Advisory Board.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act (FACA), the Environmental Protection Agency (EPA) provides notice of a public meeting for the Great Lakes Advisory Board (GLAB). Pre-registration is required.

**DATES:** This virtual public meeting will be held on August 30th, 2021 from 1:00 p.m. to 4:00 p.m. Central Daylight Time and August 31st from 9:00 a.m. to 12:00 p.m. Central Daylight Time. Members of the public seeking to view the meeting must register by 3:00 p.m. Central Daylight Time on August 23rd, 2021. Members of the public seeking to make comments relevant to issues discussed at the virtual meeting must register and indicate a request to make oral and/or written public comments in advance of