

TSCA CBI under this contract will take place at EPA Headquarters, in accordance with EPA's *TSCA CBI Protection Manual*.

Access to TSCA data, including CBI, will continue until October 31, 2024. If the contract is extended, this access will also continue for the duration of the extended contract without further notice.

SAIC's personnel will be required to sign nondisclosure agreements and will be briefed on specific security procedures for TSCA CBI.

**Authority:** 15 U.S.C. 2601 *et seq.*

Dated: December 2, 2019.

**Pamela Myrick,**

*Director, Information Management Division,  
Office of Pollution Prevention and Toxics.*

[FR Doc. 2019-27479 Filed 12-19-19; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA R9-2020-02; FRL-10003-31-Region 9]

### Notice of Proposed Administrative Settlement Agreement for Recovery of Past Response Costs at the North Hollywood Operable Unit of the San Fernando Valley Area 1 Superfund Site in Los Angeles County, California

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

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given that the Environmental Protection Agency ("EPA"), has entered into a proposed settlement, embodied in an Administrative Settlement Agreement for Recovery of Past Response Costs ("Settlement Agreement"), with Honeywell International Inc. Under the Settlement Agreement, Honeywell agrees to pay \$11,600,000 to reimburse EPA for costs EPA has incurred at the North Hollywood Operable Unit of the San Fernando Valley Area 1 Superfund Site ("NHOU") and in conjunction with the San Fernando Valley Basin-Wide Remedial Investigation.

**DATES:** Comments must be received on or before January 21, 2020.

**ADDRESSES:** The Settlement Agreement is available for public inspection at the United States Environmental Protection Agency, Superfund Records Center, 75 Hawthorne Street, Room 3110, San Francisco, California 94105. Telephone:

415-947-8717. Comments should be addressed to Michael Massey, Assistant Regional Counsel, Office of Regional Counsel (ORC-3), U.S. Environmental Protection Agency, 75 Hawthorne Street, San Francisco, CA 94105; or Email: [massey.michael@epa.gov](mailto:massey.michael@epa.gov) and should reference the NHOU and the EPA Docket Number for the Settlement Agreement, EPA R9-2020-02. EPA's response to any comments received will be available for public inspection at the same address.

#### FOR FURTHER INFORMATION CONTACT:

Michael Massey, Assistant Regional Counsel (ORC-3), Office of Regional Counsel, U.S. EPA Region IX, 75 Hawthorne Street, San Francisco, CA 94105; Email: [massey.michael@epa.gov](mailto:massey.michael@epa.gov); Phone (415) 972-3034.

**SUPPLEMENTARY INFORMATION:** Notice of this proposed Settlement Agreement is made in accordance with the Section 122(i) of CERCLA, 42 U.S.C. 9622(i). The Settlement Agreement concerns costs incurred by EPA in connection with the NHOU and the San Fernando Valley Basin-Wide Remedial Investigation, two CERCLA response actions in Los Angeles County, California, where groundwater contamination has come to be located. Honeywell, which agrees to pay EPA \$11,600,000, is the only party to the Settlement Agreement. EPA intends to recover its remaining costs from other responsible parties in the future; however, because EPA is not recovering one hundred percent of its past costs at this time, this Settlement Agreement represents a compromise of EPA's costs. The settlement includes a covenant not to sue pursuant to Sections 106 and 107(a) of CERCLA, 42 U.S.C. 9606 and 9607(a).

EPA will consider all comments received on the Settlement Agreement in accordance with the **DATES** and **ADDRESSES** sections of this Notice and may modify or withdraw its consent to the Settlement Agreement if comments received disclose facts or considerations that indicate that the settlement is inappropriate, improper, or inadequate.

Dated: December 4, 2019.

**Enrique Manzanilla,**

*Director, Superfund Division, EPA Region 9.*

[FR Doc. 2019-27538 Filed 12-19-19; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R08-OW-2019-0404; FRL-10003-46-Region 8]

### Approval of Variance Decision Pursuant to the Safe Drinking Water Act; Alternative Treatment Technique for National Primary Drinking Water Lead and Copper Regulations for Denver Water

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

**ACTION:** Notice and opportunity for public comment.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a variance under the Safe Drinking Water Act (SDWA) for Denver Water. This variance will allow Denver Water to implement a Lead Reduction Program Plan (LRPP) as an alternative to using orthophosphate as a corrosion control treatment to reduce lead concentrations in drinking water. Denver Water's LRPP is expected to be as protective in lowering lead levels as the requirements under the Lead and Copper Rule (LCR). This variance is effective for an initial period of three years and may be extended if Denver Water demonstrates the effectiveness of this alternative approach. Concurrent with this action, the EPA is asking for comments on the potential criteria for how the Agency will determine whether to extend this variance for up to an additional twelve years. The EPA is accepting public comments on these criteria and on the EPA's interpretation of the statutory standard for future variance requests, as described under **SUPPLEMENTARY INFORMATION**.

**DATES:** All public comments on the criteria must be received on or before January 21, 2020.

**ADDRESSES:** All comments can be submitted directly through docket number EPA-R08-OW-2019-0404 available at [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:** The variance documents are available through docket number EPA-R08-OW-2019-0404 available at [www.regulations.gov](http://www.regulations.gov). Questions can be directed to Natalie Cannon, Drinking Water B Section, EPA Region 8, 1595 Wynkoop Street, Denver, CO 80202-1129, phone 303-312-6625.

**SUPPLEMENTARY INFORMATION:** The Lead and Copper Rule (LCR) required that all large public water systems (PWSs) complete corrosion control treatment steps and install optimal corrosion control treatment for lead and copper by January 1, 1997, complete follow up

sampling, and operate in compliance with optimal water quality parameters (OWQPs) specified by the applicable regulatory authority by July 1, 1998. Denver Water conducted a corrosion control treatment study in the mid-1990's. Based on that study, CDPHE designated pH and alkalinity treatment as optimal corrosion control treatment for Denver Water and set a minimum pH of 7.5 and alkalinity of 15 mg/L, respectively, as OWQPs on October 18, 1995. Denver Water installed pH and alkalinity adjustment treatment prior to January 1, 1997. Denver Water has consistently monitored, met these OWQPs and has not had any excursions or violations related to OWQPs.

In 2012, Denver Water exceeded the lead action level of 15 µg/L, but Denver Water was not required to conduct any lead service line replacements under the LCR because Denver Water does not own any lead service lines. CDPHE, however, required Denver Water to conduct a new corrosion control treatment study, which was completed in September 2017. On March 20, 2018, CDPHE modified its designation of the optimal corrosion control treatment (OCCT) for Denver Water, requiring Denver Water to install and operate orthophosphate as OCCT by March 20, 2020.

Section 1415(a)(3) of the SDWA and 40 CFR 142.46 authorize the Administrator to grant a variance from a treatment technique "upon a showing by any person that an alternative treatment technique not included in such requirement is at least as efficient in lowering the level of the contaminant with respect to which such requirement was prescribed. A variance under this paragraph shall be conditioned on the use of the alternative treatment technique which is the basis for the variance."

On September 6, 2019, Denver Water requested a variance under Section 1415(a)(3) of the SDWA from the optimal corrosion control treatment requirements of the LCR. In its request, Denver Water proposed that instead of following the requirement to install the State's designation of orthophosphate as optimal corrosion control treatment as required by 40 CFR 141.82(e), it would implement its LRPP. The LRPP includes a suite of actions that will work together to reduce lead in Denver's drinking water including: (1) Developing a LSL inventory to identify and track lead service line replacements (LSLRs); (2) initiating a lead removal filter program for homes with LSLs and certain homes with copper pipe with lead solder; (3) conducting an accelerated LSLR program to replace all LSLs in 15 years;

(4) operating increased pH/alkalinity adjustment as corrosion control treatment for all customers; and (5) implementing a communications, outreach, and education plan. Denver Water provided an analysis demonstrating that the LRPP is expected to provide public health protection and at least equivalent lead reductions as compared to compliance with the LCR provisions regarding corrosion control.

Under the LRPP, Denver Water will conduct full LSLRs of privately-owned LSLs at an accelerated rate compared to current conditions. Denver Water estimates it has approximately 64,000 LSLs. Under the LRPP, Denver Water commits to taking proactive steps to replace all LSLs in 15 years. Because some homes with LSLs will have to wait multiple years for their LSL to be replaced, Denver Water will also initiate a program that will provide a filter and replacement cartridges to every household with a LSL and select households with copper pipe with lead solder. In conjunction with these efforts, Denver Water will operate increased pH/alkalinity adjustment as corrosion control treatment to reduce lead corrosion from all sources. Denver Water will also conduct a full investigation of its LSL inventory and publish a map showing the locations of all LSLs. Finally, Denver Water will conduct extensive outreach to educate customers about the health risks of lead and ways that they can reduce their exposure to lead in drinking water.

Denver Water provided an analysis demonstrating that these steps are expected to provide at least equivalent lead reductions as orthophosphate treatment and will therefore be protective of public health. The EPA finds that Denver Water has made a showing that its alternative treatment technique appears to meet the requirements of SDWA Section 1415(a)(3). In the variance order, the EPA explains how it evaluated and compared the LRPP to the requirement to install the State's designation of optimal corrosion control treatment as defined in 40 CFR 141.2 in concluding that LRPP is "at least as efficient" in lowering the levels of lead in tap water as orthophosphate.

The EPA is therefore approving Denver Water's request for a SDWA Section 1415(a)(3) variance for an initial period of three years to enable Denver Water to further support its demonstration with additional data and for the EPA to verify the effectiveness of the LRPP. This variance is supported by the State of Colorado and will enable the State to modify its determination of optimal corrosion control treatment to

incorporate the terms and conditions of this variance.

In evaluating the variance request, the EPA also considered other factors beyond the statutory standard of "as efficient." Denver Water's 90th percentile lead levels have consistently been below the lead action level since 1997 (except in 2012). Denver Water has the technical, managerial, and financial capacity to implement the lead reduction program both for Denver water consumers and for the consecutive systems they serve. Importantly for long-term public health protection, Denver Water has committed to and has the capacity to fully replace all lead service lines in 15 years. The EPA also recognizes that Denver Water wants to more fully engage in a holistic water management strategy based on concerns about the potential impacts from increased levels of phosphate in wastewater discharges to the South Platte River. This river is dominated by the effluent of a waste water treatment plant so there are limited options to effectively control nutrient levels.

In the terms and conditions that make up the variance order, the EPA includes criteria for how the Agency will assess the effectiveness of Denver Water's program during the first three years and determine whether to extend this variance for an additional twelve years, which would provide the time necessary for Denver Water to complete its lead service line replacements. These criteria are intended to confirm the alternative treatment technique can be effectively implemented and results in "at least as efficient" lead reductions, as compared to installation of orthophosphate.

The EPA is accepting public comments on these criteria. The EPA is also requesting comment on how the Agency should evaluate whether any future treatment technique variance requests are at least as efficient as the treatment technique requirements of the LCR. The EPA is not taking comment on the EPA's approval of Denver Water's variance, which is effective per the variance order, given the EPA's analysis of Denver Water's variance application and the previous public participation opportunities that informed the application.

Specific questions the EPA is seeking comments on include:

(1) Do the criteria in the variance order capture the data and factors the EPA should examine during the initial three-year approval period? Are there other criteria or information relevant to the meaning of "at least as efficient" that the EPA should consider when deciding whether to extend Denver Water's SDWA variance?

(2) Should the EPA consider going through a notice and comment process for the extension?

(3) How should the EPA evaluate any future treatment technique variance requests to the LCR? Specifically, because the term is not currently defined in statute or regulation, how should the EPA interpret “at least as efficient” to satisfy the statutory requirements for a variance to be granted under the SDWA Section 1415(a)(3)? Beyond the criteria the EPA has evaluated in issuing the variance order, are there other criteria relevant to the meaning of “at least as efficient” that the EPA should consider for future requests? How should the Agency evaluate the combined overall efficiency of a proposed alternative treatment technique, including whether or how to:

- a. Prepare an LSL inventory to identify and track LSLRs;
- b. distribute filters certified for lead removal to homes at risk of elevated lead levels;
- c. accelerate LSLRs;
- d. achieve near optimal corrosion control treatment; and
- e. conduct outreach and education with consumers?

(4) The EPA also requests comment on other actions that water systems could take to ensure equally efficient reductions in drinking water lead exposure.

The variance order and its terms and conditions are available online as part of docket number EPA–R08–OW–2019–0404 at [www.regulations.gov](http://www.regulations.gov).

After consideration of public comments received, the EPA may modify the terms and conditions of the variance order to change the criteria by which the EPA will assess the effectiveness of Denver Water’s alternative program in order to determine whether the variance should be extended.

Dated: December 16, 2019.

**Gregory Sopkin,**

*Regional Administrator, Region 8.*

[FR Doc. 2019–27487 Filed 12–19–19; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL–10002–55–OW]

### Notice of Availability of the Deepwater Horizon Oil Spill Louisiana Trustee Implementation Group Draft Restoration Plan and Environmental Assessment #6: Wetlands, Coastal, and Nearshore Habitats

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

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

**SUMMARY:** In accordance with the Oil Pollution Act of 1990 (OPA) and the

National Environmental Policy Act (NEPA), the Federal and State natural resource trustee agencies for the Louisiana Trustee Implementation Group (Louisiana TIG) prepared a Draft Restoration Plan and Environmental Assessment #6: Wetlands, Coastal, and Nearshore Habitats (Draft RP/EA). The Draft RP/EA describes and proposes restoration project alternatives considered by the Louisiana TIG to restore and conserve wetlands, coastal, and nearshore habitats injured as a result of the *Deepwater Horizon* oil spill. The Louisiana TIG evaluated these alternatives under criteria set forth in the OPA natural resource damage assessment (NRDA) regulations, and also evaluated the environmental consequences of the restoration alternatives in accordance with the NEPA. The proposed projects are consistent with the restoration alternatives selected in the *Deepwater Horizon* Oil Spill Final Programmatic Damage Assessment and Restoration Plan/Programmatic Environmental Impact Statement (PDARP/PEIS). This notice informs the public of the availability of the Draft RP/EA and provides an opportunity for the public to submit comments on the document.

**DATES:** The Louisiana TIG will consider public comments received on or before January 21, 2020.

**Public Webinar:** The Louisiana TIG will conduct a public webinar on January 8, 2020, at 12 p.m. Central Standard Time to facilitate public review and comment on the Draft RP/EA. The public webinar will include a presentation on the Draft RP/EA. Public comments will be taken during the public webinar. The public may register for the webinar at <https://attendee.gotowebinar.com/register/8527752114619805195>. After registering, participants will receive a confirmation email with instructions for joining the webinar. The presentation will be posted on the web shortly after the webinar is conducted.

#### ADDRESSES:

**Obtaining Documents:** You may download the Draft RP/EA at any of the following sites:

- <http://www.gulfspillrestoration.noaa.gov>;
- <http://www.la-dwh.com>.

Alternatively, you may request a CD of the Draft RP/EA (see **FOR FURTHER INFORMATION CONTACT**). You may also view the document at any of the public facilities listed at <http://www.gulfspillrestoration.noaa.gov>.

**Submitting Comments:** You may submit comments on the Draft RP/EA by one of the following methods:

- **Via the Web:** <http://www.gulfspillrestoration.noaa.gov/restoration-areas/louisiana>.

- **Via U.S. Mail:** U.S. Fish and Wildlife Service, P.O. Box 29649, Atlanta, GA 30345.

- **During the Public Webinar:**

Comments may be provided by the public during the webinar on January 8, 2020.

Once submitted, comments cannot be edited or withdrawn. The Louisiana TIG may publish any comment received on the document. 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 Louisiana TIG 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). Please be aware that your entire comment, including your personal identifying information, will become part of the public record. Please note that mailed comments must be postmarked on or before the comment deadline of 30 days following publication of this notice to be considered.

#### FOR FURTHER INFORMATION CONTACT:

- Louisiana—Joann Hicks, 225–342–5477
- EPA—Douglas Jacobson, 214–665–6692

#### SUPPLEMENTARY INFORMATION:

##### Introduction

On April 20, 2010, the mobile offshore drilling unit *Deepwater Horizon*, which was being used to drill a well for BP Exploration and Production, Inc. (BP), in the Macondo prospect (Mississippi Canyon 252–MC252), experienced a significant explosion, fire, and subsequent sinking in the Gulf of Mexico, resulting in the release of an unprecedented volume of oil and other discharges from the rig and from the wellhead on the seabed. The *Deepwater Horizon* oil spill is the largest offshore oil spill in U.S. history, discharging millions of barrels of oil over a period of 87 days. The Trustees conducted the natural resource damage assessment for the *Deepwater Horizon* oil spill under the Oil Pollution Act of 1990 (33 U.S.C. 2701 *et seq.*). Under the OPA, Federal and State agencies act as trustees on behalf of the public to assess natural resource injuries and losses and