has determined that granting this waiver is appropriate because it avoids penalizing the City for the use of a non-U.S.-made good for which the City has sufficiently established that there were no U.S.-made alternatives. And, this determination takes into account the City’s due diligence and good faith effort to implement the requirements of section 1605.

Section 1605(a) of the ARRA requires that none of the funds appropriated or otherwise made available by the ARRA may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. Pursuant to Section 1605(b) and (c), a waiver may be provided if EPA determines: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

The purpose of this project in Windsor is to replace the existing Bluebird and Esposti Park wells that were shut down due to arsenic contamination and build-up of sediment on the casings. To solve this problem, Windsor is installing two new wells designed to provide adequate storage for times of drought or emergency. The current system draws water from the Russian River, but the Sonoma County Water Agency (SCWA) issued an order to reduce the in-stream flow requirements for the Russian River. This reduction of in-stream flow requirements will deplete the water production of the off-river wells during the peak summer demand. The new well system will help maximize water storage to meet demand during peak seasons.

Per the specifications, the wells conductor casing and upper stem will be constructed of mild steel, while the well screening and lower stem will be constructed of stainless steel. For the two wells planned, 110 feet of 20-inch mild steel casing would be required.

Analysis by EPA’s national contractor indicated that American-made 20-inch diameter mild steel casing was not available for the conductor casing (as provided). The only casings to meet the town’s dimensions and specifications are foreign made.

The April 28, 2009 EPA memorandum for implementation of the ARRA Buy American provisions of Public Law 111–5, states the quantity of iron, steel, or relevant manufactured good is “reasonably available” if it is available at the time and place needed, and in the proper form or specification as specified in the project plans and design. The same Memorandum defines “satisfactory quality” as “the quality of steel, iron or manufactured good specified in the project plans and designs.”

Windsor’s submittal articulates a reasonable and appropriate basis for the type of technology it chose for this project in environmental objectives and performance specifications. Further, it provides sufficient documentation that the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality to meet its technical specifications.

Windsor has incorporated specific technical design specifications for the proposed project based on their needs and provided information to the EPA justifying the need for a 20-inch diameter mild steel casing. Windsor has also provided certification from its supplier indicating there are no products of comparable quality available from a domestic manufacturer to meet its specifications and satisfy project restrictions. Based on additional research conducted by the EPA’s Buy American consultant, there did not appear to be other domestically manufactured products available to meet Windsor’s specifications at the necessary delivery time. When the project was originally bid, the contractor was assured by pipe suppliers that domestically manufactured well casing material would be available for the project. However, as work progressed on the construction of the well, the applicant was informed by the contractor’s material supplier that domestically made well casing pipe would not be available from any domestic mills in time to deliver to the West Coast for installation. The only available material would be supplied from Korean manufacturers.

EPA Region 9, EPA’s Buy American consultant, and EPA’s Office of Administration and Resource Management have reviewed this waiver request and have determined the supporting documentation provided by Windsor is sufficient to meet the criteria listed under ARRA Section 1605(b)(2) and the EPA April 28, 2009 memorandum for implementation of ARRA Buy American provisions of Public Law 111–5. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, Windsor is hereby granted a waiver from the Buy American requirements of Sections 1605(a) of Public Law 111–5, for the purchase of the 20-inch mild steel casing, specified in Windsor’s request of March 31, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under Section 1605(b)(2).

Authority: Public Law 111–5, Section 1605.


Jared Blumenfeld,
Regional Administrator, EPA Pacific Southwest Region.

[FR Doc. 2010–27807 Filed 11–2–10; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9220–1]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency.

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), 42 U.S.C. 7413(g), notice is hereby given of a proposed consent decree to address a lawsuit filed by Comite Cívico Del Valle, Inc. in the United States District Court for the Northern District of California: Comite Cívico Del Valle, Inc. v. Jackson, No. 10–cv–02859–PJH (N.D. Cal.). Plaintiff filed a deadline suit to compel the Administrator to take final action under section 110(k) of the Act on Imperial County Air Pollution Control District (ICAPCD) Rules 201, 202 and 217 submitted to the Environmental Protection Agency (EPA) on or about August 24, 2007 as revisions to the state implementation plan. The proposed consent decree establishes deadlines for EPA’s action on ICAPCD Rules 201, 202 and 217.

DATES: Written comments on the proposed consent decree must be received by December 3, 2010.

ADDRESSES: Submit your comments, identified by Docket ID number EPA–HQ–OGC–2010–0900, online at http://www.regulations.gov (EPA’s preferred method); by e-mail to oei.docket@epa.gov; by mail to EPA Docket Center, Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Room 324, Washington, DC 20460.
Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave., NW.,
Washington, DC 20460–0001; or by hand
delivery or courier to EPA Docket
Center, EPA West, Room 3334, 1301
Constitution Ave., NW., Washington,
DC, between 8:30 a.m. and 4:30 p.m.
Monday through Friday, excluding legal
holidays. Comments on a disk or CD–
ROM should be formatted in Word or
ASCII file, avoiding the use of special
characters and any form of encryption,
and may be mailed to the mailing
address above.

FOR FURTHER INFORMATION CONTACT:
Geoffrey Wilcox, Air and Radiation Law
Office (2344A), Office of General
Counsel, U.S. Environmental Protection
Agency, 1200 Pennsylvania Ave., NW.,
Washington, DC 20460; telephone (202) 564–5601; fax number (202) 564–5603; e-mail address: wilcox.geoffrey@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Additional Information About the
Proposed Consent Decree

The proposed consent decree requires
EPA to sign for publication in the
Federal Register no later than April 15,
2011 a notice of the Agency’s final
action on ICAPCD Rules 201 and 202
pursuant to section 110(k) of the CAA.
Rules 201 and 202 includes permitting
requirements and exemptions within
the Imperial Valley. The proposed
consent decree also requires EPA to sign
for publication in the Federal Register
no later than September 15, 2011 a
notice of the Agency’s final action on
ICAPCD Rule 217 pursuant to section
110(k) of the CAA. Rule 217 includes
measures to control particulate matter
emissions from large confined animal
facilities within the Imperial Valley.

This proposed consent decree would
resolve a lawsuit seeking to compel
action by the Administrator to take final
action under section 110(k) of the Act
on ICAPCD Rules 201, 202 and 217
submitted to EPA as revisions to the
state implementation plan. The
proposed consent decree provides that
EPA will sign for publication in the
Federal Register notice of the Agency’s
final action pursuant to CAA section
110(k) on Rules 201, 202 and 217 by
April 15, 2011 and September 13, 2011
respectively. If EPA fulfills its
obligations, Plaintiff has agreed to
dismiss this suit with prejudice.

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 from persons who were
not made parties or intervenors to
the litigation in question. 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. Unless
EPA or the Department of Justice
determines that consent to this consent
decree should be withdrawn, the terms
of the decree will be affirmed.

II. Additional Information About
Commenting on the Proposed Consent
Decree

A. How can I get a copy of the consent
decree?

The official public docket for this
action (identified by Docket ID No.
EPA–HQ–OGC–2010–0900) contains a
copy of the proposed consent decree.
The official public docket is available
for public viewing at the Office of
Environmental Information (OEl) 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 OEl
Docket is (202) 566–1752.

An electronic version of the public
docket is available through http://
www.regulations.gov. You may use
http://www.regulations.gov to submit or
view public comments, access the index
listing of the contents of the official
public docket, and to 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”.

It is important to note that EPA’s
policy is that public comments, whether
submitted electronically or in paper,
will be made available for public
viewing online at http://
www.regulations.gov without change,
unless the comment contains
copyrighted material, CBI, or other
information whose disclosure is
restricted by statute. Information
claimed as CBI and other information
whose disclosure is restricted by statute
is not included in the official public
docket or in the electronic public
docket. EPA’s policy is that copyrighted
material, including copyrighted material
contained in a public comment, will not
be placed in EPA’s electronic public
docket but will be available only in
printed, paper form in the official public
docket. Although not all docket
materials may be available
electronically, you may still access any
of the publicly available docket
materials through the EPA Docket
Center.

B. How and to whom do I submit
comments?

You may submit comments as
provided in the ADDRESSES section.
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.” EPA is not required to
consider these late comments.

If you submit an electronic comment,
EPA recommends that you include your
name, mailing address, and an e-mail
address or other contact information in
the body of your comment and with any
disk or CD–ROM you submit. 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
in 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 http://www.regulations.gov
Web site 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, e-mail address,
or other contact information unless you
provide it in the body of your comment.
In contrast to EPA’s electronic public
docket, EPA’s electronic mail (e-mail)
system is not an “anonymous access”
system. If you send an e-mail comment
directly to the Docket without going
through http://www.regulations.gov,
your e-mail address is automatically
captured and included as part of the
comment that is placed in the official
public docket, and made available in
EPA’s electronic public docket.

Richard B. Ossias,
Associate General Counsel.

[FR Doc. 2010–27767 Filed 11–2–10; 8:45 am]
BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board;
Sunshine Act; Regular Meeting

AGENCY: Farm Credit Administration.