

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 previously anticipated). 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.

Dated: August 13, 2010.

**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 Civico Del Valle, Inc.* in the United States District Court for the Northern District of California: *Comite Civico 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](mailto:oei.docket@epa.gov); by mail to EPA Docket Center, Environmental

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](mailto: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 named as 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 (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.

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 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 <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.

Dated: October 28, 2010.

**Richard B. Ossias,**  
Associate General Counsel.

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**FARM CREDIT ADMINISTRATION**

**Farm Credit Administration Board;  
Sunshine Act; Regular Meeting**

**AGENCY:** Farm Credit Administration.