

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9167-5]

**Clean Air Act Operating Permit Program; Petition for Objection to a Federal Operating Permit for Waste Management of Louisiana L.L.C., Woodside Landfill and Recycling Center (WLRC), Walker, Livingston Parish, LA****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice of final action.

**SUMMARY:** This document announces that the EPA Administrator has responded to a citizen petition asking EPA to object to the part 70 Operating Permit for WLRC, Walker, Livingston Parish, Louisiana, issued by the Louisiana Department of Environmental Quality. Specifically, the Administrator has partially granted and partially denied the petition submitted by Tulane Environmental Law Clinic on behalf of the Louisiana Environmental Action Network, Concerned Citizens of Livingston Parish, Mr. O'Neil Couvillion, and Mr. Harold Wayne Bread (Petitioners), to object to the part 70 operating permit for WLRC in Livingston Parish, Louisiana.

Pursuant to section 505(b)(2) of the Clean Air Act (Act), the petitioner may seek judicial review of those portions of the petition which EPA denied in the United States Court of Appeals for the appropriate circuit. Any petition for review shall be filed within 60 days from the date this notice appears in the **Federal Register**, pursuant to section 307 of the Act.

**ADDRESSES:** You may review copies of the final order, the petition, and other supporting information at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733. EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view copies of the final order, petition, and other supporting information. If you wish to examine these documents, you should make an appointment at least 24 hours before visiting day. The final order is also available electronically at: [http://www.epa.gov/region07/air/title5/petitiondb/petitions/woodside\\_decision2009.pdf](http://www.epa.gov/region07/air/title5/petitiondb/petitions/woodside_decision2009.pdf).

**FOR FURTHER INFORMATION CONTACT:** Bonnie Braganza, Air Permits Section, Multimedia Planning and Permitting Division, EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-7340, or email at [braganza.bonnie@epa.gov](mailto:braganza.bonnie@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Act affords EPA a 45-day period to review, and, as appropriate, object to operating permits proposed by State permitting authorities under Title V of the Act. Section 505(b)(2) of the Act authorizes any person to petition the EPA Administrator within 60 days after the expiration of this review period to object to title V operating permits if EPA has not done so. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the State, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period.

On January 2, 2009, EPA received a petition from the Petitioners requesting that EPA object to the issuance of the title V operating permit to WLRC for the operation of the landfill in Walker, Livingston Parish, Louisiana. The petitioners claim that: (1) The title V permit fails to include monitoring requirements sufficient to assure compliance with permit limits; (2) LDEQ erred in determining the amount of carbon monoxide emissions for purposes of assessing the applicability of Prevention of Significant Deterioration requirements; (3) the title V permit fails to include nonattainment new source review; and (4) LDEQ failed to meet the public notice requirements before issuing the title V permit.

On May 27, 2010, the Administrator issued an order partially granting and partially denying the petition. The order explains the reasons behind EPA's conclusion to partially grant and partially deny the petition for objection.

Dated: June 11, 2010.

**Al Armendariz,**

*Regional Administrator, Region 6.*

[FR Doc. 2010-15331 Filed 6-23-10; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9167-9]

**Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the City of Newport, RI****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a waiver of the Buy American

requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the City of Newport, RI ("City") for the purchase of a foreign manufactured ultraviolet (UV) light disinfection treatment system for the Easton Beach Project in Newport, Rhode Island. This is a project specific waiver and only applies to the use of the specified product for the ARRA project being proposed. Any other ARRA recipient that wishes to use the same product must apply for a separate waiver based on project specific circumstances. Based upon information submitted by the City and its consulting engineer, it has been determined that there are currently no domestically manufactured UV disinfection treatment systems available to meet the City's project specifications and construction schedule. The Regional Administrator is making this determination based on the review and recommendations of the Municipal Assistance Unit. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of a foreign manufactured UV light disinfection treatment system by the City, as specified in its February 4, 2010 request.

**DATES:** *Effective Date:* June 15, 2010.

**FOR FURTHER INFORMATION CONTACT:**

Katie Connors, Environmental Engineer, (617) 918-1658, or David Chin, Environmental Engineer, (617) 918-1764, Municipal Assistance Unit (CMU), Office of Ecosystem Protection (OEP), U.S. EPA, 5 Post Office Square, Suite 100, Boston, MA 02109-3912.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Section 1605(c), the EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(b)(2) of Public Law 111-5, Buy American requirements, to the City of Newport, RI ("City") for the purchase of a non-domestically manufactured medium-pressure UV light disinfection treatment system from Trojan Technologies, manufactured in Canada, to meet the City's design and performance specifications and construction schedule as part of its proposed Easton Beach Project in Newport, RI. Trojan Technologies has a U.S. manufacturing facility in Ontario, California, but that site is not currently equipped to conduct a specific product test

procedure required for this project's specifications.

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or a public works project unless all of the iron, steel, and manufactured goods used in the project is produced in the United States, or unless a waiver is provided to the recipient by the head of the appropriate agency, here the EPA. A waiver may be provided if EPA determines that (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 City is proposing a disinfection system to treat storm water discharging into Easton Beach, a recreational area. The UV disinfection system is designed to treat as much as 62 MGD of storm water that has historically been the source of elevated concentration levels of bacterial contamination sufficient to cause health officials to close the Easton Beach area for recreational purposes during certain weather/runoff events.

The project specifications are for a medium pressure UV light disinfection system capable of treating up to 62 MGD with the following parameters: (1) Minimum 55% UV transmittance in storm water runoff, with a minimum of 30 mg/L total suspended solids (TSS) concentration, (2) 40 mW-sec/cm<sup>2</sup> applied UV dose, (3) The Rhode Island Department of Health beach closure standard is that each sample shall be less than or equal to 104 *Enterococci* colonies/100 mL; a 20 year lifetime process performance guarantee will be required of the disinfection system supplier, (4) Allowable headloss at Peak Flow 18 inches, maximum from the controlling weir to the discharge pumps outlet, (5) Requisite UV dose at 254 nm wavelength: 40 mW-sec/cm<sup>2</sup>, (6) Ultraviolet transmittance at 253.7 nm: 55%, and (7) effluent to be able to meet 30 mg/L of Total Suspended Solids (TSS).

Trojan Technologies ("Trojan") manufactures the applicable 3000+ UV disinfection treatment unit domestically in the Ontario, California plant as well as outside the U.S. in Canada. However, due to the beach closure standard by the RIDOH and the specification of a 20 year lifetime process performance

guarantee for the UV system, the product will be subject to a device test cell procedure. Trojan's California site is not equipped for this test procedure at this time. However, the Canadian site is currently equipped for the test. The test is performed at the site of manufacture in Canada, according to the City's design engineer.

The supporting documentation and independent research and communication with select manufacturers of medium pressure UV disinfection systems conducted by EPA's national contractor demonstrate that there are no U.S. manufacturers able to meet all the project specifications and the construction schedule. The design engineer for the City had identified one domestic manufacturer in the United States. According to the City's design engineer, although the domestic manufacturer could meet most of the project specifications and performance criteria, if the City used the domestic UV disinfection system, a redesign of the system would be required before construction could take place. The domestic system is larger than the proposed Trojan system and an increase in the size of the structure housing for the UV system would be necessary. Additionally, the electrical system of the UV system would also need to be redesigned if the domestic system was used. Project permits that have been approved for the proposed Trojan system would likely have to be modified and/or new permits would need to be secured because of the increase in the size of the structure. EPA confirmed that the footprint would increase by 50 percent for the domestic system. There has already been considerable public concern regarding the size of the actual proposed stormwater disinfection structure being located in a popular and busy recreational section of Newport. There is a great deal of local and tourist traffic in the area. In addition, there are a number of site constraints involved with the proposed project. For example, one of the design requirements noted by the City of Newport was that the amount of land that may be disturbed is less than 25,000 square feet in order to minimize impacts to existing buried utilities, the existing street or right-of-way, as well as the nearby stream and dam. The City is concerned that significantly increasing the size of the structure will raise additional public concern and would indefinitely delay the project. The redesign of the structure would take months to complete and that along with the expected permitting process would ultimately delay the

construction of the project by at least 2–3 months. An independent review of the submitted documentation by EPA's national contractor confirmed this evidence.

Furthermore, the purpose of the ARRA is to stimulate economic recovery by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring potential SRF eligible recipients, such as the City of Newport, RI, to revise their design standards and specifications as well as their construction schedule. The imposition of ARRA Buy American requirements in this case would result in unreasonable delay for this project. To delay this construction would directly conflict with a fundamental economic purpose of ARRA, which is to create or retain jobs. In addition, the timely construction of the new stormwater disinfection system would allow further protection of Easton Beach and its users. The project delays are of particular concern for implementation of the system within the recreation season of 2010.

The April 28, 2009 EPA HQ Memorandum, "Implementation of Buy American provisions of P.L. 111–5, the 'American Recovery and Reinvestment Act of 2009'" ("Memorandum"), defines *reasonably available quantity* as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed 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."

The Municipal Assistance Unit (CMU) has reviewed this waiver request and has determined that the supporting documentation provided by the City establishes both a proper basis to specify a particular manufactured good, and that the domestic manufactured good that is currently available does not meet all of the design specifications and the construction schedule for the proposed project. The information provided is sufficient to meet the following criteria listed under Section 1605(b) of the ARRA and in the April 28, 2009 Memorandum: Iron, steel, and the manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the temporary authority to issue exceptions to Section 1605 of the ARRA within the geographic boundaries of their

respective regions and with respect to requests by individual grant recipients.

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, the City is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111-5. This waiver permits use of ARRA funds for the purchase of a non-domestic manufactured ultraviolet light disinfection treatment system documented in City's waiver request submittal dated February 4, 2010. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers based on a finding under subsection (b).

**Authority:** Pub. L. 111-5, section 1605.

Dated June 15, 2010.

**Ira W. Leighton,**

*Acting Regional Administrator, EPA Region 1—New England.*

[FR Doc. 2010-15342 Filed 6-23-10; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

[GN Docket No. 10-127; FCC 10-114]

### Framework for Broadband Internet Service

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document begins an open, public process to consider the adequacy of the current legal framework within which the Commission promotes investment and innovation in, and protects consumers of, broadband Internet service. Recent developments—including a decision of the United States Court of Appeals for the District of Columbia Circuit and affirmation from Congress that the Commission plays a vital role with respect to broadband—lead the Commission to seek comment on our legal framework for broadband Internet service.

**DATES:** Comments must be submitted by July 15, 2010, and reply comments must be submitted by August 12, 2010.

**ADDRESSES:** You may submit comments, identified by GN Docket No. 10-127, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Federal Communications Commission's Web Site:* <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.

- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by e-mail: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 202-418-0432.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:**

Chris Killion or David Tannenbaum, Office of General Counsel, 202-418-1700.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Inquiry (Notice), FCC 10-114, adopted on June 17, 2010, and released on June 17, 2010. Interested parties may file comments on or before July 15, 2010, and reply comments on or before August 12, 2010. Comments and reply comments may be filed: (1) Using the Commission's Electronic Comment Filing System (ECFS), (2) using the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. All filings related to this Notice should refer to GN Docket No. 10-127. Further, we strongly encourage parties to develop responses to this Notice that adhere to the organization and structure of this Notice.

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

- *Paper Filers:* Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW-A325, Washington, DC 20554. The filing hours are 8 a.m. to 7 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.

- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street, SW., Washington, DC 20554.

Parties shall also serve one copy with the Commission's copy contractor, Best Copy and Printing, Inc. (BCPI), Portals II, 445 12th Street, SW., Room CY-B402, Washington, DC 20554, (202) 488-5300, or via e-mail to [fcc@bcpiweb.com](mailto:fcc@bcpiweb.com).

The inquiry this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in section 1.1206(b) of the Commission's rules. Ex parte comments may be filed at any time except during the Sunshine Period. Ex parte comments may be filed: (1) Using the Commission's Electronic Comment Filing System (ECFS), (2) using the Federal Government's eRulemaking Portal, (3) by filing paper copies, or (4) by posting comments and ideas on the Broadband.gov blog at <http://blog.broadband.gov/?categoryId=494971> or on <http://broadband.ideascale.com/a/ideafactory.do?discussionID=11271>. In addition to the usual methods for filing ex parte comments, the Commission is allowing ex parte comments in this proceeding to be filed by posting comments on <http://blog.broadband.gov/?categoryId=494971> and on <http://broadband.ideascale.com/a/ideafactory.do?discussionID=11271>. Accordingly, persons wishing to examine the record in this proceeding should examine the record on ECFS, <http://blog.broadband.gov/?categoryId=494971> and <http://broadband.ideascale.com/a/ideafactory.do?discussionID=11271>. Although those posting comments on the blog may choose to provide identifying information or may comment anonymously, anonymous comments will not be part of the record in this proceeding and accordingly will not be relied on by the Commission in reaching its conclusions in this rulemaking. The Commission will not rely on anonymous postings in reaching conclusions in this matter because of