

**DEPARTMENT OF THE INTERIOR****Bureau of Reclamation****North San Pablo Bay Restoration and Reuse Project**

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of Availability of the Final Environmental Impact Report and Environmental Impact Statement (Final EIR/EIS).

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA), the Bureau of Reclamation (Reclamation), the Federal lead agency, and Sonoma County Water Agency (SCWA), acting as project administrator of the North Bay Water Reuse Authority (NBWRA) and the State lead agency, have prepared a Final EIR/EIS for the implementation of the North San Pablo Bay Restoration and Reuse Project (Project), also referred to as the North Bay Water Recycling Program.

The purpose of the Project is to create a regional wastewater reuse project to provide recycled water for agricultural, urban, and environmental uses and to promote the expanded beneficial use of recycled water in the North Bay region. In this way, water demand issues and wastewater discharge issues of the region can be addressed in an integrated and synergistic manner. Implementation of the Project would include upgrades to treatment processes and construction of pipelines, pump station, and storage facilities to distribute recycled water for use in compliance with Article 4 in Title 22 of the California Code of Regulations, which sets water quality standards and treatment reliability criteria for recycled water. The Project may be partially Federally funded under Title XVI of Public Law 102-575, as amended, which provides a mechanism for Federal participation and cost sharing in approved water reuse projects, and also non-title XVI funds.

A Notice of Availability of the Draft EIR/EIS was published in the **Federal Register** on May 12, 2009 (74 FR 22175). The written comment period on the Draft EIR/EIS extended to July 20, 2009. The Final EIR/EIS contains responses to all comments received and reflects comments and any additional information received during the review period.

**DATES:** Reclamation will not make a decision on the Project until at least 30 days after the release of the Final EIR/EIS. After the 30-day consideration period, Reclamation will complete a Record of Decision (ROD). The ROD will

state the action that will be implemented and will discuss all factors leading to the decision.

**ADDRESSES:** A compact disc or a copy of the Final EIR/EIS may be requested from Mr. Marc Bautista, SCWA, 404 Aviation Boulevard, Santa Rosa, CA 95403; by writing to the SCWA, P.O. Box 11628, Santa Rosa, CA 95406; by calling (707) 547-1998; or by e-mailing [mbautista@scwa.ca.gov](mailto:mbautista@scwa.ca.gov). The Final EIR/EIS is also available on the following Web site at [http://www.usbr.gov/mp/nepa/nepa\\_projdetails.cfm?Project\\_ID=2157](http://www.usbr.gov/mp/nepa/nepa_projdetails.cfm?Project_ID=2157).

**FOR FURTHER INFORMATION CONTACT:** Mr. Marc Bautista, SCWA, 707-547-1998; [mbautista@scwa.ca.gov](mailto:mbautista@scwa.ca.gov), or Mr. Doug Kleinsmith, Reclamation, (916) 978-5034, TDD (916) 978-5608, or via e-mail at [dkleinsmith@usbr.gov](mailto:dkleinsmith@usbr.gov).

**SUPPLEMENTARY INFORMATION:** The NBWRA, established under a Memorandum of Understanding (MOU) in August 2005, is comprised of four wastewater utilities and one water agency in the North San Pablo Bay region of California. Participants include SCWA, Las Gallinas Valley Sanitary District (LGVSD), Novato Sanitary District (Novato SD), Sonoma Valley County Sanitation District (SVCSD), and Napa Sanitation District (Napa SD). In addition, North Marin Water District and the County of Napa are participating financially and providing support. NBWRA proposes to expand the use of recycled water and reduce discharge into San Pablo Bay with this long-term inter-agency project. The area encompasses 318 square miles of land in Marin, Sonoma, and Napa counties.

The North San Pablo Bay regions of Sonoma, Marin and Napa counties are facing long-term water supply shortfalls. Surface and groundwater supplies within these areas are limited, and some local groundwater basins are overpumped, with detrimental effects on water levels and water quality. Recycled water can augment local water supplies on a regional basis, provide water that meets agricultural and municipal nonpotable quality needs, and provide increased reliability.

Additionally, reliable water supply is needed in order to continue the restoration of tidal wetlands in San Pablo Bay that contain habitat for endangered and threatened species. Wastewater treatment agencies also face strict regulatory limits on the timing and quality of the treated wastewater they can discharge to San Pablo Bay, as well as the rivers and streams that flow to it. By treating wastewater to the stricter regulatory levels required for reuse, the

agencies can recycle the water productively to address water supply needs and reduce the amount released to North San Pablo Bay and its tributaries. The project would provide recycled water for agricultural, urban, and environmental uses thereby reducing reliance on local and imported surface water and groundwater supplies and reducing the amount of treated effluent released to North San Pablo Bay and its tributaries. Some of the project benefits include reduction of wastewater discharge to regional waterways and the resulting environmental benefit to fish and wildlife.

The Project consists of distribution facilities, treatment capacity improvements, and storage to recover and reuse between 6,655 and 12,750 acre-feet per year of recycled water available for environmental, agricultural, and municipal reuse.

The Draft EIR/EIS was developed to provide the public and responsible and trustee agencies reviewing the Project an analysis of the potential effects, both beneficial and adverse, on the local and regional environment associated with construction and operation of the Project. The Draft EIR/EIS documented the direct, indirect, and cumulative effects to the physical, biological, and socioeconomic environment that may result from the Project.

The Draft EIR/EIS addressed potentially significant environmental issues and recommends adequate and feasible mitigation measures to reduce or eliminate significant environmental impacts. The Draft EIR/EIS examined three alternatives at an equal level of detail: Basic System, Partially Connected System, and Fully Connected System. The Phase I Implementation Plan for these alternatives was examined at a project level of detail. The Draft EIR/EIS also examined the No Project Alternative, No Action Alternative, and other Alternatives to the Proposed Action.

A series of public meetings on the Draft EIR/EIS were held in June 2009. Copies of the Final EIR/EIS are available for public review at the following locations:

- Bureau of Reclamation, Mid-Pacific Regional Office Library, 2800 Cottage Way, Sacramento, CA 95825.
- Sonoma County Water Agency, 404 Aviation Way, Santa Rosa, CA 95403.
- Las Gallinas Valley Sanitary District, 300 Smith Ranch Road, San Rafael, CA 94903.
- Novato Sanitary District, 500 Davidson Street, Novato, CA 94945.
- Napa Sanitation District, 935 Hartle Court, Napa, CA 94559.

- Sonoma Valley Regional Library, 755 West Napa St., Sonoma, CA 95476.
- Sonoma County Central Library, 211 E Street, Santa Rosa, CA 95404.
- Marin County—Novato Branch Library, 1720 Novato Blvd., Novato, CA 94947.
- Napa City—County Library, 580 Coombs Street, Napa, CA 94559.
- Marin County—Central Branch Library, 3501 Civic Center Drive #427, San Rafael, CA 94903.

Before including your name, address, phone number, e-mail address, or other personal identifying information in any correspondence, you should be aware that your entire correspondence, including your personal identifying information, may be made publicly available at any time. While you can request in your correspondence that Reclamation withhold your personal identifying information from public review, we cannot guarantee Reclamation is able to do so.

Dated: October 30, 2009.

**Pablo R. Arroyave,**

*Deputy Regional Director, Mid-Pacific Region.*

**Editorial Note:** This document was received in the Office of the Federal Register on June 2, 2010.

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## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on May 28, 2010, a proposed Consent Decree (“Decree”) in *United States v. The Scrap Yard, LLC, d/b/a/Cleveland Scrap*, Civil Action No. 1:10-cv-01206, was lodged with the United States District Court for the Northern District of Ohio.

In this action the United States, on behalf of the U.S. Environmental Protection Agency (“U.S. EPA”), sought penalties and injunctive relief under the Clean Air Act (“CAA”) against The Scrap Yard, LLC, d/b/a/Cleveland Scrap (“Defendant”) relating to Defendant’s Cleveland, Ohio facility (“Facility”). The Complaint alleges that Cleveland Scrap has violated Section 608(b)(1) of the CAA, 42 U.S.C. 7671g(b)(1) (National Recycling and Emission Reduction Program), and the regulations promulgated thereunder, 40 CFR part 82, subpart F, by failing to follow the requirement to recover or verify recovery of refrigerant from appliances it accepts for disposal. The Consent Decree provides for a civil penalty of \$5,000 based upon ability to pay. The Decree also requires Defendant to (1)

purchase equipment to recover refrigerant or contract for such services and provide such service at no additional cost; (2) no longer accept appliances with cut lines unless the supplier can provide appropriate verification that such appliances have not leaked; (3) require its suppliers to use the verification statement provided in appendix A; and (4) keep a refrigerant recovery log regarding refrigerant that it has recovered.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and either e-mailed to [pubcomment-ees.enrd@usdoj.gov](mailto:pubcomment-ees.enrd@usdoj.gov) or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. The Scrap Yard, LLC, d/b/a/Cleveland Scrap*, D.J. Ref. 90-5-2-1-09613. The Decree may be examined at U.S. EPA, Region 5, 77 West Jackson Blvd., Chicago, IL 60604. During the public comment period, the Decree may also be examined on the following Department of Justice Web site, [http://www.usdoj.gov/enrd/Consent\\_Decrees.html](http://www.usdoj.gov/enrd/Consent_Decrees.html). A copy of the Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611 or by faxing or e-mailing a request to Tonia Fleetwood ([tonia.fleetwood@usdoj.gov](mailto:tonia.fleetwood@usdoj.gov)), fax no. (202) 514-0097, phone confirmation number (202) 514-1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of \$6.25 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the stated address.

**Maureen Katz,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2010-13501 Filed 6-4-10; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### **United States v. Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins; Proposed Final Judgment and Competitive Impact Statement**

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)-(h), that a proposed Final Judgment, Stipulation, and Competitive Impact Statement have been filed with the United States District Court for the District of Idaho in *United States of America v. Idaho Orthopaedic Society, Timothy Doerr, Jeffrey Hessing, Idaho Sports Medicine Institute, John Kloss, David Lamey, and Troy Watkins*, Civil Case No. 10-268. On May 28, 2010, the United States filed a Complaint alleging that each of the Defendants, and other competing orthopedists and orthopedic practices in Idaho, formed and participated in one or more conspiracies to gain more favorable fees and other contractual terms by agreeing to coordinate their actions, including denying medical care to injured workers and to threaten to terminate their contracts with Blue Cross of Idaho, in violation of Section 1 of the Sherman Act, 15 U.S.C. 1, and Idaho Code Section 48-101 *et seq.* of the Idaho Competition Act. The proposed Final Judgment, filed the same time as the Complaint, enjoins the Defendants from jointly agreeing with competing physicians regarding the amount of pay to accept from any payer or groups of payers or jointly boycotting any payer or group of payers.

Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice, Antitrust Division, Antitrust Documents Group, 450 Fifth Street, NW., Suite 1010, Washington, DC 20530 (telephone: 202-514-2481), on the Department of Justice’s Web site at <http://www.justice.gov/atr>, and at the Office of the Clerk of the United States District Court for the District of Idaho. Copies of these materials may be obtained from the Antitrust Division upon request and payment of the copying fee set by Department of Justice regulations.

Public comment is invited within 60 days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to Joshua H. Soven, Chief, Litigation I Section, Antitrust