

copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

**Instructions:** Direct your comments to Docket ID No. EPA-HQ-ORD-2010-0709. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at <http://www.regulations.gov>, including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through <http://www.regulations.gov> or e-mail. The <http://www.regulations.gov> Web site is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through <http://www.regulations.gov>, your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

**Docket:** Documents in the docket are listed in the <http://www.regulations.gov> index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in <http://www.regulations.gov> or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: August 25, 2010.

**Rebecca Clark,**

*Acting Director, National Center for Environmental Assessment.*

[FR Doc. 2010-21696 Filed 8-30-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9195-3]

### Issuance of NPDES General Permits for Wastewater Lagoon Systems Located in Indian Country in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming

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

**ACTION:** Notice of issuance of NPDES general permits.

**SUMMARY:** EPA Region 8 is hereby giving notice of its reissuance of five National Pollutant Discharge Elimination System (NPDES) general permits for wastewater lagoon systems that are located in Indian country in the States of Montana, North Dakota, South Dakota, Utah and Wyoming and the issuance of the NPDES general permit for wastewater lagoon systems that are located in Indian country in the State of Colorado and that are treating primarily domestic wastewater. The general permits are grouped geographically by State, with the permit coverage being for specified Indian reservations in the State; any land held in trust by the United States for an Indian Tribe; and any other areas which are Indian country within the meaning of 18 U.S.C. 1151. The permits for the States of MT, ND, SD, UT, and WY are being reissued and replace permits that were issued in 2004. Those permits expired August 16, 2009, and have been administratively extended. The permit for the State of Colorado is being issued for the first time. The effective date of these general permits is September 14, 2010.

The NPDES permit number and the area covered by that general permit are listed below by State:

**Colorado:** COG589### This permit covers the Southern Ute Reservation and the Ute Mountain Reservation, including those portions of the Ute Mountain Reservation located in New Mexico and Utah; any land within the State of Colorado held in trust by the United States for an Indian Tribe; and any other areas within the State of Colorado which are Indian country within the meaning of 18 U.S.C. 1151.

**Montana:** MTG589### This permit covers the Blackfeet Indian Reservation of Montana; the Crow Indian

Reservation; the Flathead Reservation; the Fort Belknap Reservation of Montana; the Fort Peck Indian Reservation; the Northern Cheyenne Indian Reservation; the Rocky Boy's Reservation; any land within the State of Montana held in trust by the United States for an Indian Tribe; and any other areas within the State of Montana which are Indian country within the meaning of 18 U.S.C. 1151.

**North Dakota:** NDG589### This permit covers the Fort Berthold Reservation; the Spirit Lake Indian Reservation; the Standing Rock Sioux Reservation; the Turtle Mountain Reservation; any land within the State of North Dakota held in trust by the United States for an Indian Tribe; and any other areas within the State of North Dakota which are Indian country within the meaning of 18 U.S.C. 1151.

This permit includes that portion of the Standing Rock Sioux Reservation and associated Indian country located within the State of South Dakota. It does not include any land held in trust by the United States for the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation or any other Indian country associated with that Tribe, which is covered under general permit SDG589###.

**South Dakota:** SDG589### This permit covers the Cheyenne River Reservation; Crow Creek Reservation; the Flandreau Santee Sioux Indian Reservation; the Lower Brule Reservation; the Pine Ridge Reservation (including the entire Reservation, which is located in both South Dakota and Nebraska); the Rosebud Indian Reservation; the Yankton Sioux Reservation; any land within the State of South Dakota held in trust by the United States for an Indian Tribe; and any other areas within the State of South Dakota which are Indian country within the meaning of 18 U.S.C. 1151.

This permit includes any land in the State of North Dakota that is held in trust by the United States for the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation or any other Indian country associated with that Tribe. It does not include the Standing Rock Sioux Reservation or any associated Indian country, which is covered under general permit NDG589###.

**Utah:** UTG589### This permit covers the Northwestern Band of Shoshoni Nation of Utah Reservation (Washakie); the Paiute Indian Tribe of Utah Reservation; the Skull Valley Indian Reservation; Indian country lands within the Uintah and Ouray Indian Reservation; any land within the State of Utah held in trust by the United States for an Indian Tribe; and any other

areas within the State of Utah which are Indian country within the meaning of 18 U.S.C. 1151, except as provided in the following paragraph.

It does not include any portions of the Navajo Nation, the Goshute Reservation, the Ute Mountain reservation in Utah, or any land held in trust by the United States for an Indian Tribe that is associated with those Reservations, or any other areas which are Indian country within the meaning of 18 U.S.C. 1151 that are associated with those Reservations.

**Wyoming:** WYG589### This permit covers the Wind River Reservation; any land within the State of Wyoming held in trust by the United States for an Indian Tribe; and any other areas within the State of Wyoming which are Indian country within the meaning of 18 U.S.C. 1151.

**DATES:** The general permits become effective on September 14, 2010 and will expire five years from that date. For appeal purposes, the 120 day time period for appeal to the U.S. Federal Courts will begin September 14, 2010.

**ADDRESSES:** The administrative record is available by appointment for review and copying at the EPA Region 8 offices during the hours of 10 a.m. to 4 p.m. Monday through Friday, Federal holidays excluded. To make an appointment to look at or copy the documents call Donna Roberts at 303-312-6371 or Colleen Gillespie at 303-312-6133. The Region 8 offices are located at 1595 Wynkoop Street, Denver, CO 80202-1129. A reasonable fee may be charged for copying.

**FOR FURTHER INFORMATION CONTACT:** Additional information concerning the final permits may be obtained from Colleen Gillespie, EPA Region 8, Wastewater Unit (8P-W-WW), 1595 Wynkoop Street, Denver, CO 80202-1129, telephone 303-312-6133 or e-mail at [gillespie.colleen@epa.gov](mailto:gillespie.colleen@epa.gov). The final general permits, the fact sheet, Response to Comments, and additional information may be downloaded from the EPA Region 8 Web page at <http://www.epa.gov/region8/water/wastewater/download>. Please allow one week after date of this publication for items to be uploaded to the Web page. Copies of a specific general permit, the fact sheet, and/or Response to Comments may also be obtained by writing Donna Roberts at the above address or telephone 303-312-6371.

**SUPPLEMENTARY INFORMATION:** Proposed reissuance of the general permits was published in the **Federal Register** on July 24, 2009, 74 FR 36705. The public comment period closed on August 24, 2009. A summary of each comment

received and Region 8's response to the comments are given in a separate document, "Response to Comments Received During the 2009 Public Notice of Draft NPDES General Permits for Wastewater Lagoon Systems Located in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

The use of wastewater lagoon systems is the most common method of treating municipal wastewater in Indian country in Region 8. Wastewater lagoon systems are also used to treat domestic wastewater from isolated housing developments, schools, camps, missions, and similar sources of domestic wastewater that are not connected to a municipal sanitary sewer system and do not use septic tank systems. Region 8 wants to continue using general permits instead of individual permits for permitting the discharges from such facilities in order to reduce the Region's administrative burden of issuing separate individual permits. The administrative burden for the regulated sources is expected to be about the same under the general permits as with individual permits, but it will be much quicker to obtain permit coverage with general permits than with individual permits. The discharge requirements would essentially be the same with an individual permit or under the general permit.

Coverage under the general permits will be limited to those wastewater lagoon systems that meet the following criteria:

1. The wastewater lagoon system is located in Indian country in EPA Region 8;
  2. The wastewater lagoon system treats primarily domestic wastewater; and
  3. The wastewater lagoon system is:
    - a. A facility listed in Appendix A of the fact sheet; or
    - b. A facility not listed in Appendix A that meets the requirements specified in Part 5 of the general permit for complete retention wastewater lagoon systems.
- If facilities that do not meet the criteria above seek coverage under this general permit, EPA will notify the facility that it must apply for an individual permit. The eligibility criteria above are more restrictive than those in the draft general permit that was publicly noticed on July 24, 2009.

Lagoon systems covered under the general permit will include the following three categories: (1) Lagoons where no prior notification is required before starting to discharge; (2) lagoons where prior notification is required before starting to discharge; and (3) lagoons that are required to have no

discharge. The effluent limitations for lagoons coming under categories 1 and 2 are based on the Federal Secondary Treatment Regulation (40 CFR Part 133) and best professional judgement (BPJ). There are provisions in the general permits for adjusting the effluent limitations on total suspended solids (TSS) and pH in accordance with the provisions of the Secondary Treatment Regulation. If more stringent and/or additional effluent limitations are necessary to comply with applicable water quality standards, those limitations may be imposed by written notification to the permittee. Lagoon systems under category 3 are required to have no discharge except in accordance with the bypass provisions of the permit. Self-monitoring requirements and routine inspection requirements are included in the permits. The permits do not authorize the discharge of wastewater from land application sites, but they do require that the land application of wastewater from the lagoon systems be done in accordance with a written operational plan for the land application of the wastewater. The objectives of the operational plan are to minimize the potential for the discharge of wastewater from the land application site and to avoid applying excessive amounts of nitrogen to the land application site.

With the exception of the Flathead Reservation, the Fort Peck Indian Reservation, the Northern Cheyenne Indian Reservation, and the Ute Mountain Reservation, where the Tribes have Clean Water Act section 401(a)(1) certification authority, EPA will certify that the permits comply with the applicable provisions of the Clean Water Act as long as the permittees comply with all permit conditions. Certifications were received for the Flathead Reservation and the Northern Cheyenne Indian Reservation. No responses were received for the requests for certification for the Fort Peck Indian Reservation and the Ute Mountain Reservation and the 60-day response period has expired. Therefore EPA considers certification as being waived for those reservations in accordance with the provisions of 40 CFR 124.53(c)(3).

#### Other Legal Requirements

*Economic Impact (Executive Order 12866):* EPA has determined that the issuance of this general permit is not a "significant regulatory action" under the terms of Executive Order 12866 (58 FR 51735 (October 4, 1993)) and is therefore not subject to formal OMB review prior to proposal.

*Paperwork Reduction Act:* EPA has reviewed the requirements imposed on regulated facilities in these proposed general permits under the Paperwork Reduction Act of 1980, 44 U.S.C. 501, *et seq.* The information collection requirements of these permits have already been approved by the Office of Management and Budget in submissions made for the NPDES permit program under the provisions of the Clean Water Act.

*Regulatory Flexibility Act (RFA),* 5 U.S.C 601, *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA): The RFA requires that EPA prepare a regulatory flexibility analysis for rules subject to the requirements of 5 U.S.C. 553(b) that have a significant impact on a substantial number of small entities. The permit proposed today, however, is not a "rule" subject to the requirements of 5 U.S.C. 553(b) and is therefore not subject to the RFA.

*Unfunded Mandates Reform Act:* Section 201 of the Unfunded Mandates Reform Act (UMRA), Public Law 104-4, generally requires Federal agencies to assess the effects of their "regulatory actions" defined to be the same as "rules" subject to the RFA) on Tribal, State, local governments and the private sector. The permit proposed today, however, is not a "rule" subject to the RFA and is therefore not subject to the requirements of the UMRA.

**Authority:** Clean Water Act, 33 U.S.C. 1251, *et seq.*

Dated: August 24, 2010.

**Stephen S. Tuber,**

*Assistant Regional Administrator, Office of Partnerships and Regulatory Assistance.*

[FR Doc. 2010-21675 Filed 8-30-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9195-6]

### Proposed Cercla Administrative Order on Consent for the Standard Mine Site, Gunnison County, CO

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

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

**SUMMARY:** In accordance with the requirements of section 122(i) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9622(I), notice is hereby given of a proposed Administrative Order on Consent ("AOC") under sections 104,

106, 107, and 122 of CERCLA, 42 U.S.C. 9604, 9606, 9607, and 9622, between EPA and Elijah Valencia regarding the Standard Mine Site, located in Gunnison County, Colorado. The proposed AOC is for recovery of past and projected future response costs concerning the Standard Mine site in Gunnison County, Colorado with Elijah Valencia based upon ability to pay. The settlement requires the settling party to execute an environmental covenant and provide access to real property. The settlement includes a covenant not to sue the settling party pursuant to Section 107(a) of CERCLA, 42 U.S.C. 9607(a). For thirty (30) days following the date of publication of this notice, the Agency will consider all comments received on the AOC and may modify or withdraw its consent to the AOC, if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate. The Agency's response to any comments received will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado.

**DATES:** Comments must be submitted on or before September 30, 2010.

**ADDRESSES:** The proposed settlement and additional background information relating to the settlement are available for public inspection at the EPA Superfund Records Center, 1595 Wynkoop Street, 2nd Floor, in Denver, Colorado 80202. Comments and requests for a copy of the proposed settlement should be addressed to John D. Works, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the Standard Mine Site/Valencia settlement.

**FOR FURTHER INFORMATION CONTACT:** John D. Works, Enforcement Specialist (8ENF-RC), Technical Enforcement Program, U.S. Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202-1129, (303) 312-6196.

*It is so agreed.*

Dated: August 25, 2010.

**Sharon L. Kercher,**

*Acting Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region 8.*

[FR Doc. 2010-21718 Filed 8-30-10; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9195-1]

### Notice of a Regional Project Waiver of Section 1605 (Buy American) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Town of Sturbridge, MA

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

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a waiver of the Buy America 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 Town of Sturbridge, Massachusetts ("Town") for the purchase of a foreign manufactured submersible mixer to be installed in a new septage storage tank as part of a proposed wastewater treatment plant upgrade. 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 Sturbridge and its consulting engineer, it has been determined that there are currently no domestic manufactured submersible mixers available to meet its proposed technical project specifications. 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 submersible mixer by the Town of Sturbridge, Massachusetts, as specified in its May 25, 2010 request.

**DATES:** *Effective Date:* August 19, 2010.

**FOR FURTHER INFORMATION CONTACT:** David Chin, Environmental Engineer, (617) 918-1764, or Katie Connors, Environmental Engineer, (617) 918-1658, 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(b)(2) and 1605(c), the EPA hereby provides notice that it is granting a project waiver of the requirements of