

notify Dr. Stallworth, DFO, by e-mail no later than July 1, 2011. Individuals making oral statements will be limited to three minutes per speaker. *Written Statements:* Written statements for the meeting should be received in the SAB Staff Office by July 1, 2011 so that the information may be made available to the Panel for its consideration prior to this meeting. Written statements should be supplied to the DFO via e-mail (acceptable file format: Adobe Acrobat PDF, MS Word, WordPerfect, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format). It is the SAB Staff Office general policy to post written comments on the Web page for the advisory meeting or teleconference. Submitters are requested to provide an unsigned version of each document because the SAB Staff Office does not publish documents with signatures on its Web sites. Members of the public should be aware that their personal contact information, if included in any written comments, may be posted to the CASAC Web site. Copyrighted materials will not be posted without explicit permission of the copyright holder.

*Accessibility:* For information on access or services for individuals with disabilities, please contact Dr. Stallworth at the phone number or e-mail address noted above, preferably at least ten days prior to the teleconference, to give EPA as much time as possible to process your request.

Dated: May 26, 2011.

**Anthony Maciorowski,**

*Deputy Director, EPA Science Advisory Board Staff Office.*

[FR Doc. 2011-13843 Filed 6-2-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL -9314-7]

### Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to Montgomery Township, NJ

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

**ACTION:** Notice.

**SUMMARY:** The EPA is hereby granting a project 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 Montgomery Township, New Jersey (the Township), for the purchase of specific foreign manufactured immersed hollow fiber ultrafiltration membrane cassettes, ZeeWeed® 500D, which are the effluent filtration component of the Membrane Bioreactor (MBR) for the Skillman Village Wastewater Treatment Plant (WWTP) upgrade project. The ZeeWeed® 500D immersed ultrafiltration membrane cassettes are manufactured outside of the United States by GE Water & Processes Technologies (GEW&PT), in Oroszlany, Hungary. The design and specifications of the Township's proposed Skillman Village WWTP upgrade project were based on the recommendations provided by an engineering study and pilot testing conducted in 2005, which concluded that the WWTP facility be upgraded with a MBR process.

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 project that may wish to use the same product must apply for a separate waiver based on project specific circumstances. Based upon information submitted by the Township and its consulting engineer, EPA has concluded that there are currently no domestic manufactured submerged hollow fiber ultrafiltration MBR membranes available in sufficient and reasonable quantity and of a satisfactory quality to meet the Township's project design and performance specifications and that a waiver is justified. The Regional Administrator is making this determination based on the review and recommendations of the State Revolving Fund Program Team. The Assistant Administrator of the Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605(a) of ARRA. This action permits the purchase of foreign manufactured submerged hollow fiber ultrafiltration membrane cassettes by the Township, as specified in its January 18, 2011 waiver request and February 4, 2011 supplemental submittal to EPA.

**DATES:** *Effective Date:* June 3, 2011.

**FOR FURTHER INFORMATION CONTACT:** Alicia Reinmund-Martínez, Environmental Engineer, (212) 637-3827, State Revolving Fund Program Team, Division of Environmental Planning and Protection, U.S. EPA, 290 Broadway, New York, NY 10007.

**SUPPLEMENTARY INFORMATION:** In accordance with ARRA Sections 1605(c) and 1605(b)(2), the EPA hereby provides notice that it is granting a project waiver

of the requirements of Section 1605(a) of Public Law 111-5, Buy American requirements, to the Township for the purchase of ZeeWeed® 500D immersed hollow fiber ultrafiltration membrane cassettes manufactured in Hungary by GEW&PT that meet the Township's design and performance specifications of its Skillman Village WWTP upgrade project. EPA has evaluated the Township's basis for the procurement of the foreign made immersed hollow fiber ultrafiltration membrane cassettes. Based upon information submitted by the Township and its consulting engineer, EPA has concluded that there are currently no domestic manufactured immersed hollow fiber ultrafiltration membrane cassettes available in sufficient and reasonable quantity and of a satisfactory quality to meet the Township's project design and performance 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 are 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 under Section 1605(b) of ARRA if EPA determines that (1) Applying these requirements would be inconsistent with 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.

EPA has determined that the Township's waiver request is timely even though the request was made after the construction contract was signed. Consistent with the direction of the Office of Management and Budget (OMB) regulations at 2 CFR 176.120, EPA has evaluated the Township's request to determine if the request, though made after the contract date, can be treated as if it were timely made. EPA will generally regard waiver requests with respect to components that were specified in the bid solicitation or in a general/primary construction contract as "late" if submitted after the contract date.

However, in this case, EPA has determined that the Township's request may be treated as timely because the need for a waiver was not foreseeable at

the time the contract was signed. The Township submitted this waiver request after the contract date because on June 22, 2009, GEW&PT had provided a Buy American compliance certification letter to the Township indicating that the MBR system would comply with ARRA Section 1605 pursuant to the “substantial transformation” test. At that time, the Township considered this rationale reasonable and anticipated full compliance with the Buy American provisions of ARRA. The Township did not determine the need for a waiver until on or about May 25, 2010, when GEW&PT notified the Township that the ZeeWeed® 500D immersed hollow fiber ultrafiltration membrane cassettes of its MBR system did not comply with the substantial transformation test and that the Township should seek a waiver from Buy American requirements based on no availability of domestic manufactured membrane cassettes that meet project specifications. Accordingly, EPA will evaluate the request as a timely request.

The Township’s Skillman Village WWTP upgrade project includes the installation of a MBR system that will enable the WWTP’s effluent quality to meet the new stringent effluent limitations stipulated in its New Jersey Pollutant Discharge Elimination System (NJPDES) wastewater discharge permit. The documentation provided by the Township indicates that with the exception of the actual ZeeWeed®500D membrane cassettes, GEW&PT will fabricate and assemble all of the MBR system components in its Minnetonka, Minnesota facility. The ZeeWeed® 500D immersed hollow fiber ultrafiltration membrane cassettes are manufactured in Hungary and will be shipped directly from the manufacturing facility in Hungary to the project site.

The Township is requesting a waiver for the purchase of ZeeWeed® 500D immersed hollow fiber ultrafiltration membrane cassettes because there are no submerged hollow fiber ultrafiltration MBR membranes manufactured in the United States that meet the design specifications for the project. Based on an engineering study and pilot testing conducted in 2005, the Township identified MBR technology as the most appropriate and best demonstrable technology for the Skillman Village WWTP upgrade project. During the design and bidding phase of the project, the Township evaluated multiple manufacturers of MBR systems, and fully anticipated, by way of manufacturer/supplier confirmation, that the specified GEW&PT membrane cassettes would be

fully compliant with ARRA Buy American requirements.

Upon learning from GEW&PT on May 25, 2010, that the ZeeWeed® 500D membranes would not meet the substantial transformation test and therefore, is not in compliance with ARRA Buy American requirements, the Township repeated its efforts to find domestic manufactured ultrafiltration hollow fiber membranes that would meet the Skillman Village WWTP upgrade project specifications. The Township’s research confirmed that no additional manufacturers of such membranes suitable for the WWTP project had entered the North American market since the design phase of the project. The Township’s research revealed that, the MBR market is dominated by four manufacturers of MBR systems, including General Electric (Zenon), Kubota, Siemens and Koch-Puron, and all four companies manufacture their cassettes abroad. Of these manufacturers, only General Electric and Siemens manufacture the specified immersed hollow fiber ultrafiltration membrane cassettes. Therefore, the Township concluded that there is no domestically available immersed hollow fiber ultrafiltration membrane cassette and that a waiver from Buy American requirements would be required. Based on the technical evaluation of the Township’s waiver request and supporting documentation as well as the additional research conducted by EPA’s national contractor, the Township’s claim that there are no submerged hollow fiber ultrafiltration MBR membranes manufactured in the United States that meet the design specification is supported by the available evidence.

The purpose of the ARRA is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are already “shovel ready” by requiring entities, such as the Township, to revise their design standards and specifications and potentially choose a more costly, less efficient project. The imposition of ARRA Buy American requirements on such projects otherwise eligible for State Revolving Fund assistance would result in unreasonable delay and potentially the cancellation of this project as sited. The delay or cancellation of this construction would directly conflict with the fundamental economic purpose of ARRA, which is to create or retain jobs.

The April 28, 2009, EPA Headquarters Memorandum, “Implementation of Buy American provisions of Public Law 111–5, the ‘American Recovery and Reinvestment Act of 2009’”

(Memorandum), defines: *reasonably available quantity* as “the quantity of iron, steel, or the 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,” and *satisfactory quality* as “the quality of iron, steel, or the relevant manufactured good as specified in the project plans and designs.”

The Region 2 State Revolving Fund Program Team has reviewed this waiver request and has determined that the supporting documentation provided by the Township establishes both a proper basis to specify the particular good required and that the manufactured good is not available from a producer in the United States to meet the design specifications for the proposed project. The information provided is sufficient to meet the criteria listed under Section 1605(b) of ARRA, OMB regulations at 2 CFR 176.60–176.170, and in the EPA Headquarters 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 basis for this project waiver is the authorization provided in Section 1605(b)(2). Due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the Township’s technical specifications, a waiver from the Buy American requirement is justified.

The Administrator’s March 31, 2009, Delegation of Authority Memorandum provided Regional Administrators with the Authority to issue exceptions to Section 1605 of 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 Township is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111–5 for the purchase of the ZeeWeed® 500D immersed hollow fiber ultrafiltration membrane cassettes, as specified in its January 18, 2011 waiver request and February 4, 2011 supplemental submittal to EPA. 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: April 25, 2011.

**Judith A. Enck,**

*Regional Administrator, Environmental Protection Agency, Region 2.*

[FR Doc. 2011-13829 Filed 6-2-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9315-9]

### Proposed Settlement Agreement for Recovery of Past Response Costs Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as Amended by the Superfund Amendments and Reauthorization Act of 1986; in Re: Agawam Sportsman's Club Superfund Site, Located in Agawam, MA

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

**ACTION:** Notice of proposed settlement; request for public comment.

**SUMMARY:** In accordance with the Comprehensive Environmental Response Compensation, and Liability Act, as amended ("CERCLA"), 42 U.S.C. 9601, *et. seq.*, notice is hereby given of a proposed administrative settlement for recovery of past response costs at the Agawam Sportsman's Club Superfund Site, in Agawam, Massachusetts. The settlement requires the settling party, Agawam Sportsman's Club, Inc. ("ASC") to sell the Site property for fair market value and distribute 90% of the net sale proceeds to the Environmental Protection Agency (the "Agency") for past response costs incurred at the Site. ASC would be required to distribute the remaining 10% of the net sale proceeds to the Town of Agawam as a result of property tax arrears. ASC has entered into a purchase and sale agreement to sell the Site property to a developer. 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 receive written comments relating to the proposed settlement. The Agency will consider all comments received and may modify or withdraw its consent to the settlement 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 5 Post Office Square, Boston, MA 02109-3912.

**DATES:** Comments must be submitted on or before July 5, 2011

**ADDRESSES:** Comments should be addressed to the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, Mailcode ORA 18-1, Boston, Massachusetts 02109-3912, and should refer to: In re: Agawam Sportsman's Club Superfund Site, U.S. EPA Docket No. CERCLA-01-2010-0008. .

**FOR FURTHER INFORMATION CONTACT:** A copy of the proposed Agreement can be obtained from Gregory Dain, U.S. Environmental Protection Agency, Region I, 5 Post Office Square, Suite 100, Mailcode OES 04-2, Boston, Massachusetts 02109-3912, (617) 918-1884.

Dated: May 18, 2011.

**Art Johnson,**

*Acting Director, Office of Site Remediation and Restoration, Region I.*

[FR Doc. 2011-13833 Filed 6-2-11; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9315-5]

### Science Advisory Board Staff Office Request for Additional Nominations for the SAB Environmental Justice Technical Review Panel(s)

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

**ACTION:** Notice.

**SUMMARY:** The EPA Science Advisory Board (SAB) Staff Office is requesting public nominations of additional experts to review the Agency's proposed technical document(s) which consider environmental justice concerns.

**DATES:** Nominations should be submitted by June 24, 2011 per instructions below.

**FOR FURTHER INFORMATION:** Any member of the public wishing further information regarding this Notice and Request for Nominations may contact Dr. Suhair Shallal, Designated Federal Officer (DFO), SAB Staff Office, by telephone/voice mail at (202) 564-2057; by fax at (202) 565-2098 or via e-mail at [shallal.suhair@epa.gov](mailto:shallal.suhair@epa.gov). General information concerning the EPA Science Advisory Board can be found at the EPA SAB Web site at <http://www.epa.gov/sab>.

#### SUPPLEMENTARY INFORMATION:

**Background:** The SAB was established pursuant to the Environmental Research, Development, and Demonstration Authorization Act

(ERDAA), codified at 42 U.S.C. 4365, to provide independent scientific and technical advice to the Administrator. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The SAB published a **Federal Register** notice (Vol. 76, Number 30, Pages 8366-8367) on February 14, 2011 seeking nominations for a SAB panel to review the Agency's environmental justice technical documents. The SAB is now seeking to augment the list of potential candidates to include additional experts to review the Agency's environmental justice screening tool(s).

EPA is developing several tools to help identify communities of potential environmental justice (EJ) concern. These EJ screening tools use a variety of demographic and environmental variables, combined in different ways. EPA has requested that the SAB provide advice on establishing a method for weighting the environmental factors used in these tools.

**Request for Nominations:** The SAB Staff Office is seeking additional nominations of nationally and internationally recognized experts with experience in the following disciplines: risk assessment (particularly comparative risk and risk ranking); decision analysis; economics and environmental science, specifically in drinking water and groundwater human health effects, particulate matter, ozone and toxic air pollutants (including diesel particulate matter); lead in paint, household dust and other locations, proximity to active and inactive hazardous waste sites, industrial and other facilities; and proximity to highways. Additional experts will be considered along with those currently identified on the list of candidates (see [http://yosemite.epa.gov/sab/sabproduct.nsf/02ad90b136fc21e f85256eba00436459/0F7D1A0D7D15001B8525783000673AC3/\\$File/memo%20and%20bio-%20EJT.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/02ad90b136fc21e f85256eba00436459/0F7D1A0D7D15001B8525783000673AC3/$File/memo%20and%20bio-%20EJT.pdf)).

**Availability of the Review Materials:** The review materials will be made available on the SAB Web site. For questions concerning the review materials, please contact Bridgid Curry at (202) 565-2567, or [curry.bridgid@epa.gov](mailto:curry.bridgid@epa.gov).

**Process and Deadline for Submitting Nominations:** Any interested person or organization may nominate qualified individuals in the areas of expertise described above for possible service on this expert *ad hoc* Panel. Nominations