

(1) Identify the source (facility name, plant code) and unit identification number for which the objection is being made;

(2) Make sure to submit your objection by the deadline identified.

If you e-mail your objection, put "Objection for 2010 CAIROS New Unit Set-aside" in the subject line to alert the Administrator that an objection is included. If mailing by courier, address the package to Robert L. Miller, 1310 L St., NW., Room 254B, Washington, DC 20005. Clearly mark any portion of the information that you claim to be CBI. For CBI in a disk or CD ROM that you mail to EPA, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is claimed as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. Send or deliver information identified as CBI only to the following address: Robert L. Miller, EPA Headquarters, CAMD (6204J), 1200 Pennsylvania Avenue, NW., Washington DC 20460.

## 2. What is the purpose of this NODA?

The purpose of this NODA is to make all of the data upon which the allocations or denial of allocations are based available to the public for objection to ensure that the data on which the applicable determination for each unit is based are correct. Any person objecting to any of the data should explain the basis for his or her objection, provide alternative data and supporting documentation, and explain why the alternative data are the best available data. EPA will consider any substantive objections to the data.

The provisions of § 97.342(c)—which govern the submission of requests for CAIROS allowance allocations from the new unit set-aside and set forth the criteria for qualification for, and the methodologies for calculating, such allocations for each individual unit—are final and are described in this NODA solely for informational purposes and are not open for objection. However, objections may be submitted concerning whether EPA determined, in a manner consistent with these rule provisions, the CAIROS allowance allocation (if any) from the new unit set-aside for 2010 for any unit for which such an allowance allocation was requested. *See* 40 CFR 97.341(d).

## 3. What are the requirements for requesting and receiving CAIROS new unit set-aside allowances and the procedures for allocating such allowances?

EPA is administering the 2010 CAIROS new unit set-aside allowance pools for Delaware and the District of Columbia, which are comprised of a maximum of 111 allowances for Delaware and 6 allowances for the District of Columbia. Under § 97.342(c)(2), the owners and operators of any unit for which CAIROS new unit set-aside allowances were sought for 2010 had to submit to EPA a request for CAIROS new unit set-aside allowance allocations by February 1, 2010. The owners and operators of a CAIROS unit in Delaware or the District of Columbia could request a CAIROS new unit set-aside allowance allocation if (1) the unit is subject to the CAIROS, (2) the unit is not allocated any CAIROS allowances under § 97.342(b) because it lacks a baseline heat input or because all CAIROS allowances available under § 97.342(b) for the year have already been allocated, and (3) the owners and operators of the unit submitted a timely request by the February 1, 2010 deadline. If a unit meets these criteria, EPA determines the allocation amount by determining the 2009 NO<sub>x</sub> mass emissions data reported under 40 CFR part 75 for the unit during the 2009 ozone season (May 1—September 30, 2009). Finally, EPA makes any necessary adjustments under § 97.342(c)(4) to each such unit's allocation amount in order to ensure that the total amount of CAIROS new unit set-aside allowances allocated for 2010 does not exceed the amount of allowances in the new unit set-aside for 2010.

## 4. How is EPA applying to individual CAIROS units the requirements for requesting and receiving CAIROS new unit set-aside allowance allocations?

On January 21, 2010 EPA sent an e-mail—to the designated representatives, alternate designated representatives, and their respective agents of CAIROS units in the District of Columbia and Delaware—that provided instructions on the proper submission of a request for a CAIROS allowance allocation from the new unit set-aside for 2010. The January 21, 2010 e-mail explained what data should be submitted with the request and reminded addressees of the February 1, 2010 deadline for such requests. Among the data elements for a request under § 97.342(c)(2) were the number of allowances requested in an amount no greater than the unit's NO<sub>x</sub>

emissions for the 2009 ozone season (May 1 through September 30, 2009). EPA received timely requests for 2010 CAIROS new unit set-aside allowance allocations for 3 CAIROS units in Delaware; no requests were received for CAIROS units in the District of Columbia.

The detailed unit-by-unit data, allowance allocation determinations, and calculations are set forth in a technical support document, which is a single Excel spreadsheet titled "2010 CAIROS FIP New Unit Set-Aside Allocations Data" and is available on EPA's Web site at [http://www.epa.gov/airmarkets/cair/ozone\\_nusa/index.html](http://www.epa.gov/airmarkets/cair/ozone_nusa/index.html). EPA will publish a second NODA, after the 30-day period for submitting objections concerning this NODA, in order to address any objections and make any necessary adjustments to the data published in this NODA to ensure that EPA's allowance allocation determinations are in accordance with § 97.342(c). EPA will record, no later than September 1, 2010, CAIROS allowance allocations from the new unit set-aside for 2010 after publication of the second NODA. *See* 40 CFR 97.353(e).

Dated: April 19, 2010.

**Brian McLean,**

*Director, Office of Atmospheric Programs.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9142-4]

### Notice of Availability of "Award of Special Appropriations Act Project Grants Authorized by the Agency's FY 2010 Appropriations Act"

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

**ACTION:** Notice of document availability.

**SUMMARY:** EPA is announcing the availability of a memorandum entitled "Award of Special Appropriations Act Project Grants Authorized by the Agency's FY 2010 Appropriations Act." This memorandum provides information and guidelines on how EPA will award and administer grants for the special projects identified in the State and Tribal Assistance Grants (STAG) account of the Agency's FY 2010 Appropriations Act (Pub. L. 111-88). The STAG account provides budget authority for funding identified water, wastewater and groundwater infrastructure projects. Each grant

recipient will receive a copy of this document from EPA.

**ADDRESSES:** The subject memorandum may be viewed and downloaded from EPA's homepage, <http://www.epa.gov/owm/cwfinance/cwsrf/law.htm>.

**FOR FURTHER INFORMATION CONTACT:**

George Ames, (202) 564-0661 or [ames.george@epa.gov](mailto:ames.george@epa.gov).

Dated: April 16, 2010.

**James A. Hanlon,**

*Director, Office of Wastewater Management.*

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## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9142-5]

### 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 Falmouth, 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 Falmouth, Massachusetts for the purchase of a foreign manufactured wind turbine to be installed at its existing wastewater treatment facility site. 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 Town of Falmouth and its consulting engineer, it has been determined that there are currently no domestic manufactured wind turbines available to meet its proposed project design and performance 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 wind turbine by the Town of Falmouth, MA, as specified in

its February 24, 2010 follow-up submittal.

**DATES:** *Effective Date:* April 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(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 Town of Falmouth, Massachusetts for the purchase of a foreign manufactured wind turbine that meets the Town of Falmouth's design and performance specifications to be installed at its existing wastewater treatment facility site.

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 Town of Falmouth, Massachusetts (MA) is proposing to construct a foreign manufactured Vestas model V82, 1.65 megawatt (MW) wind turbine generator at the Town's wastewater treatment facility located at 154 Blacksmith Shop Road, a 314 acre town owned site in Falmouth, MA. This proposed wind turbine would be the second one installed and commissioned at the site although the existing wind turbine was not funded through the ARRA. The Town of Falmouth is requesting a waiver for the purchase of a 1.65 MW wind turbine comprised of all turbine components, including, but not limited to: The blades, the nacelle (i.e. cover housing that holds the equipment within a wind turbine), the gear box, low and high speed shafts,

generator, controller, and brake. The wind turbine is manufactured by Vestas of Denmark, and meets project design and performance specifications. The total estimated cost to furnish, install and commission the proposed wind turbine is approximately \$4.3M.

Massachusetts is one of several northeast states that has a climate change action plan which calls for significant CO<sub>2</sub> emission reductions by 2020. Integral to that plan is a wider adoption of non-emitting renewable sources of electricity. Wind power is currently the most practical source of renewable energy to meet that goal. The Massachusetts' Renewable Portfolio Standard (RPS) requires an increasing amount of the electricity sold in the Commonwealth to come from renewable electricity, including wind power. RPS is also one of the major policy tools put in place to meet the CO<sub>2</sub> reduction goals under the climate change plan. This project, while small, would contribute towards achieving those goals. The proposed wind turbine is expected to generate an average of 3,075 MW hours of electricity annually, representing approximately 30% of the Town's total municipal building and facilities electrical needs.

The Town of Falmouth has thoroughly researched available domestic and foreign wind turbine manufacturers. According to the Town, there was only one domestic manufacturer that produces a wind turbine that appears to meet project design and performance specifications. However, the identified domestic manufacturer is not willing to supply a wind turbine for installation at the Falmouth Wastewater Treatment Plant, nor is it willing to support a warranty and service agreement for another available unit that it has already manufactured. According to the domestic manufacturer, the Town's proposed construction site would not meet the manufacturer's internal setback requirement distances to mitigate the risks associated with potential ice throws from the turbine blades. The domestic manufacturer's internal siting considerations recommended that, for safety in the event of icing, a setback distance of 1.5 times the hub height and rotor diameter—in this case, 646 feet—be maintained from occupied structures, roads, property lines and public access areas. The proposed wind turbine would be set back approximately 552 feet from the property line, 646 feet from the nearest public road (Route 28), and 1,150 feet from the nearest residential structure.

Thus, the siting would provide sufficient setback distances for the road