

propose to implement a regional solution to address water supply shortages within Del Puerto WD's service area on the west side of the San Joaquin River in San Joaquin, Stanislaus and Merced Counties. Specifically, the project proposes to deliver up to 59,000 acre-feet per year by 2045 of recycled water produced by the cities to the Delta Mendota Canal (DMC). After introduction to the DMC, the recycled water would be conveyed to Del Puerto WD customers, to the Central Valley Project Improvement Act-designated refuges or to San Luis Reservoir for storage, depending on time of year and water demand. The Final EIS assesses the environmental effects of four alternatives being considered, which are described below. In each case (except for the No Action Alternative), operational exchanges with the Bureau of Reclamation may be necessary in order to balance seasonal supply and demand.

Under Alternative 1, the Combined Alignment Alternative, a new pipe would be constructed to deliver treated water from Turlock's facilities to the city of Modesto's pumping plant. From there, a pipeline would be constructed to deliver the combined water from both cities west, underneath the San Joaquin River. The pipeline would end at a new discharge structure on the DMC. The DMC would then be used to convey water to downstream users.

Alternative 2, the Separate Alignment Alternative, is similar to Alternative 1, except that separate pipelines would be constructed from the Modesto and Turlock water treatment facilities. There would be two crossings underneath the San Joaquin River, and two new discharge structures on the DMC.

Under Alternative 3, the Patterson Irrigation District (PID) Conveyance Alternative, Modesto and Turlock would continue to discharge their treated water to the San Joaquin River. The water would be diverted by PID at their existing intake on the river, which would need to be expanded, delivered to the DMC by way of an expanded PID conveyance system, and discharged to the DMC by way of a new outfall structure. From there, the water would be conveyed to downstream users. This alternative would require an expansion of PID's fish screen facility and a pipeline parallel to PID's main canal to accommodate increased water volume, but no new river crossings.

Alternative 4, the No Action Alternative, represents the state of the environment without implementation of any action alternatives. Modesto and Turlock would continue to discharge their treated municipal water to the San

Joaquin River, and no additional water would be supplied to Del Puerto WD or the Central Valley Project Improvement Act refuges.

A Notice of Availability of the Draft EIS/EIR was published in the **Federal Register** on January 9, 2015 (80 FR 1432). The comment period on the Draft EIS/EIR ended on March 10, 2015. The Final EIS contains responses to all comments received and reflects comments and any additional information received during the review period.

#### Public Disclosure

Before including your address, phone number, email address, or other personal identifying information in any communication, you should be aware that your entire communication—including your personal identifying information—may be made publicly available at any time. While you can ask us in your communication to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: June 18, 2015.

**Pablo R. Arroyave,**

*Deputy Regional Director, Mid-Pacific Region.*

**Editorial Note:** This document was received for publication by the Office of **Federal Register** on September 10, 2015.

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## DEPARTMENT OF JUSTICE

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

On September 10, 2015, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Middle District of North Carolina in the lawsuit entitled *United States, et al. v. Duke Energy Corporation*, Civil Case No. 1:00-cv-1262 (M.D.N.C.). Environmental Defense, the North Carolina Sierra Club, and Environment North Carolina (formerly the North Carolina Public Interest Research Group) are co-plaintiffs in the case.

In this civil enforcement action under the federal Clean Air Act ("Act"), the United States and its co-plaintiffs allege that Duke Energy Corporation ("Defendant"), failed to comply with certain requirements of the Act intended to protect air quality at power plants in North Carolina. The complaint seeks injunctive relief and civil penalties for violations of the Clean Air Act's Prevention of Significant Deterioration

("PSD") provisions, 42 U.S.C. 7470-92, and various Clean Air Act implementing regulations. Specifically, the complaint alleges that Defendant failed to obtain appropriate permits and failed to install and operate required pollution control devices to reduce emissions of sulfur dioxide ("SO<sub>2</sub>") nitrogen oxides ("NO<sub>x</sub>"), and/or particulate matter ("PM") at electricity generating units at the following North Carolina plants: the Allen and Riverbend plants in Gaston County, the Buck plant in Rowan County, the Cliffside plant in Cleveland and Rutherford Counties, and the Dan River plant in Rockingham County.

The proposed Consent Decree would resolve violations for certain provisions of the Act at Allen Units 1 and 2, Riverbend Units 4, 6, and 7, Buck Units 3, 4, and 5, Cliffside Units 1, 2, 3, and 4, and Dan River Unit 3. Eleven of these thirteen units have been recently shut down, and the proposed settlement would render those retirements a permanent obligation under the Consent Decree. At the remaining units (Allen Units 1 and 2), the proposed Consent Decree requires Defendant to operate pollution controls and meet interim emission limitations prior to permanently retiring the units in 2024. In addition, Duke will retire an additional unit at the Allen plant, and spend \$4,400,000 to fund environmental mitigation projects that will further reduce emissions and benefit communities adversely affected by the pollution from the plants, and pay a civil penalty of \$975,000.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States, et al. v. Duke Energy Corporation*, Civil Case No. 1:00-cv-1262 (M.D.N.C.), D.J. Ref. No. 90-5-2-1-07155. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By e-mail .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General U.S. DOJ—ENRD P.O. Box 7611 Washington, DC 20044-7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department Web site: <http://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$18.00 (25 cents per page reproduction cost) payable to the United States Treasury.

**Maureen Katz,**

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

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**DEPARTMENT OF LABOR**

**Office of the Secretary**

**Agency Information Collection Activities; Submission for OMB Review; Comment Request; Abandoned Individual Account Plan Termination**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, “Abandoned Individual Account Plan Termination,” to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 *et seq.* Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before October 15, 2015.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201508-1210-002](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201508-1210-002) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget,

Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Abandoned Individual Account Plan Termination information collection requirements codified in regulations 29 CFR 2520.103–11, 2550.404a–3, and 2578 and in Prohibited Transaction Exemption (PTE) 2006–06 as amended. More specifically the ICR supports the following information collections:

Qualified Termination Administrator (QTA) Regulation (29 CFR 2578.1): The QTA regulation creates an orderly and efficient process by which a financial institution holding assets of a plan deemed to have been abandoned may undertake to terminate the plan and distribute its assets to participants and beneficiaries holding accounts under the plan, with protections and DOL approval under the regulatory standards. The regulation requires the QTA to provide certain notices to the DOL, to participants and beneficiaries, and to the plan sponsor (or service providers to the plan, if necessary), and to keep certain records pertaining to the termination.

Abandoned Plan Terminal Report Regulation (29 CFR 2520.103–11): The terminal report regulation provides an alternative method for a QTA to satisfy the annual report requirement otherwise applicable to a terminating plan. The QTA files a simplified terminal report with the DOL after terminating an abandoned plan and distributing its accounts to participants and beneficiaries.

Terminated Plan Distribution Regulation (29 CFR 2550.404a–3): The terminated plan distribution regulation establishes a safe harbor method by which a fiduciary terminating an individual account pension plan (whether abandoned or not) may select an investment vehicle to receive

account balances distributed from the terminated plan when the participant has failed to provide investment instructions. The regulation requires the fiduciary to provide advance notice to participants and beneficiaries of how such distributions will be invested, if no other investment instructions are provided.

Abandoned Plan Class Exemption (PTE 2006–06): The exemption permits a QTA terminating an abandoned plan under the QTA regulation to receive payment for its services from the abandoned plan and to distribute the account balance of a participant who has failed to provide investment direction into an individual retirement account maintained by the QTA or an affiliate. Without the exemption, financial institutions could be unable to receive payment for services rendered out of plan assets without violating Employee Retirement Income Security Act (ERISA) prohibited transaction provisions and being subject to taxes imposed by Internal Revenue Code of 1986 section 4975; consequently, without the exemption, the institutions would be highly unlikely to terminate abandoned plans. One exemption condition requires the QTA to record the distributions, retain the records for six (6) years, and make these records available on request to interested persons (including the DOL, participants, and beneficiaries). If a QTA wishes to be paid out of plan assets for services provided prior to becoming a QTA, the exemption requires the QTA to enter into a written agreement with a plan fiduciary or the plan sponsor prior to receiving payment and provide the DOL with a copy of the agreement.

The regulations and PTE encourage the orderly termination of an abandoned plan and the timely distribution of plan assets to participants and beneficiaries. Participants and beneficiaries would likely be denied access to the money in their individual account plans in the absence of these regulations and exemption, because financial institutions holding assets of abandoned plans usually do not have the authority to take any of these steps.

Because these regulations and the PTE relate to either or both abandoned plan termination and benefit distribution and rollover when no participant investment election has been made, the DOL has combined the paperwork burden for all of these actions into one ICR. This combination allows the public to have a better understanding of the aggregate burden imposed on the public for these related regulatory actions. ERISA sections 101, 404, 408, and 505