



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 30 2018

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for 36-inch HDPE Grooved Couplings in the Santa Barbara, CA Charles Meyer Desalination Plant Project  
Waiver Number 09-DW-0004

**FROM:** Peter Grevatt, Director  
Office of Ground Water and Drinking Water

A handwritten signature in black ink, appearing to read "Peter Grevatt", written over the printed name.

The U.S. Environmental Protection Agency (EPA) is hereby granting an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Santa Barbara, CA for the purchase of ten 36-inch HDPE grooved couplings for the Charles Meyer Desalination Plant Project. This waiver permits the use of ten HDPE grooved couplings because no known domestic manufacturers produce a product that meets the project's technical specification. This is a project-specific waiver and only applies to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund (DWSRF). Any other project funded by either the Drinking Water or Clean Water State Revolving Fund (SRF) that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF assistance agreement unless the Agency determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with Section 424 of Public Law 115-141, the "Consolidated Appropriations Act, 2018". The provision states in part: "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency...finds that...iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The City's Charles Meyer Desalination Plant Project is necessary to supplement the drinking water supply during multi-year drought conditions. This project ensures the community

continues to receive adequate safe drinking water. Space limitations and site conditions near the project area require use of these specific HDPE grooved couplings. The installation site is heavily affected by groundwater and tide elevation, and this water cannot be pumped quickly enough to keep the installation pits dry. Using grooved couplings eliminates the need to pump water away and keep the pits dry. Other construction alternatives were not feasible due to the project's environmental impact on the habitats for the snowy plover and grunion, which are in proximity to the desalination plant. The HDPE grooved couplings constitute approximately 2% of the total material cost for this project.

The City attempted to find a domestic manufacturer of 36-inch HDPE grooved couplings and provided information to the EPA demonstrating that the specified couplings are not domestically sourced and no domestic manufacturer exists.

The EPA conducted market research on the supply and availability of 36-inch HDPE grooved couplings and concluded that there are no domestic manufacturers of this product that meets the project's technical specifications. The EPA's inquiry supports the City's assertion that the 36-inch HDPE grooved couplings are not available domestically. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the City of Santa Barbara, CA for the Charles Meyer Desalination Plant Project with respect to the HDPE grooved couplings. This waiver permits the purchase of ten 36-inch HDPE grooved couplings using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated May 9, 2018.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-141, the "Consolidated Appropriations Act, 2018", under the authority of Section 424.

If you have questions concerning the contents of this memorandum, please contact Kiri Anderer, Senior Environmental Engineer, Drinking Water Protection Division, at [anderer.kirsten@epa.gov](mailto:anderer.kirsten@epa.gov) or (202) 564-3134.