



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Double Check Valves and Strainers for the Stanislaus Regional Water Authority, CA Regional Surface Water Supply Project
Waiver Number 09-DW-0019

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

Decision: 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 Stanislaus Regional Water Authority (SRWA), California, for the purchase of double check valves and strainers for the Regional Surface Water Supply Project. This waiver permits the use of double check valves (3-inch and 4-inch) and strainers (2-inch, 3-inch and 4-inch) because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver applies only 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 the DWSRF, Clean Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act 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 EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) of the Safe Drinking Water Act. The provision states in part: “[the requirements] shall be waived 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.”

Background of Waiver Request: This project consists of constructing a new intake structure and raw water pump station and pipeline, delivering a long-term, sustainable water source for the existing population that will allow for integrated use of groundwater and surface water. The project includes the installation of double check valves (3-inch and 4-inch) and strainers (2-inch, 3-inch and 4-inch) that are critical to protect the public water supply system from the backflow of pollutants and other debris.

The SRWA conducted research to find a domestic manufacturer of AIS-compliant double check valves (3-inch and 4-inch) and strainers (2-inch, 3-inch and 4-inch) and provided information to EPA

demonstrating that no domestic manufacturers of double check valves and strainers meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 3-inch and 4-inch double check valves and 2-inch, 3-inch and 4-inch strainers and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the SRWA, California, for the Regional Surface Water Supply Project with respect to double check valves (3-inch and 4-inch) and strainers (2-inch, 3-inch and 4-inch). This waiver permits the purchase of 3-inch and 4-inch double check valves and 2-inch, 3-inch and 4-inch strainers using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated August 31, 2022.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov or (202) 564-1968.