



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR - 3 2020

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for a 10-inch Plunger Valve in the Santa Margarita River Conjunctive Use Project Waiver Number 09-DW-0005

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

A handwritten signature in blue ink, appearing to read "Jennifer L. McLain".

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 Fallbrook Public Utility District (PUD) in California for the purchase of a plunger valve for the Santa Margarita River Conjunctive Use Project. This waiver permits the use of one non-domestic 10-inch plunger valve because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver 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 EPA determines that it is necessary to waive this requirement. The 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 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 project consists of a groundwater treatment plant, modifications to a reservoir, and distribution system pipeline. The purpose of the plunger valve is to control the pressure and flow of water through the PUD distribution system to Camp Pendleton as an emergency connection for the base. The proposed plunger valve can accommodate the hydraulic service conditions for

anticipated system operations and prevent excessive pressure drop in the water transmission system.

The PUD contacted suppliers to find comparable AIS-compliant plunger valves and provided information to the EPA demonstrating that no manufacturers of 10-inch plunger valves meet the project's technical specifications.

The EPA conducted market research on the supply and availability of 10-inch plunger valves 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 the EPA's AIS website for the mandatory 15-day public comment period. The EPA received no public comments.

The EPA is granting an availability-based waiver from the AIS requirements to the Fallbrook Public Utility District in CA for the Santa Margarita River Conjunctive Use Project with respect to a plunger valve. This waiver permits the purchase of one 10-inch plunger valve using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated January 27, 2020.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.