



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 Ductile Iron Fittings in the City of Antioch, CA Brackish Water Desalination Project
Waiver Number 09-DW-0017

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

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Date: 2022.08.16 14:34:48
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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 City of Antioch, California, for the purchase of 42-inch ductile iron mechanical joint fittings and associated hardware for the Antioch Brackish Water Desalination Project. This waiver permits the use of ductile iron fittings because no known domestic manufacturers produce a product that meets the project's schedule and 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 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."

Background of Waiver Request: The City is completing the Antioch Brackish Water Desalination Project to help reduce the need for importing water from the Contra Costa Water District and improve the City's water supply reliability and operational flexibility. The project

will replace the existing San Joaquin River intake pumps and install a new section of raw water conveyance pipeline to provide a direct connection to the City's existing water treatment plant. A new desalination facility is being constructed as a key component of the project and will help reduce the purchase of imported water by producing a minimum of 6.0 million gallons per day of potable water. Potable water from the desalination facility will be distributed via the City's existing drinking water distribution system and will serve the entire city.

The ductile iron fittings required for this project are currently unavailable until mid-to-late September 2022. This delivery date does not allow enough time to complete the in-water work before the October 31, 2022 permit restriction for work within the San Joaquin River. This in-water work includes completing the 42-inch pipeline, pressure testing, backfilling, and removing the sheet pile cofferdam. If this work is not completed prior to the October 2022 deadline, the work must be completed in the 2023 summer/fall season, which will delay the completion of the project and the desalination facility's operation by at least 6 months.

The City contacted domestic manufacturers to find AIS-compliant ductile iron fittings and provided information to EPA demonstrating that no domestic manufacturers of ductile iron fittings meet the project's schedule and technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of ductile iron fittings and concluded that there are no domestic manufacturers of these products that meet the project's schedule and 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 City of Antioch, California, for the Antioch Brackish Water Desalination Project with respect to ductile iron fittings. This waiver permits the purchase of 42-inch ductile iron mechanical joint fittings and associated hardware using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated July 21, 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 Dallas Shattuck, Physical Scientist, Drinking Water Infrastructure Development Division, at shattuck.dallas@epa.gov or (202) 564-0972.