



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Orange County Water District and City of Anaheim in California for Pipes and Fittings

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of 33 U.S.C. §3914 under the authority of §3914(c)(2) to the Orange County Water District and City of Anaheim, California (Applicant) for the specified pipes and fittings, as documented in the Applicant’s waiver request submittal to the Water Infrastructure Finance and Innovation Act (WIFIA). This waiver permits the use of these specific pipes and fittings, produced outside the United States and in the specific sizes and quantities requested, in the Applicant’s Phase A PFAS Treatment Systems (Groundwater Treatment Plants - Phase A Project), because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product-specific waiver and only applies to the use of the specified products for the proposed project funded by WIFIA. Any other entity with projects funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to 33 U.S.C. §3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through WIFIA. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in 33 U.S.C. §3914(c)(2). The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the Environmental Protection Agency] finds that— . . . (2) 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 Applicant provided information to EPA asserting that there are no manufacturers producing the variety of 8-inch to 42-inch pipes and fittings needed for the project, in sufficient and reasonably available quantities and of a satisfactory quality. The project requires installation of these pipes and fittings to complete Phase A of the PFAS treatment system in the groundwater treatment plants.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the 8-inch to 42-inch various pipes and fittings. The basis of evaluation

included thorough review of the waiver request submission, examination of domestic manufacturer catalogs or other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity with the project. EPA received no (zero) public comments to the waiver request. For market research, EPA contacted 10 manufacturers and suppliers of pipes and fittings for water and wastewater applications. None (zero) responded indicating that they had potential domestic alternatives. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's technical specifications.

Finding: Since the Applicant established a proper basis to specify these products are required for this project, and because EPA substantiated the Applicant's claim that these products are not available from a manufacturer in the United States, the Orange County Water District and City of Anaheim in California is hereby granted a waiver from the AIS requirements for the PFAS Treatment Systems (Groundwater Treatment Plants - Phase A Project). This waiver permits the purchase of the specified pipes and fittings, as documented in the Applicant's waiver request submittal to WIFIA, dated April 1, 2022.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Water Infrastructure Division, at connor.timothy@epa.gov or (202) 566-1059.