



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 San Diego Public Utilities Commission in California for Wedge Anchors

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 San Diego Public Utilities Commission (Applicant) for wedge anchors. This waiver permits the use of these wedge anchors, produced outside the United States and in the specific sizes and quantities requested, in the Applicant’s Pure Water San Diego Program Phase 1: North City 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 the Water Infrastructure Finance and Innovation Act (WIFIA). Any other entity with project funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same product 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 ¼-inch to 1 ¼-inch diameter, 1 ¾ -inch to 16-inch-long stainless-steel wedge anchors, in sufficient and reasonably available quantities and of a satisfactory quality. The project includes the installation of these wedge anchors throughout the facility to anchor conduit and pipe supports, equipment and various other items. The installation of such products is an integral part of the plant that will supply water to the residents of San Diego.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the wedge anchors. 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 nine (9) manufacturers and suppliers of wedge anchors for water and wastewater applications. One responded indicating that they had potential domestic alternatives. Upon further communications between the project and the manufacturer on April 7, 2022, the manufacturer states they are unable to obtain the necessary certification for the wedge anchors in a reasonable amount of time that would not cause an undue delay to the project. 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 the 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 San Diego Public Utilities Commission in California is hereby granted a waiver from the AIS requirements for the Pure Water San Diego Program Phase 1: North City Project. This waiver permits the purchase of the specified wedge anchors, as documented in the Applicant's waiver request submittal to WIFIA, dated March 17, 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.