



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 Steel Pipe for Crossing Fault for the Los Angeles Department of Water and Power, CA
Western Trunk Line Project
Waiver Number 09-DW-0018

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 Los Angeles Department of Water and Power (LADWP), California, for the purchase of a 50-foot section of steel pipe for crossing fault (SPF) for the Western Trunk Line Project. This waiver permits the use of SPF 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: The LADWP's existing water lines were installed in the early-to-mid 1900s and are reaching the end of their service life. Therefore, LADWP is replacing the aging water lines to increase safety and reliability. This project includes replacing a segment of the Harbor Trunk Line along Western Avenue. LADWP conducted a fault displacement characterization study and determined that the Harbor Trunk Line crosses the Newport-Inglewood Fault Zone and identified at least five other potential fault crossings. Based on the results of this study, the LADWP has determined that the project should include installation of a 50-foot section of the SPF at the potential fault crossing near the intersection of Western Avenue and Imperial Highway. The SPF is a steel segment of pipe with custom-designed wave features to absorb the energy from a seismic event by plastically deforming while

resisting cracking and leaking, thus avoiding failure. The Western Trunk Line Project installs an SPF consisting of eight waves across two 45-degree elbows along a 50-foot steel section.

The LADWP conducted research to find a domestic manufacturer of AIS-compliant SPF and provided information to EPA demonstrating that no domestic manufacturers of SPF meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of SPF and concluded that there are no domestic manufacturers of this product 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 LADWP, California, for the Western Trunk Line Project with respect to SPF. This waiver permits the purchase of a 50-foot section of SPF using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated August 19, 2022.

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 Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov or (202) 564-1968.