



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Steam Heating and Condensate Specialties for the Pittsburgh Water and Sewer Authority, PA, Aspinwall Pump Station, Bruecken Pump Station and Clearwell Emergency Response Project
Waiver Number 03-DWA-0007

FROM: Jennifer L. McLain, Director

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 of the Safe Drinking Water Act (SDWA) to the Pittsburgh Water and Sewer Authority (PWSA) for the purchase of steam heating and condensate specialties for the Aspinwall Pump Station, Bruecken Pump Station and Clearwell Emergency Response (ABC) Project in Pennsylvania. This waiver permits the use of steam heating and condensate specialties 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 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 SDWA. 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."

The Build America, Buy America Act (BABA) was enacted as a part of the Infrastructure Investment and Jobs Act (P.L. 117-58, Nov. 15, 2021) and includes a Savings Provision in Section 70917(b). BABA's Savings Provision states that "Nothing in this part affects a domestic content procurement preference for a Federal financial assistance program for infrastructure that is in effect and meets the requirements of section 70914." The statutory American Iron and Steel

requirements were in effect at the time BABA became law and satisfy the BABA iron and steel requirements. Therefore, the statutory AIS requirements that have previously applied to SRF-funded projects will continue to do so, and compliance with AIS requirements will satisfy the BABA iron and steel requirements. In cases where the EPA approves a project-specific waiver from the AIS requirements for an iron and steel product, the corresponding category of iron and steel products for BABA is also waived, based on the same criterion of non-availability in Section 70914(b)(2) of IIJA.

Background of Waiver Request: The PWSA is currently undergoing several design and construction projects related to the replacement of a 40 million gallon clearwell, which is a large storage tank for finished water. This project includes improvements to the Aspinwall Pump Station, Bruecken Pump Station, and an emergency clearwell bypass. The ABC project is the second phase of the City of Pittsburgh's effort to meet their required Consent Decree deadlines with the Pennsylvania Department of Environmental Protection. Each part is necessary leading up to the replacement of the existing clearwell. This project is completely located within City of Pittsburgh limits.

The project's technical specifications require steam safety relief valve drip elbows, air release valves, and steam safety relief valves (collectively the steam heating and condensate specialties). These items are components of a steam heating system which contains boilers, heat exchangers, valves, and air separators.

The PWSA conducted research to find a domestic manufacturer of AIS-compliant steam heating and condensate specialties and provided information to the EPA demonstrating that no domestic manufacturers of steam heating and condensate specialties meet the project's technical specifications. The project also initially included low pressure steam condensate pumps in their waiver request. Those were removed from the request, as they are not products covered by the AIS requirements.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of steam heating and condensate specialties and other products for which a waiver was requested by contacting known manufacturers, suppliers and distributors. During market research, the EPA reached out to ten (10) known manufacturers of steam safety relief valve drip elbows. The EPA contacted eight (8) known manufacturers of air release valves. The EPA contacted nine (9) known manufacturers of steam safety release valves. The EPA contacted ten (10) known manufacturers of steam sample coolers. The EPA contacted ten (10) known manufacturers of vacuum priming valves. The EPA contacted ten (10) known manufacturers of masonry-joint reinforcement. The EPA contacted ten (10) known manufacturers of bridge cranes and hoists. The EPA contacted ten (10) known manufacturers of precast manholes.

AIS compliant manufacturers for steam sample coolers, vacuum priming valves, masonry-joint reinforcement, bridge cranes and hoists, and precast manholes were identified, which are able to meet the project's technical specifications. The PWSA is no longer requesting to waive these

items. One (1) potential domestic manufacturer for steam safety relief valve drip elbows was identified. When contacted by the project, the manufacturer informed them that they could not meet the requirements. No domestic manufacturers were identified which could meet the technical specifications for the steam heating and condensate specialties.

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.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the PWSA, for the ABC Project with respect to steam heating and condensate specialties. This waiver permits the purchase of steam heating and condensate specialties using DWSRF funds as documented in the Commonwealth of Pennsylvania's waiver request submittal on behalf of the assistance recipient, dated August 20, 2025.

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

If you have questions concerning the contents of this memorandum, please contact Daniel La Bella, Environmental Engineer, Drinking Water Infrastructure Development Division, at labella.daniel@epa.gov.