



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to City of Los Angeles in Los Angeles, California for Stainless Steel Tube and Fittings up to 1/2", Stainless Steel Pipe up to 1-1/2", Stainless Steel Fittings up to 6", and Check Valves 2"-30" for D.C. Tillman Advanced Water Purification Facility Project, (N18109CA)

FROM: Andrew D. Sawyers, Director

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 33 U.S.C. § 3914(c)(2) to the City of Los Angeles in Los Angeles, California (Applicant) for stainless steel (SS) tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30". This waiver permits the use of these products, produced outside the United States, and in the specific sizes requested, at the D.C. Tillman Advanced Water Purification Facility Project (Project) because no known domestic manufacturers produce AIS-compliant SS tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30" in sufficient and reasonably available quantities to meet the Project's technical specifications, performance, and schedule.

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 jurisdiction 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 WIFIA at 33 U.S.C. § 3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States. The 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 applicable 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 . . . 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 the EPA asserting that there are no domestic manufacturers producing SS tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30" in sufficient and reasonably available quantities and of a satisfactory

quality. The products are part of a pumped water system and provide a means of protection by not allowing water to flow backwards through the system. The valves specified have shorter lay lengths than alternative style check valves, carry NSF51 certification, and come in multiple pressure ratings required by the Project.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of SS tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30". 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. For market research, the EPA contacted fourteen (14) manufacturers or suppliers. Of the fourteen (14) manufacturers, eight responded. Seven of these manufacturers were unable to provide AIS compliant products, one manufacturer stated they could provide several AIS-compliant products. After further discussion with the borrower, the products were determined to be noncompliant as they did not meet the required specifications for the Project. The EPA also posted the waiver request for a 15-day public comment period. The EPA received no (zero) public comments to the waiver. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce SS tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30" meeting the Project's technical specifications or quality requirements.

Finding: Since the Applicant established a proper basis to specify the SS tube and fittings up to 1/2", SS pipe up to 1-1/2", SS fittings up to 6", and check valves 2"-30" required for the Project, and because the EPA substantiated the Applicant's claim that these products are not produced or readily available from a manufacturer in the United States, the City of Los Angeles in Los Angeles, California is hereby granted a waiver from the AIS requirements for these products for the D.C. Tillman Advanced Water Purification Facility Project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated January 5, 2026.

If you have any questions concerning the contents of this memorandum, please contact Samuel Ramsland Environmental Engineer, WIFIA Program, ramsland.samuel@epa.gov.