



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Western Municipal Water District, California for Backflow Prevention Assemblies

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) and Section 1452(a)(4) of the Safe Drinking Water Act to the Western Municipal Water District (Applicant) for double check valve detector (DCDA) and reduced pressure detector (RPDA) backflow prevention assemblies. This waiver permits the use of these backflow prevention assemblies, manufactured outside of the United States, in the Water Infrastructure Backflow Upgrades project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

This waiver applies only to the proposed project funded by the Community Grants Program as directed by the 2024 Consolidated Appropriations Act (P.L. 118-42). Any other jurisdiction with projects funded through either the Community Grants Program, Clean Water State Revolving Fund, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: The FY 2024 Consolidated Appropriations Act stipulates that requirements applicable to a CWSRF or DWSRF project grant recipient shall apply to a grantee receiving a Community Grant. Section 608 of the Clean Water Act and Section 1452(a)(4) of the Safe Drinking Water Act require CWSRF and DWSRF assistance recipients for treatment works and public water systems projects to apply AIS requirements, which require use of specific iron and steel products that are produced in the United States. Therefore, AIS requirements apply to all Community Grants projects. The EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) of the Clean Water Act and Section 1452(a)(4)(C) of the Safe Drinking Water Act. The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the EPA] 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.”

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) (IIJA) 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 AIS requirements were in effect at the time BABA became law and satisfy the BABA iron and steel requirements for AIS listed products. 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 Applicant provided information to the EPA asserting that there are no domestic manufacturers producing backflow prevention assemblies in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant is installing new backflow prevention assemblies to replace non-testable single-check backflow assemblies with testable above grade backflow prevention assemblies. The new backflow prevention assemblies need to meet California Cross-Connection Control Policy Handbook standards and be designed for no more than 175 P.S.I. cold water working pressure. They must be made from all bare iron and steel and be coated and wrapped in plastic. The Applicant will install both DCDA and RPDA backflow prevention assemblies. The DCDAs will be installed in low hazard areas and will need to be available in 4-inch, 6-inch, 8-inch, 10-inch and 12-inch diameter sizes. The RPDAs will be installed in high hazard areas and must be available in 4-inch and greater diameter.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these backflow prevention assemblies. 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. During market research, the EPA contacted eleven (11) manufacturers and suppliers of backflow prevention assemblies. There were no (zero) manufacturers who indicated they could provide backflow prevention assemblies that meet the technical specifications of the project and are AIS compliant.

The EPA received three (3) public comments to the waiver request, each indicating that these backflow prevention assemblies are not available domestically.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant’s claim through market research that these products are not available from a manufacturer in the United States, Western Municipal Water District, California is hereby granted a waiver from the AIS requirements. This

waiver permits the use of backflow prevention assemblies, as documented in the State of California's waiver request submittal on behalf of the Applicant dated December 8, 2025.

If you have any questions concerning the contents of this memorandum, please contact the American Iron and Steel inbox, at SRF_AIS@epa.gov.