



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 Earthquake Resistant Ductile Iron Pipe and Fittings for the Los Angeles Department of Water and Power, CA Western Trunk Line Project Waiver Number 09-DW-0016

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 earthquake resistant ductile iron pipe (ERDIP) (36-inch and 54-inch) and fittings (6-inch through 12-inch) for the Western Trunk Line Project. This waiver permits the use of ERDIP and fittings 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: 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 with approximately 23,000 linear feet of trunk line (36-inch and 54-inch diameter) and 7,000 feet of distribution line (6-inch, 8-inch, and 12-inch diameter). 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, LADWP is requiring ERDIP and fittings throughout the project to maintain greater flexibility at the joints between pipe segments and minimize damage (and resulting water supply disruption) from future seismic events.

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

Assessment of Waiver Request: EPA conducted market research on the supply and availability of ERDIP and fittings in the aforementioned sizes and concluded that there are no domestic manufacturers of these products 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 LADWP, California, for the Western Trunk Line Project with respect to ERDIP and fittings. This waiver permits the purchase of ERDIP (36-inch and 54-inch) and fittings (6-inch through 12-inch) using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated May 23, 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.