



OFFICE OF WASTEWATER MANAGEMENT  
WASHINGTON, D.C. 20460

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to East County Advanced Water Purification Joint Power Authority in Santee, California for Triple Duty Valves, Suction Diffusers, Swing Check Valves, and Backflow Preventers

**FROM:** Andrew D. Sawyers, Director  
Office of Wastewater Management

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 and 33 U.S.C. § 1388 under the authority of 33 U.S.C. § 3914(c)(2) and 33 U.S.C. § 1388(c)(2) to the East County Advanced Water Purification Joint Power Authority in Santee, California (Applicant) for Triple Duty Valves, Suction Diffusers, Swing Check Valves, and Backflow Preventers (the products). This waiver permits the use of these products, produced outside the United States, and in the specific size requested, at the East County Advanced Water Purification project because no known domestic manufacturers produce AIS-compliant products.

This is a product-specific waiver and only applies to the use of the specified products for the proposed project co-funded by the Water Infrastructure Finance and Innovation Act (WIFIA) and the Clean Water State Revolving Fund (CWSRF). 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 and the Clean Water Act at 33 U.S.C. § 1388, WIFIA loan recipients and CWSRF assistance recipients for treatment works 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 these requirements based on certain circumstances set forth in 33 U.S.C. § 3914(c)(2) and 33 U.S.C. § 1388(c)(2). The applicable provisions state 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 the products in sufficient and reasonably available quantities and of a satisfactory quality. The applicant contacted a combined seven manufacturers or suppliers for these products. None of the contacted domestic manufacturers or suppliers could provide any domestic products that would meet the project's specifications. The project requires each product before it can operationalize its water purification facility.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of the products. 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 28 manufacturers or suppliers. Fifteen manufacturers or suppliers responded indicating they could not provide compliant products meeting the project's specifications and fourteen did not respond. The EPA also posted the waiver request for a 15-day public comment period. The EPA received zero comments. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce the products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the products required for this 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 East County Advanced Water Purification Joint Power Authority in Santee, California is hereby granted a waiver from the AIS requirements for the East County Advanced Water Purification project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver requests submittal to WIFIA on October 18 and October 25, 2023.

If you have any questions concerning the contents of this memorandum, please contact Ashley Osler, Environmental Engineer, WIFIA Program, at [Osler.Ashley@epa.gov](mailto:Osler.Ashley@epa.gov).