



OFFICE OF WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Ductile Iron Push-on Joint Fittings for City of Santa Cruz, California Newell Creek Pipeline Felton-Graham Hill Replacement Project
Waiver Number 09-DWA-0023

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

Andrew D. Sawyers, Director
Office of Wastewater Management

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 City of Santa Cruz, California, for the purchase of ductile iron push-on joint fittings for the Newell Creek Pipeline Felton-Graham Hill Replacement Project. This waiver permits the use of push-on joint 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) and the Water Infrastructure Finance and Innovation Act (WIFIA). Any other project funded by the DWSRF, Clean Water State Revolving Fund, or WIFIA that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF and WIFIA assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF or WIFIA 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 Safe Drinking Water Act and the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914(c)(2). 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: This project consists of approximately nine miles of raw water distribution pipeline replacement. This work requires the installation of integrally restrained, ductile iron push-on joint fittings, specifically 24-inch tees and 24-inch bends at 11.25, 22.5, 45, and 90 degrees, with working pressure of 350 pounds per square inch. These types of restraints are required for high deflection due to the existing site conditions, where push-on joints are necessary based upon thrust calculation. The City conducted research to find a domestic manufacturer of AIS-compliant push-on joint fittings and provided information to the EPA demonstrating that no domestic manufacturers of push-on joint fittings meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of push-on joint fittings and reached out to 12 known joint fittings manufacturers, suppliers, and distributors. None indicated they could provide domestic joint fittings that meets the project's technical specifications. 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 City of Santa Cruz, California, for the purchase of ductile iron push-on joint fittings for the Newell Creek Pipeline Felton-Graham Hill Replacement Project. This waiver permits the purchase of joint fittings using DWSRF and WIFIA funds as documented in the California State Water Resources Control Board waiver request submittal on behalf of the assistance recipient, dated April 2, 2024.

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). Legal authority for the AIS requirements for WIFIA projects, including waiver authority, is included in the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914.

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano (DWSRF), Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov; or Dan-Tam Nguyen (WIFIA), Environmental Engineer, WIFIA Management Division, at nguyen.dan-tam@epa.gov.