



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to Sarasota County, Florida for Ductile Iron Reducing Tees

**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 under the authority of §3914(c)(2) to Sarasota County in Florida (Applicant) for ductile iron (DIP) reducing tees. This waiver permits the use of these tees, produced outside the United States, in the Applicant’s Bee Ridge Water Expansion project, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

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 entity with a project 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 33 U.S.C. §3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through WIFIA. 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 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— . . . (2) 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 EPA asserting that there are no manufacturers producing large DIP fittings in sufficient and reasonably available quantities and of a satisfactory quality. The Bee Ridge Water Resource Facility Expansion project requires multiple 42-inch and 48-inch ductile iron fittings. The expansion will increase capacity of the facility, up to 18 MGD, with provisions for future expansions. The Applicant requested a waiver for: 42-inch compact 90 elbows, DIP with P401 lining, 42-inch compact 11 ¾ elbows, DIP with cement lining, 48-inch compact 90 elbows and plugs, DIP with P401 lining, and 48-inch by 24-inch compact reducing tees, DIP with P401 lining. The Applicant indicated the DIP fittings that meet the project’s specifications are not currently available in sufficient and reasonably available quantities.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the fittings. 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, EPA contacted 14 (fourteen) manufacturers and suppliers of ductile iron fittings for water and wastewater applications. None (zero) responded indicating that they had potential domestic alternatives within a timeframe that would not adversely delay the project. EPA received one public comment to the waiver request, indicating domestic availability of the fittings. Both EPA and the project were able to verify domestic availability of all fittings, except the reducing tees. Verification was through communication with suppliers and directly with the manufacturer. However, the compact reducing tees were not available in a sufficient and reasonably available quantity and within a timeframe that would not adversely delay the project. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available reducing tees meeting the project's technical specifications for the sizes addressed in this waiver.

Finding: Since the Applicant established a proper basis to specify the DIP reducing tees are required for this project, and because EPA substantiated the Applicant's claim that DIP reducing tees are not available from a manufacturer in the United States, Sarasota County, Florida is hereby granted a waiver from the AIS requirements for the Bee Ridge Water Resource Facility Expansion project. This waiver permits the purchase of the specified 48-inch by 24-inch compact reducing tees, DIP with P401 lining, as documented in the Applicant's waiver request submittal to WIFIA, dated August 1, 2022.

If you have any questions concerning the contents of this memorandum, please contact Kavita Mak, Environmental Engineer, WIFIA Management Division, at [mak.kavita@epa.gov](mailto:mak.kavita@epa.gov) or (202) 566-2999.