



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Hillsboro and the Tualatin Valley Water District in Oregon for Restrained Ductile Iron Fittings

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 the City of Hillsboro and the Tualatin Valley Water District (Applicant) for 10-inch and 16-inch diameter restrained ductile iron fittings. This waiver permits the use of these fittings, produced outside the United States and in the specific sizes and quantities requested, in the City and the District’s new Willamette Water Supply 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 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 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 10-inch and 16-inch diameter restrained joint fittings in sufficient and reasonably available quantities and of a satisfactory quality. Previously, the Applicant received an AIS waiver for the fittings in 4-inch, 6-inch, 8-inch, 12-inch, 18-inch, and 24-inch and identified additional sizes that were needed for the project. These fittings will be installed in a new, seismically resilient water supply within Washington and Clackamas Counties. The design requires the restrained ductile iron fittings to provide adequate allowable deflections in addition to offering restraint at the joint, which will prevent lateral movement of the piping system without affecting deflection.

Assessment of Waiver Request: EPA conducted market research 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, and outreach to contractors and engineers with expertise and familiarity with the project. EPA contacted nine pipe fitting manufacturers and suppliers. One manufacturer and one supplier indicated they could produce AIS-compliant restrained joint fittings that meet the project's technical specifications. The Applicant followed up with the potential manufacturer that indicated they can provide an alternative AIS-compliant product that would meet the project technical specifications. The potential supplier indicated an extensive lead time for the products that would result in project delays of greater than 6 months. The Applicant's principal project engineer followed up with the potential manufacturer on the proposed alternative product and determined the product alternative would result in an inherently weaker joint at the connection that did not satisfy the technical specifications for the project. Based on the communication between the manufacturer and project engineer, EPA agrees with the Applicant's assessment that no domestic manufacturers can produce available products meeting the project's technical specifications or timing needs.

EPA posted the waiver for a public comment period and did not receive any comments.

Since the Applicant established a proper basis to specify the particular products required for this project, and because EPA substantiated the Applicant's claim, that these products are not available from a manufacturer in the United States, the City of Hillsboro and the Tualatin Valley Water District is hereby granted a waiver from the AIS requirements for the Willamette Water Supply project. This waiver permits the purchase of the specified 10-inch and 16-inch diameter restrained joint fittings, documented in the City of Hillsboro and Tualatin Valley Water District's waiver request submittal to WIFIA, dated October 3, 2022.

If you have any questions concerning the contents of this memorandum, please contact Dan-Tam Nguyen, Environmental Engineer, WIFIA Management Division, at Nguyen.Dan-Tam@epa.gov or (202) 564-2784.