



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 Tualatin Valley Water District in Oregon for Stainless Steel Press 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” requirements of 33 U.S.C. §3914 under the authority of §3914(c)(2) to the City of Hillsboro and Tualatin Valley Water District in Oregon (Applicant) for stainless steel press fittings. This waiver permits the use of this product, produced outside the United States, and in the specific size requested, at the Willamette Water Supply System project because the products are not produced in the United States in the requested sizes and quantities.

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 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 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 stainless steel press fittings in sufficient and reasonably available quantities and of a satisfactory quality. The fittings will be installed to supply compressed air to the water treatment plant.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of stainless steel press 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 21 manufacturers and suppliers identified through previous research or through market research. EPA received responses from 7 manufacturers and suppliers indicating that the products were not manufactured in the United States. Therefore, EPA agrees with the assessment that no domestic manufacturers produce products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the stainless steel press fittings required for this project, and because EPA substantiated the Applicant's claim that these products are not produced or readily available from a manufacturer in the United States, the City of Hillsboro and Tualatin Valley Water District in Oregon is hereby granted a waiver from the AIS requirements for the Willamette Water Supply System project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated May 19, 2023.

If you have any questions concerning the contents of this memorandum, please contact Dan-Tam Nguyen, Environmental Engineer, WIFIA Program, at nguyen.dan-tam@epa.gov.