



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

OFFICE OF WATER

## **DECISION MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for Carbon Steel Pipe for the Florida Governmental Utility Authority, FL Lehigh Acres Water System Improvements Project  
Waiver Number 04-DW-0016

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

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 Florida Governmental Utility Authority, FL, for the purchase of 18-inch diameter carbon steel seamless casing pipe for the Lehigh Acres Water System Improvements Project. This waiver permits the use of non-domestic 18-inch diameter carbon steel seamless casing pipe 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). Any other project funded by the DWSRF, Clean Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF assistance agreement unless EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) of the Safe Drinking Water Act. 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 improvements on the Lehigh Acres Water System. The project requires approximately 2,150 linear feet of 18-inch diameter carbon steel seamless casing pipe to connect to the new deep injection well. The well is needed for aquifer storage recovery.

The Authority conducted research to find a domestic manufacturer of AIS-compliant 18-inch diameter carbon steel seamless casing pipe and provided information to EPA demonstrating that no domestic manufacturers of 18-inch diameter carbon steel seamless casing pipes meet the project’s technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 18-inch diameter carbon steel seamless casing pipe. EPA reached out to 10 known pipe manufacturers, suppliers, and distributors. None indicated they could provide domestic 18-inch diameter seamless carbon steel casing pipe that meets the project's technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Florida Governmental Utility Authority, for the Lehigh Acres Water System Improvements Project for 18-inch diameter carbon steel seamless casing pipe. This waiver permits the purchase of non-domestic 18-inch diameter carbon steel seamless casing pipe using DWSRF funds as documented in the State of Florida's waiver request submittal on behalf of the assistance recipient, dated June 21, 2023.

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).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at [medrano.jorge@epa.gov](mailto:medrano.jorge@epa.gov) or (202) 564-1968.