



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to City of Hillsboro and Tualatin Valley Water District in Oregon for High Performance Couplings

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 high performance couplings. 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 or 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 high performance couplings in sufficient and reasonably available quantities and of a satisfactory quality. In making their assessment, the Applicant conducted market research. None of the companies the Applicant contacted were able to provide the part or knew of an AIS-compliant manufacturer who did.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of high performance couplings. 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 twelve companies, nine of which responded. None of the responsive suppliers manufactured the required parts. EPA received no public comments on the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce high performance couplings meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the high performance couplings 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 August 8, 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.