



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 3-Inch Reciprocating Compressor Check Valves

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 33 U.S.C. § 3914(c)(2) to the City of Hillsboro and Tualatin Valley Water District in Oregon (Applicant) for 3-Inch Reciprocating Compressor Check Valves (check valves). 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’s Raw Water Facility subproject because no known domestic manufacturers produce check valves that meet the project’s specifications and schedule.

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 WIFIA at 33 U.S.C. § 3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States. The 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 applicable 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 . . . 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 the EPA asserting that there are no domestic manufacturers producing check valves in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant contacted one supplier of water infrastructure supplies who stated they could not supply the necessary part because they were not aware of any AIS-compliant manufacturers. The check valves are a necessary component for the Raw Water Facility’s reciprocating air compression system.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of check valves. 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, the EPA contacted 12 manufacturers or suppliers. The EPA received eight responses, six of which indicated they did not produce or supply AIS-compliant check valves. One manufacturer indicated they would be able to produce a similar valve, but the lead time is approximately 12 months. The borrower's lead time for non-AIS compliant check valves is five months; therefore, the 12-month lead time would result in a significant delay in the project schedule. A second manufacturer initially indicated the ability to produce check valves; however, after the EPA facilitated a conversation, the manufacturer stated they could not meet the project's specifications. The EPA also posted the waiver request for a 15-day public comment period. The EPA received two public comments affirming the non-availability of AIS-compliant check valves. Therefore, the EPA agrees with the assessment that there are no reasonably available sources of AIS-compliant check valves that meet the project's specifications and schedule.

Finding: Since the Applicant established a proper basis to specify the check valves required for this project, and because the 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's Raw Water Facility subproject. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated August 24, 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.