



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Polk Regional Water Cooperative in Bartow, Florida for Seamless 20-inch Diameter Steel Well Casings

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 Polk Regional Water Cooperative (PRWC) in Bartow, Florida (Applicant) for seamless 20-inch diameter steel well casings (steel well casings). This waiver permits the use of this product, produced outside the United States, and in the specific size requested, at the Alternative Water Supply Program’s Southeast Wellfield project because the sole AIS-compliant manufacturer in the United States ceased their production of the requisite parts in 2020 and no new AIS-compliant manufacturers could be identified.

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: The AIS provision requires WIFIA assistance recipients to use specific domestic iron and steel products if the project is funded through a WIFIA assistance agreement unless EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914(c)(2). 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: The Applicant provided information to EPA asserting that there are no manufacturers producing steel well casings in sufficient and reasonably available quantities and of a satisfactory quality. The project requires 3,700 feet of steel well casing to access the brackish Lower Floridian Aquifer and provide a sustainable source of drinking water for Floridians.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of steel well casings. 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 nine domestic manufacturers but could not identify any who made AIS-compliant steel well casings with an outer diameter of 16 to 24 inches. EPA received one public comment that affirmed the lack of AIS-compliant manufacturing for steel well casings in the diameter required. 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 steel well casings 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 PRWC in Bartow, FL is hereby granted a waiver from the AIS requirements for the Alternative Water Supply Program's Southeast Wellfield project. This waiver permits the purchase of the specified steel well casings as documented in the Applicant's waiver request submittal to WIFIA, dated July 31st, 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 or 202-981-3582.