



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Ventura in California for Super Duplex 2507 Backer Ring Kits and Blind Flanges

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 Ventura in California (Applicant) for Super Duplex 2507 Backer Ring Kits and Blind Flanges (Super Duplex Ring Kits & Flanges). This waiver permits the use of this product, produced outside the United States, and in the specific size requested, at the Ventura Water Pure project because the EPA and the borrower could not identify an AIS-compliant manufacturer.

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. 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 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 the EPA asserting that there are no domestic manufacturers producing Super Duplex Ring Kits & Flanges in sufficient and reasonably available quantities and of a satisfactory quality. Super Duplex parts are required because alternatives will shorten the useful life of the project via salinity-induced degradation.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of Super Duplex Ring Kits & Flanges. 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 16 manufacturers and requested whether they provide either the Super Duplex Ring Kits & Flanges or an alternative. None responded. The EPA also posted the waiver request for public comment. No comments were received. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce the necessary products in reasonably available quantities.

Finding: Since the Applicant established a proper basis to specify the Super Duplex Ring Kits & Flanges 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 Ventura in California is hereby granted a waiver from the AIS requirements for the Ventura Water Pure project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated August 23, 2023.

If you have any questions concerning the contents of this memorandum, please contact Forrest Petrich, Environmental Engineer, WIFIA Program, at Petrich.Forrest@epa.gov.