



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Hillsboro and Tualatin Valley Water District in Oregon for 1-Inch to 3-Inch 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” (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 1-Inch to 3-Inch High-Performance Couplings [hereinafter couplings]. This waiver permits the use of this product, produced outside the United States, and in the specific sizes requested, at the Willamette Water Supply System project because no known domestic manufacturers produce AIS-compliant couplings that meet the project’s technical specifications.

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. 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 EPA asserting that there are no domestic manufacturers producing couplings in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant received a waiver in 2023 for 2-Inch High-Performance Couplings. Prior to making this request, the Applicant conducted additional market research. None of the potential manufacturers or suppliers could provide AIS-compliant couplings at the required size. The couplings covered by this waiver are necessary for the project’s expansion joints that protrude from the water treatment plant.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 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 18 manufacturers or suppliers. Eleven responded, of which eight indicated that they could not offer AIS-compliant couplings. Three manufacturers initially indicated that they could supply AIS-compliant couplings; however, after further investigation, those manufacturers and suppliers either stopped responding to inquiries or were not able to meet the specific project specifications (e.g., not tested to withstand seismic events). EPA also posted the waiver request for a 15-day public comment period. EPA received no public comments. Therefore, EPA agrees with the assessment that no domestic manufacturers produce couplings meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the 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 February 13, 2024.

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.