



Kodiak Island Borough

OFFICE of BOROUGH MANAGER

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NOTE: Information in this waiver may have been redacted or removed due to issues of proprietary business information or incompatibility with Federal accessibility requirements. To request the information redacted for purposes of accessibility requirements, please email CWSRFWaiver@epa.gov.

DATE: March 27, 2026

TO: ADEC Division of Water State Revolving Fund Program

FROM: Aimee Williams, Borough Manager

RE: Project-Specific Public Interest Waiver Request

Kodiak Island Borough (KIB) respectfully submits this Project-Specific Public Interest Waiver Request seeking relief from specific Build America, Buy America Act (BABA) and EPA American Iron and Steel (AIS) requirements associated with the Leachate Treatment Plant and Stage 3 Landfill Closure Project, funded under ACWF Loan No. 505071.

This request is submitted in accordance with federal agencies' authority to grant public interest waivers when strict application of BABA or AIS requirements would impede timely infrastructure delivery, create unreasonable burden to the community, or undermine the objectives of the program funding the project.

Items Requiring Waiver:

Based on contractor and manufacturer documentation, review by ADEC SRF program staff, and the March 25, 2026, Letter of Noncompliance (attached), the following items require relief from AIS/BABA:

- Non-complaint Side Panels: [REDACTED]
- Wedge anchors, anchor rod, screws: [REDACTED]
- **Total Wavier Value:** [REDACTED]

Demonstrated Good-Faith Efforts Toward Compliance:

The KIB and their contractor, [REDACTED], took the following steps:


- AIS requirements were explicitly included in the bid documents, aligning with SRF program compliance expectations.
- [REDACTED] obtained and submitted AIS Certifications.
- Upon being informed of the certification deficiencies, [REDACTED] pursued a revised manufacturer certification, consistent with federal guidance requiring good-faith effort and market outreach in pursuit of domestic-origin materials.
- [REDACTED] ultimately determined it could not verify U.S.-melt origin for some iron inputs.
- [REDACTED] and KIB acted in good-faith throughout and did not knowingly procure non-compliant materials.

Public Interest Justification:

Below is a list of justifications for requesting the Project Specific Public Interest Waiver:

- A. [REDACTED] and KIB estimate that the cost to replace the affected components would cost KIB an additional \$ [REDACTED] or more and require demolition and re-work, which would extend into another construction season.
- B. The cost of replacement of the non-compliant is grossly disproportionate to the cost a waiver would provide – the non-compliant materials represent less than 1% of the total project cost.
- C. Despite a good-faith effort by [REDACTED] to obtain the AIS-compliant certification, the manufacturer ([REDACTED]) confirmed that compliant U.S.-melt documentation is not available, demonstrating that a domestic alternative is not reasonably attainable for these specific products.
- D. The landfill budget is significantly diminished due to escalating operational costs and ongoing regulatory compliance requirements, leaving insufficient fiscal capacity to absorb an unexpected reconstruction expense for replacement of non-compliant materials.

Kodiak Island Borough respectfully requests approval of this targeted Public Interest Waiver so the project can proceed without unnecessary financial hardship, delay, or demolition of functional work. The affected materials represent a minimal portion of the project, and replacement would offer no meaningful public or domestic-sourcing benefit. Granting this waiver supports timely completion of critical environmental infrastructure while preserving limited local resources.

Sincerely,

Aimee Williams
Borough Manager