



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Public Interest Waiver of American Iron and Steel Requirements to the Kodiak Island Borough, Alaska for Insulated Wall and Roof Panels

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a public interest waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(1) to the Kodiak Island Borough, Alaska (Applicant) for insulated wall and roof panels. This waiver permits the use of these panels, manufactured outside of the United States, in the Leachate Treatment Plant and Stage 3 Landfill Closure project.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded through the CWSRF, the Drinking Water State Revolving Fund, the Community Grants Program, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific 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 Section 608(c) of the Clean Water Act. The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the EPA] finds that – . . . (1) applying [the requirements] would be inconsistent with the public interest.

Background of Waiver Request: Prior to and during construction, the Applicant and their contractors made every effort to comply with AIS through planning, design, contracts, and procurement. The project required insulated wall and roof panels to complete the pre-treatment facility.

The construction contractor communicated the AIS requirements to the panel manufacturer

who supplied the insulated panels and included a certification letter. Subsequently, the panels were installed, and the Applicant submitted the certification letter to the Alaska Department of Environmental Conservation (ADEC) when payment for the panels was requested. Upon ADEC staff review, the certification letter was deemed deficient. The Applicant made several documented efforts to obtain proper certification for the insulated panels.

ADEC staff reached out to the EPA for assistance to resolve the issue. The EPA held a meeting with the panel manufacturer to discuss the AIS requirements and confirm directly with the manufacturer whether the products supplied to the recipient were compliant. The manufacturer indicated that the panels were noncompliant, noting that they had been supplied to the project due to an administrative error. The manufacturer detailed steps taken since becoming aware of the situation including providing additional training to staff related to AIS requirements and certifying compliance.

Assessment of Waiver Request: Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. The EPA received no (zero) public comments to the waiver request.

Finding: Because the Applicant and the state made every effort to comply with AIS, the EPA is granting a project-specific public interest waiver from the AIS requirements to the Kodiak Island Borough, Alaska. This waiver permits the use of insulated wall and roof panels, as documented in the State of Alaska's waiver request submittal on behalf of the Applicant dated March 27, 2026.

If you have any questions concerning the contents of this memorandum, please contact the American Iron and Steel inbox, at SRF_AIS@epa.gov.