



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to City of Englewood in Englewood, Colorado for Backflow Prevention Assemblies for the One Water Modernization Program – Sewer Utility Systems Project (WIFIA - N20178CO)

FROM: Andrew D. Sawyers, Director

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 Englewood in Englewood, Colorado (Applicant) for backflow prevention assemblies. This waiver permits the use of these products, produced outside the United States, and in the specific size requested, at the One Water Modernization Program – Sewer Utility Systems Project (Project) because no known domestic manufacturers produce AIS-compliant backflow prevention assemblies in sufficient and reasonable available quantities 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, the State Revolving Funds (SRFs), or the Community Grants Program 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. 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 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 the EPA asserting that there are no domestic manufacturers producing backflow prevention assemblies in sufficient and reasonably available quantities and of a satisfactory quality. The products act as a one-way valve at the point of interconnection between two municipal water systems to mitigate cross-contamination concerns. Without it, water down the system may be able to backflow into the facility’s water treatment effluent pipeline.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of backflow prevention assemblies. 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 eleven (11) manufacturers or suppliers. Six (6) manufacturers responded, but all stated that they could not provide AIS-compliant products satisfying the Project's technical specifications. The EPA also posted the waiver request for a 15-day public comment period. The EPA received no (zero) public comments to the waiver request. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce backflow prevention assemblies meeting the Project's technical specifications.

Finding: Since the Applicant established a proper basis to specify the backflow prevention assemblies required for the 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 Englewood in Englewood, Colorado is hereby granted a waiver from the AIS requirements for these products for the One Water Modernization Program – Sewer Utility System Project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated March 24th, 2026.

If you have any questions concerning the contents of this memorandum, please contact Samuel Ramsland, Environmental Engineer, WIFIA Program, at ramsland.samuel@epa.gov.