



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Hillsboro and the Tualatin Valley Water District in Oregon for Restrained Ductile Iron Fittings

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

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 §3914(c)(2) to the City of Hillsboro and the Tualatin Valley Water District (Applicant) for 4-inch to 24-inch diameter restrained ductile iron fittings. This waiver permits the use of these fittings, produced outside the United States and in the specific sizes and quantities requested, in the City and the District’s new Willamette Water Supply project because no domestic manufacturers produce alternatives 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 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. 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.”

The Applicant provided information to EPA asserting that there are no manufacturers producing 4-inch, 6-inch, 8-inch, 12-inch, 18-inch, and 24-inch diameter restrained joint fittings in sufficient and reasonably available quantities and of a satisfactory quality. These fittings will be installed in a new, seismically resilient water supply within Washington and Clackamas Counties. The design requires the restrained ductile iron fittings to provide adequate allowable deflections in addition to offering restraint at the joint, which will prevent lateral movement of the piping system without affecting deflection.

EPA conducted market research on the supply and availability of the fittings. 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 of the project. EPA contacted five pipe fitting manufacturers. None (zero) produce AIS-compliant restrained joint fittings that meet the project's technical specifications.

EPA posted the waiver for a public comment period and received two (2) public comments. Both commenters asserted their restraint systems would be suitable for the project. Based on communication between manufacturers' representatives and project engineers, the Applicant informed EPA that neither of the potential domestic alternatives will meet the project's technical specifications. The Applicant noted that each of the commenters' potential domestic alternatives rely on glands and wedges for restraint, which they assert would reduce pipeline thickness at the connection, creating stress points on the pipe wall. According to the Applicant, neither restraint proposed by the commenters would prevent lateral movement of the piping system without affecting deflection. Additionally, the Applicant noted that each of the potential domestic alternatives requires the use of bolts which may potentially lead to corrosion. Based on these specifications, neither product meets the project's technical specifications. Based on the aforementioned communication between the manufacturers (commenters) and project engineers, EPA agrees with the Applicant's assessment that no domestic manufacturers can produce available products meeting the project's technical specifications.

Since the Applicant established a proper basis to specify the particular products required for this project, and because EPA substantiated the Applicant's claim, that these products are not available from a manufacturer in the United States, the City of Hillsboro and the Tualatin Valley Water District is hereby granted a waiver from the AIS requirements for the Willamette Water Supply project. This waiver permits the purchase of the specified 4-inch, 6-inch, 8-inch, 12-inch, 18-inch, and 24-inch diameter restrained joint fittings, documented in the City of Hillsboro and Tualatin Valley Water District's waiver request submittal to WIFIA, dated September 25, 2020.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Water Infrastructure Division, at connor.timothy@epa.gov or (202) 566-1059.