



Rural Development

Rural Utilities Service

Water & Environmental
Programs

1400 Independence Ave SW
Washington, DC 20250

DECISION MEMORANDUM

DATE: 11 April 2025

SUBJECT: Availability-Based Project-Specific Waiver of American Iron and Steel Requirements for 14-inch and 16-inch Seamless Casings for the Charlotte Harbor Water Association Deep Injection Well Project in Charlotte County, FL

Waiver Number: 25-003

FROM: Rebecca Strohm
Acting Director
Water and Environmental Programs

Decision: The U.S. Department of Agriculture (USDA) is hereby granting an availability-based project-specific waiver of American Iron and Steel (AIS) requirements to Charlotte Harbor Water Association's Deep Injection Well Project for the purchase of 14-inch and 16-inch diameter seamless steel casing in Charlotte County, FL. This waiver permits the use of non-domestic seamless steel casing because no known domestic manufacturers can deliver a product that meets the project's technical specifications.

This is a project-specific waiver which applies only to the use of the specified product for the referenced project funded by the USDA Rural Development (RD) Rural Utilities Service (RUS) Water and Waste Disposal (WWD) Loan and Grant program under the Water and Environmental Programs (WEP). Any other project that wishes to use the same product must submit a separate waiver request based on the specific project circumstances.

Rationale: The AIS provision of the Consolidated Appropriations Act of 2017 (Public Law 115-31) and subsequent statutes require WEP assistance recipients to use domestic iron and steel products unless RD determines that it is necessary to waive this requirement. USDA has the authority to issue waivers in accordance with section 746 (b)(2) of P.L. 115-31, which states in part: "[the requirements] shall not apply in any case or category of cases in which the Secretary of Agriculture ... or the designee of the Secretary finds that ... iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality." As per the delegation memo of July 2017, approval of project specific waivers has been delegated to the Engineering and Environmental Staff Director.

Background of Waiver Request: Charlotte Harbor Water Association Deep Injection Well Project in Charlotte County, FL, includes installation of 14-inch

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and 16-inch diameter seamless steel casing in their concentrate disposal system. The construction contractor stated that they could not find a manufacturer to furnish an assembly that adhered to AIS requirements, and furnished documentation from six suppliers corroborating this. Furthermore the Agency's AIS contractor contacted 16 suppliers of casing pipe, none of whom were able to provide AIS compliant seamless casing in the quantities needed.

AIS waivers have previously been applied to seamless steel casings ranging between 16-inch and 34-inch diameters, by the Environmental Protection Agency for projects in Fort Meyers Florida, Lehigh Acres Florida, Miami Dade County Florida, and Bartow Florida.

The Charlotte Harbor Water Association submitted to RD a formal request to waive AIS requirements for the assemblies on January 30, 2025. Per statutory requirement, the waiver request was posted on RD's AIS website for a 15-day public comment period, and the Agency received no comments.

Finding: USDA is granting an availability-based waiver from the AIS requirements to the Charlotte Harbor Water Association for 14-inch and 16-inch diameter seamless steel casings. This waiver permits the purchase of these casings using WEP funds for the Deep Injection Well Project as documented in the waiver request submittal.

Legal Authority: Legal authority for the AIS requirements for WEP projects is included under the Consolidated Appropriations Act of 2017 and subsequent statutes, under the authority of section 746 (b)(2) of P.L.115-31.

If you have questions concerning the contents of this memorandum, please contact WEP Engineering at WEPEngineering@usda.gov.