



Rural Development

Rural Utilities Service

Water & Environmental
Programs

1400 Independence Ave SW
Washington, DC 20250

DECISION MEMORANDUM

DATE: July 26, 2021

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Approximately Thirty 1-1/4-inch Pressure Lateral Kits for the Town of Bridgton, ME Wastewater System Improvements

Waiver Number: 21-003

FROM: Barbara Britton
Director,
Engineering and Environmental Staff
Water and Environmental Programs

Decision: The U.S. Department of Agriculture (USDA) is hereby granting an availability-based project-specific waiver of the American Iron and Steel (AIS) requirements to the Town of Bridgton, ME, for the purchase approximately thirty 1-1/4-inch pressure lateral kits. This waiver permits the use of these lateral kits because no known domestic manufacturers can manufacture this product that meets the project's technical specifications.

This is a project-specific waiver which applies only to the use of the specified products 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(s) 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 Director of WEP's Engineering and Environmental Staff (EES).

Background of Waiver Request: The Town of Bridgton wastewater improvements project will provide critical needed upgrades to the existing collection system. It will expand the Town's sewer system throughout the entire downtown area and will increase the number of connected parcels from approximately 65 to 430. Approximately 4.5 miles of new gravity sewer and 1.5 miles of new force main piping will be added to the existing wastewater system.

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This is part of a larger project that will ultimately involve construction of a new centralized wastewater treatment facility to replace aging septic systems and facilitate economic growth in the Town of Bridgton. The pressure lateral kits are needed to facilitate connection of individual properties requiring a low-pressure/pumped discharge into the expanded sewer collection system.

Assessment of Waiver Request: RD conducted market research on the supply and availability of 1/4-inch pressure lateral kits. Thirteen manufacturers were contacted, and none could provide AIS compliant valves meeting the project specifications. Per statutory requirement, the waiver request has been posted on RD's AIS website for the mandatory 15-day public comment period, and the Agency received no public comments.

Finding: USDA is granting an availability-based waiver from the AIS requirements to the Town of Bridgton, ME Wastewater System Improvements with respect to approximately thirty 1/4-inch pressure lateral kits. This waiver permits the purchase of approximately thirty kits using WEP funds as documented in the Town of Bridgton, ME waiver request submittal, dated July 8, 2021.

Legal Authority: Legal authority for the AIS requirements for WEP projects is included under the Consolidated Appropriations Act of 2017 and subsequent statutes, section, 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 EES Engineering at ESEngineering@usda.gov.