



Rural Development

Rural Utilities Service

Water & Environmental Programs

1400 Independence Ave SW
Washington, DC 20250

DECISION MEMORANDUM

DATE: February 17, 2022

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for five 8-inch couplings for the City of Horton, Kansas, wastewater system improvement project.

Waiver Number: 22-002

FROM: Charles D. Stephens
Assistant Administrator
Acting Director, Environmental and Historic Preservation Staff
Water and Environmental Programs

Decision: The U.S. Department of Agriculture (USDA) is hereby granting an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Horton, Kansas, for the purchase of five 8-inch HYMAX Grip couplings for use on its wastewater improvement project. This waiver permits the use of these couplings because no known domestically produced coupling 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 products 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: Horton is building a new wastewater treatment plant on the site of their existing wastewater treatment facility. A restrained coupling is needed to join piping inside the influent lift station wet well, serving as a transition and vertical connection between

ductile iron pipe leads and stainless-steel piping. The difference in material (ductile iron vs. stainless-steel) causes a diameter difference, requiring the grip coupling to accommodate pipes of different diameters in addition to different materials. Additionally, the couplings need to provide axial restraint. Project specifications require that couplings should conform AWWA standard C-219. They must be able to survive a harsh service environment (sanitary sewer wet well) and accommodate pressurized sewage flow (200 PSI).

Assessment of Waiver Request: RD conducted market research on the supply and availability of 8-inch restrained couplings that could meet the project's specifications. RD's contractor contacted six manufacturers and distributors, in addition to the five that had already been contacted by the project. Responses were received from all 11 manufacturers and distributors contacted; none responded that they could provide an AIS compliant product that meets the project specification, confirming the applicants' findings. One company presented an alternative utilizing multiple components to create a similar transition; however, this substitution is unacceptable because it introduces additional failure points with more components.

The City of Horton submitted to RD a formal request to waive AIS requirements for the restrained couplings on February 1, 2022. Per statutory requirement, the waiver request was posted on RD's AIS website for the mandatory 15-day public comment period, and received no comments.

Finding: USDA is granting an availability-based waiver from the AIS requirements to the City of Horton, Kansas, for their wastewater system improvements project with respect to 8-inch HYMAX Grip couplings. This waiver permits the purchase of five couplings using WEP funds as documented in the city's 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 EES Engineering at ESEngineering@usda.gov.