Environmental Loans Program

- DNR Webinar: Use of American Iron and Steel
- February 12, 2015
- Format:
  - 15 minute presentation
  - Up to 30 mins. for questions/answers
- Panel:
  - Becky Scott – WDNR
  - Andy Bielanski – US EPA Region V
- Moderator:
  - Robin Schmidt - WDNR

How to Ask a Question

Click **Ask a question** icon at bottom of page:

A box will appear similar to this.

Enter your name, email address (optional), the subject your question and your question.

Click **Ask Question**

Click **Close** to exit the window.
**UAIS Background**

- Congressional Requirement
  - Consolidated Appropriations Act of 2014
    - Clean Water Fund Program (CWFP)
    - Safe Drinking Water Loan Program (SDWLP)
  - Water Resources Reform and Development Act
    - **Permanent** requirement for CWFP projects
  - Consolidated and Further Continuing Appropriations Act of 2015
    - SDWLP

**UAIS Applicability**

- CWFP
  - All projects for which plans and specifications were approved **after June 9, 2014**
- SDWLP
  - All projects for which plans and specifications were approved **after December 15, 2014**

**Notes:**
- If plans and specifications have multiple approvals, the date of the first approval (assuming they all relate to a discrete project) is the date that determines compliance
- The passage of the most recent appropriation act and WRRDA re-set previously established compliance dates
- Please review EPA UAIS guidance for more information
**UAIS Definition**

“iron and steel products” include products made primarily of iron or steel:

- lined or unlined pipes and fittings
- manhole covers and other municipal castings
- hydrants
- tanks
- flanges
- pipe clamps and restraints
- valves
- structural steel
- reinforced precast concrete
- construction materials

This is NOT the same as the ARRA *Buy American* Requirement!

**Documenting Compliance**

- Include UAIS language in each contract
  - Purchase agreements
  - RFPs and bid solicitation
  - Construction contracts
- Assistance recipients
  - Must certify that successful bidders certified their understanding of and compliance with the UAIS requirements
  - complete an additional UAIS certification of compliance at project closeout after construction is completed
### Documenting Compliance

- **Step Certification:**
  - Includes each handler of the iron and steel (supplier, fabricator, manufacturer, processor, etc.)
  - Certifications collected and maintained by the assistance recipient.
    - The name of the manufacturer;
    - The location of the *manufacturing* facility (not its headquarters);
    - A description of the product; and
    - A signature from a responsible party representing the manufacturer.
  - See EPA guidance for more information and sample language.

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### UAIS Certification

- **WDNR Certification Forms**
  - Required for all applicable projects
  - Separate form for CWFP and SDWLP
  - Must be submitted prior to loan closing
  - Can’t be submitted until bidding
  - [http://dnr.wi.gov/Aid/UAIS.html](http://dnr.wi.gov/Aid/UAIS.html)

- **EPA Guidance**
  - Guidance to ensure compliance
  - [http://water.epa.gov/grants_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm)
UAIS Waivers

• Legislation allows for waivers if the EPA Administrator finds:
  – Applying the UAIS requirements is inconsistent with public interest
  – American-made iron and steel products not produced in sufficient and reasonably available quantities and of satisfactory quality
  – Overall cost of the project is increased by more than 25% due to UAIS products

UAIS Waivers

• 2 National Public Interest Waivers Approved
  – De minimis
    • Allows use of non-compliant iron and steel if funds used for these are ≤ 5% of total cost of materials and any individual component does not exceed 1%
  – Plan and Specifications
    • No longer applicable to new funding agreements since recent legislation clarified applicable dates
2 Draft National Public Interest Waivers

- Short Term:
  - National product waiver for stainless steel nuts and bolts used in pipe couplings, restraints, joints, flanges and saddles
  - Pig iron and direct reduced iron

Note: USEPA awaiting signature authority delegation to help expedite waiver approvals

Project-specific waivers

- Review guidance provided by EPA (starting on pg 11)
  - [http://water.epa.gov/grants_funding/aisrequirement.cfm](http://water.epa.gov/grants_funding/aisrequirement.cfm)

- Waiver Requests must be submitted through WDNR
**UAIS Waivers**

- WDNR Process for Project-Specific Waivers
  - Submit waiver request to Becky Scott at:
    - rebecca.scott@wisconsin.gov
    - No specific form needed
    - Include supporting documentation to justify waiver

**UAIS Helpful Hints**

- If concerned about cost increases, bid your project with an alternate for non-UAIS compliance
  - Helps justify waiver for 25% cost increase
- If you are requesting a waiver, submit the request as soon as possible
  - 15 day posting for comment
  - Likely to be 30 days or more for approval
- Keep your paperwork handy - EPA will be conducting field audits on UAIS compliance
Contacts

- Becky Scott – WDNR/UAIS specialist
  - Rebecca.scott@wisconsin.gov
  - 608-267-7584
- Andy Bielanski – US EPA Region V
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