



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to North Hudson Sewerage Authority (NHSA) in Hoboken, New Jersey for a 48-Inch Ductile Iron Wall Sleeve

FROM: Andrew Sawyers, Director
Office of Wastewater Management

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to North Hudson Sewerage Authority in Hoboken, New Jersey (Applicant) for a 48-inch ductile iron wall sleeve. This waiver permits the use of this wall sleeve, manufactured outside of the United States, in the Applicant’s H6/H7 Pumping Station, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) of the Clean Water Act. The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of EPA] 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no domestic manufacturers producing 48-inch ductile iron wall sleeves in sufficient and reasonably available quantities and of a satisfactory quality, in the time

needed for installation. This wall sleeve is necessary for connecting the piping between the one million-gallon stormwater storage tank and the pump station in the H6/H7 pumping station. This project is part of the Applicant's combined sewer overflow long term control plan.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 48-inch ductile iron wall sleeves. 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 with the project. During market research, EPA contacted nineteen (19) manufacturers and suppliers of wall sleeves. Two manufacturers indicated that they could domestically produce the specified sleeve with lead times of 16 to 17 weeks. One of the suppliers noted that their understanding of the long lead times stems from the lack of availability of components such as ductile iron pipe barrels and threaded flanges. The long lead times for delivery of the domestic products places an undue, multiple month delay on the project. EPA received no public comments to the waiver request.

Finding: Since the Applicant established a proper basis to specify the products required for this project, and because EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, in the time needed for installation. North Hudson Sewerage Authority in Hoboken, New Jersey, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of a 48-inch ductile iron wall sleeve, as documented in the State of New Jersey's waiver request submittal on behalf of the Applicant dated November 1, 2021.

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.