



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Johnston County, North Carolina for 16-Inch to 24-Inch Ductile Iron Pipe Fittings

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 Johnston County, North Carolina (Applicant) for 16-inch to 24-inch ductile iron pipe fittings. This waiver permits the use of pipe fittings, manufactured outside of the United States, in the Johnston County, North Carolina 210 Water Treatment Facility, 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 16-inch to 24-inch ductile iron 45- and 90-degree elbows, reducing tees, and concentric reducers in sufficient and reasonably available quantities and of a satisfactory quality. These pipe fittings are necessary for the

construction of a new 4 MGD water treatment facility for the town of Smithfield, North Carolina in Johnston County.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these 16-inch to 24-inch ductile iron 45- and 90-degree elbows, reducing tees, and concentric reducers. 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 thirteen (13) manufacturers and suppliers of these valves. Ten manufacturers indicated that they did not have or manufacture any AIS-compliant ductile iron fittings that meet the project's specifications. The remaining three manufacturers did not respond. EPA received no (zero) 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, Johnston County, North Carolina is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 16-inch to 24-inch ductile iron pipe fittings, as documented in the State of North Carolina's waiver request submittal on behalf of the Applicant dated January 13, 2022.

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.