



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Salt Lake City Department of Public Utilities in Salt Lake City, Utah for Polypropylene Encapsulated Ductile Iron and Convuluted Ductile Iron Back-Up Rings

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 the Salt Lake City Department of Public Utilities in Salt Lake City, Utah (Applicant) for polypropylene encapsulated ductile iron and convoluted ductile iron back-up rings. This waiver permits the use of these back-up rings, manufactured outside of the United States, in the Salt Lake City Water Reclamation Facility Nutrient Project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other entity 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 6-inch to 30-inch polypropylene encapsulated ductile iron and 42-inch to 63-inch convoluted ductile iron back-up rings in sufficient and reasonably available quantities and of a satisfactory quality. These back-up rings are needed at the transition connections between HDPE and steel or ductile iron piping.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these back-up rings. 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 seventeen (17) manufacturers and suppliers of these back-up rings. None of the manufacturers stated they could make the AIS compliant polypropylene encapsulated ductile iron and convoluted ductile iron back-up rings. 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, the Salt Lake City Department of Public Utilities in Salt Lake City, Utah is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified polypropylene encapsulated ductile iron and convoluted ductile iron back-up rings, as documented in the Applicant's waiver request submittal to WIFIA, dated April 1, 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.