



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

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to Lyon County Utilities in Dayton, Nevada for Ductile Iron and Stainless Steel 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 Lyon County Utilities in Dayton, Nevada (Applicant) for ductile iron and stainless steel fittings. This waiver permits the use of these fittings, manufactured outside of the United States, in their Lift Station #2A Replacement 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 8-inch to 12-inch ductile iron flanged wyes, restrained flange adapters, flanged reducers, flanged tees, 22.5-degree and 45-

degree bends and stainless-steel threaded connection fittings in sufficient and reasonably available quantities and of a satisfactory quality. These fittings are required at locations along the sanitary sewer force main pipe where the pipe alignment changes horizontally and/or vertically. The purpose of the sewer force main pipe is to convey sewer flow from the lift station to the local sewage treatment plant.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these ductile iron and stainless steel fittings. 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 ductile iron and stainless steel fittings. Three manufacturers said that they could potentially supply the project with some of these products. After the project contacted these three manufacturers, as documented by the June 15, 2022, document, it was determined that they could not provide these AIS compliant fittings in the time needed for this project. 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, Lyon County Utilities in Dayton, Nevada is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of ductile iron and stainless steel fittings, as documented in the State of Nevada's waiver request submittal on behalf of the Applicant dated May 31, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.