



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 City of Terre Haute, Indiana for Lamp Posts and Mast Heads

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 City of Terre Haute, Indiana (Applicant) for lamp posts and mast heads. This waiver permits the use of these lamp posts and mast heads, manufactured outside of the United States, in the Terre Haute CSO 008 Green Infrastructure Improvements 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 lamp posts and mast heads in sufficient and reasonably available quantities and of a satisfactory quality. These lamp posts were specified in coordination with an unrelated, but adjacent, improvement project at City Hall and the Vigo County courthouse. To match the existing

lamp posts for this project, the technical specifications must be met for these new lamp posts and mast heads.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these lamp posts and mast heads. 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 five (5) manufacturers and suppliers of lamp posts. One of the manufacturers initially stated they could make the AIS compliant lamp posts and mast heads. Upon further communications between the project and manufacturer, as documented by the July 2022 letter, the manufacturer stated that they are unable to supply the lamp posts and mast heads. 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 City of Terre Haute, Indiana is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of lamp posts and mast heads, as documented in the State of Indiana's waiver request submittal on behalf of the Applicant dated May 12, 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.