



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Grimes, Iowa for Ductile Iron, Mechanical Joint Wye 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 the City of Grimes in Iowa (Applicant) for ductile iron, mechanical joint wye fittings (wyes). This waiver permits the use of these wyes in the Applicant’s Connector Lift Station (Contract 4) 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 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 ductile iron, mechanical joint wyes in sufficient and reasonably available quantities and of a satisfactory quality. The lift station requires 36-inch by 16-inch and 24-inch by 16-inch ductile iron, mechanical joint wyes

with a pressure rating of 150 psi, at each of the pump connections to the header.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of ductile iron, mechanical joint wyes. 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 nine (9) manufacturers and suppliers of ductile iron wyes. Three (3) of the manufacturers stated that some of the products could be produced domestically to meet the technical specifications of the project and the project schedule. Through communications with their suppliers and the potential manufacturers, project engineers were able to verify availability of 24-inch by 16-inch wyes and withdrew them from their waiver request. Through these communications, project engineers also confirmed that none of the manufacturers can produce 36-inch by 16-inch wyes to meet the technical specifications of the 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 the products are not available from a manufacturer in the United States, the City of Grimes, Iowa is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 36-inch by 16-inch ductile iron, mechanical joint wyes, as documented in the Iowa Department of Natural Resources' waiver request submittal on behalf of the Applicant dated January 30, 2023.

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.