



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 Graham, North Carolina for Ductile Iron Restrained Joint Fittings and Wall Pipe

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 Graham, North Carolina (Applicant), for 16-inch to 24-inch ductile iron restrained joint fittings, and 42-inch wall pipe. This waiver permits the use of these fittings and wall pipe, manufactured outside of the United States, in the Applicant’s Wastewater Treatment Improvement Project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project within a time frame required by the project schedule.

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 restrained joint fittings and wall pipe in sufficient and reasonably available quantities, of a satisfactory quality, and in a

reasonable time to meet the project's schedule. The Applicant requested a waiver for the following:

- 16-inch 45-degree bend ductile iron restrained joint fittings
- 18-inch 22.5-degree bend ductile iron restrained joint fittings
- 18-inch 45-degree bend ductile iron restrained joint fittings
- 24-inch 22.5-degree bend ductile iron restrained joint fittings
- 24-inch 45-degree bend ductile iron restrained joint fittings

The project also requires 4-inch, 8-inch, 12-inch, 18-inch, 20-inch, 24-inch, 36-inch, and 42-inch fabricated wall pipe components. The restrained joint fittings and wall pipe will be used to upgrade the Applicant's existing Wastewater Treatment Plant.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these restrained joint fittings and wall pipe. 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 seven (7) manufacturers and suppliers of restrained joint fittings and wall pipe. One (1) manufacturer indicated they could provide domestic restrained joint fittings and wall pipe, with lead times ranging from 4 weeks to 16 weeks. The project was able to use some of the products offered by the manufacturer and amended their request. The 16-inch to 24-inch restrained joint fittings and 42-inch wall pipe are the remaining items on the waiver request because the manufacturer could not meet the technical specifications for the time needed for the project to stay on schedule, as indicated in their amended waiver request. 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 Graham, North Carolina is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 16-inch to 24-inch restrained joint fittings and 42-inch wall pipe, as documented in the State of North Carolina's waiver request submittal on behalf of the Applicant dated February 15, 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.