



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 Town of Moreau, New York for Stainless Steel Pressure Sewer Lateral Valve Assemblies

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 Town of Moreau, New York (Applicant) for 1¼ inch stainless steel pressure sewer lateral valve assemblies. This waiver permits the use of these lateral valve assemblies, manufactured outside of the United States, in the Moreau District 1, Extension 5 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 product 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 1¼ inch stainless steel pressure sewer lateral valve assemblies in sufficient and reasonably available quantities and of a satisfactory quality. The lateral valve assemblies will be used in the Applicant’s project to

provide sanitary sewer connections for residents currently utilizing septic systems. To meet project specifications, the valve assembly must be able to operate as both a check valve and curb stop to isolate private property from the public low-pressure sewer main if maintenance is required.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these 1¼ inch stainless steel pressure sewer lateral valve assemblies. 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 these lateral valve assemblies. Six (6) of the manufacturers stated they could not provide AIS-compliant lateral valve assemblies meeting the technical specifications of the project. The remaining manufacturer responded to EPA during the public comment period, indicating that they could not provide AIS-compliant lateral valve assemblies. EPA did not receive additional public comments on the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the product required for this project, and because EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the Town of Moreau, New York is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 1¼ inch stainless steel pressure sewer lateral valve assemblies, as documented in the State of New York's waiver request submittal on behalf of the Applicant dated July 31, 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.