



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Mission, Kansas for Shear Dowels

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project-specific 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 Mission, Kansas (Applicant) for shear dowels. This waiver permits the use of these shear dowels, manufactured outside of the United States, in the Johnson County Wastewater – Nelson Wastewater Treatment Facility 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 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. The 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 the 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 the EPA asserting that there are no domestic manufacturers producing shear dowels in sufficient and reasonably available quantities and of a satisfactory quality. Johnson County Wastewater is replacing its current treatment technology to meet future water quality standards. The project includes expansion of wet weather treatment and equipment replacement to ensure long-term

treatment for customers. The shear dowel is a high-capacity system for longitudinal movement, required for all expansion joints as per the engineer's design. It engages more concrete, increases load resistance, and transfers joint shear loads to prevent uneven settlement and displacement of concrete structures.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these shear dowels. 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, the EPA contacted nine (9) manufacturers and suppliers of these shear dowels. There were no (zero) manufacturers who indicated they could provide shear dowels that meet the technical specifications of the project and are AIS compliant. The EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the product required for this project, and because the EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the City of Mission, Kansas is hereby granted a waiver from the AIS requirements. This waiver permits the use of shear dowels, as documented in the State of Kansas' waiver request submittal on behalf of the Applicant dated February 19, 2024.

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.