



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Halifax Area Water and Sewer Authority, Pennsylvania for Curb Stop and Swing Check Valve Assemblies

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 Halifax Area Water and Sewer Authority (Applicant) for curb stop and swing check valve assemblies. This waiver permits the use of these assemblies, manufactured outside of the United States, in the Halifax Township Sanitary Sewer Expansion 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. 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 curb stop and swing check valve assemblies in sufficient and reasonably available quantities and of a satisfactory quality. This project involves extending the sewer system to existing residential and commercial dwellings that do not have

access to the public sewer system. Approximately half of these property owners will have new low-pressure grinder pump connections added. The curb stop and swing check valve assemblies will be installed on all new low-pressure grinder pump connections to prevent backflow and to allow isolation of private laterals from the sewer main. The assembly bodies must be fabricated from 316 stainless steel to provide corrosion resistant protection. They are also required to withstand the specified 200 psi pressure rating for connection to the low-pressure sewer system main.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these 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, the EPA contacted twelve (12) manufacturers and suppliers of these assemblies. There were no manufacturers who indicated they could provide AIS-compliant assemblies that met the technical specifications of the project. The EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, the Halifax Area Water and Sewer Authority is hereby granted a waiver from the AIS requirements. This waiver permits the use of curb stop and swing check valve assemblies, as documented in the Commonwealth of Pennsylvania's waiver request submittal on behalf of the Applicant dated April 12, 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.