



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 Enumclaw, Washington for 12-Inch Convoluted Backing Rings

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency 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 Enumclaw, Washington (Applicant) for 12-inch convoluted backing rings. This waiver permits the use of these backing rings, manufactured outside of the United States, in the 248th Lift Station Conveyance Improvements Project (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 12-inch convoluted backing rings in sufficient and reasonably available quantities and of a satisfactory quality. The purpose of the project is to limit sewer overflows from the City's existing sewer collection system and replace three lift stations with a single lift station. The first phase of the project includes installation of a new sewer force main and a portion of the force

main must pass under an archaeological artifact site using HDPE pipe installed by horizontal directional drilling technology. The transition from HDPE to PVC requires the use of a molded HDPE flange with a ductile iron convoluted backing ring.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these convoluted backing rings. 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 eleven (11) manufacturers and suppliers of these convoluted backing rings. There were no manufacturers who indicated they could provide convoluted backing rings that meet the technical specifications of the project and are AIS compliant. The EPA received one (1) public comment to the waiver request. The comment was received from a manufacturer confirming that it could not provide domestically-produced convoluted backing rings.

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 this product is not available from a manufacturer in the United States, the City of Enumclaw, Washington is hereby granted a waiver from the AIS requirements. This waiver permits the use of 12-inch convoluted backing rings, as documented in the State of Washington's waiver request submittal on behalf of the Applicant dated October 14, 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.