



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the
Lincolnville Sewer District in Lincolnville, Maine for Lateral Valve Kits

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 Lincolnville Sewer District (Applicant) in Lincolnville, Maine for two-inch, lateral valve kits. This waiver permits the use of these valve kits, manufactured outside of the United States, in the Lincolnville Sewer District’s Wastewater Collection and Treatment System project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

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 two-inch, stainless steel lateral valve kits in sufficient and reasonably available quantities and of a satisfactory quality. The

project will reuse the three existing pump stations and ocean outfall pipe as well as install a new package treatment plant and a new hybrid collection system consisting of both gravity sewers and septic tank effluent pump (STEP) pressure sewers. Users that want to connect their existing septic tanks will require installation of a grinder pump. In order to prevent backflow, provide a cleanout port, and allow for each pump to be isolated for maintenance the project consultant has specified the need for a two-inch diameter pressure lateral valve kit that includes a ball valve, check valve, and cleanout port.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the valves. 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 of the project. EPA received no (zero) public comments to the waiver request. For market research, EPA contacted 10 manufacturers and suppliers of two-inch lateral valve kits. None indicated they had potential domestic alternatives. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify particular 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 Lincolnville Sewer District in Lincolnville, Maine, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of two-inch, lateral valve kits, documented in the State of Maine's waiver request submittal on behalf of the Applicant dated February 12, 2021.

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.