



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

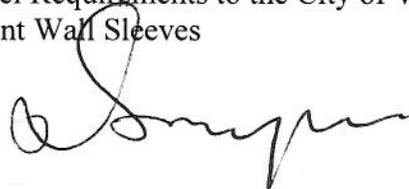
FEB 20 2015

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the City of Williston, North Dakota for Tapped Mechanical Joint Wall Sleeves

**FROM:** Andrew D. Sawyers, Director  
Office of Wastewater Management



2/20/15

The EPA is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Williston, North Dakota for the purchase of 24-inch or larger tapped mechanical joint wall sleeves. This waiver permits the use of these mechanical joint wall sleeves manufactured outside of the United States in the City's Water Resource Recovery Facility project because no domestic manufacturer produces alternatives that meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver based on the specific project circumstances.

Rationale: According to the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The agency can determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) 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 Environmental Protection Agency... 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."

The City of Williston provided information to the Agency demonstrating that there are no 24-inch or larger tapped mechanical joint wall sleeves manufactured in the United States in sufficient and reasonably available quantities and of satisfactory quality to meet the required technical specifications. The City plans to install many mechanical joint wall sleeves as part of the Water Resource Recovery Facility upgrade project and several of these are 24-inch or greater nominal pipe size. The City of Williston attempted to find a domestic producer of the 24-inch or larger mechanical joint wall sleeves, but was unable to find any. Only one manufacturer indicated to the City that they may be able to supply the product, however, manufacturing the product domestically would require a long lead time, which would significantly delay the project construction. The applicant selected 42-inch mechanical joint wall sleeves, which are manufactured outside of the United States for use in the Water Resource Recovery Facility project. Based on information

provided by the applicant, there are no larger size mechanical joint wall sleeves manufactured domestically that meet the project's technical specifications and would not result in significant delays in the project schedule.

The Agency has conducted market research on the supply and availability of 24-inch or larger mechanical joint wall sleeves and concluded that the City of Williston's claim that there are no domestic manufacturers of larger size mechanical joint wall sleeves that meet the technical specifications of the project is supported by available evidence. EPA market research identified seven ductile pipe manufacturers, but none of the manufacturers produce larger size mechanical joint wall sleeves that are manufactured in the United States and therefore compliant with AIS requirements.

Since the applicant established a proper basis to specify a particular product required for this project and 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 Williston is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified mechanical joint wall sleeves documented in the state of North Dakota's waiver request submittal on behalf of the applicant dated November 20, 2014.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at [connor.timothy@epa.gov](mailto:connor.timothy@epa.gov) or (202) 566-1059.