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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Incline Village General Improvement District in Nevada for Restrained Joint Fittings

FROM: Andrew Sawyers, Director
Office of Wastewater Management

ANDREW SAWYERS
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Date: 2023.04.11 14:46:31 -04'00'

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 Incline Village General Improvement District in Nevada (Applicant) for restrained joint fittings. This waiver permits the use of these restrained joint fittings in the Applicant's Effluent Pipeline 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. 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 restrained joint fittings in sufficient and reasonably available quantities and of a satisfactory quality. The project is replacing approximately 30,000 linear feet of 16-inch effluent force main comprised of high

pressure welded steel, high pressure ductile iron, and ductile iron pipe that is located within a state route right-of-way. The project requires 16-inch restrained joint flexible ductile iron fittings that are designed for a working pressure of 350 psi and are in accordance with applicable requirements of ANSI/AWWA C110/A21.10 and/or C153/A21.53.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of restrained joint fittings. 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, EPA contacted six (6) manufacturers and suppliers of restrained joint fittings. None (zero) of the manufacturers stated the products could be produced domestically to meet the technical specifications of the project and the project schedule. EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a proper basis to specify the 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 Incline Village General Improvement District in Nevada is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of these restrained joint fittings, as documented in the Nevada Department of Environmental Protection's waiver request submittal on behalf of the Applicant dated February 10, 2023.

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.