



## OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

### **DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Availability Waiver of American Iron and Steel Requirements to Lake County, Indiana for Stainless Steel Lateral Kits

**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 Lake County, Indiana (Applicant) for stainless steel lateral kits manufactured outside of the United States, in the Calumet Township Sanitary Sewer Septic Tank Elimination 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 stainless steel lateral kits in sufficient and reasonably available quantities and of a satisfactory quality. The project area is currently serviced by septic systems that are reaching the end of their useful lives. The project will include installation of a new collection system and grinder pump systems to eliminate these failing onsite systems. The collection system is being installed throughout the project area, but

connections to the system are voluntary. For homeowners who have not yet agreed to participate in the program, and to allow for easy connection in the future, lateral kits, which include 1 ¼- inch stainless steel curb stop valves and curb boxes, that are compatible with the grinder pumps, will be installed. The stainless steel lateral kits must include a combination check valve, ball valve, and cleaning port, and be designed to withstand a working pressure of 235 psi.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these stainless steel lateral kits. 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 lateral kits. There were no manufacturers who indicated they could provide AIS-compliant lateral kits that meet the technical specifications of the project. The EPA received two (2) public comments to the waiver request, both of which were from manufacturers confirming that they could not provide AIS-compliant lateral kits.

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, Lake County, Indiana is hereby granted a waiver from the AIS requirements. This waiver permits the use of stainless steel lateral kits, as documented in the Indiana Finance Authority's waiver request submittal on behalf of the Applicant dated May 23, 2025.

If you have any questions concerning the contents of this memorandum, please contact the Office of Wastewater Management Domestic Preference Team at [CWSRFWaiver@epa.gov](mailto:CWSRFWaiver@epa.gov).