



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 Ellsworth, Wisconsin for 24-Inch and 30-Inch Catch Basin Adapter Plates

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 Ellsworth, Wisconsin (Applicant) for 24-inch and 30-inch catch basin adapter plates. This waiver permits the use of these adapter plates, manufactured outside of the United States, in the Grant and Piety Street Improvement 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. 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 catch basin adapter plates in sufficient and reasonably available quantities and of a satisfactory quality. This project includes storm and sewer line improvements for portions of North Grant Street, South Piety Street, Woodworth Street, and Strickland Avenue. The adapter plates needed for this project must be ductile iron

and match the catch basin outer diameters, which are 24 inches and 30 inches.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these catch basin adapter plates. 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 twelve (12) manufacturers and suppliers of these adapter plates. There were no (zero) manufacturers who indicated they could provide adapter plates that meet the technical specifications of the project and are AIS compliant. The EPA received two (2) public comments to the waiver request, which were from two manufacturers confirming that they could not provide AIS-compliant products.

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, the City of Ellsworth, Wisconsin is hereby granted a waiver from the AIS requirements. This waiver permits the use of 24-inch and 30-inch catch basin adapter plates, as documented in the State of Wisconsin's waiver request submittal on behalf of the Applicant dated April 10, 2025.

If you have any questions concerning the contents of this memorandum, please contact the American Iron and Steel inbox, at SRF_AIS@epa.gov.