



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

FEB 27 2018

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to New Castle Sanitation Authority, Pennsylvania for Lateral Kit Assemblies

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

A handwritten signature in black ink, appearing to read "A. Sawyers", is written over the "FROM:" line.

The U.S. Environmental Protection Agency 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 New Castle Sanitation Authority (NCSA) in Pennsylvania for the purchase of 735 stainless steel lateral kit assemblies (curb stop, redundant check valve assembly, curb box, and valve stem extension). This waiver permits the use of these items manufactured outside of the United States in the Authority's Shenango Township Sanitary Sewer Project because no domestic manufacturer produces an alternative product that can 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 Section 608 of the Clean Water Act, CWSRF assistance recipients must 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 New Castle Sanitation Authority requires these assemblies to protect customers at low pressure sewer areas in the event of a line break, sewage spill or during repairs. The state of Pennsylvania provided information to the EPA claiming there are no manufacturers producing stainless steel lateral kit assemblies in the United States in sufficient and reasonably available quantities to meet the project's technical specifications. EPA conducted market research on the supply and availability of the product in question that would meet the project specifications and was unable to find a domestic manufacturer, concluding that the applicant's claim is supported by available evidence.

Since the applicant established a proper basis to specify a particular product required for this project, and EPA substantiated the applicant's claim that these products are not available from a manufacturer in

the United States through market research, the New Castle Sanitation Authority is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified lateral kit assemblies documented in the state of Pennsylvania's waiver request submittal on behalf of the applicant dated August 28, 2017.

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.