



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

FEB 20 2015

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Product Waiver of American Iron and Steel Requirements to the City of Norfolk, Virginia for Gray Cast Iron Sewer Cleanout Boxes and Covers

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

A handwritten signature in black ink, appearing to read "A. Sawyers", followed by the date "2/25/15".

The EPA is hereby granting a product 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 Norfolk, Virginia for the purchase of four-inch gray cast iron sewer cleanout boxes and covers. This waiver permits the use of these sewer cleanout boxes and covers manufactured outside of the United States in the City’s sewer rehabilitation projects because no domestic manufacturer produces alternatives that meet the project’s technical specifications. This is a product specific waiver and only applies to the use of the specified product by the City of Norfolk for sewer rehabilitation projects funded by the Clean Water State Revolving Fund. Any other jurisdiction with projects 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.

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 Norfolk provided information to the EPA demonstrating that there are no four-inch gray cast iron sewer cleanout boxes and covers manufactured in the United States in sufficient and reasonably available quantities and of satisfactory quality to meet the City’s required technical specifications. The City plans to install many of the City’s standardized sewer cleanout boxes and covers as part of its Sewer Rehabilitation projects, present and future. The applicant would like to continue to use non-domestic cleanout boxes and covers that it used in the past so that the parts will be interchangeable throughout the system, making maintenance easier. In addition, the applicant requires that the design of the cleanout boxes is flush with the ground, instead of terminating below grade, which aids in preventing flooding of the cleanout boxes, as the City of Norfolk can be subject to high water tables and frequent floods. The City of Norfolk attempted to find a domestic producer of the standard sewer cleanout boxes by contacting several suppliers, but

was unable to find a domestic producer. Several of the suppliers indicated that the specified cleanout boxes and covers were not available, and none indicated that they could be produced in the United States. The applicant selected non-domestic sewer cleanout boxes and covers, which are manufactured outside of the United States for use in the Sewer Rehabilitation project. Based on information provided by the applicant, there are no cleanout boxes and covers manufactured domestically that meet the project's technical specifications.

The Agency has conducted market research on the supply and availability of 4-inch gray cast iron cleanout boxes and covers and concluded that the City of Norfolk's claim that there are no domestic manufacturers of cleanout boxes and covers that meet the City's technical specifications is supported by available evidence. EPA market research identified companies that manufacture four-inch sewer cleanout boxes domestically, but the products do not have the same cover dimensions and design as the existing cleanouts. Using a domestic substitute would not meet the City's design specifications and may cause flooding. It would also require the City to stock two different inventories of spare parts, complicating the maintenance of the cleanout boxes. Therefore, EPA's market research indicates that there are no domestic manufacturers of the specified four-inch sewer cleanout boxes and covers that meet the AIS requirements.

Since the applicant established a proper basis to specify a particular product required for their sewer rehabilitation projects 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 Norfolk is hereby granted a waiver pursuant to the AIS requirements. This waiver permits the purchase of the specified gray cast iron sewer cleanout boxes and covers documented in the state of Virginia's waiver request submittal on behalf of the applicant dated December 4, 2014. This waiver covers current and future CWSRF funded sewer rehabilitation projects in the City of Norfolk. The Agency requests that the City of Norfolk revisit the domestic availability of the products for future projects, as the Agency will revisit the market availability of the sewer cleanouts periodically and when manufacturers or suppliers provide evidence of changes in domestic supply.

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.