



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 St. Joseph, Missouri for Grooved Pipe Fittings

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

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 St. Joseph, Missouri for the purchase of grooved pipe fittings 10 inches in diameter or larger. This waiver permits the use of these grooved fittings manufactured outside of the United States in the City’s pump station construction projects that would otherwise be prohibited absent this waiver because no domestic manufacturer produces alternatives that meet the City’s technical specifications. This is a product specific waiver and only applies to the use of the specified product for the City of St. Joseph, Missouri for pump station construction 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 St. Joseph provided information to the Agency demonstrating that there are no grooved fittings 10 inches or larger in diameter 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 of St. Joseph has standardized on the use of grooved fittings in its pump station facilities and claims that they are more reliable for use in the City’s application than flanged fittings. The City plans to install thirteen 16-inch diameter grooved fittings (including tees, elbows, and reducers) as part of its Eastside Candy Creek Pump Station project and fifteen grooved fittings ranging in size from 10-inch to 18-inch diameter as part of its Eastside Faraon Street Pump Station project. The applicant attempted to find a manufacturer that produces grooved fittings domestically for these projects, but was only able to find domestically produced grooved fittings smaller than

10 inches. The applicant was unable to find a manufacturer that could produce the larger grooved fittings in the United States and also meet the City's technical specifications, which include certification through the American Water Works Association. Based on information provided by the applicant, there are no grooved fittings larger than a 10-inch diameter manufactured domestically that meet the project's technical specifications.

The Agency has conducted market research on the supply and availability of grooved fittings and concluded that the City of St. Joseph's claim that there are no domestic manufacturers of grooved fittings that meet the City's technical specifications is supported by available evidence. EPA conducted market research and contacted manufacturers of process pipe fittings, but was unable to find a domestic manufacturer that produced grooved fittings in the specified size that had AWWA approval. Therefore, the Agency's market research indicates that there are no domestic manufacturers of the specified grooved pipe fittings that meet the AIS requirements.

Since the applicant established a proper basis to specify a particular product required for their pump station 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 St. Joseph is hereby granted a waiver pursuant to the AIS requirements. Also, because the applicant demonstrated that this product meets their specifications for multiple projects based on standardization related to long-term maintenance and reliability experience, the City of St. Joseph is hereby granted a waiver pursuant to the AIS requirements for multiple projects. This waiver permits the City's purchase of standard grooved fittings with a 10-inch or larger diameter documented in the state of Missouri's waiver request submittals on behalf of the applicant dated December 11, 2014 and January 5, 2015. This waiver covers current and future CWSRF funded pump station projects in the City of St. Joseph that require the specified 10-inch or larger grooved pipe fittings. The Agency requests that the City of St. Joseph revisit the domestic availability of the fittings for future projects, as the Agency will revisit the market availability of the fittings 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 or (202) 566-1059.