



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

JUL / 8 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Queen Anne's County Department of Public Works Sanitary District in Maryland, for Stainless Steel Curb Stops with Check Valve Assembly

FROM: *Sheila E. Joyce*
for Andrew D. Sawyers, Director
Office of Wastewater Management

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 Queen Anne's County Department of Public Works Sanitary District in Maryland, for the purchase of non-domestic stainless steel curb stops with check valve assembly. This waiver allows the use of these stainless steel curb stops manufactured outside of the United States, in the District's Southern Kent Island Sanitary project, because no domestic manufacturers produce alternatives that meet the District's technical specifications. This is a project specific waiver and only applies to the use of the specified products for the Queen Anne's County Department of Public Works Sanitary District, Southern Kent Island Sanitary 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.

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 the SRFs. 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)(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 contractor for the Queen Anne's County Department of Public Works Sanitary District provided information to the Agency asserting that there are no manufacturers producing stainless steel curb stops with a check valve assembly in the United States in sufficient and reasonably available quantities. The District plans to install these stainless steel curb stops to connect 1,518 residences and eight commercial sites to the central wastewater treatment facility as part of the Southern Kent Island Sanitary Project. The project specifies a one-piece curb stop/check valve assembly to allow for the direct bury of the entire assembly within a single curb box. The project also specified stainless steel material to provide durability and to protect against corrosive soils.

The project contractor for these projects attempted to find domestic manufacturers of stainless steel curb stops with check valve assembly, but was unable to find a domestic source that met the project specifications.

The EPA conducted market research and solicited public comments on the supply and availability of stainless steel curb stops with check valve assembly. Market research included products by curb stop manufacturers and valve manufacturers. The Agency was unable to find a domestic manufacturer of the specified stainless steel curb stops with an attached check valve assembly and concluded that the applicant's claim is supported by available evidence. In addition, the Agency received no public comments on this waiver request.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the Queen Anne's County Department of Public Works Sanitary District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified stainless steel curb stops with check valve assembly documented in the state of Maryland's waiver request submittal on behalf of the applicant dated May 16, 2016.

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.