



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

AUG 08 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Cape May County Municipal Utilities Authority in New Jersey for Stainless Steel Line Stop Sleeves

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

A handwritten signature in black ink, appearing to read "A. Sawyers".

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)(1) and Section 608(c)(2) to the Cape May County Municipal Utilities Authority in New Jersey for the purchase of 15 stainless steel line stop sleeves. This waiver permits the use of these line stop sleeves manufactured outside of the United States in the Cape May County MUA Pump Station Restoration Phase 1 project because no domestic manufacturers produce 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 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)(1) and 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 – (1) applying [the requirements] would be inconsistent with the public interest; (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

Cape May County MUA provided information to the Agency claiming that there are no manufacturers producing stainless steel line stop sleeves that meet their project's technical specifications in the United States in sufficient and reasonably available quantities. Cape May County MUA's Pump Station Restoration Phase 1 project includes installation of six bypasses, which would allow the contractor to make piping modifications on wastewater force mains without disrupting wastewater flows. The applicant requires 15 line stop sleeves in various size configurations with nominal sizes ranging from 12 to 30 inches and outlet sizes ranging from 12

to 24 inches. The applicant contacted vendors attempting to find domestic line stop sleeves, but was unable to find any in the sizes required.

The EPA conducted market research on the supply and availability of stainless steel line stop sleeves, and concluded that the applicant's claim is supported by available evidence. The Agency's market research found that line stop sleeves in most of the size configurations required by the applicant were unavailable from a domestic source. One manufacturer claimed they could produce AIS-compliant line stop sleeves in one of the size configurations needed. The EPA concluded that requiring the applicant to purchase one size line stop sleeve from a separate manufacturer would complicate the construction process and may significantly delay the project construction, which would be inconsistent with the public interest.

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 within the applicant's timeframe, the Cape May County MUA is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified stainless steel line stop sleeves documented in the state of New Jersey's waiver request submittal on behalf of the applicant dated July 1, 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.