



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

NOV 30 2018

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Lyndon, Kansas for End Sleeves

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

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

The U.S. Environmental Protection Agency (EPA) hereby grants 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 City of Lyndon, Kansas for the purchase of 68 end sleeves. This waiver permits the use of the end sleeves (hydrophilic waterstops) manufactured outside of the United States for the Lyndon Sanitary Sewer Line Improvement project because no domestic manufacturers produce alternatives that meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund (DWSRF) that wishes to use the same products 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 City of Lyndon provided information to the Agency asserting that there are no manufacturers producing end sleeves or hydrophilic waterstops in the United States in sufficient and reasonably available quantities to meet the specifications of the project. The Lyndon Sanitary Sewer Line Improvement project requires 68 end sleeves to reduce ground water infiltration in 34 manholes. The end sleeves to be installed include hydrophilic O-rings to create watertight seals where the pipe segments connect to the manholes.

The EPA conducted market research on the supply and availability of 68 end sleeves. The Agency's market research identified no domestic manufacturers that produce end sleeves. The EPA contacted all known manufacturers or suppliers of end sleeves with hydrophilic O-rings. None of the four (4) companies contacted could provide a domestic product to meet the specifications of the project. During public comment solicitation, EPA received no (zero) comments from any interested party, manufacturer, or other. The EPA concluded that the applicant's claims are supported by available evidence.

Since the applicant established a proper basis to specify a product required for this project and since the EPA substantiated the applicant's claims through market research that the products are not available from a manufacturer in the United States, the City of Lyndon, Kansas is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified end sleeves, as requested by the recipient on August 23, 2018.

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.