



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

JAN 09 2007

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Emporia, Kansas, for Pressure Kits with Bentonite Seals for Flexible Sewer Tap Saddles

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

A handwritten signature in black ink, appearing to read "A. Sawyers", is written over the "FROM:" line.

The U.S. Environmental Protection Agency (EPA) 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 City of Emporia, Kansas, for the purchase of pressure kits with bentonite seals for flexible sewer tap saddles. This waiver permits the use of the pressure kits manufactured outside of the United States for the City of Emporia, Kansas, Sanitary Sewer System Improvements project because this steel product is not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality. 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 Emporia, Kansas, provided information to the Agency asserting that there are no manufacturers producing the pressure kits with bentonite seals for flexible sewer tap saddles in the United States, in sufficient and reasonably available quantities. This project requires tap saddles for the rehabilitation of sewer service taps. One of the main priorities of the project is to reduce and/or eliminate groundwater infiltration. It is also vital to maintain flexibility and coverage which conforms to the shape and deformities within the pipe by using the pressure kits with bentonite tape and reinforcing bars for watertight connection.

The EPA conducted market research on the supply and availability of pressure kits with bentonite seals for flexible sewer tap saddles. The Agency's market research identified no manufacturers that produce the pressure kits with bentonite seals domestically. 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 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 Emporia, Kansas, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the pressure kits with bentonite seals for flexible sewer tap saddles, as requested by the recipient on November 14, 2019.

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.