



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Raleigh, North Carolina, Neuse River Resource Recovery Facility Bioenergy Recovery Project for 16-inch through 24-inch Restrained Joint Ductile Iron Pipe Fittings

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

ANDREW SAWYERS Digitally signed by ANDREW SAWYERS
Date: 2020.04.20 14:16:48 -04'00'

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 Neuse River Resource Recovery Facility (NRRRF) Bioenergy Recovery Project (BERP) in the City of Raleigh, North Carolina for the purchase of 16-inch through 24-inch restrained joint ductile iron pipe fittings.

The waiver permits the use of 16-inch through 24-inch ductile iron fittings that are manufactured outside of the United States in the Neuse River Resource Recovery Facility project because no domestic manufacturers produce alternatives that meet the project’s technical specifications. This is a product specific waiver and only applies to the use of the specified products for the proposed project 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 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 Raleigh provided information to the Agency asserting that there are no manufacturers producing the above-mentioned 16-inch through 24-inch ductile iron fittings in the United States in sufficient and reasonably available quantities. The City of Raleigh plans to install these restrained joint ductile iron pipe fittings as part of its Neuse River Resource Recovery Facility Bioenergy Recovery Project.

The EPA conducted market research on the supply and availability of 16-inch through 24-inch restrained joint ductile iron pipe fittings. The Agency was unable to find a domestic manufacturer of the specified restrained joint ductile iron pipe fittings and concluded that the applicant's claim is supported by available evidence. The Agency's market research could not identify any domestic manufacturers that produce these restrained joint ductile iron pipe fittings in the sizes required.

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 City of Raleigh, North Carolina is hereby granted a waiver from the American Iron and Steel (AIS) requirements. This waiver permits the purchase of the specified 16-inch through 24-inch restrained joint ductile iron pipe fittings documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated February 28, 2020.

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.