



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 Roseville in California for Seamless Carbon Steel Tubing

FROM: Andrew Sawyers, Director
Office of Wastewater Management

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Roseville, California (Applicant) for 20-inch diameter seamless carbon steel tubing. This waiver permits the use of this tubing, manufactured outside of the United States, in Roseville’s Pleasant Grove Wastewater Treatment Expansion and Energy Recovery Project, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) 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 EPA] 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no domestic manufacturers producing 20-inch diameter seamless carbon steel tubing in sufficient and reasonably available quantities and of a satisfactory quality.

The tubing will be used to construct compressed natural gas (CNG) storage vessels and will complete the path from the anaerobic digesters to the CNG truck fuel tank. Tube materials that comply with AIS requirements do not meet project specifications for a maximum allowable working pressure of 5,500 pounds per square inch (psi), a wall thickness greater than 1.25 inches, and the high-volume requirement of a 20-inch diameter.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 20-inch seamless carbon steel tubing. The basis of evaluation included thorough review of the waiver request submission, examination of domestic manufacturer catalogs or other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity with the project. During market research, EPA contacted eleven (11) manufacturers and suppliers of steel tubing. None indicated they had potential domestic alternatives. EPA received no (zero) public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's performance based specifications.

Finding: Since the Applicant established a proper basis to specify particular products required for this project, and because 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 Roseville in California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 20-inch diameter, seamless carbon steel tubing, as documented in the State of California's waiver request submittal on behalf of the Applicant dated February 26, 2021.

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.