



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 San Luis Obispo, California for Small-Bore Stainless-Steel Pipes and Fittings

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 San Luis Obispo, California (Applicant) for 1-inch to 4-inch diameter Schedule 10 (SCH10) and Schedule 40 (SCH40) stainless-steel pipes and 150 pound (#) stainless-steel fittings. This waiver permits the use of these pipes and fittings, manufactured outside of the United States, in the San Luis Obispo Water Resource Recovery Facility project “SLO Water Plus,” 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 1-inch to 4-inch diameter SCH10 and SCH40 stainless-steel pipes and 150# stainless-steel fittings in sufficient and reasonably available quantities and of a satisfactory quality. The pipes and fittings will be used on the following systems: air low pressure, air scour, supplemental carbon, digester gas, digested sludge, dewatering filtrate, fire system service, hydrogen peroxide, irrigation, mixed liquor, primary influent, permeate, primary sludge, thickened sludge, waste activated sludge, and non-potable water. These systems are vital to the project's purpose of improving the plant's ability to recover wastewater resources while also reducing reservoir and groundwater supply dependencies.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 1-inch to 4-inch diameter SCH10 and SCH40 stainless-steel pipes and 150# stainless-steel fittings. 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 twelve (12) manufacturers and suppliers of stainless-steel pipes and fittings. Three (3) indicated they had potential domestic alternatives. Although, as documented by email communications between the manufacturers and the Applicant, it was determined the manufacturers do not offer the requested 1-inch to 4-inch diameter SCH10 and SCH40 stainless-steel pipes and 150# stainless-steel fittings to meet the project specifications. EPA received one (1) public comment to the waiver request. The public commenter, a manufacturer, was contacted via email and concluded through written documentation it, however, could not make the pipes and fittings. 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 these products are not available from a manufacturer in the United States, the City of San Luis Obispo in California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase 1-inch to 4-inch diameter SCH10 and SCH40 stainless-steel pipes and 150# stainless-steel fittings as documented in the State of California's waiver request submittal on behalf of the Applicant dated February 24, 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.