



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 Inland Empire Utilities Agency in Chino, California for Stainless Steel Wedge Anchor Bolts

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 Inland Empire Utilities Agency in Chino, California (Applicant) for stainless steel wedge anchor bolts. This waiver permits the use of stainless steel wedge anchor bolts, manufactured outside of the United States at the Inland Empire Utilities Agency’s Regional Water Recycling Plant No. 5, Liquids Treatment Expansion and Solids Treatment Facility 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 ¼-inch to 1 ¼-inch diameter, 1 ¾-inch to 16-inch length, ICC rated stainless steel wedge anchor bolts in sufficient and reasonably available quantities and of a satisfactory quality. These stainless steel wedge anchor bolts will be used at the Inland Empire Utilities Agency's Regional Water Recycling Plant No. 5 project to anchor (affix) pipes, structural steel, ladders, and various other items in the facility. These plant upgrades will convert raw wastewater and food waste into low carbon biogas that will be used by the plant's two existing cogeneration engines for three boilers.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of a range of sizes of stainless steel wedge anchor bolts. 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 stainless steel wedge anchor bolts; three said they could supply domestic products. The project representative(s) contacted these manufacturers as documented in their email correspondence dated December 13, 2021, and found that none of the manufacturers could provide the ICC-ES reports as required on this project for seismic applications in cracked concrete. Wedge anchor bolts without ICC-ES reports do not comply with California building code and cannot be used on this project. EPA received 1 (one) public comment to the waiver request from a manufacturer who claims it can produce domestic wedge anchors; however, at present it would take the manufacturer at least 8 to 9 months before it could complete the process to comply with the seismic application requirements for the State of California (as mentioned in its 12/27/2021 3:25 PM email to EPA). Therefore, EPA agrees with the assessment that no domestic manufacturers could produce available products that meet 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, Inland Empire Utilities Agency in Chino, California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of ¼-inch to 1 ¼-inch diameter, 1 ¾-inch to 16-inch length, ICC rated stainless steel wedge anchor bolts for its Regional Water Recycling Plant No. 5 project, as documented in the State of California's waiver request submittal on behalf of the Applicant dated December 17, 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.