



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Inland Empire Utilities Agency, Chino, California for 1-Inch Stainless Steel Pipe and ½-Inch Stainless Steel 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 Inland Empire Utilities Agency, California (Applicant) for 1-inch stainless steel pipe and ½-inch stainless steel fittings. This waiver permits the use of these products, manufactured outside of the United States, in the Regional Water Recycling Plant No.1 (RP-1) Disinfection Improvements project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

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 stainless steel pipe and ½-inch stainless steel fittings in sufficient and reasonably available quantities and of a satisfactory

quality. The Applicant requires these products in its project to upgrade its RP-1 disinfection pump treatment system. The project purpose is to operate the disinfection system more reliably and effectively. The RP-1 wastewater liquid is treated to California State Title 22 Code of Regulations standards for disinfected tertiary recycled water.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the 1-inch stainless steel pipe and ½-inch stainless steel fittings. Of note, the original waiver request contained other sizes of pipe, tubing, and fittings which were located domestically through EPA’s market research and public comment processes and subsequently removed from the final waiver request. 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 fifteen (15) manufacturers and suppliers of small-bore stainless steel products. There were no manufacturers who indicated they could provide AIS-compliant 1-inch stainless steel pipe or ½-inch stainless steel fittings meeting the technical specifications of the project. EPA received one (1) public comment regarding pipe, tubing, and fittings that were included in the Applicant’s original waiver request and the Applicant procured AIS-compliant products as a result. No additional comments were received by EPA.

Finding: Since the Applicant established a reasonable basis to specify the 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 California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 1-inch stainless steel pipe and ½-inch stainless steel fittings, as documented in the State of California’s waiver request submittal on behalf of the Applicant dated May 31, 2023.

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.