



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Mayor and City Council of Baltimore in Baltimore, Maryland for Thermostatic Steam Trap and Schedule 40S Carbon Steel Fittings in 10", 16" and 24" Nominal Pipe Sizes for the Wastewater Rehabilitation Program 2020 (WIFIA – N20124MD)

FROM: Andrew D. 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 33 U.S.C. § 3914 under the authority of 33 U.S.C. § 3914(c)(2) to the Mayor and City Council of Baltimore in Baltimore, Maryland (Applicant) for thermostatic steam traps and schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes for the Wastewater Rehabilitation Program 2020 (Project). This waiver permits the use of these products, produced outside the United States, and in the specific size requested, at the Project because no known domestic manufacturers produce AIS-compliant thermostatic steam traps and schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes in sufficient and reasonably available quantities to meet the Project's technical specifications and schedule.

This is a product-specific waiver and only applies to the use of the specified products for the proposed Project funded by the Water Infrastructure Finance and Innovation Act (WIFIA). Any other jurisdiction with projects funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to WIFIA at 33 U.S.C. § 3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States. The EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in 33 U.S.C. § 3914(c)(2). The applicable 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 . . . 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 the EPA asserting that there are no domestic manufacturers producing thermostatic steam traps in sufficient and reasonably available quantities and of a satisfactory quality. The products are components of the new steam injector systems to be installed at the egg-shaped digesters and acid phase reactor components of the Project. The thermostatic steam traps are considered critical components to the function of the steam injectors and are therefore needed for the installation and maintenance of the digester facility.

The Applicant also provided information to the EPA asserting that there are no domestic manufacturers producing schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes in sufficient and reasonably available quantities and of a satisfactory quality. This piping will be installed for buried digester gas service from proposed Egg-Shaped Digesters (ESD's) to the existing plant digester gas system within the Back River Wastewater Treatment Plant.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of thermostatic steam traps. 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. For market research, the EPA contacted ten (10) manufacturers or suppliers. None responded indicating they had potential domestic alternatives. The EPA also posted the waiver request for a 15-day public comment period. The EPA received no (zero) public comments to the waiver. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce thermostatic steam traps meeting the Project's technical specifications.

The EPA conducted market research and a public comment period on the supply and availability of schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes. 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. For market research, the EPA contacted ten (10) manufacturers or suppliers. One (1) responded indicating they had potential domestic alternatives but after further consultation from the borrower, it was determined their product did not satisfy all required technical specifications. The EPA also posted the waiver request for a 15-day public comment period. The EPA received no (zero) public comments to the waiver. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes meeting the Project's technical specifications.

Finding: Since the Applicant established a proper basis to specify the thermostatic steam traps and schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes required for this Project, and because the EPA substantiated the Applicant's claim that these products are not produced or readily available from a manufacturer in the United States, the Mayor and City Council of Baltimore in Baltimore, Maryland is hereby granted a waiver for thermostatic steam traps and schedule 40S carbon steel fittings in 10", 16" and 24" nominal pipe sizes from the AIS requirements for the Wastewater Rehabilitation Program 2020 Project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated March 24, 2025.

If you have any questions concerning the contents of this memorandum, please contact Dan-Tam Nguyen, Environmental Engineer, WIFIA Program, at nguyen.dan-tam@epa.gov.