



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to Bay County, Florida for 14-Inch Seamless Carbon Steel Pipe

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency 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 Bay County, Florida (Applicant) for 14-inch seamless carbon steel pipe. This waiver permits the use of this pipe, manufactured outside of the United States, in the Bay County Utility Services North Bay Underground Injection Control Wells project (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 product 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. The 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 the 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 the EPA asserting that there are no domestic manufacturers producing 14-inch seamless carbon steel pipe in sufficient and reasonably available quantities and of a satisfactory quality. The carbon steel pipe will be installed in the summer of 2026 as part of the Applicant’s project to construct and install two (2) deep injection wells located near the North Bay Wastewater Treatment Facility. The 14-inch

seamless carbon steel pipe must be 1,300 feet in length, with 0.5-inch wall thickness, and conform to ASTM A53 and/or API 5L, Grade B, latest revision.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of this 14-inch carbon steel pipe. 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, the EPA contacted ten (10) manufacturers and suppliers of this carbon steel pipe. Three (3) of the manufacturers initially stated they could make AIS-compliant carbon steel pipe. Upon separate communications between the Applicant and manufacturers in July 2025, each manufacturer indicated they were unable to produce AIS-compliant carbon steel pipe meeting the technical specifications of the project. Specifically, one (1) manufacturer noted that they were only able to produce pipe up to 12-inches in diameter. Another manufacturer indicated that while they could produce 14-inch carbon steel pipe, the offering was spiral welded, rather than seamless as the project's technical specifications required. The final manufacturer was unable to guarantee whether they would be able to meet the project's specifications or when the pipe would be available. The EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, Bay County, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the use of 14-inch carbon steel casing, as documented in the State of Florida's waiver request submittal on behalf of the Applicant dated June 19, 2025.

If you have any questions concerning the contents of this memorandum, please contact the Clean Water State Revolving Fund Waiver inbox, at CWSRFWavier@epa.gov.