



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the San Francisco Public Utilities Commission in California for Seamless Stainless Steel Tubing and Fittings

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 the San Francisco Public Utilities Commission in California (Applicant) for seamless stainless steel tubing and fittings. This waiver permits the use of this this tubing and fittings, manufactured outside of the United States, in the SEP Biosolids Digester Facilities 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, the Community Grants Program, 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. 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 seamless stainless steel tubing and fittings in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant will use

the tubing and fittings for high pressure air service for sedimentation control and primary sludge pumping. The tubing and fittings must be 316 seamless stainless steel. This project aims to address aging infrastructure, prevent regulatory noncompliance, and build critical processes with redundant infrastructure by replacing and relocating the outdated existing solids treatment facilities.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of this seamless stainless steel tubing and 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, the EPA contacted eleven (11) manufacturers and suppliers of tubing and fittings. One (1) of the manufacturers initially stated they could make the AIS-compliant tubing, but the manufacturer determined they could not meet the specifications as they can only make compliant welded stainless steel tubing. 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 these products are not available from a manufacturer in the United States, the San Francisco Public Utilities Commission in California is hereby granted a waiver from the AIS requirements. This waiver permits the use of seamless stainless steel tubing and fittings, as documented in the State of California's waiver request submittal on behalf of the Applicant dated June 24, 2025.

If you have any questions concerning the contents of this memorandum, please contact the American Iron and Steel inbox, at [SRF AIS@epa.gov](mailto:SRF_AIS@epa.gov).