



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

NOV 30 2018

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Suffolk County Sewer District in New York for Duplex Stainless-Steel Pipe

**FROM:** Andrew D. Sawyers, Director  
Office of Wastewater Management

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", written over the printed name and title.

The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the “American Iron and Steel” requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Suffolk County Sewer District in New York for the purchase of 2507 Stainless Steel Super Duplex pipes, flanges, and fittings. This waiver permits the use of these pipes, flanges, and fittings, manufactured outside of the United States, in the Suffolk County Sewer District #3 Bergen Point project because no domestic manufacturers produce alternatives that meet the project’s technical specifications. This is a project specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund. Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. 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)(2) 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 Environmental Protection Agency... 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.”

Suffolk County Sewer District #3 provided information to the Agency asserting that there are no manufacturers producing 2507 Stainless Steel Super Duplex pipes, flanges and fittings in the United States in sufficient and reasonably available quantities. The Suffolk County Sewer District plans to install 2507 Super Duplex pipes, flanges, and fittings as part of its Bergen Point WWTP Outfall Replacement project. A representative from Suffolk County Sewer District #3 was unable to find a domestic source for Super Duplex pipes, flanges and fittings.

While Suffolk County is aware of other types of pipe available for use, the Duplex Stainless Steel provides the highest integrity for piping in a brackish or salt water environment due to its corrosion resistance. The piping specified in the waiver request has a life expectancy of 100 years in such a corrosive environment. In addition, the 2507 Stainless Steel Super Duplex piping meets the pressure

requirements of the outfall operation including surge pressures that may exceed 125 psi. No other piping of alternate material can meet those conditions.

The EPA conducted market research on the supply and availability of 2507 Stainless Steel Super Duplex piping. The Agency's market research identified six manufacturers that produce 2507 piping, but no manufacturer produces the products domestically. The Agency was unable to find a domestic manufacturer of the specified 2507 Duplex Stainless Steel piping, flanges or fittings and concluded that the applicant's claim is supported by available evidence.

Since the applicant established a proper basis to specify a product required for this project and since EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, Suffolk County is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified 2507 Stainless Steel Super Duplex piping, flanges, and fittings as requested by the county on May 14, 2018.

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](mailto:connor.timothy@epa.gov) or (202) 566-1059.