



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OCT 11 2019

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Wilmington, Delaware for Stainless Steel Mesh Netting System

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

The U.S. Environmental Protection Agency (EPA) 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 City of Wilmington, Delaware for the purchase of a stainless steel mesh netting system. This waiver permits the use of the mesh netting system manufactured outside of the United States for the City of Wilmington Wetland Park Project because this stainless steel product is not produced in the U.S. in sufficient and reasonably available quantities and of a satisfactory quality.

This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund (DWSRF) that wishes to use the same product 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.”

The City of Wilmington provided information to the Agency asserting that there are no manufacturers producing the stainless steel mesh netting system in the United States, in sufficient and reasonably available quantities. This project requires the mesh netting system, comprised of stainless steel rope, netting and fittings, along the railing of a boardwalk through the stormwater wetland park.

This project requires AIS-compliant stainless-steel wire rope, wire netting, and fittings. The wire rope must be ASTM A 492 and ASTM A 555, Type 316 stainless-steel. It is to be type 1: 6 x 7 wire rope with a diameter of 8 mm and a minimum breaking load including safety factor of 38 Kn. The wire netting must be of parallel stainless-steel wire ropes connected by reciprocally curved offset sleeves such that ropes are neither knotted nor crossed. The wire rope is to be fabricated from cold-drawn, AISI Type 316 stainless-steel wire complying with ASTM A 492 and ASTM A 555 and is to have a diameter of 1.5 mm. The

breaking load including safety factor required is 1.4 Kn minimum. The fittings are required for attachment and connection of stainless-steel wire rope and infill. The fitting is to be of AISI Type 316 and 316L stainless-steel complying with ASTM F.

After confirming that the specifications were performance based, the EPA conducted market research on the supply and availability of a stainless steel mesh netting system meeting the specifications of the project. The EPA contacted all known manufacturers or suppliers of stainless steel mesh netting systems. The Agency's market research identified no domestic manufacturers that produce the stainless steel mesh netting system meeting the project specifications. The Agency concluded that the applicant's claims are 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 claims through market research that the products are not available from a manufacturer in the United States, the City of Wilmington, Delaware is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the stainless steel mesh netting system, as requested by the recipient on August 29, 2019.

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.