



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Back River Wastewater Treatment Plant in Baltimore, Maryland for Stainless Steel Back-Up Rings

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

ANDREW SAWYERS

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Date: 2020.04.20 14:24:02 -04'00'

The U.S. Environmental Protection Agency (EPA) 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 Back River Wastewater Treatment Plant (BRWTP) in Maryland for the purchase of stainless steel back-up rings. This waiver permits the use of these back-up rings manufactured outside of the United States at the Back River Wastewater Treatment Plant 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.”

The BRWTP provided information to the Agency asserting that there are no manufacturers producing stainless steel back-up rings in the United States in sufficient and reasonably available quantities. The BRWTP plans to install the stainless steel back-up rings as part of its improvements to the headworks and wet weather flow equalization.

The EPA conducted market research on the supply and availability of stainless steel back-up rings. None of the 13 manufacturers contacted by the Agency could provide domestic products that meet the specifications for the project. The Agency concluded that the applicant’s claim is supported by available evidence.

Since the applicant established a proper basis to specify a unique product 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, the BRWTP is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified stainless steel back-up rings documented in the state of Maryland's waiver request submittal on behalf of the applicant dated March 20, 2020.

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.