



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 Sanitation Districts of Los Angeles County (Valencia Project) in California, for ½-inch to 2-inch Diameter Stainless Steel Alloy 20 Pipe, Alloy 2205 Pipe, and Zeron 100 Pipe

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” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Sanitation Districts of Los Angeles County, California (Applicant), for ½-inch to 2-inch diameter stainless steel Alloy 20 pipe, Alloy 2205 pipe, and Zeron 100 pipe. This waiver permits the use of the specified small diameter stainless steel pipe manufactured outside of the United States in the Applicant’s Valencia Water Reclamation Plant Advanced Water Treatment Facility (Valencia) Project, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products 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 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 Applicant provided information to the Agency asserting that there are no manufacturers in the United States producing ½-inch to 2-inch diameter stainless steel Alloy 20 pipe, Alloy 2205 pipe, or Zeron 100 pipe that meet its required project specifications, in sufficient and reasonably available quantities. The Valencia project will install approximately 5,000 linear feet of ½-inch to 2-inch diameter stainless steel pipe. Alloy 20 is specified for sulfuric acid piping, and Alloy 2205 and Zeron 100 are specified for Reverse Osmosis (RO) feed and its concentrate.

The EPA conducted market research on the supply and availability of ½-inch to 2-inch diameter stainless steel Alloy 20, Alloy 2205, and Zeron 100 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. Of the thirteen manufacturers contacted, eleven do not produce ½-inch to 2-inch diameter stainless steel Alloy 20, Alloy 2205, and Zeron 100 pipe in the in the United States. Two manufacturers did not respond.

After conducting market research, EPA staff and contractors were also unable to find an AIS-compliant product that met the project's technical specifications. During public comment solicitation, the EPA received no comments from manufacturers, suppliers, distributors or other entities.

The Agency was unable to find any domestic manufacturer of the specified small diameter stainless steel Alloy 20, Alloy 2205, and Zeron 100 pipe and concluded that the Applicant's claim is supported by available evidence. The Applicant established a proper basis to specify particular products required for this project. 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 Applicant is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the ½-inch to 2-inch diameter stainless steel Alloy 20, Alloy 2205, and Zeron 100 pipe documented in the State of California's waiver request submittal on behalf of the Applicant dated April 17, 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.