



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 City of Blackfoot in Idaho for Small Diameter Stainless Steel Pipes and Fittings.

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 City of Blackfoot (the City) for Small Diameter Stainless Steel Pipes and Fittings. This waiver permits the use of these pipes and fittings manufactured outside of the United States in the City of Blackfoot Wastewater Treatment Plant (WWTP) Improvements project located in Bingham County, Idaho, 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. 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 provided information to EPA asserting that there are no manufacturers producing the following small-bore stainless-steel schedule 40 (150#) pipes and fittings in the United States in sufficient and reasonably available quantities:

- 2-inch threaded tee
- 2-inch threaded 90-degree elbow
- 2-inch threaded cap
- 2-inch threaded true union

- 2-inch to 1-inch threaded tee
- 2-inch to ¾-inch threaded tee
- 2-inch to ¾-inch threaded reducing 90-degree elbow
- 3-inch to 2-inch weld reducer
- 3-inch weld true union
- 3-inch to 1-inch weld thread-o-let
- 2-inch to 6-inch nipples
- 2-inch to 4-inch nipples

Blackfoot WWTP will install these pipes and fittings at the City's Wastewater Treatment Plant in order to establish a new and primary air scour process supply for the UV building. These pipes and fittings are needed to clean the air scour which is used to clean the lamp sleeves and to lessen algae buildup. The City contacted four manufacturers. None could provide domestically produced pipes and fittings to meet the specifications of the project.

EPA conducted market research and a public comment period on the supply and availability of the small-bore stainless-steel pipes 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. EPA contacted fourteen manufacturers of stainless-steel pipes and fittings. Eleven manufacturers do not produce AIS-compliant small-bore stainless-steel pipes and fittings in the United States, and two manufacturers did not respond. EPA's market research identified one potential domestic manufacturer that initially claimed to be able to produce stainless-steel pipes and fittings in the United States. Upon further communication, the manufacturer could not meet the pressure rating specifications of the project with domestically produced pipes and fittings. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce available products meeting the project specifications. There were no (zero) public comments during the public comment period.

Since the applicant established a proper basis to specify particular products required for this project, and because EPA substantiated the applicant's claim through market research, that these products are not available from a manufacturer in the United States, the City of Blackfoot is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified small-bore stainless-steel pipes and fittings documented in the State of Idaho's waiver request submittal on behalf of the applicant dated May 26, 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.