



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 San Francisco Public Utilities Commission in California for Restrained Joint 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 San Francisco Public Utilities Commission (the Commission) for 6-inch, 8-inch, and 20-inch diameter restrained joint fittings. This waiver permits the use of these fittings, manufactured outside of the United States, in the Commission’s Headworks Project at the City’s Southeast Water Pollution Control Plant 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 Commission provided information to EPA asserting that there are no domestic manufacturers producing 6-inch, 8-inch, and 20-inch diameter restrained joint fittings in sufficient and reasonably available quantities. These fittings will be installed for use in both high-pressure fire protection water lines and utility water lines. The design requires the restrained joint fittings to allow for pipe deflection at the joint connections once the joint is fully assembled. The ability of the pipe joint to move after assembly is structurally critical at certain locations to prevent pipe failure and breakage.

EPA conducted market research and a public comment period on the supply and availability of the fittings. EPA based its evaluation on 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 five pipe fitting manufacturers. None (zero) produce AIS-compliant restrained joint fittings. There were no (zero) public comments during the public comment period. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce available products meeting the project specifications.

Since the applicant established a proper basis to specify the particular product required for this project and because EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the San Francisco Public Utilities Commission is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified 6-inch, 8-inch, and 20-inch diameter restrained joint fittings, documented in the State of California's waiver request submittal on behalf of the applicant dated August 19, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.