



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 Raleigh, North Carolina, for Small Diameter Seamless and Welded 316 Stainless Steel Pipe, Fittings, and Tubing

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 Raleigh, North Carolina (City), for small diameter seamless and welded 316 stainless steel pipe, fittings, and tubing. This waiver permits the use of half-inch to six-inch seamless and welded 316 stainless steel pipe, fittings, and tubing, manufactured outside of the United States, in the City’s Neuse River Resource Recovery Facility’s Bioenergy Recovery project in Raleigh, 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 the Agency asserting that there are no domestic manufacturers producing small diameter seamless and welded 316 stainless steel pipe, fittings, and tubing in sufficient and reasonably available quantities that meet the City’s required specifications.

The EPA conducted market research and a public comment period on the supply and availability of small diameter seamless and welded 316 stainless steel pipe, fittings, and tubing. 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 of the project. After conducting market research, EPA staff and contractors were also unable to find AIS-compliant products that met the project's technical specifications. During public comment solicitation, EPA received one comment from a manufacturer that claimed they could provide some of these products, but it was determined that their manufacturing process did not meet AIS requirements and therefore those products are not AIS-compliant.

The Agency was unable to find any domestic manufacturer of the specified pipe, fittings or tubing and concluded that the City's claim is supported by available evidence. The City established a proper basis to specify the particular products required for this project. Because the Agency substantiated the City's claim, through market research, that these products are not available from a manufacturer in the United States, the City of Raleigh, North Carolina is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the small diameter seamless and welded 316 stainless steel pipe, fittings, and tubing documented in the State of North Carolina's waiver request submittal on behalf of the City dated September 16, 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.