



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 Hollywood, Florida, for Stainless Steel Super Duplex 24” Pipe and 2” Threaded Weld Outlets

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 Hollywood, Florida (City), for stainless steel super duplex 24” pipe and 2” threaded weld outlets. This waiver permits the use of such stainless steel super duplex pipe and threaded weld outlets, manufactured outside of the United States, for the City’s Deep Injection Well Project in Hollywood, 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 domestic manufacturers producing stainless steel super duplex 24” pipe and 2” threaded weld outlets that meet its required specifications in sufficient and reasonably available quantities. The project requires the use of super duplex stainless steel pipe and thread welds due to the pipe’s high level of corrosion resistance. It will be used for the construction of the City’s deep injection wells that will be exposed to a brackish and saltwater environment. This specified piping has a life expectancy of 100 years in such a corrosive environment and meets the pressure requirements of the injection operation including surge pressures that may exceed 125 PSI.

EPA conducted market research and a public comment period on the supply and availability of stainless-steel super duplex pipe and threaded weld outlets. 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, state staff inquiries, 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 zero comments from manufacturers.

EPA was unable to find any domestic manufacturer of the specified pipe and fittings and concluded that the City's claim is supported by available evidence. The City established a proper basis to specify particular products required for this project. Because EPA substantiated the City's claim through market research that these products are not available from a manufacturer in the United States, the City of Hollywood, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of stainless steel super duplex 24" pipe and 2" threaded weld outlets documented in the State of Florida'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.