



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 Santa Monica in California for Small Diameter Stainless-Steel Pipes and Fittings

FROM: Andrew Sawyers, Director
Office of Wastewater Management

Decision: 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 Santa Monica, California (Applicant) for 1/2-inch to 2-inch diameter stainless-steel pipes and fittings. This waiver permits the use of these pipes and fittings, manufactured outside of the United States, in the Santa Monica Sustainable Water Infrastructure Project Advanced Water Treatment Facility (SWIP AWTF), because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) 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 EPA] 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no domestic manufacturers producing 1/2-inch to 2-inch diameter Alloy 20

socket weld pipes (Schedule 40) and fittings (Class 3000), in sufficient and reasonably available quantities and of a satisfactory quality. The type Alloy 20 for these pipes and fittings is specified for sulfuric acid use, which is industry standard for 93 percent or greater sulfuric acid. The pipes and fittings will be used for sulfuric acid piping in double containment areas and at the injection locations into the system's process piping. This piping is specified to be used in these locations because it is unlikely to break and/or spill.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 1/2-inch to 2-inch diameter Alloy 20 socket weld 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. During market research, EPA contacted eight (8) manufacturers and suppliers of stainless-steel pipes and fittings. Two (2) of the manufacturers stated that they had some of the domestically produced products, specifically fittings. However, as documented by email communications between the manufacturers and the Applicant, it was determined that neither manufacturer could provide the full quantity of fittings specified, nor any pipe meeting the specifications of the project. In order to prevent system failure by improper fit of variously sourced pipes and fittings, the specifications of the project for Alloy 20 socket weld pipes and fittings state the project must "obtain all materials included in this Section, regardless of component manufacturer, from a single stainless steel pipe manufacturer." This is verified through communication with the project and documented in a letter dated June 1, 2021.

EPA received no public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's performance-based specifications.

Finding: 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 Santa Monica in California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 1/2-inch to 2-inch diameter Alloy 20 socket weld pipes (Schedule 40) and fittings (Class 3000), as documented in the State of California's waiver request submittal on behalf of the Applicant dated March 25, 2021.

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.