



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 Manchester in New Hampshire for Small Diameter Stainless Steel Pipe 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 Manchester, New Hampshire (Applicant) for small diameter stainless steel pipe and fittings. This waiver permits the use of the requested pipe and fittings, manufactured outside of the United States, in Manchester's Wastewater Treatment Facility Solids Train Upgrade Project, 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 small diameter stainless steel pipe and

fittings, in sufficient and reasonably available quantities and of a satisfactory quality. The pipe and fittings are required in Manchester's Wastewater Treatment Facility Solids Train Upgrade Project to provide continuous sludge wasting, thickening, mixing, dewatering, and dewatered cake storage to comply with newly issued NPDES total phosphorus discharge effluent limits. The project requires Schedule 10 304L stainless steel pipe and fittings in the sizes of 1.5 and 2-inches. The pipe and fittings must be shop prepared for grooved pipe or crimp compression coupling type fittings manufactured in type 304L stainless steel. Field fabricated fittings will not meet the technical specifications for the project.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of small diameter stainless steel pipe 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 thirteen (13) manufacturers and suppliers of small diameter stainless steel pipe and fittings. None (zero) of the manufacturers can produce AIS compliant pipe and fittings that meet the specifications of the project. 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 Manchester in New Hampshire is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of small diameter stainless steel pipe and fittings, as documented in the State of New Hampshire's waiver request submittal on behalf of the Applicant dated October 7, 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.