



UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Revised Project Waiver of American Iron and Steel Requirements to the Hampton Roads Sanitation District in Virginia for Stainless Steel Well Screens

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 Hampton Roads Sanitation District in Virginia Beach, Virginia (Applicant) for 2205 duplex stainless steel well screens. This waiver permits the use of these well screens, produced from wire manufactured outside of the United States, in the James River Recharge Wells project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

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 duplex 2205 stainless steel wire to

fabricate well screens, in sufficient and reasonably available quantities and of a satisfactory quality. The James River project involves the construction of deep, large diameter, Managed Aquifer Recharge (MAR) wells. The wells require duplex 2205 stainless steel well screens due to the high chlorides and high total dissolved solids of the native ground water in which the screens will be placed.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 2205 duplex stainless steel wire for use in well screens. 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 nine (9) manufacturers and suppliers of stainless steel wire. None indicated they could produce 2205 duplex stainless steel wire for well screens to the technical specifications of the project. EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a proper basis to specify the 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, Hampton Roads Sanitation District in Virginia is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of non-domestic 2205 duplex stainless steel wire to be fabricated into well screens, as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant dated March 31, 2022.

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.