



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 Hampton Roads Sanitation District in Virginia for Stainless Steel Piping and Submarine Doors

**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 duplex stainless steel piping and submarine doors (gates). This waiver permits the use of these non-domestic materials in the ozone system of the James River SWIFT Facility and JRTP advanced nutrient reduction improvements 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 stainless steel piping and

submarine doors (gates) in sufficient and reasonably available quantities and of a satisfactory quality. The James River project requires drain piping, sample piping, wetted ozone gas piping, diffuser piping, and gates in duplex stainless steel due to the highly corrosive environment where they will be installed. The project requires ¾-inch and 8-inch 2507 duplex stainless steel, schedule 40 piping with a welded joint type. The 8-inch pipe must have a hydrostatic elevation of 42.4 feet.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of duplex stainless steel piping and submarine doors (gates) for use ozone systems. 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 fifteen (15) manufacturers and suppliers of stainless steel piping and submarine doors (gates). None of the manufacturers and suppliers asserted that they could produce the needed domestic duplex stainless steel materials. EPA received one (1) public comment to the waiver request from a manufacturer that had already indicated during market research that they could not provide domestic products. EPA reached out to the manufacturer to verify availability. EPA received no response from the manufacturer. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's technical specifications.

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 duplex stainless steel piping and submarine doors (gates), as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant dated May 17, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.