



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

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Nampa, Idaho 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 Nampa, Idaho (Applicant) for small diameter stainless steel pipes and fittings. This waiver permits the use of these pipes and fittings, manufactured outside of the United States, in the Nampa Wastewater Treatment Plant Project Recycled Water Upgrades 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 a project 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 pipes and fittings in sufficient and reasonably available quantities and of a satisfactory quality.

The project requests 2-inch and smaller 304/316 Schedule 40 Stainless Steel Tubing (SST), and class 150 and class 1000 SST fittings. Small-bore SST pipe and fittings are to be used on several interior and exterior systems.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these 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 fourteen (14) manufacturers and suppliers of these pipes and fittings. None (0) of the manufacturers contacted stated they could make the AIS compliant pipes and fittings. 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, the City of Nampa, Idaho is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of these small diameter stainless steel pipes and fittings, as documented in the State of Idaho's waiver request submittal on behalf of the Applicant dated September 26, 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.