



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 Columbus, Ohio for Shipping Containers

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 Columbus, Ohio (Applicant) for shipping containers. This waiver permits the use of these shipping containers, manufactured outside of the United States, in the Jackson Pike Wastewater Treatment Plant cogeneration 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 entity 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 that there are no domestic manufacturers producing these standard intermodal shipping containers with exterior dimensions of 40-foot length, 8-foot width, and 9-foot 6-inch height in

sufficient and reasonably available quantities and of a satisfactory quality. These shipping containers will be permanently incorporated into the project and will be used for storage for treatment media for the plant.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these containers. 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 seven (7) manufacturers and suppliers of shipping containers and the three that responded stated that they could not provide AIS-compliant shipping containers. 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 Columbus, Ohio is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of these shipping containers, as documented in the State of Ohio's waiver request submittal on behalf of the Applicant dated November 18, 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.