



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to San Mateo, California for Stainless Steel Pipe, Fittings, and Valves

FROM: Andrew D. 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” requirements of 33 U.S.C. §3914 and Section 608 of the Clean Water Act under the authority of §3914(c)(2) and Section 608(c)(2) of the Clean Water Act, respectively, to the City of San Mateo, California (Applicant) for stainless steel pipe and fittings; solenoid, pressure regulating, and ball valves; and Y-strainers. This waiver permits the use of these products, produced outside the United States, in the specific size ranges requested for the Applicant’s San Mateo Wastewater Treatment Upgrade and Expansion project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products for the proposed project co-funded by the Water Infrastructure Finance and Innovation Act (WIFIA) and Clean Water State Revolving Fund (CWSRF). Any other entity with a project funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to 33 U.S.C. §3914 and Section 608 of the Clean Water Act, WIFIA loan recipients and CWSRF assistance recipients for treatment works projects, respectively, must use specific domestic iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive these requirements based on certain circumstances set forth in 33 U.S.C. §3914(c)(2) and Section 608(c)(2) of the Clean Water Act. The provisions state that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the Environmental Protection Agency] 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 manufacturers producing ¼-inch to ¾-inch stainless steel (TP-316L) tubing, 1-inch to 4-inch stainless steel (TP-316L) pipe, and associated fittings for installation in the treatment system. The Applicant also did not find manufacturers for ½-inch solenoid valves, pressure regulating valves, ball valves, and Y-strainers for installation in the process service water lines that supply essential facilities at the wastewater treatment facility.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the 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, and outreach to contractors and engineers with expertise and familiarity with the project. For market research, EPA contacted thirteen manufacturers and suppliers of pipe, tubing, and fittings for water and wastewater applications and twelve valve and Y-strainer manufacturers. None (zero) responded indicating that they had potential domestic alternatives that met the technical specifications for the project.

EPA posted the waiver for a public comment period and did not receive any comments.

Finding: Since the Applicant established a proper basis to specify the specified products required for this project, and because EPA substantiated the Applicant's claim, that these products are not available from a manufacturer in the United States, the City of San Mateo is hereby granted a waiver from the AIS requirements for the San Mateo Wastewater Treatment Plant Upgrade and Expansion project. This waiver permits the use of stainless steel pipe and fittings; solenoid, pressure regulating, and ball valves; and Y-strainers in the specific size ranges documented in the City of San Mateo's waiver request submittal to WIFIA, dated January 24, 2023.

If you have any questions concerning the contents of this memorandum, please contact Dan-Tam Nguyen, Environmental Engineer, WIFIA Management Division, at nguyen.dan-tam@epa.gov or (202) 564-2784.