



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 Golconda General Improvement District, Nevada for a Steel Cargo Container Storage Shed

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 Golconda General Improvement District, Nevada (Applicant) for a steel cargo container storage shed. This waiver permits the use of this steel cargo container storage shed, manufactured outside of the United States, in the Water Systems Improvement 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 steel cargo container storage shed 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 steel cargo container storage sheds in sufficient and reasonably available quantities and of a satisfactory quality. The Water

System Improvements project requires a steel cargo container storage shed to enclose electrical and chlorination equipment needed to operate the system. To meet the specifications of the project, the weatherproof steel cargo container storage shed must consist of a modified ISO standard 20-ft steel cargo container (20-ft long x 8-ft wide x 8.5-ft high) with custom fabrication, including steel doors, hardware, and interior finishing.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of this steel cargo container storage shed. 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 ten (10) manufacturers and suppliers of these steel cargo container storage sheds. There were no manufacturers who indicated they could provide an AIS-compliant steel cargo container storage shed that meets the technical specifications of the project. EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the product required for this project, and because EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, Golconda General Improvement District, Nevada is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of a steel cargo container storage shed, as documented in the State of Nevada Department of Conservation and Natural Resources waiver request submittal on behalf of the Applicant, dated June 16, 2023.

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.