



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 Jefferson, Iowa for Stainless Steel Coupling Nuts and Zinc-Plated Steel Coupling Nuts

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 Jefferson, Iowa (Applicant) for stainless steel coupling nuts and zinc-plated steel coupling nuts. This waiver permits the use of these coupling nuts, manufactured outside of the United States, in the Jefferson Wastewater Treatment Facility 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 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 stainless steel coupling nuts and zinc-plated steel coupling nuts in sufficient and reasonably available quantities and of a satisfactory quality. In its project to upgrade its wastewater treatment facility to include

nutrient removal, the Applicant requires the following: 3/8, 1/2, 5/8, 3/4, and 7/8-inch zinc-plated steel coupling nuts; and 3/8, 1/2, 5/8, 3/4, and 7/8-inch stainless steel type 316 coupling nuts.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these stainless steel coupling nuts and zinc-plated steel coupling nuts. 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 eleven (11) manufacturers and suppliers of these coupling nuts. Two (2) of the manufacturers initially stated they could make the AIS-compliant stainless steel coupling nuts and zinc-plated steel coupling nuts. Through further communications between the Applicant and the manufacturers in July 2023, one (1) manufacturer showed they were unable to meet the technical specifications of the coupling nuts and one (1) manufacturer estimated lengthy lead times, in excess of 16 weeks, that would cause undue delays to the project. No other manufacturers indicated that they could make AIS-compliant coupling nuts that meet 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 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 Jefferson, Iowa is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of stainless steel coupling nuts and zinc-plated steel coupling nuts, as documented in the State of Iowa's waiver request submittal on behalf of the Applicant dated May 3, 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.