



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Fort Myers, Florida for Seamless Steel Casings

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project-specific 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 Fort Myers, Florida (Applicant) for 34-inch and 16-inch seamless steel casings. This waiver permits the use of these steel casings, manufactured outside of the United States, in the City of Fort Myers Advanced Wastewater Treatment Plant Deep Injection Wells 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 product 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. The 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 the 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 the EPA asserting that there are no domestic manufacturers producing 34-inch and 16-inch seamless steel casings in sufficient and reasonably available quantities and of a satisfactory quality. The 34-inch diameter steel casing requires a wall thickness of 0.5-inch and will be set at 2,400 feet below land surface. The 16-inch diameter steel casing will have a similar wall thickness but will be installed at a

depth of 1,300 feet below land surface. The seamless steel casings will be installed in the Applicant's injection wells and will meet the requirements set by the Florida Department of Environmental Protection for the construction of the wells.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these seamless steel casings. 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, the EPA contacted eleven (11) manufacturers and suppliers of these seamless steel casings. There were no manufacturers who indicated they could provide domestic steel casings of the required diameter that met the technical specifications of the project and were AIS compliant. The 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 the EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the City of Fort Myers, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the use of 34-inch and 16-inch seamless steel casings that were identified in the State of Florida's January 19, 2024, waiver request submitted on behalf of the Applicant.

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.