



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 Sioux Falls, South Dakota for Stainless Steel Press Fittings

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 Sioux Falls, South Dakota (Applicant) for stainless steel press fittings. This waiver permits the use of these fittings, manufactured outside of the United States, in the Water Reclamation Facility (WRF) Improvements and Expansion 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 stainless steel press fittings in sufficient and reasonably available quantities and of a satisfactory quality. The stainless steel press fittings will be used on small-bore stainless steel piping, and will provide ease of disassembly to facilitate repairs to in-line components such as valves and instrumentation. The fittings will be used in the

project, which aims to extend the useful life of the overall system and expand the capacity of the facility to accommodate growth and economic development in the city.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these stainless steel press 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, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity with the project. During market research, the EPA contacted sixteen (16) manufacturers and suppliers of these press fittings. There were no (zero) manufacturers who indicated they could provide stainless steel press fittings 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 Sioux Falls, South Dakota is hereby granted a waiver from the AIS requirements. This waiver permits the use of stainless steel press fittings, as documented in the State of South Dakota's waiver request submittal on behalf of the Applicant dated April 25, 2024.

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.