



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Town of Smithsburg, Maryland for Stainless Steel Split Ring Supports

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency 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 Town of Smithsburg, Maryland (Applicant) for stainless steel split ring supports. This waiver permits the use of these split ring supports, manufactured outside of the United States, in the Smithsburg Wastewater Treatment Plant (WWTP) Enhanced Nutrient Removal (ENR) Upgrade 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 1.5-inch through 3-inch stainless steel split ring supports in sufficient and reasonably available quantities and of a satisfactory quality. The split ring supports, used to suspend pipe, will be used in the project, which consists of upgrades and

enhancements to increase the existing capacity of the WWTP from 0.3 million gallons per day (MGD) to 0.45 MGD. This expansion also includes planning, design, and construction of ENR facilities to help significantly reduce nutrients to the upper Potomac River, and ultimately, the Chesapeake Bay.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these stainless steel split ring supports. 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 ten (10) manufacturers and suppliers of stainless steel split ring supports. There were no manufacturers who indicated they could provide stainless steel split ring supports 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 products 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 Town of Smithsburg, Maryland is hereby granted a waiver from the AIS requirements. This waiver permits the use of stainless steel split ring supports, as documented in the State of Maryland's waiver request submittal on behalf of the Applicant in September 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.