



## 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 Coos Bay, Oregon for Convolutated Stainless Steel Backing Rings

**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 City of Coos Bay, Oregon (Applicant) for convoluted stainless steel backing rings. This waiver permits the use of these backing rings, manufactured outside of the United States, in the Wastewater Treatment Plant 1 Upgrades 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 convoluted stainless steel backing rings in sufficient and reasonably available quantities and of a satisfactory quality. The project scope

includes replacement of the headworks screen, addition of chemically enhanced primary treatment, new blowers, a secondary clarifier, chlorine contact basin baffling improvements, and digester improvements. The convoluted stainless steel backing rings are required for high density polyethylene flange products in the project.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these convoluted stainless steel backing rings. 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 twelve (12) manufacturers and suppliers of these backing rings. One (1) of the manufacturers initially stated they could make the AIS-compliant backing rings. Upon further communications between the Applicant and the manufacturer in September 2024, the manufacturer showed they are unable to meet the project's technical specifications for the convoluted stainless steel backing rings.

The EPA received two (2) public comments to the waiver request, both from manufacturers of backing rings. The first manufacturer affirmed they could not provide AIS-compliant backing rings meeting the technical specifications of the project. The second manufacturer asserted that they could provide a domestic alternative. Of note, this manufacturer was identified during market research, and the project determined the alternative product did not meet the technical specifications of the project. Nonetheless, the EPA responded to the commenter to confirm whether the manufacturer could produce AIS-compliant convoluted backing rings. Upon further communication in October 2024, the manufacturer offered the previously suggested alternative product. This alternative product is not convoluted, nor is it a backing ring. It is a slip-on flange, which was not included in the project engineer's technical specifications as a suitable alternative.

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 Coos Bay, Oregon is hereby granted a waiver from the AIS requirements. This waiver permits the use of convoluted stainless steel backing rings, as documented in the State of Oregon's waiver request submittal on behalf of the Applicant dated July 15, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.