



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 27 2020

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the San Francisco Public Utilities Commission in California for Seamless Stainless Steel Tubing

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

A handwritten signature in blue ink, appearing to read "A. Sawyers", is written over the "FROM:" field.

The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the San Francisco Public Utilities Commission (SFPUC) for seamless, stainless steel tubing. This waiver permits the use of the stainless steel tubing manufactured outside of the United States in the SFPUC’s Southeast Water Pollution Control improvement project, at the Bruce Flynn Pump Station, because no domestic manufacturers produce alternatives that meet the project’s technical specifications. This is a product specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. 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)(2) 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 Environmental Protection Agency... 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.”

The SFPUC provided information to the Agency asserting that there are no manufacturers producing seamless, stainless tubing in the United States in sufficient and reasonably available quantities. The SFPUC will install multiple diameter 316L seamless, stainless steel tubing at the Bruce Flynn Pump Station. The ½-inch, ¾-inch, and 1-inch diameter tubing will be used to supply high pressure hydraulic fluid to the hydraulic power unit that controls the influent gates on the main sewage lift pumps. The SFPUC supplier contacted five manufacturers of seamless stainless steel tubing. None could provide domestically produced tubing to meet the specifications of the project.

The EPA conducted market research on the supply and availability of seamless, stainless steel tubing. The Agency was unable to find a domestic manufacturer of the specified tubing and concluded that the applicant's claim is supported by available evidence. The Agency's market research identified two manufacturers that produce welded tubing, but neither of those contacted manufactures seamless tubing in the United States.

Since the applicant established a proper basis to specify particular products required for this project and EPA substantiated the applicant's claim through market research that these products are not available from a manufacturer in the United States, the SFPUC is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified seamless, stainless steel tubing documented in the State of California's waiver request submittal on behalf of the applicant dated December 2, 2019.

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.