



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Roseville in California for Seamless Stainless Steel Tubing

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

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 City of Roseville (the City) for ¾-inch and 1-inch seamless, stainless steel tubing. This waiver permits the use of the stainless steel tubing manufactured outside of the United States in Roseville’s Pleasant Grove Wastewater Treatment Expansion and Energy Recovery Project, 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. 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 City provided information to EPA asserting that there are no manufacturers producing seamless, stainless tubing in the United States in sufficient and reasonably available quantities. Roseville will install 100 feet of ¾-inch and 500 feet of 1-inch 316L seamless, stainless steel tubing at the Pleasant Grove Wastewater Treatment Plant. The seamless, stainless steel tubing will be used to convey digester gas derived CNG from fueling compressors to storage vessels and fuel dispensers that will fill the city's trucks. The City contacted five manufacturers of seamless stainless steel tubing. None could provide domestically produced tubing to meet the specifications of the project.

EPA conducted market research and a public comment period on the supply and availability of seamless, stainless steel tubing. 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. EPA contacted fifteen manufacturers of steel tubing. Eleven manufacturers do not produce seamless, stainless steel tubing in the United States, and two manufacturers did not respond. EPA's market research identified two potential domestic manufacturers that initially claimed to be able to produce seamless tubing in the United States. After further communication between the manufacturers and the project contractors, neither of the manufacturers could, in fact, meet the specifications of the project with domestically produced seamless tubing. Neither manufacturer could meet the pressure requirements of the performance based specifications. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce an available product meeting the project specifications. There were no (zero) public comments during the public comment period.

Since the applicant established a proper basis to specify particular products required for this project, and because EPA substantiated the applicant's claim through market research, that these products are not available from a manufacturer in the United States, the City of Roseville 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 June 3, 2020.

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.