



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 Central Valley Water Reclamation Facility in Salt Lake City, Utah, for Convolute Stainless Steel Back-up Rings for HDPE Piping Flange Adapters

**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” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Central Valley Water Reclamation Facility (CVWRF), for convolute stainless steel back-up rings for HDPE piping flange adapters. This waiver permits the use of these stainless steel back-up rings, manufactured outside of the United States, for the CVWRF’s Biological Nutrient Removal 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 or the Water Infrastructure Finance Innovation Act (WIFIA) 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 CVWRF provided information to the Agency asserting that there are no domestic manufacturers producing convolute stainless steel back-up rings that meet its required specifications in sufficient and reasonably available quantities. The project requires the use of convolute stainless steel back-up rings that will reduce stress and weight on piping joints to acceptable levels that comply with the HDPE piping manufacturer’s warranty requirements. Conventional solid back-up rings and split or lap style back-up rings that are typically used with steel or metal piping are significantly heavier and are not designed to distribute and control stress to the piping material as necessary when using HDPE piping.

The EPA conducted market research and a public comment period on the supply and availability of stainless steel convoluted back-up 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 of the project. After conducting market research, EPA staff and contractors were also unable to find AIS-compliant products that met the project's technical specifications. During public comment solicitation, EPA received zero comments from manufacturers.

The Agency was unable to find any domestic manufacturer of the specified back-up rings and concluded that the CVWRF's claim is supported by available evidence. The CVWRF established a proper basis to specify particular products required for this project. Because the Agency substantiated the CVWRF's claim, through market research, that these products are not available from a manufacturer in the United States, the CVWRF in Salt Lake City, Utah is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of convoluted stainless steel back-up rings for HDPE flange adapters documented in the State of Utah's waiver request submittal on behalf of the Central Valley Water Reclamation Facility, dated November 4, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.