



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

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to Charlotte County Utilities in Florida for Stainless Steel Backing Rings

**FROM:** Andrew Sawyers, Director  
Office of Wastewater Management

Decision: 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 Charlotte County, Florida Utilities Department (Applicant) for stainless steel backing rings. This waiver permits the use of these fittings, manufactured outside of the United States, in the Loveland Grand Master Lift Station project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

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, and/or the Water Infrastructure Finance and Innovation Act that wishes to use the same products 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. 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 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 EPA asserting that there are no domestic manufacturers producing 6-inch to 16-inch Type 316 stainless steel backing rings in sufficient and reasonably available quantities and of a satisfactory

quality. The project requires these fittings for its Loveland Grand Master Lift Station project, which will include the construction of an interceptor and master lift station and approximately four miles of sewer mains. The project requires stainless steel backing rings ranging in size from 6-inches to 16-inches diameter.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 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, EPA contacted eleven (11) manufacturers and suppliers of stainless steel backing rings. No manufacturers or suppliers indicated to EPA that they could provide AIS-compliant stainless steel backing rings that meet the required specifications. There were no (zero) public comments. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's performance-based specifications.

Finding: 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, Charlotte County Utilities in Florida is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 6-inch to 16-inch stainless steel backing rings, as documented in the State of Florida's waiver request submittal on behalf of the Applicant dated April 20, 2021.

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.