



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 New York, New York for Small-Diameter Stainless Steel Fittings for Pipe

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project-specific 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 New York, New York (Applicant) for small-diameter stainless steel fittings for pipe (herein referred to as "stainless steel fittings" or "fittings"). This waiver permits the use of these fittings, manufactured outside of the United States, in the Reconstruction of Primary Tanks at Wards Island Wastewater Resource Recovery Facility (WRRF) 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 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. 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 stainless steel fittings in sufficient and reasonably available quantities and of a satisfactory quality. The fittings must be Class 150, Type 316L stainless steel and have a wall thickness of Schedule 40S. The fittings must be socket-weld

type for 2-inch and smaller and butt weld type for 2 ½-inch and larger. These fittings will be used in the compressed air piping system for processes related to the primary settling tanks.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these stainless steel fittings. Of note, the original waiver request included small-diameter stainless steel pipe, which the Applicant procured domestically. 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 twenty-two (22) manufacturers and suppliers of these fittings. Nine (9) of the manufacturers initially stated they could make the AIS-compliant fittings. Upon further communications between the Applicant and manufacturers in April and May 2024, the Applicant determined that the manufacturers were unable to meet the technical specifications of the fittings but were able to provide couplings and pipe nipples that met the project's technical specifications. The EPA received two (2) public comments to the waiver request. Both comments were from manufacturers looking to provide pipe nipples and couplings, which were already located domestically through market research.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the 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 New York, New York is hereby granted a waiver from the AIS requirements. This waiver permits the use of small-diameter stainless steel fittings, as documented in the State of New York's waiver request submittal on behalf of the Applicant dated March 11, 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 or (202) 566-1059.