



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Emergency Continuation of the Short-Term National Product Waiver for Stainless Steel Nuts and Bolts used in Pipe Couplings, Restraints, Joints, Flanges and Saddles for State Revolving Fund Projects, Temporary Extension

FROM: David P. Ross
Assistant Administrator

The U.S. Environmental Protection Agency hereby grants an eight-week temporary extension of the Short-Term National Product Waiver for Stainless Steel Nuts and Bolts used in Pipe Couplings, Restraints, Joints, Flanges and Saddles for State Revolving Fund (SRF) Projects, pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 and Public Law 115-31, the "Consolidated Appropriations Act, 2017," which has been continued through several continuing resolutions. The current waiver expired on February 18, 2018. A temporary extension of eight weeks, ending April 16, 2018, permits the use of non-domestically produced stainless steel nuts and bolts in bolting-type pipe couplings, restraints, joints, and repair saddles in iron and steel products for projects funded by a Clean Water or Drinking Water State Revolving Fund that may otherwise be prohibited absent this temporary waiver extension.

The original approved waiver (attached) provides details regarding the specific types of products that are covered by this waiver as well as the rationale for the issuance of the original waiver.

This national product waiver extension is temporary, extending the current short-term waiver for a period of eight weeks, applying to the covered products only if those products are purchased up until April 16, 2018.

This temporary extension will allow the EPA to continue to fully consider all research related to this waiver and to more fully consider its purpose.

Rationale: The EPA extends this waiver for an eight-week period, concluding on April 16, 2018, to continue to fully consider all research related to this waiver and to more fully consider its purpose. A termination of the existing waiver may cause nationwide disruption to State Revolving Fund Loan projects currently under construction.

To issue the existing Short-Term National Product Waiver for Stainless Steel Nuts and Bolts used in Pipe Couplings, Restraints, Joints, Flanges and Saddles for State Revolving Fund

Projects, which ends on February 18, 2018, the EPA reassessed the market and supply for stainless steel nuts and bolts for the products of interest and was unable to gather sufficient evidence that there was an adequate domestic supply of stainless steel nuts and bolts for the subject products. Lacking this evidence, the EPA extended the 2017 national waiver for another year. The emergency continuation of this waiver from February 19, 2018, to April 15, 2018, allows the EPA to reevaluate and reassess the current market and supply of stainless steel nuts and bolts and to reassess the need to further extend this waiver, without causing disruption to currently active drinking and wastewater infrastructure projects.

Legal Authority: Legal authority for the AIS requirements for CWSRF projects is included under Sec. 608(c)(2) of the Clean Water Act and previously under P.L. 113-76, the "Consolidated Appropriations Act, 2014," under the authority of Section 436(b)(2). Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-31, the "Consolidated Appropriations Act, 2017", which has been continued through several continuing resolutions, and also previously under P.L. 113-76, P.L. 113- 235 and P.L. 114-113. This waiver will continue in force for DWSRF projects under any continuing resolutions or statutes that use similar language as in Section 425 of the "Consolidated Appropriations Act, 2017."

Attachment