



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

JUL 01 2015

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Public Interest Waiver of American Iron and Steel Requirements to the City of St. Joseph, Missouri for Air Release/Vacuum Valves

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

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers".

The EPA is hereby granting a public interest waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(1) to the City of St. Joseph, Missouri for the purchase of non-domestic stainless steel air release/vacuum valves. This waiver permits the use of these air release/vacuum valves manufactured outside of the United States in the City's Eastside Candy Creek Pump Station project. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver based on the specific project circumstances.

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)(1) 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 - (1) applying [the requirements] would be inconsistent with the public interest."

The City of St. Joseph plans to install stainless steel air release/vacuum valves on a new force main as part of the Eastside Candy Creek Pump Station project. The valves are needed to release accumulated air during the operation of the system to protect against surges and also to admit air into the system when pressure in the pipeline drops below atmospheric pressure. The City plans to install three 4-inch stainless steel air release/vacuum valves as part of its project.

The City applied for a public interest waiver from the AIS requirements for the use of a non-domestic brand of air release/vacuum valve, citing both standardization on the non-domestic valve, and safety and environmental concerns. The City has standardized on the use of the non-domestic air release/vacuum and operates approximately 20 valves throughout their system. The City also has three spare valves for replacement of failed valves in the field. In addition, the internal components of the non-domestic valve are interchangeable within some of the valve sizes that the City uses, and the City has stocked spare internal components. If the City

purchased another brand of air release/vacuum valves it would need to stock an additional inventory of spare valves and internal components.

Based on their experience, the City of St. Joseph claims the non-domestic brand is more reliable and results in fewer accidents and sanitary sewer overflow events than other brands of air release/vacuum valves used previously. The orifice size for venting air on the non-domestic brand of valves is relatively small, with a one-half inch diameter orifice and a two inch outlet. When failure or blockage occurs in the valve, the stream of water exiting the orifice is manageable. Other brands of valves that the City had used previously had a much larger outlet (up to six inches), and when the valves would fail open, the stream of wastewater exiting the valve resulted in significant SSO events. These valves are also located in remote and inaccessible places, and as a result there is a delay in notification when the SSO events occur, which heightens the City's concerns for safety. After the City replaced the large-outlet valves with the non-domestic brand, the City claims that there has not been a reportable SSO event, which reduces environmental concerns.

The EPA conducted market research and solicited public comments on the supply and availability of air release/vacuum valves. The EPA received one public comment from a manufacturer indicating that they could produce an AIS compliant air release valve, but the City of St. Joseph reviewed the information on the alternate valve and claimed that it would not meet all of the project's technical specifications. The Agency's market research indicated that there may be domestic alternatives that meet the project's specifications, but the City has provided sufficient justification that it has standardized on the non-domestic brand, and the use of a brand of valve other than the non-domestic brand specified would not alleviate the city's concerns regarding maintenance, part replacement, or the possibility of SSO events. The EPA is hereby granting a waiver from the AIS requirements to the City of St. Joseph. This waiver permits the purchase of the specified non-domestic air release/vacuum valves documented in the state of Missouri's waiver request submittal on behalf of the applicant dated May 12, 2015.

The EPA notes that the product in this waiver has been the subject of other applications for public interest waivers. In the case of St. Joseph, the City was able to provide detailed, community-specific information and justification supporting their application. Without the specific information and the supporting rationale relating to the community in question, the EPA is reluctant to approve public interest waivers. Additionally, EPA notes that the product subject to this waiver is alternatively available with a non-steel housing that the EPA has observed in use widely in similar projects. This significantly less expensive, non-steel valve would not be subject to AIS requirements.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at [connor.timothy@epa.gov](mailto:connor.timothy@epa.gov) or (202) 566-1059.