



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

AUG 08 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Quincy, Massachusetts for 16-Inch Cast Iron Gate Valves

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

A handwritten signature in black ink, appearing to read "A. Sawyers", written over the "FROM:" field.

The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Quincy, Massachusetts for the purchase of nine 16-inch cast iron gate valves. This waiver permits the use of these gate valves manufactured outside of the United States in the city's Quincy Point Wastewater Pumping Station Renovation project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications and can be delivered on time to avoid delays in the project schedule. 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. 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)(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 City of Quincy provided information to the Agency asserting that there are no manufacturers producing 16-inch cast iron gate valves that meet their project's technical specifications in the United States in sufficient and reasonably available quantities. As part of its Quincy Point Wastewater Pumping Station Renovation project, the city shut down its pump station for renovation and began operating a bypass system. The city had intended for the bypass system to be operating for 90 days, but experienced significant delays while trying to obtain AIS-compliant gate valves for the project. The production of these valves has been stalled due to a problem at the foundry and the city has exceeded the 90 days for the bypass line operation. After receiving notification of problems with the gate valve production, the city attempted to find another domestic manufacturer of the gate valves. While the city was able to find one, the manufacturer

quoted a delivery time of 16 weeks, which would result in significant delays in the project schedule. The city is requesting a waiver in order to install non-domestic valves that can be delivered in a shorter timeframe of less than 6 weeks in order to avoid further delays in the project schedule.

The EPA conducted market research and solicited public comments on the supply and availability of 16-inch cast iron gate valves that can be delivered on time to avoid further delays in the applicant's project schedule. The Agency concluded that the applicant's claim is supported by available evidence. The Agency was unable to find a domestic manufacturer of 16-inch cast iron gate valves that met the project's technical specifications and could be delivered on time to avoid additional delays in the project schedule. The Agency's market research identified one additional manufacturer that claimed they could provide domestic gate valves that met the project's specifications, but the delivery time for these gate valves were 36 to 42 weeks, which would significantly delay the project schedule. In addition, the Agency received one public comment on the waiver request from a manufacturer claiming they can provide gate valves that meet the performance parameters of the specification within a 16-week lead time. However, given the unforeseen delays in the construction of the project, this lead time would significantly delay the project.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States within the applicant's timeframe, the City of Quincy is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified 16-inch cast iron gate valves documented in the state of Massachusetts's waiver request submittal on behalf of the applicant dated July 7, 2016.

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 or (202) 566-1059.