



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

FEB 28 2017

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Passaic Valley Sewerage Commission in New Jersey for 10-Inch Ball Valves

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

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", written over a horizontal line.

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 Passaic Valley Sewerage Commission (PVSC) in New Jersey for the purchase of four 10-inch ball valves. This waiver permits the use of these valves manufactured outside of the United States in the PVSC's Waste Activated Sludge Pumping Station Expansion project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified products 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 products 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."

A contractor for the PVSC provided information to the EPA claiming there are no manufacturers producing 10-inch ball valves in the United States in sufficient and reasonably available quantities that can meet the project's technical specifications. The PVSC requires four full port 10-inch ball valves that will be used for isolating the waste activated sludge pumps in the Waste Activated Sludge Pumping Station Expansion project. The project specifications state that the ball valves shall be full port, flanged cast iron or ductile iron body, and that the valve face-to-face dimensions shall be equal to ANSI 16.10. The valve must have either a stainless steel ball or an iron ball infused with PFA. The applicant attempted to find domestically produced ball valves, but was not able to find any that could meet the project specifications.

The EPA conducted market research on the supply and availability of 10-inch ball valves. The Agency was unable to find a domestic manufacturer of the valves and concluded that the applicant's claim is supported by available evidence. The Agency's market research identified several manufacturers of ball valves, but only two manufacturers indicated that they could produce AIS compliant ball valves in the size required. However, the ball valves that the two manufacturers could provide would not meet the ANSI 16.10 valve face-to-face dimension standard required in the specifications of 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, the PVSC is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified ball valves documented in the State of New Jersey's waiver request submittal on behalf of the applicant dated February 2, 2017.

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.