



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

FEB 27 2018

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Independence-Cross Creek Joint Sewer Authority in Pennsylvania for Ball Valves

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

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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 Independence-Cross Creek Joint Sewer Authority in Pennsylvania for the purchase of 67 ball valves ranging in size from two inches to four inches. This waiver permits the use of these items manufactured outside of the United States in the Sewer Authority’s Independence Village and Cross Creek Village Sanitary Sewers project because no domestic manufacturer produces 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 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 an assistance agreement. The Agency can 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 two (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality.”

Pennsylvania provided information to the EPA claiming there are no manufacturers producing ball valves in the United States in sufficient and reasonably available quantities that can meet the project’s technical specifications. The Independence-Cross Creek Joint Sewer Authority requires ball valves to be used underground and in multi-purpose underground vaults for isolation, flushing and other maintenance activities. The project requires full port valves due to the small pipe diameter and the characteristics needed for the proper flow of sewage. In addition, the project requires ball valves with grooved ends since the project’s design was based on a simplified piping arrangement and smaller underground vaults that only grooved end ball valves can accommodate. The applicant was unable to identify a manufacturer that could make an AIS-compliant ball valve that can meet the project’s technical specifications.

The Agency has conducted market research on the supply and availability of ball valves that can meet the project specifications and was unable to find a domestic manufacturer, concluding that the applicant's claim is supported by available evidence. EPA contacted six manufacturers of grooved end ball valves and none of the manufacturers indicated they can produce domestic grooved end ball valves.

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 these products are not available from a manufacturer in the United States, the Independence-Cross Creek Joint Sewer Authority is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified ball valves documented in the state of Pennsylvania's waiver request submittal on behalf of the applicant dated August 17, 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 or (202) 566-1059.