



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

NOV 30 2018

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Baltimore City Department of Public Works in Maryland for Ball Valves

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

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", is written over the "FROM:" 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 Baltimore City Department of Public Works in Maryland for the purchase of twenty-four (24) 3-inch, ten (10) 4-inch, and three (3) 6-inch flanged stainless-steel ball valves (ASME Class 150 Type 316). This waiver permits the purchase and use of these items manufactured outside of the United States in Baltimore City's Back River Wastewater Treatment Plant #918H Headworks 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 the AIS requirements, CWSRF and DWSRF assistance recipients are required to 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 – (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

Maryland provided information to the EPA claiming there are no manufacturers producing flanged stainless-steel ball valves in the United States in sufficient and reasonably available quantities that can meet the project's technical specifications. Baltimore City requires stainless steel ball valves to withstand the corrosive and aggressive environment where they will be installed. The valves

have the potential to be in contact with hydrogen sulfide and abrasive grit within the wastewater. The ball valves will be used for isolation, flushing and maintenance activities.

The EPA solicited public comment and conducted market research on the supply and availability of 3-inch, 4-inch, and 6-inch ball valves that can meet the project specifications. The Agency was unable to find a domestic manufacturer, concluding that the applicant's claim is supported by available evidence. The Agency contacted fifteen (15) valve manufacturers. None of the manufacturers that responded indicated they can manufacture domestic stainless-steel ball valves in the specified sizes.

Since the applicant established a proper basis to specify the particular products 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 Baltimore City Department of Public Works is hereby granted a waiver from the AIS requirements. This waiver permits the purchase and use of the specified flanged stainless-steel ball valves (ASME Class 150 Type 316) documented in the state of Maryland's waiver request submittal on behalf of the applicant dated April 24, 2018.

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.