



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

OFFICE OF WATER

NOV 30 2018

DECISION MEMORANDUM

SUBJECT: Project Waivers of American Iron and Steel Requirements to the North River Wastewater Treatment Plant in New York, New York for Stainless Steel Seamless Tubing and Three-Way Control Valve

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 two project waivers 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 North River Wastewater Treatment Plant in New York, New York for the purchase of 1¼- inch stainless steel 316 seamless tubing and a 10-inch three-way control valve. These two waivers permit the use of the tubing and control valve manufactured outside of the United States for the North River Wastewater Treatment Plant Cogeneration and Electrification project because no domestic manufacturers produce alternatives that meet the project’s technical specifications. These are project specific waivers and only apply to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund (DWSRF) that wishes to use the same products must apply for a separate waiver.

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.”

North River Wastewater Treatment Plant provided information to the Agency asserting that there are no manufacturers producing 1¼-inch stainless steel 316 seamless tubing in the United States in sufficient and reasonably available quantities. North River Wastewater Treatment Plant also provided information

to the Agency asserting that there are no manufacturers producing the 10-inch three-way valve to meet the specifications of the project. The North River Wastewater Treatment Plant plans to install one and 1¼-inch stainless steel 316 seamless tubing and a 10-inch three-way control valve as part of its Cogeneration and Electrification project.

North River Wastewater Treatment Plant requires 1¼-inch stainless steel 316 seamless tubing for four (4) Hydraulic Power Units (HPU) systems. The HPUs will control the influent wastewater isolation gates valves and cone check valves for the Main Sewage Pumps, which are critical to plant operation. No other tubing of alternate material can meet those conditions. North River Wastewater Treatment Plant also requires one (1) 10-inch three-way temperature control valve for the Mesophilic Hot Water System, with a working temperature of 14 to 28 degrees F and a working pressure class of 150 (i.e., 150#). No domestic three-way valves meeting these specifications could be located.

The EPA conducted market research on the supply and availability 1¼-inch stainless steel 316 seamless tubing. The Agency's market research identified no manufacturers that produce Stainless Steel Seamless Tubing domestically. The Agency did not find manufacturers of 10-inch three-way control valve to meet the specifications of the project. The EPA concluded that the applicant's claims are supported by available evidence.

Since the applicant established a proper basis to specify a product required for this project and since EPA substantiated the applicant's claims through market research that the products are not available from a manufacturer in the United States, the North River Wastewater Treatment Plant in New York, New York is hereby granted two waivers from the AIS requirements. These waivers permit the purchase of the specified 1¼-inch stainless steel 316 seamless tubing and a 10-inch three-way control valve, as requested by the recipient on July 26 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 or (202) 566-1059.