



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 City of Winston-Salem, North Carolina for a 3-inch Pressure Reducing Valve for a Gas Digester

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

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

The EPA 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 Winston-Salem, North Carolina for the purchase of one (1) three-inch, stainless steel, pressure reducing valve. This waiver permits the use of this fitting manufactured outside of the United States in the City's Muddy Creek Wastewater Treatment Plant Power Generation Upgrade project because no domestic manufacturer can produce alternatives that 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."

The City of Winston-Salem provided information to the Agency demonstrating that there are no manufacturers producing domestic 3-inch pressure reducing valves in the United States in sufficient and reasonably available quantity or quality to allow the project to meet its specifications. Based on information provided by the applicant, the use of a 3-inch stainless steel pressure reducing valve is critical to regulate the flow of digester gas. The specifications require that the digester gas pressure reducing valve be pilot-operated with stainless steel body, trim and pilot, and suitable for gas with specific gravity of 0.8 to 0.9.

The Agency has conducted market research on the supply and availability of 3-inch stainless steel pressure reducing valves and concluded that the City of Winston-Salem's claim that there are no domestic manufacturers that can supply a similar product to meet the project's specifications is

supported by available evidence. EPA market research could not identify any domestic manufacturer who responded that they would be able to produce this product.

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 City of Winston-Salem is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified pressure reducing valve documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated November 21, 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.