



FEB 05 2019

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Sioux City, Iowa for High Pressure Ball Valves

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

A handwritten signature in black ink, appearing to be "ADS", is written over the name and title of the sender.

The U.S. Environmental Protection Agency (EPA) hereby grants 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 Sioux City, Iowa for the purchase of two 10-inch and one 8-inch high-pressure ball valves. This waiver permits the use of the high-pressure valves manufactured outside of the United States for the Sioux City Wastewater Treatment Plant Dewatering and Odor Control project because no domestic manufacturers produce alternatives that 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 (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.”

Sioux City provided information to the Agency asserting that there are no manufacturers producing these high-pressure, full port, trunnion mounted style ball valves in the United States in sufficient and reasonably available quantities to meet the specifications of the project. The Sioux City Wastewater Treatment Plant requires these ball valves for their dewatered solids cake pump system. The project specifications require full port, trunnion mounted high-pressure ball valves with a 316-stainless steel ball. These ball valves are Class 600 (pressure classification), with a maximum working pressure of 1,140psi. (pounds per square inch), which can provide more reliable service in high pressure applications.

The EPA conducted market research on the supply and availability of these 10-inch and 8-inch ball valves. The Agency’s market research identified no domestic manufacturers that produce these ball valves. The EPA contacted all known manufacturers or suppliers of high-pressure ball valves. Only one of ten companies contacted by the Agency produces ball valves domestically. However, this company does not

produce valves with balls that meet the technical specifications of the project, requiring trunnion mounted with specific height criteria. None of the other companies contacted could provide a domestic product to meet the specifications of the project. During public comment solicitation, the EPA received no (zero) comments from any interested party, manufacturer, or other. An additional email was sent to these specific manufacturers and national trade associations concurrent with the 15-day public comment period, alerting them to the waiver and requesting that they provide comments within 15 days. There was one response to the email from a manufacturer who stated they did not domestically produce the specified valves. 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 the EPA substantiated the applicant's claims through market research that the products are not available from a manufacturer in the United States, Sioux City, Iowa is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified high-pressure ball valves, as requested by the recipient on October 9, 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.