



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

JUN 25 2019 OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the North River Wastewater Treatment Plant in New York, New York for Lubricated Plug Valves

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

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

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 North River Wastewater Treatment Plant in New York, New York for the purchase of one (1) 2-inch and one (1) 6-inch lubricated plug valve for gas head service. This waiver permits the use of the two valves manufactured outside of the United States for the North River Wastewater Treatment Plant Cogeneration and Electrification project because these iron and steel products are not produced in the US in sufficient and reasonably available quantities and of a satisfactory quality. 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.”

North River Wastewater Treatment Plant provided information to the Agency asserting that there are no manufacturers producing the 2-inch and 6-inch lubricated plug valves for gas head service in the United States in sufficient and reasonably available quantities. Because the valves are for gas head service, Con Edison (the gas utility for the project) will only accept valves by certain approved manufacturers. The North River Wastewater Treatment Plant plans to install one 2-inch and one 6-inch manual lubricated plug valve at gas meter stations for its Cogeneration and Electrification project.

The EPA conducted market research on the supply and availability of 2-inch and 6-inch lubricated plug valves. The Agency’s market research identified no manufacturers that produce the 2-inch and 6-inch lubricated plug valves domestically that have also been approved by Con Edison for use at gas meter stations. 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 a waiver from the AIS requirements. This waiver permits the purchase of the specified 2-inch and 6-inch lubricated plug valves, as requested by the recipient on January 24, 2019.

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.