



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

SEP 26 2019

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Township of North Brunswick, New Jersey, for a 24-inch Insertion 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:" field.

The U.S. Environmental Protection Agency (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 Township of North Brunswick, New Jersey for the purchase of a 24-inch insertion valve. This waiver permits the use of the insertion valve manufactured outside of the United States for the Township of North Brunswick Water Treatment Plant Meter and Scada Integration Project because this steel product is not produced in the U.S. 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 product 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 product 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."

The Township of North Brunswick provided information to the Agency asserting that there are no manufacturers producing the insertion valves in the United States, in sufficient and reasonably available quantities. This project requires the 24-inch insertion valve in order to temporarily shut down the treatment plant while the new water meter, piping, and vault is installed as well as to operate the treatment plant without having to purchase water during the installation process.

This project requires the 24-inch insertion valve for the project which, upon completion, will result in a new finished flow meter and respective vault for the Township of North Brunswick's water treatment plant. Per the project specifications, the valve will be capable of pressure-tight assembly in which flow will be stopped at a pressure up to 250 PSI and shall meet or exceed AWWA Specification C509 for resilient seal valves. The resilient rubber seal will be expandable to the inside diameter of the ductile iron gate.

After confirming that the specifications were performance based, the EPA conducted market research on the supply and availability of 24-inch insertion valves meeting the specifications of the project. The EPA contacted all known manufacturers or suppliers of insertion valves. The Agency's market research identified no domestic manufacturers that produce the insertion valves meeting the project specifications. The Agency 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 Township of North Brunswick, New Jersey, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the 24-inch insertion valve, as requested by the recipient on August 12, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.