



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Zephyrhills in Florida for 20-inch Knife Gate Valves

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

The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Zephyrhills, Florida (the City) for five 20-inch stainless steel knife gate valves. This waiver permits the use of these valves, manufactured outside of the United States, in the City’s wastewater treatment facility, advanced water treatment upgrade project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product 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 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. 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 City provided information to EPA asserting that there are no manufacturers producing any stainless steel AIS-compliant 20-inch knife gate valves in sufficient and reasonably available quantities.

Part of this project is to construct a new filter for the plant along with a new sand filtration system. These valves are necessary to control the influent flow into five separate filter tank basins. These knife gate valves, as listed in the specifications, provide a more reliable fully closed seal.

EPA conducted market research and a public comment period on the supply and availability of the valves. The basis of evaluation included thorough review of the waiver request submission, examination of domestic manufacturer catalogs or other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity of the project. EPA contacted twelve specialty-valve manufacturers. None (zero) produce AIS-compliant 20-inch knife gate valves that would meet the project's specifications. There were no (zero) public comments during the public comment period. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project specifications.

Since the applicant established a proper basis to specify a particular product required for this project, and because 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 Zephyrhills, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of five 20-inch knife gate valves, documented in the State of Florida's waiver request submittal on behalf of the applicant dated July 17, 2020.

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.