



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Mound City, Illinois for Plug 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 Mound City, Illinois (Applicant), for 12-inch plug valves. This waiver permits the use of the plug valves produced outside of the United States in the Applicant’s new wastewater treatment plant project, because no domestic manufacturers produce alternatives that meet the project’s technical specifications in sufficient and reasonably available quantities.

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. 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 Applicant is constructing a new wastewater treatment plant. Twelve-inch plug valves are needed to complete the piping of a new lagoon treatment system. The existing system is failing but cannot be taken off-line until the new system is operational. The Applicant originally placed a purchase order for domestically produced 12-inch plug valves and was given a lead time of 12 to 14 weeks. After a period of 12 weeks, the Applicant was informed by the manufacturer that pressure testing had failed. Product delivery of the plug valves was subsequently delayed twice more, and a third time was delayed indefinitely. The final postponement placed the project approximately 5 weeks behind schedule. When the Applicant sought other domestic plug valves, it was given lead times of an additional 11 to 17

weeks. The extended lead time for delivery of the domestic products places an undue, multiple month delay on the project.

The EPA conducted market research and public comment on the supply and availability of 12-inch plug 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 with the project. After conducting market research and public comment solicitation, EPA staff and contractors were unable to find AIS-compliant products that met the project's technical specifications and would reasonably meet the project schedule. There were three public comments from manufacturers who claimed they could produce domestic valves to meet the specifications of the project, but the applicant verified none of them could provide the valves within a reasonable timeframe to prevent extensive delays. The shortest lead times available were approximately 12 to 16 weeks, which would cause a multiple month delay for the project.

The Agency was unable to find any domestic manufacturer of the specified valves within a necessary and reasonable time and concluded that the Applicant's claim is supported by available evidence. The Applicant established a proper basis to specify particular products required for this project. Because the Agency substantiated the applicant's claim, through market research, that these products are not available from a manufacturer in the United States, in the time needed for installation, Mound City, Illinois is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the 12-inch plug valves documented in the State of Illinois waiver request submittal on behalf of the Applicant dated November 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.