



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 Metropolitan Council of Environmental Services in St. Paul, Minnesota for Trunnion Mounted, Full-Port Ball Valves

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

Decision: 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 Metropolitan Council of Environmental Services (Applicant) in St. Paul, Minnesota for 8-inch and 10-inch trunnion mounted, full-port ball valves. This waiver permits the use of these valves, manufactured outside of the United States, in the City of St. Paul’s Solids Renewal & Improvements project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) 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 EPA] 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no manufacturers producing any 8-inch or 10- inch trunnion mounted, full-port ball valves in sufficient and reasonably available quantities and of a satisfactory quality. These valves will be installed for the dewatered, biosolids cake service. The service requires steel body valves with a full-port ball, where

the ball, valve stem, and trunnion stem will be 316L stainless steel. The valves must be designed for a maximum working pressure of 1,440 PSI and working (internal) temperature of 500°F.

Assessment of Waiver Request: 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 12 specialty-valve manufacturers. Two manufacturers, one through research and one through public comment, asserted that they had potential domestic alternatives. As documented in a letter dated December 14, 2020 from the project engineer to the Applicant, it was determined in communications between the project engineers and the manufacturers of the potential domestic alternatives that neither alternative would meet the specifications of the project. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify particular products required for this project, and because EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, the Metropolitan Council on Environmental Services in St. Paul, Minnesota, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 8-inch and 10-inch trunnion mounted, full-port ball valves, documented in the State of Minnesota's waiver request submittal on behalf of the Applicant dated October 20, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.