



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 Roseville in California for 3-inch Carbon Steel Control Valves

FROM: Andrew 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 City of Roseville, California (Applicant) for 3-inch carbon steel hot water control valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Santa Monica Pleasant Grove Wastewater Treatment Expansion 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 domestic manufacturers producing 3-inch carbon steel hot water control valves, in sufficient and reasonably available quantities and of a satisfactory quality. The

valves are used in the construction of the anaerobic digestion process equipment and are a critical component for safe and effective operation of the two constructed digesters. The hot water control valves are 3-way ball valves that control the internal temperature of the digesters via an electronic actuator. The valves are located at each heat exchanger and are responsible for maintaining the proper temperature of water used in heating the digested sludge in the heat exchangers.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 3-inch carbon steel hot water control 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. During market research, EPA contacted sixteen (16) manufacturers and suppliers of control valves. None (zero) of the manufacturers can produce AIS compliant valves that meet the specifications of the project.

EPA received no public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's performance-based 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 City of Roseville in California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 3-inch carbon steel control valves, as documented in the State of California's waiver request submittal on behalf of the Applicant dated July 22, 2021.

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.