



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Public Interest Waiver of American Iron and Steel Requirements to the Western Virginia Water Authority, Virginia for Plug Valves

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

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a public interest waiver to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(1) to the Western Virginia Water Authority, Virginia for 8-inch plug valves. This waiver permits the use of these valves, produced outside the United States in the Applicant’s Roanoke Regional Water Pollution Control Plant (WPCP) Digester Upgrade project. This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other entity 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 – . . . (1) applying [the requirements] would be inconsistent with the public interest.”

Background of Waiver Request: The Roanoke Regional WPCP Digester Upgrade project was planned as operational during construction. To maintain functionality and to comply with the plant operation constraints, only two digesters are permitted to be offline at one time. The 8-inch plug valves are on the critical path and necessary to continue to allow the plant to operate. The Applicant attempted to procure domestic plug valves from a manufacturer through a purchase order on August 23, 2021. The manufacturer gave a delivery date of November 30, 2021. On November 18, 2021, the manufacturer delayed the delivery date to April 15, 2022. On January 12, 2022, the manufacturer again delayed the delivery date to September 2022. Due to the 10-month delay caused by the manufacturer, a portion of the required plug valves of non-domestic origin were installed on the critical path of the project to avoid total project shutdown. The Applicant applied for an availability-based waiver for the installed non-domestic plug valves and the remaining unpurchased 8-inch plug valves. Based on evaluation of the conditions of the request, EPA determined a Public Interest waiver was the reasonable course of action.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply, availability, and public concern of the 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. EPA conducted market research and contacted 13 (thirteen) manufacturers and suppliers of plug valves for water and wastewater applications. None (zero) of the manufacturers could produce the 8-inch plug valves to the technical specifications in a reasonable timeframe, further supporting the necessity of a product-specific waiver. There were no (zero) public comments during the 15-day public comment period. This waiver would prevent significant public concerns such as total shutdown of the plant, longer delays of construction, unattainability of AIS compliant plug valves, delayed resolution of regulatory violations, and excessive fiscal costs to the public.

Finding: After evaluating the Western Virginia Water Authority's waiver request and public comments, the EPA concluded that it would be in the public's interest to waive the application of the AIS requirements of the 8-inch plug valves for the Roanoke Regional WPCP Digester Upgrade project. The EPA is hereby granting a public interest waiver to the Western Virginia Water Authority, Virginia. This waiver permits the purchase of the specified plug valves, as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant, dated July 14, 2022.

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.