



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Availability Waiver of American Iron and Steel Requirements to the City of Norfolk, Virginia for Valve Boxes

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 Norfolk, Virginia (Applicant) for valve boxes. This waiver permits the use of these valve boxes, manufactured outside of the United States, in the Pump Station No. 93 Pump Improvements project, because no domestic manufacturers produce alternatives that meet the technical and design specifications of the 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 product 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 valve boxes in sufficient and reasonably available quantities and of a satisfactory quality. These specific valve boxes are necessary for this project because Norfolk has a standard design that provides uniformity across all projects and pump stations.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these valve boxes. 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 six (6) manufacturers and suppliers of valve boxes. One (1) manufacturer initially stated they could make AIS compliant valve boxes specific to this project but offered a lead time of 20 - 26 weeks. EPA also received one (1) public comment to the waiver request, which was the same manufacturer identified as the possible manufacturer during market research. Upon further communications between the project and the manufacturer on July 28, 2022, the manufacturer stated they are unable to meet the technical and design specifications of the valve boxes.

Finding: Since the Applicant established a proper basis to specify the 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, City of Norfolk, Virginia is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of valve boxes, as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant dated June 10, 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.