



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 San Francisco Public Utilities Commission for Three-Way Temperature Control Valves and Backflow Preventers

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 San Francisco Public Utilities Commission (Applicant) for three-way temperature control valves and backflow preventers. This waiver permits the use of these non-domestic materials in the Biosolids Digester Facilities Project (BDFP) because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

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 in two separate waiver requests, one for temperature control valves and another for backflow preventers, asserting that there are no domestic manufacturers producing three-way

temperature control valves or backflow preventers in sufficient and reasonably available quantities and of a satisfactory quality. The BDFP requires three-way temperature control valves for cooling water pumps that will be installed in the Anaerobic Digestion Facility. The project's specifications state that the three-way temperature control valves shall have a cast steel or cast iron body and 316 Stainless Steel disc, stem, and seat, ranging from 1-inch to 4-inches in size. The BDFP also requires Reduced Pressure Zone (RPZ) backflow preventers in a new network of buried watermain pipes. The project specifies 2 ½-inch to 12-inch RPZs consisting of isolation valves, two (2) independent check valves, and a differential relief valve.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of both three-way temperature control valves, and backflow preventers. 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 twelve (12) manufacturers and suppliers of control valves, and fifteen (15) manufacturers and suppliers of backflow preventers. None of the manufacturers and suppliers asserted that they could produce the required products. EPA received no (zero) public comments to the waiver requests. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's technical specifications.

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, the San Francisco Public Utilities Commission is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of non-domestic three-way temperature control valves and backflow preventers, as documented in California's Water Resources Control Board waiver request submittals on behalf of the Applicant dated July 12, 2022 (three-way temperature control valves), and September 13, 2022 (backflow preventers).

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.