



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Delphos, Ohio for Butterfly 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 Delphos, Ohio (Applicant) for butterfly valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Delphos Wastewater Treatment Plant Phase 3 Construction project, 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 asserting that there are no domestic manufacturers producing 4-inch and 8-inch butterfly valves with ductile iron bodies, nylon 11 ductile iron disks and 416SS shafts in sufficient and reasonably available quantities and of a satisfactory quality. The 4-inch butterfly valves will be used as inlet and discharge valves for the post-aeration and grit removal blowers.

The 8-inch butterfly valves will be used as inlet and discharge valves for the biological aeration blowers.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these butterfly 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 thirteen (13) manufacturers and suppliers of these butterfly valves. One of the manufacturers initially stated they could make the AIS-compliant butterfly valves. Upon further communications between the Applicant and manufacturer in October 2022, the manufacturer stated they are unable to provide the butterfly valves in a reasonable time frame without causing project delays. EPA received no (zero) public comments to the waiver request.

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 City of Delphos, Ohio is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 4-inch and 8-inch butterfly valves, as documented in the State of Ohio's waiver request submittal on behalf of the Applicant dated June 15, 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.