



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Soquel Creek Water District, California for Carbon Steel Plug Valves

FROM: Andrew D. 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 33 U.S.C. §3914 under the authority of §3914(c)(2) to Soquel Creek Water District in California (Applicant) for Carbon Steel Plug Valves. This waiver permits the use of these valves, produced outside the United States and in the sizes requested, for the Applicant’s Pure Water Soquel Program (the project) because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products for the proposed project funded by the Water Infrastructure Finance and Innovation Act (WIFIA). Any other entity with a project funded by either WIFIA or the State Revolving Funds (SRFs) that to use the same products must apply for a separate waiver.

Rationale: According to 33 U.S.C. §3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through WIFIA. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in 33 U.S.C. §3914(c)(2). The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the Environmental Protection Agency] 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 manufacturers producing carbon steel plug valves in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant requested a waiver for: 1-inch, 2-inch and 3-inch carbon steel plug valves and 1-inch three-way carbon steel plug valves. The Applicant

indicated that plug valves that meet the project's specifications are not currently available in sufficient and reasonably available quantities.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of carbon steel 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. For market research, EPA contacted potential manufacturers and suppliers of plug valves. None responded indicating they had potential domestic alternatives. EPA receive no public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the carbon steel plug valves required for this project, and because EPA substantiated the Applicant's claim that the specified plug valves are not available from a manufacturer in the United States, the Soquel Creek Water District is hereby granted a waiver from the AIS requirements for the Pure Water Soquel Program. This waiver permits the purchase of the specified carbon steel plug valves, as documented in the Applicant's waiver request submittal to WIFIA, dated December 19, 2022.

If you have any questions concerning the contents of this memorandum, please contact Kavita Mak, Environmental Engineer, WIFIA Management Division, at mak.kavita@epa.gov or (202) 566-2999.