



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 Western Lake Superior Sanitary District in Minnesota for Valves and Stainless Steel Fittings

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 Western Lake Superior Sanitary District in Minnesota (Applicant) for valves and stainless steel fittings. This waiver permits the use of these valves and fittings, manufactured outside of the United States, in the Applicant’s Biogas Engine Generators and Siloxane Removal Wastewater Treatment Facility project in Duluth, Minnesota 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 multiple sizes of Type V610, Type V720, and V960 valves, as well as multiple types and sizes of small stainless steel fittings:

- 2-inch X 1-inch Stainless Steel 304 Reducing Coupling 150#
- .75-inch to 1.5-inch Stainless Steel 304 THRD 90D Elbow 150#
- 0.5-inch to 1.5-inch Stainless Steel 316 THRD 45D Elbow 150#
- 0.5-inch Stainless Steel 316 THRD Cap 150#
- 1.5-inch Stainless Steel 316 THRD Tee 150#
- 1.5-inch to 2-inch Stainless Steel 304 THRD Unions 150#
- 0.5-inch to 2-inch Stainless Steel 316L THRD Unions 150#
- 2-inch Stainless Steel 304 THRD Flanges 150#

These valves and fittings will be used in many applications, including in a biogas hydrogen sulfide polishing system, a siloxane removal system, a heat recovery system, and in the replacement of an existing unit substation.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these valves and fittings. 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 fourteen (14) valve manufacturers and suppliers, and thirteen (13) manufacturers and suppliers of stainless steel fittings. There were no manufacturers who indicated they could provide AIS-compliant valves or fittings that meet the technical specifications of the project. There were no (zero) public comments.

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 Western Lake Superior Sanitary District in Minnesota is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the above listed valves and fittings, as documented in the Minnesota Pollution Control Agency's waiver request submittal on behalf of the Applicant dated November 30, 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.