



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 San Luis Obispo, California for Valves and 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 City of San Luis Obispo, California (Applicant) for valves and fittings. This waiver permits the use of these valves and fittings, manufactured outside of the United States, in the San Luis Obispo Water Reclamation and Recovery Facility Hot Water Heating System installation 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 the following products:

- 4-inch and 5-inch Butterfly Valves
- 4-inch and 5-inch Triple-Duty Valves
- 2-inch threaded Y-Strainers
- 5-inch flanged Y-Strainers
- 5-inch x 4-inch Reducing Tees
- 4-inch and 5-inch Straight Tees
- Multiple sizes Class 150 Flanges

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 fifteen (15) valve manufacturers and suppliers, and eleven (11) manufacturers and suppliers of fittings. There was one manufacturer who indicated they could provide AIS compliant butterfly valves; however, the lead times were long enough that they would have caused undue delays to the project. There were no (zero) manufacturers who could provide triple duty valves. There were no (zero) manufacturers who could provide any of the fittings listed in this waiver. Of note, the community revised an original waiver request, from which EPA identified multiple other domestically produced fittings. The revised waiver request removed the alternative domestic fittings. There were no (zero) public comments on 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 San Luis Obispo is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the above listed products, as documented in the California State Water Resources Control Board's waiver request submittal on behalf of the Applicant dated November 9, 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.