



OFFICE OF WASTEWATER MANAGEMENT
WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to Springfield Water and Sewer Commission in Springfield, Massachusetts for 24-Inch Axial Control 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 33 U.S.C. § 3914(c)(2) to the Springfield Water and Sewer Commission in Springfield, Massachusetts (Applicant) for 24-Inch Axial Control Valves. This waiver permits the use of this product, produced outside the United States, and in the specific size requested, at the Water and Wastewater Infrastructure Renewal Program project because no known domestic manufacturers produce AIS-compliant 24-Inch Axial Control Valves 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 jurisdiction with projects funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to WIFIA at 33 U.S.C. § 3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States. The 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 applicable 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 . . . 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 24-Inch Axial Control Valves in sufficient and reasonably available quantities and of a satisfactory quality. This product is necessary to safely control flow rates entering the facility from an upstream reservoir.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 24-Inch Axial Control 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 nine manufacturers or suppliers. Only one supplier responded and confirmed they did not offer the necessary 24-Inch Axial Control Valves. EPA also posted the waiver request for a 15-day public comment period. EPA received zero comments. Therefore, EPA agrees with the assessment that no domestic manufacturers produce 24-Inch Axial Control Valves meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the 24-Inch Axial Control Valves required for this project, and because EPA substantiated the Applicant's claim that these products are not produced or readily available from a manufacturer in the United States, the Springfield Water and Sewer Commission in Springfield, Massachusetts is hereby granted a waiver from the AIS requirements for the Water and Wastewater Infrastructure Renewal Program project. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated October 18, 2023.

If you have any questions concerning the contents of this memorandum, please contact Forrest Petrich, Environmental Engineer, WIFIA Program, at Petrich.Forrest@epa.gov.