



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Town of Lake Placid, Florida for 6-inch and 8-inch Plug Valves.

FROM: Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a project-specific 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 Town of Lake Placid, Florida (Applicant) for 6-inch and 8-inch plug valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Town of Lake Placid Wastewater 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 product 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. The 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 the 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 the EPA asserting that there are no domestic manufacturers producing 6-inch and 8-inch plug valves in sufficient and reasonably available quantities and of a satisfactory quality. The plug valves are to be used for a

force main replacement project to serve the Town of Lake Placid's wastewater collection system. The valve should be constructed such that it allows 100% flow capacity, based on the adjacent pipe area, when the valve is in a fully open position.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these 6-inch and 8-inch 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. During market research, the EPA contacted eight (8) manufacturers and suppliers of these 6-inch and 8-inch plug valves. Four (4) of the manufacturers initially stated they could make the AIS-compliant 6-inch and 8-inch plug valves. Upon further communications between the Applicant and manufacturers in March 2024, the manufacturers indicated that the lead times were long enough to cause undue delays to the project. The EPA received one (1) public comment to the waiver request regarding lead time, which was later retracted. The comment was submitted by a manufacturer stating the specified valves could be delivered within 12 weeks of the book date, but later, the manufacturer affirmed the extended lead times provided in market research.

Finding: Since the Applicant established a reasonable basis to specify the product required for this project, and because the EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the Town of Lake Placid, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the use of 6-inch and 8-inch plug valves, as documented in the State of Florida's waiver request submittal on behalf of the Applicant dated January 29, 2024.

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.