



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 Manhattan, Montana for 18-Inch Knife Gate 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 Manhattan, Montana (Applicant) for 18-inch knife gate valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Manhattan Water Resource Recovery Facility project, because no domestic manufacturers produce alternatives that meet the technical specifications and schedule 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 18-inch knife gate valves in sufficient and reasonably available quantities and of a satisfactory quality. These knife gate valves are proposed for installation in an existing vault immediately downstream of the ultraviolet disinfection building. Due to the existing grade constraints and pipe invert elevations, the valves must adhere to the existing height restrictions within the vault. The knife gate valves will divert

disinfected wastewater to the facility's final outfall or a lift station.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these knife gate 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 nine (9) manufacturers and suppliers of these knife gate valves. Three (3) of the manufacturers initially stated they could make the AIS-compliant valves. Upon further communications between the Applicant and manufacturers, the manufacturers showed that they were unable to meet the technical specifications of the valves. The EPA received one (1) public comment to the waiver request. The commenter initially stated they could make the knife gate valves to meet the technical specifications of the project. However, the provided lead time of 26-34 weeks is long enough that it would cause additional, undue delays and significantly push back the completion date of the project.

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 Manhattan, Montana is hereby granted a waiver from the AIS requirements. This waiver permits the use of knife gate valves, as documented in the State of Montana's waiver request submittal on behalf of the Applicant dated May 9, 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.