



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to Rockland County, New York for 24-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 Rockland County, New York (Applicant) for 24-inch knife gate valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Union Hill & Tallman Pump Station Upgrade 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 knife gate valves in sufficient and reasonably available quantities and of a satisfactory quality. The 24-inch knife gate valves must be cast 316 stainless steel, bidirectional, and have a pressure rating of 150 pounds per square inch. The knife gate valves will be used in the Applicant’s project which aims to increase the reliability of

Rockland County Sewer District's facilities to convey wastewater from remote pump stations to the treatment plant, while reducing costs and the overall risk to the environment.

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 twelve (12) manufacturers and suppliers of these knife gate valves. Three (3) of the manufacturers initially stated they could make AIS-compliant knife gate valves. The Applicant communicated with two (2) of these manufacturers in June 2024. These manufacturers were unable to meet the technical specifications of the knife gate valves required for the project. The third manufacturer indicated they could produce an AIS-compliant knife gate valve that met the project's technical specifications in 60-65 weeks. Because the knife gate valves are needed onsite by January 2025 and the Applicant already experienced a sourcing delay outside of its control, these lead times of over a year are long enough that they would cause additional, undue delays to the project.

The EPA received one (1) public comment to the waiver request from a knife gate valve manufacturer that was also contacted during market research. The commenter asserted that it could produce an AIS-compliant product, and the project should be required to redo its bidding process rather than be granted a waiver. Of note, the knife gate valve that this manufacturer could produce was not a cast valve, as specified in the technical specifications of the project. Though the Applicant contacted this manufacturer following the market research process and determined that these knife gate valves were not a suitable alternative for the project, the EPA requested additional explanation following the public comment period. In response, the Applicant explained that the specification for a cast knife gate valve was performance-based and project-specific needs related to the nature of the pump station, the ability of a cast valve to handle a higher tolerance, and the durability of a cast stainless steel knife gate valve were considered when the technical specifications were written. The Applicant further reiterated that a fabricated knife gate valve was not a suitable alternative for the project as it would significantly reduce the quality of the design and the end product of the header, which was integral to the pump station.

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, Rockland County in New York is hereby granted a waiver from the AIS requirements. This waiver permits the use of 24-inch knife gate valves, as documented in the State of New York's waiver request submittal on behalf of the Applicant dated June 10, 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.