



## OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

### **DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Availability Waiver of American Iron and Steel Requirements to the Hampton Roads Sanitary District, Virginia for 4-Inch, 6-Inch, and 8-Inch Reduced Pressure Zone Backflow Preventers

**FROM:** Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency 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 Hampton Roads Sanitary District (Applicant) for 4-inch, 6-inch, and 8-inch reduced pressure zone backflow preventers. This waiver permits the use of these backflow preventers, manufactured outside of the United States, in the Boat Harbor Treatment Plant Pump Station Conversion 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. 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 4-inch, 6-inch, and 8-inch reduced pressure zone backflow preventers in sufficient and reasonably available quantities and of a satisfactory quality. The project consists of installing a new pump station and decommissioning the existing treatment plant by diverting flow to the new pump station. The backflow preventers will be

installed as part of this upgrade to prevent water contamination.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these backflow preventers. 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 backflow preventers. There were no manufacturers who indicated they could provide backflow preventers that meet the technical specifications of the project and are AIS compliant. The EPA received three (3) public comments to the waiver request. Two (2) commenters stated that there are no domestic AIS compliant backflow preventers available. A third commenter indicated that they make large diameter backflow preventers domestically, but they do not meet the AIS requirements.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, the Hampton Roads Sanitary District, Virginia is hereby granted a waiver from the AIS requirements. This waiver permits the use of 4-inch, 6-inch, and 8-inch reduced pressure zone backflow preventers, as documented in the Commonwealth of Virginia's waiver request submittal on behalf of the Applicant dated October 23, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.