



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 16 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Bayshore Regional Sewerage Authority in New Jersey for Stainless Steel Butterfly Valves

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

A handwritten signature in blue ink, appearing to read "Andrew D. Sawyers".

The EPA is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Bayshore Regional Sewerage Authority for the purchase of stainless steel butterfly valves used for process air. This waiver permits the use of these butterfly valves, manufactured outside of the United States, in the BRSA's Contract 80S Combined Blower Building Project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver based on the specific project circumstances.

Rationale: According to the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The Agency can determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) 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 Environmental Protection Agency... 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."

The BRSA provided information to the EPA claiming there are no manufacturers producing stainless steel butterfly valves for isolation and throttling of process air that meet the project's technical specifications in the United States in sufficient and reasonably available quantities. The project requires eight 10-inch, one 20-inch and five 24-inch stainless steel butterfly valves, which will be used in an aeration system in a wastewater treatment process. The project requires valves to be used in a process air application where conditions can be corrosive and temperatures can reach up to 300°.

The EPA conducted market research and solicited public comments on the supply and availability of stainless steel butterfly valves. Through its market research, the Agency was

unable to find a domestic manufacturer of butterfly valves that met the project's technical specifications. The Agency found several manufacturers that produce stainless steel butterfly valves, but no manufacturer indicated they could produce butterfly valves that met all of project's technical requirements.

Since the applicant established a proper basis to specify a particular product required for this project and the EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the BRSA is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified stainless steel butterfly valves documented in the state of New Jersey's waiver request submittal on behalf of the applicant dated November 7, 2016.

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.