



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

MAR 10 2020

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Tiffin Water Pollution Control Center in Ohio for Diaphragm Control Valves

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

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", written over the "FROM:" field.

The U.S. Environmental Protection Agency (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 Tiffin Water Pollution Control Center (WPCC) in Ohio for the purchase of four diaphragm control valves. This waiver permits the use of these diaphragm control valves manufactured outside of the United States in the Tiffin WPCC Long-term Control Plan project because no domestic manufacturers produce alternatives that meet the project's technical specifications.

This is a project-specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund. Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. 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)(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 Tiffin WPCC provided information to the Agency asserting that there are no manufacturers producing diaphragm control valves in the United States in sufficient and reasonably available quantities. The Tiffin WPCC plans to install four diaphragm control valves as part of its Long-term Control Plan project. A representative from the project contacted a supplier of wastewater control valves who was unable to find a domestic source for diaphragm control valves that meet the specifications of the project.

The project design specifies diaphragm control valves with a linear control curve from 0-100% open, which allows for accurate flow control across the entire range of valve position. These are sliding gate

control valves with gas-tight shut-off and a square shaped control aperture used for control of air supply, lugged end connection, coated steel housing, and a temperature rating up to 250 degrees F.

The EPA conducted market research on the supply and availability of diaphragm control valves. The Agency was able to find two domestic manufacturers of diaphragm control valves. Neither manufacturer could meet the specifications for the project. The Agency concluded that the applicant's claim is supported by available evidence.

Since the applicant established a proper basis to specify a unique 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 Tiffin WPC is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified diaphragm control valves documented in the state of Ohio's waiver request submittal on behalf of the applicant dated December 9, 2019.

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.