



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Rutgers University Cogeneration Project in Piscataway, New Jersey for Gate Valves

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

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Date: 2020.05.16 12:28:01 -04'00'

The U.S. Environmental Protection Agency (EPA) 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 Rutgers University Cogeneration Project in Piscataway, New Jersey (Applicant), for ¾-inch, 2-inch, 6-inch and 8-inch Industrial Process Gate Valves. This waiver permits the use of the industrial process gate valves manufactured outside of the United States in the Applicant's project because no domestic manufacturers produce alternatives that meet the project's technical specifications.

This is a product-specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). 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 Applicant provided information to the Agency asserting that there are no manufacturers producing industrial process gate valves that meet its required specifications in the United States in sufficient and reasonably available quantities. The Rutgers University Project will install multiple ¾-inch, 2-inch, 6-inch and 8-inch gate valves.

The EPA conducted market research on the supply and availability of ¾-inch, 2-inch, 6-inch and 8-inch 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. None of the fifteen manufacturers contacted produce these gate valves in the United States.

After conducting market research, EPA staff and contractors were also unable to find any AIS-compliant

products that met the project's technical specifications. During public comment solicitation, the EPA received zero (0) comments from manufacturers, suppliers, distributors or other entities.

The Agency was unable to find any domestic manufacturers of the specified valves and concluded that the applicant's claim is supported by available evidence. Since the applicant established a proper basis to specify particular products required for this project and the Agency substantiated the applicant's claim through market research that these products are not available from a manufacturer in the United States, the Rutgers University Cogeneration Project in Piscataway, New Jersey is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the ¾-inch, 2-inch, 6-inch and 8-inch Industrial Process Gate Valves documented in the State of New Jersey's waiver request submittal on behalf of the applicant dated April 21, 2020.

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.