



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 City of Nampa in Idaho for a Three-Way Converging Valve

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

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 City of Nampa, Idaho (the City) for a three-way converging valve. This waiver permits the use of this valve, manufactured outside of the United States, in the City’s Wastewater Treatment Plant, Phase II 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. 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 City provided information to EPA asserting that there are no manufacturers producing any three-way converging valves in sufficient and reasonably available quantities. Phase II of the wastewater treatment plant project includes the addition of a fifth primary digester and modifications to the existing process piping in the Digester Control Building. A three-way converging valve is required to control the hot water used as part of the heating system.

EPA conducted market research and a public comment period on the supply and availability of the 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 of the project. EPA contacted four specialty-valve manufacturers. None (zero) produce AIS-compliant three-way converging valves. There were no (zero) public comments during the public comment period. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce available products meeting the project specifications.

Since the applicant established a proper basis to specify a particular product required for this project, and because EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States the City of Nampa is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified three-way converging valve, documented in the State of Idaho's waiver request submittal on behalf of the applicant dated July 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.