



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 Wells County Regional Sewer District in Indiana for 1½-inch Stainless-Steel Swing Check Valves

FROM: Andrew Sawyers, Director
Office of Wastewater Management

Decision: 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 Wells County Regional Sewer District (the Applicant) for 1½-inch stainless-steel swing check valves. This waiver permits the use of the valves, manufactured outside of the United States, in the Liberty Center Sanitary Sewer Project and Murray Area Sanitary Sewer Project in Wells County, Indiana, because no domestic manufacturers produce alternatives that meet the projects’ technical specifications.

This waiver applies only to the proposed projects 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. 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 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 EPA asserting that there are no domestic manufacturers producing 1½-inch stainless-steel swing check

valves in sufficient and reasonably available quantities and of a satisfactory quality. The valves will be installed at each pump grinder station to prevent sewage backflow into the grinder pump station from the force-main at each line connection. The projects' specifications require the stainless-steel valves for durability and reliability.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the swing check 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 projects. In total, EPA contacted eight known small diameter stainless-steel swing check valve manufacturers and suppliers. EPA received no public comments to the waiver request. After conducting market research and public comment solicitation, EPA staff and contractors were unable to find domestic stainless-steel swing check valves that met the projects' technical specifications and that could be affirmatively certified as AIS compliant. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the projects' specifications.

Finding: Since the Applicant established a proper basis to specify performance-based products required for these projects, and because EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, Wells County Regional Sewer District, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 1½-inch stainless-steel swing check valves, documented in the State of Indiana's waiver request submittal on behalf of the Applicant dated January 25, 2021.

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.