



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

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to Banks County, Georgia for Plug Valves and 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 Banks County, Georgia (Applicant) for 4-inch to 10-inch flanged and mechanical joint plug valves and swing check valves. This waiver permits the use of these plug valves and swing check valves, manufactured outside of the United States, in the Banks County, Georgia Sanitary Sewer Improvements for its Martin Bridge Area Project, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project 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 4-inch to 10-inch flanged and mechanical joint plug valves and swing check valves in sufficient and reasonably

available quantities and of a satisfactory quality, in the time needed for installation. These valves are necessary for the construction of the valve box for the system's force main clean-out assembly. This project was designed to provide multiple growing industries with water and sewer services to stimulate job creation in Banks County, Georgia.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 4-inch to 10-inch flanged and mechanical joint plug valves and 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 project. During market research, EPA contacted fourteen (14) manufacturers and suppliers of these valves. Six manufacturers indicated that they could domestically produce the specified valves with lead times of 6 to 26 weeks. When the Applicant contacted these same domestic manufacturers of plug valves and swing check valves, they were told that receiving AIS-compliant plug and check valves would take a minimum of 20 to 24 weeks. The project has an estimated completion timeframe of 8 months, and construction has already begun. The long lead times for delivery of the domestic products places an undue, multiple month delay on the project. EPA received no public comments to the waiver request.

Finding: Since the Applicant established a proper basis to specify the products required for this project, and because EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States in the time needed for installation, Banks County, Georgia is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 4-inch to 10-inch flanged and mechanical joint plug valves and swing check valves, as documented in the State of Georgia's waiver request submittal on behalf of the Applicant dated June 22, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.