



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 Franklin in Tennessee for Carbon Steel 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 City of Franklin, Tennessee (Applicant) for 0.5-inch to 4-inch carbon steel ball, gate, check, pressure sustaining, and globe valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Franklin Water Reclamation Facility (WRF) Modifications and Expansion 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 small diameter carbon steel valves, in

sufficient and reasonably available quantities and of a satisfactory quality. The valves are used in the new high-pressure steam boiler and steam system equipment and the heat recovery steam generator for the combined heat and power equipment. The project requires 0.5-inch to 1.5-inch ball valves, 0.5-inch to 4-inch gate valves, 0.5-inch to 3-inch check valves, 2-inch by 1.5-inch and 2.5-inch by 1.5-inch pressure sustaining valves, and 1-inch to 1.5-inch globe valves.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of small diameter carbon steel 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 nineteen (19) manufacturers and suppliers of carbon steel valves. None (zero) of the manufacturers can produce AIS compliant valves that meet the specifications of the project. EPA received no public comments to the waiver request. During the public comment period, EPA received an email from a supplier representing multiple valve manufacturers. This email initially asserted that a manufacturer could domestically produce compliant valves, but in following up with the manufacturer directly, EPA confirmed its product research that they do not produce products meeting the project specifications. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's performance-based specifications.

Finding: Since the Applicant established a proper basis to specify particular 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, the City of Franklin in Tennessee is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of small diameter carbon steel valves, as documented in the State of Tennessee's waiver request submittal on behalf of the Applicant dated September 19, 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.