



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 San Francisco Public Utilities Commission, California for 3-way Temperature Control Valves and a Pressure Differential Control 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 San Francisco Public Utilities Commission, California (Applicant) for a 3-way temperature control valve and a pressure differential control valve. This waiver permits the use of these control valves, manufactured outside of the United States, in the San Francisco Public Utilities Commission Oceanside Water Pollution Control Plant (OSP) Digester Gas Utilization Upgrades project, because no domestic manufacturers produce alternatives that meet the technical specifications of the project.

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 3-way temperature control valves and pressure differential control valves in sufficient and reasonably available quantities and of a satisfactory quality. The 3-way temperature control valves will facilitate the automated controlled draw of hot water from the plant hot water system that will raise the temperature of the plant HVAC hot water loop when an adjustable set point is reached. The pressure differential control valves will be installed near the discharge of the HVAC hot water loop pump to automatically maintain the pressure differential (and thereby the flow) across the most hydraulically remote heating element in the HVAC hot water system.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of these 3-way temperature and pressure differential control 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 eighteen (18) manufacturers and suppliers of these valves. Thirteen manufacturers indicated that they did not have or manufacture any AIS-compliant control valves that meet the project's specifications. The remaining five manufacturers did not respond. EPA received no (zero) 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, San Francisco Public Utilities Commission, California is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 3-way temperature control valves and pressure differential control valves, as documented in the State of California's waiver request submittal on behalf of the Applicant dated February 14, 2022.

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.