



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 San Diego, California for Flow Control Globe Valves

FROM: Andrew D. 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 33 U.S.C. §3914 under the authority of §3914(c)(2) to the City of San Diego (Applicant) for flow control globe valves. This waiver permits the use of these valves in the Applicant’s Pure Water San Diego Program Phase 1: North City Water Reclamation Plant, 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 Water Infrastructure Finance and Innovation Act (WIFIA). Any other entity with a project funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to 33 U.S.C. §3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through WIFIA. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in 33 U.S.C. §3914(c)(2). 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no manufacturers producing type V214, ½-inch high pressure low flow globe control valves, in sufficient and reasonably available quantities and of a satisfactory quality. The valves must be cast 316 stainless steel body, trim No.03, type 16 single acting pneumatic actuator with sprint return action. These valves are needed to increase the capacity of the North City Water Reclamation Plant from 30 mgd to 52 mgd.

Assessment of Waiver Request: 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 with the project. EPA received no public comments to the waiver request. For market research, EPA contacted 15 potential manufacturers and suppliers of globe valves for water and wastewater applications. None (zero) responded indicating that they had potential domestic alternatives. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's technical specifications.

Finding: Since the Applicant established a proper basis to specify that these particular products are required for this project, and because EPA substantiated the Applicant's claim that these products are not available from a manufacturer in the United States, the City of San Diego in California is hereby granted a waiver from the AIS requirements for the Pure Water San Diego Program Phase 1: North City Water Reclamation Plant. This waiver permits the purchase of the specified globe valves, as documented in the Applicant's waiver request submittal to WIFIA, dated April 12, 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.