OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to Charlotte County, Florida for 4-Inch Double Check Valve Assembly Backflow Preventers

FROM: Andrew Sawyers, Director

ANDREW SAWYERS Digitally signed by ANDREW SAWYERS Date: 2024.11.13 16:07:12 -05'00'

Decision: The U.S. Environmental Protection Agency 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 Charlotte County, Florida (Applicant) for 4-inch double check valve assembly backflow preventers. This waiver permits the use of these backflow preventers, manufactured outside of the United States, in the East Port Water Reclamation Facility Expansion 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 product 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. The 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 the 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 the EPA asserting that there are no domestic manufacturers producing 4-inch double check valve assembly backflow preventers in sufficient and reasonably available quantities and of a satisfactory quality. The backflow preventers will be used in the expansion project which aims to increase the capacity of the facility to treat nine million gallons of wastewater per day, along with implementing

advanced wastewater treatment to ensure greatly reduced nutrient levels within the treated water.

Assessment of Waiver Request: The EPA conducted market research to determine the supply and availability of these 4-inch double check valve assembly backflow preventers examining domestic manufacturer catalogs or other technical data, 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, the EPA contacted eleven (11) manufacturers and suppliers of these backflow preventers. There were no manufacturers who indicated they could provide backflow preventers that met the technical specifications of the project and were AIS compliant. The EPA received no (zero) public comments to the waiver request. The waiver request content, results of the market research, and public comments were assessed in making the waiver approval determination.

Finding: Since the Applicant established a reasonable basis to specify the products required for this project, and because the EPA substantiated the Applicant's claim through market research that these products are not available from a manufacturer in the United States, Charlotte County, Florida is hereby granted a waiver from the AIS requirements. This waiver permits the use of 4-inch double check valve assembly backflow preventers, as documented in the State of Florida's waiver request submittal on behalf of the Applicant dated October 4, 2024.

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.