OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the City of Columbus, Ohio for Cast Iron Flap Gates

FROM: Andrew Sawyers, Director ANDREW SAWYERS Digitally signed by ANDREW SAWYERS Date: 2024.12.05 10:46:17 -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 the City of Columbus, Ohio (Applicant) for cast iron flap gates. This waiver permits the use of these flap gates, manufactured outside of the United States, in the Inflow Redirection - Markison project (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 cast iron flap gates in sufficient and reasonably available quantities and of a satisfactory quality. This project involves intercepting storm runoff from the existing combined sewer system to the new storm sewer system and improvements to the Markison Avenue Combined Sewer Overflow (CSO) Regulator to increase capture. The flap gates are a required component for the new CSO regulator structure and will be used for

backflow prevention under high seating head conditions.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these flap gates. 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, the EPA contacted eleven (11) manufacturers and suppliers of these flap gates. One (1) of the manufacturers initially stated that it could make the AIS-compliant flap gates. Upon further communications between the Applicant and manufacturer in September 2024, the Applicant determined that the manufacturer was unable to meet the technical specifications of the project. The EPA received no (zero) public comments to the waiver request.

Finding: Since the Applicant established a reasonable basis to specify the product required for this project, and because the EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the City of Columbus, Ohio is hereby granted a waiver from the AIS requirements. This waiver permits the use of cast iron flap gates, as documented in the State of Ohio's waiver request submittal on behalf of the Applicant dated October 16, 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.