



## 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, Indiana for 10-Inch and 16-Inch Plug Valves

**FROM:** Andrew Sawyers, Director

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, Indiana (Applicant) for 10-inch and 16-inch plug valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Woodside Phase 2 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. 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 10-inch and 16-inch plug valves in sufficient and reasonably available quantities and of a satisfactory quality. The valves will be used within the project’s two lift stations, with the sole purpose of preventing downstream wastewater from backflowing into the stations when the pumps and electromagnetic flow meters are offline for maintenance or during other shutdown scenarios.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these plug 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, the EPA contacted eleven (11) manufacturers and suppliers of these plug valves. Four (4) of the manufacturers initially stated they could make the AIS-compliant plug valves. Upon further communications between the Applicant and manufacturers in December 2024, the manufacturers showed they were either unable to meet the technical specifications of the valves or quoted long lead times (40+ weeks) that would significantly push back the substantial completion date by several months, causing the project undue delays. The EPA received one (1) public comment to the waiver request. The Applicant made several attempts to reach out to the commenter to inquire about their valves but was unsuccessful in receiving a response. Of note, the commenter was also contacted through the EPA's market research and quoted a long lead time that did not meet the project's timeline.

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, the City of Columbus, Indiana is hereby granted a waiver from the AIS requirements. This waiver permits the use of 10-inch and 16-inch plug valves, as documented in the State of Indiana's waiver request submittal on behalf of the Applicant dated November 19, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.