



## OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

### **DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Public Interest Waiver of American Iron and Steel Requirements to the City of Palm Coast, Florida for 24-Inch Knife Gate Valves

**FROM:** Andrew Sawyers, Director

Decision: The U.S. Environmental Protection Agency is hereby granting a public interest waiver to the “American Iron and Steel” (AIS) requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(1) to the City of Palm Coast, Florida (Applicant) for 24-inch knife gate valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Wastewater Treatment Facility Number Two Expansion 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 – . . . (1) applying [ the requirements] would be inconsistent with the public interest.

Background of Waiver Request: The Applicant originally ordered AIS-compliant domestic 24-inch knife gate valves that were scheduled to arrive to the project in March 2023. The delivery was pushed to August 2023, but the valves were delayed again. The Applicant corresponded for 9 months with the supplier requesting updates on the delivery of the valves. In August 2024, the Applicant requested an availability waiver for 24-inch knife gate valves. Eventually, the supplier scheduled the valves to arrive in September 2024. However, the delivery was delayed a fourth time to November 2024.

In the waiver request from August 2024, the Applicant indicated that they would need to install the valves in October to keep the project on schedule. Due to the short amount of time between the waiver request submission and scheduled product delivery, the EPA determined that the Agency would not be able to process the waiver request (including the mandatory

15-day public comment period) before the project needed to install the valves. The EPA advised the Applicant that they would need to wait for the AIS-compliant domestic valves to arrive onsite in November.

To keep the project on schedule and to avoid complete project shutdown, the Applicant installed temporary non-domestic valves in October 2024, anticipating domestic valve delivery in November. The applicant communicated to the EPA their intention to replace the temporary non-domestic valves with the AIS-compliant domestic ones as soon as they arrived onsite.

In November 2024, the Applicant was again made aware of significant delays to their order resulting in additional lead time of 42 weeks. At this time, the Applicant requested a new availability-based waiver for the installed, non-domestic knife gate valves. The project was nearing its anticipated completion date of January 31, 2025, and would not be able to wait longer for the valves before project completion and start-up. Through their effort to obtain and utilize AIS-compliant knife gate valves, the Applicant acted in good faith and the EPA determined a public interest waiver was a reasonable course of action based on the evaluation of conditions in the request.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these knife gate 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 ten (10) manufacturers and suppliers of these knife gate valves. Four (4) of the manufacturers initially stated they could make the AIS-compliant knife gate valves; however, the lead times were long enough to cause significant undue delays to the project. The EPA received three (3) public comments to the waiver request. Each of these indicated that they could produce AIS-compliant valves, but none of these would meet the anticipated project completion date of January 31, 2025. The project would be significantly delayed and would not reach timely completion if the Applicant continued to wait for AIS-compliant domestic knife gate valves.

Finding: After evaluating the City of Palm Coast's waiver request, conducting market research, and evaluating public comments, the EPA concluded that it would be in the public interest to waive the application of the AIS requirements for 24-inch knife gate valves for the Wastewater Treatment Facility Number Two Expansion project.

The EPA is hereby granting a public interest waiver to the City of Palm Coast, Florida. This waiver permits the purchase of 24-inch knife gate valves, as documented in the State of Florida's waiver request submittals on behalf of the Applicant dated August 29, 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.