



## OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

### **DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to City of Portland, Oregon for Small Triple Offset Butterfly Valves (less than 42 inches)

**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 33 U.S.C. § 3914(c)(2) to the City of Portland, Oregon for small triple offset butterfly valves, less than 42 inches. This waiver permits the use of this product, produced outside the United States, and in the specific size requested, at the Bull Run Treatment Program Project (WIFIA – N19125OR & N23127OR) located in Multnomah County, OR because no known domestic manufacturers produce AIS-compliant small triple offset butterfly valves in sufficient and reasonably available quantities to 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 jurisdiction with projects 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 WIFIA at 33 U.S.C. § 3914, WIFIA loan recipients must use specific domestic 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 33 U.S.C. § 3914(c)(2). The applicable 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 . . . 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 small (less than 42 inch) triple offset butterfly valves in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant has indicated that triple offset, metal seated, butterfly valves are preferred where there are ongoing accessibility issues such as in deep direct-bury situations and/or where there are surface obstructions like roadways or additional infrastructure. These valves provide a drip-tight, zero-leakage connection that allows different water quality levels to be separated by a single valve rather than a standard air gap on a temporary basis during system start-up and commissioning. They are a lower maintenance option and have a longer

service life compared to rubber seated valves. The Applicant plans to use the valves in at least three locations with deep service and transmission main connections.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of small triple offset butterfly 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. For market research, the EPA contacted 12 manufacturers or suppliers. None of the companies contacted indicated that they could provide AIS-compliant valves that meet the required specifications. The EPA also posted the waiver request for a 15-day public comment period and received responses from three manufacturers/suppliers, but these comments did not provide substantive information regarding domestically produced products or alternatives. Therefore, the EPA agrees with the assessment that no domestic manufacturers produce small (less than 42 inch) triple offset butterfly valves meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the small triple offset butterfly valves required for this project, and because the EPA substantiated the Applicant's claim that these products are not produced or readily available from a manufacturer in the United States, the City of Portland, OR is hereby granted a waiver from the AIS requirements for the Bull Run Treatment Program Project located in Multnomah County, OR. This waiver permits the purchase of the specified products as documented in the Applicant's waiver request submittal to WIFIA, dated February 10, 2025.

If you have any questions concerning the contents of this memorandum, please contact Dan-Tam Nguyen, Environmental Engineer, WIFIA Program, at [Nguyen.Dan-Tam@epa.gov](mailto:Nguyen.Dan-Tam@epa.gov).