



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to Northwest Bergen County Utilities Authority, NJ for 24-Inch Insertion 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 Northwest Bergen County Utilities Authority in New Jersey (Applicant) for 24-inch insertion valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Force Main Repairs and Air Valves Replacement 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 24-inch insertion valves in sufficient and reasonably available quantities and of a satisfactory quality. The Applicant is in the process of conducting repairs to their existing force mains and interceptor system. Part of this work includes replacement of air release valves on the discharge force mains for two pump stations. The insertion valve will be installed upstream of the new air release valve installation to isolate the force main and prevent backflow of wastewater. The Applicant provided specifications indicating that the insertion valves must be double disc parallel seat type valves that meet the

requirements of AWWA C500.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these 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 seven (7) manufacturers and suppliers of these valves. None (zero) of the manufacturers stated they could make 24-inch insertion valves that meet the technical specifications of the project and are AIS-compliant.

The EPA received one (1) public comment to the waiver request. The comment came from a manufacturer who indicated that they do not manufacture an AIS compliant 24-inch insertion valve but could provide a non-domestic alternative.

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, Northwest Bergen County Utilities Authority is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 24-inch insertion valves, as documented in the New Jersey Department of Environmental Protection waiver request submittal on behalf of the Applicant dated August 25, 2025.

If you have any questions concerning the contents of this memorandum, please contact the Domestic Preference Team at CWSRFWaiver@epa.gov.