



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 St. Marys in Ohio for Three-Inch Diameter Reduced Pressure Zone Backflow Preventers

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 St. Marys, Ohio (Applicant) for three-inch diameter reduced pressure zone backflow preventers. This waiver permits the use of these backflow preventers, manufactured outside of the United States, in the St. Marys Wastewater Treatment Plant Upgrades 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, the Community Grants Program, 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 the reduced pressure zone backflow preventers in sufficient and reasonably available quantities and of a satisfactory quality.

These products will be used in the Applicant's project which includes construction of sludge dewatering facilities to improve treatment and increase peak flow rates through the plant during storm events. The required reduced pressure zone backflow preventers will have two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. The backflow preventers will have screwed end connections and a maximum working pressure of 150 psi.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these reduced pressure zone backflow preventers. 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 projects.

During market research, the EPA contacted eight (8) manufacturers and suppliers of these backflow preventers. There were no (zero) manufacturers who indicated they could provide backflow preventers that meet the technical specifications of the projects and are AIS compliant. The EPA received one (1) public comment to the waiver request from a manufacturer; the comment indicated that they could not provide reduced pressure zone backflow preventers that are AIS compliant.

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 St. Marys, Ohio is hereby granted a waiver from the AIS requirements. This waiver permits the use of three-inch diameter reduced pressure zone backflow preventers as documented in the State of Ohio's waiver request submittal on behalf of the Applicant dated December 16, 2025.

If you have any questions concerning the contents of this memorandum, please contact the American Iron and Steel inbox, at SRF_AIS@epa.gov.