



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Bergen County Utility Authority in Little Ferry, New Jersey for Three-Way Temperature Control 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 Bergen County Utility Authority in Little Ferry, New Jersey (Applicant) for three-way temperature control valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Sludge Digester Improvements 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 through 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 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 three-way temperature control valves in sufficient and reasonably available quantities and of a satisfactory quality. The control valves

must be full port with body materials of cast iron, ductile iron, or 316 stainless steel. These valves will be used for the Applicant's mesophilic sludge digester to modulate hot water to the system's sludge heat exchangers to properly maintain the temperature of the sludge for the digestion process.

Assessment of Waiver Request: The EPA conducted market research and a public comment period on the supply and availability of these three-way temperature control 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 valves. There were no (zero) manufacturers who indicated they could provide valves that meet the technical specifications of the project and are AIS compliant. The EPA received no (zero) public comments to the waiver request.

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 Bergen County Utility Authority in Little Ferry, New Jersey is hereby granted a waiver from the AIS requirements. This waiver permits the use of three-way temperature control valves, as documented in the State of New Jersey's waiver request submittal on behalf of the Applicant dated December 29, 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.