



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Availability Waiver of American Iron and Steel Requirements to the Great Lakes Water Authority in Detroit, Michigan for 4-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 Great Lakes Water Authority in Detroit, Michigan (Applicant) for reduced pressure zone backflow preventers. This waiver permits the use of these backflow preventers, manufactured outside of the United States, in the Freud Pump Station 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 will use these reduced pressure zone backflow preventers in the Freud Storm Pump Station Improvements project, which consists of storm station rehabilitation, dewatering pumps, wet well isolation and access, and a new sanitary

pump station. The project will improve the reliability of the station in both dry and wet weather conditions and reduce the risk of system surcharging and combined sewage backups. The Freud Station will improve water quality during storm events by reliably conveying flow to the Conner Creek CSO Facility for treatment prior to discharge into the Detroit River.

The Applicant provided information to the EPA asserting that there are no domestic manufacturers producing reduced pressure zone backflow preventers in sufficient and reasonably available quantities and of a satisfactory quality. The 4-inch diameter reduced pressure zone backflow preventers must have two independently acting check valves, together with an automatically operated pressure differential relief valve located between them. The backflow preventers must have a maximum working pressure of 150 psi and screwed end connections.

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 project. During market research, the EPA contacted nine (9) manufacturers and suppliers of these reduced pressure zone backflow preventers. None (zero) of the manufacturers indicated they could make the AIS-compliant reduced pressure zone backflow preventers. 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 Great Lakes Water Authority in Detroit, Michigan is hereby granted a waiver from the AIS requirements. This waiver permits the use of 4-inch reduced pressure zone backflow preventers, as documented in the State of Michigan's waiver request submittal on behalf of the Applicant dated March 27, 2026.

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