



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APR 13 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Cape May County Municipal Utilities Authority for a 24-Inch Insertion Valve

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers".

The U.S. Environmental Protection Agency is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Cape May County Municipal Utilities Authority in New Jersey for the purchase of one 24-inch insertion valve. This waiver permits the use of this insertion valve manufactured outside of the United States in the Cape May County MUA Pump Station Restoration Phase 1 project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver based on the specific project circumstances.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. 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)(2) 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 Environmental Protection Agency... 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."

Cape May County MUA provided information to the Agency claiming there are no manufacturers producing 24-inch insertion valves in the United States in sufficient and reasonably available quantities. The project requires several insertion valves ranging in sizes from 12 inches to 24 inches for the restoration of a wastewater pump station. The applicant was able to find domestic manufacturers for the smaller valve sizes, but was unable to find a domestic source for a 24-inch insertion valve. The applicant contacted several manufacturers and suppliers of insertion valves. Only one manufacturer indicated they can produce a 24-inch insertion valve, but the valve is not produced in the United States.

The EPA conducted market research on the supply and availability of 24-inch insertion valves and concluded that the applicant's claim, that no domestic manufacturers of these products exist that meet the technical specifications of the project, is supported by available evidence. The Agency's market research identified four manufacturers of insertion valves, but confirmed that only one manufacturer makes an insertion valve greater than 16 inches that can meet the applicant's project specifications. This manufacturer is the same that was identified by the applicant; however, they do not make the 24 inch insertion valve domestically.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the Cape May County MUA is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified insertion valve documented in the state of New Jersey's waiver request submittal on behalf of the applicant dated March 9, 2016.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at connor.timothy@epa.gov or (202) 566-1059.