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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Dover in New Hampshire for a Stainless Steel Swing Check Valve

FROM: Andrew Sawyers, Director
Office of Wastewater Management

ANDREW SAWYERS
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Date: 2021.05.25 17:29:14 -04'00'

Decision: The U.S. Environmental Protection Agency (EPA) 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 Dover in New Hampshire (Applicant) for a stainless steel swing check valve. This waiver permits the use of this valve, manufactured outside of the United States, in its Catch Basin and Wet Well Cleanings Treatment Facility project because no domestic manufacturers produce alternatives that meet the project's technical specifications.

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, and/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. 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 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 EPA asserting that there are no domestic manufacturers producing a four-inch stainless steel swing check valve in sufficient and reasonably available quantities and of a satisfactory quality. The

project requires this valve for the Applicant's Catch Basin and Wet Well Cleanings Treatment Facility project. The valve will be installed on the stainless steel grit pump discharge pipeline, and it must withstand abrasion and corrosion. The valve will be 316 stainless steel body and seat, disc, disc arm, and pins with a replaceable Buna-N disc seat held in place by a type 316 stainless steel follower ring and stainless steel screws.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of stainless steel swing check 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. There were no public comments. During market research, EPA contacted fifteen (15) manufacturers and suppliers of valves. No manufacturers or suppliers indicated to EPA that they could provide an AIS-compliant stainless steel swing check valve that meets the required specifications. Therefore, EPA agrees with the assessment that no domestic manufacturers produce an available product meeting the project's performance-based specifications.

Finding: Since the Applicant established a proper basis to specify a particular product required for this project, and because EPA substantiated the Applicant's claim through market research that this product is not available from a manufacturer in the United States, the City of Dover is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of a four-inch stainless steel swing check valve, as documented in the State of New Hampshire's waiver request submittal on behalf of the Applicant, dated April 7, 2021.

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