



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

JUL 24 2015

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Metropolitan Water Reclamation District of Greater Chicago for Knife Gate Valves

**FROM:** *for Sheila E. Grace*  
Andrew D. Sawyers, Director  
Office of Wastewater Management

The EPA 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 Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) for the purchase of 15 knife gate valves ranging in sizes from 4 inches to 24 inches. This waiver permits the use of these knife gate valves manufactured outside of the United States in the MWRDGC's Phosphorous Recovery System project because no domestic manufacturer can produce alternatives that meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product 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 product 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. 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."

A contractor of MWRDGC provided information to the EPA asserting that there are no manufacturers producing domestic knife gate valves in the United States in sufficient and reasonably available quantities that meet the project's technical specifications. The project requires 15 knife gate valves to be used for isolation within the wastewater phosphorous recovery process. The project requires tight shutoff, non-discharging gate valves that can resist scaling and provide protection from atmospheric leaks. In addition, the valves must have a urethane liner that can be replaced in the field to minimize process downtime. The contractor found three domestic manufacturers of knife gate valves. However, two of the manufacturers produce knife gate valves that do not meet the design specifications for the project. The third manufacturer does not produce valves with field replaceable urethane liners. Based on information provided by the applicant's

contractor, there are no domestic manufacturers of knife gate valves that can meet the technical specifications and performance requirements of the project.

The EPA conducted market research on the supply and availability of knife gate valves and concluded that the MWRDGC's claim that there are no domestic manufacturers that can supply knife gate valves that meet the project's technical specifications is supported by available evidence. The Agency's market research identified three manufacturers that can produce AIS-compliant knife gate valves, but they do not meet the project's technical specifications. Two of the valves have a urethane lining that cannot be replaced in the field, and the third valve does not meet the specification for leak protection.

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, MWRDGC is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified knife gate valves documented in the state of Illinois's waiver request submittal on behalf of the applicant dated June 24, 2015.

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](mailto:connor.timothy@epa.gov) or (202) 566-1059.