



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to City of Lancaster in Ohio for Air-Flow Control Valves

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

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 Lancaster, Ohio (the City) for seven air-flow control valves. This waiver permits the use of these valves, manufactured outside of the United States, in the City’s Lawrence Street Water Pollution Control Facility (WPCF) improvements project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects 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.

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.”

The City provided information to EPA asserting that there are no manufacturers producing any 4-inch to 10-inch air-flow control valves in sufficient and reasonably available quantities. The project includes six valves to control air flow to each of the facility’s six process aeration control zones based on real-time oxygen demands. A seventh valve will also be placed on a line to the post aeration diffusers, allowing the process blowers to provide efficient redundancy to the plant’s post aeration system.

EPA conducted market research and a public comment period on the supply and availability of the 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 of the project. EPA contacted nine manufacturers. None (zero) stipulated they could produce AIS-compliant air-flow control valves. There was one public comment during the public comment period where a manufacturer asserted they could provide an AIS compliant product; however, in communication between the manufacturer and the project, it was determined that the AIS product could not meet the performance specifications of the project. The public commenter's product releases air from a water or wastewater line, whereas the valves required by the City are intended for finely tuned air flow adjustments to the diffusers; they are not releasing air from the line. The manufacturer subsequently verified their product was not suitable for pressurized air supply lines. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce available products meeting the project specifications.

Since the applicant established a proper basis to specify particular products 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 Lancaster is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified 4-inch to 10-inch air-flow control valves, documented in the State of Ohio's waiver request submittal on behalf of the applicant dated July 23, 2020.

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.