



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 Metropolitan Council Environmental Services in St. Paul, Minnesota for Gate, Globe, and Check Valves

**FROM:** Andrew Sawyers, Director  
Office of Wastewater Management

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 Metropolitan Council Environmental Services (Applicant) in St. Paul, Minnesota for gate, globe, and check valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Metro Wastewater Treatment Plant (MWWTP) Solids Renewal & Improvements 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, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products 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 the following products in sufficient

and reasonably available quantities and of a satisfactory quality:

- Gate valves: 3/4-inch, 1-inch, 6-inch, and 10-inch carbon steel,
- Globe valves: 6-inch and 10-inch carbon steel, and
- Check valve: 6-inch carbon steel.

The project includes upgrades to the steam and condensate system as well as the addition of a second system in order to provide additional capacity required by the other plant upgrades. These valves will be carbon steel steam valves with modulation and shutoff. They will be subject to working pressures in excess of 150 pounds per square inch (psi) and must allow for operation of steam and condensate.

Assessment of Waiver Request: 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 received no public comments to the waiver request. For market research, EPA contacted 13 valve manufacturers and suppliers. None responded indicating they had potential domestic alternatives. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: 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 these products are not available from a manufacturer in the United States, the Metropolitan Council Environmental Services in St. Paul, Minnesota, is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 3/4-inch, 1-inch, 6-inch, and 10-inch carbon steel gate valves; 6-inch and 10-inch carbon steel globe valves; and 6-inch carbon steel check valves as documented in the State of Minnesota's waiver request submittal on behalf of the Applicant dated February 9, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.