



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 Milwaukee Metropolitan Sewerage District in Wisconsin for Triple Offset Butterfly 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 Milwaukee Metropolitan Sewerage District (Applicant) for triple offset butterfly valves. This waiver permits the use of these valves, manufactured outside of the United States, in the Jones Island Water Reclamation Facility Waste Heat Isolation and Control Valve Replacement 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 triple offset butterfly valves in sufficient and reasonably available quantities and of a satisfactory quality. The Jones Island water reclamation facility has 12 sludge dryers that utilize waste heat, produced from onsite electrical generators, in the drying process. The triple offset butterfly valves are required as part of the waste heat isolation and control system. The project has determined that due to the high temperatures of the application (>1000° F) the triple offset butterfly valve is the only one that will meet the leakage requirements. The specifications require stainless steel construction, configuration for 1,200 °F temperature exposure, triple offset butterfly, rated for Leakage Class V.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of triple offset butterfly 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. During market research, EPA contacted twelve (12) manufacturers and suppliers of valves. One manufacturer indicated to EPA that they could provide AIS-compliant stainless-steel triple offset butterfly valves that meet the required specifications. However, through direct email communications between the project engineer and the manufacturer dated March 10, 2021, the manufacturer asserted that while their valves meet the project specifications, they are not produced within the United States. EPA received no (zero) public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce the 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 Milwaukee Metropolitan Sewerage District in Wisconsin is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of twelve triple offset butterfly valves, as documented in the State of Wisconsin's waiver request submittal on behalf of the Applicant dated March 2, 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.