



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 Town of Smyrna in Tennessee for a 24-inch Insertion Valve

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 Town of Smyrna, Tennessee (Applicant) for a 24-inch insertion valve. This waiver permits the use of this valve, manufactured outside of the United States, in the Smyrna Wastewater Treatment Plant (WWTP) Upgrade and Expansion 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 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 24-inch insertion valves in sufficient and reasonably available quantities and of a satisfactory quality. The insertion valve will be installed at the clarifier effluent. The WWTP must continue to operate while

construction is ongoing. Other valves types, such as gate or butterfly valves, require a full pipe cut-in and a much longer downtime of flow, making the insertion valve ideal for optimal isolation in a bypass at the clarifier effluent. Using an insertion valve will also enhance future system control.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of 24-inch insertion 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 ten (10) manufacturers and suppliers of valves. None indicated they had potential domestic alternatives. 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 Town of Smyrna in Tennessee is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of a 24-inch insertion valve, as documented in the State of Tennessee's waiver request submittal on behalf of the Applicant dated February 25, 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.