



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Reduced Pressure Zone Backflow Preventer in the New River Valley Regional Water Authority 2020 Waterworks Improvements Phase II Project Waiver Number 03-DW-0002

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the New River Valley Regional Water Authority (the Authority), Virginia, for the purchase of a reduced pressure zone backflow preventer for the 2020 Waterworks Improvements Phase II Project. This waiver permits the use of one 6-inch reduced pressure zone backflow preventer because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver applies only to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund (DWSRF). Any other project funded by the DWSRF, Clean Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF assistance agreement unless EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) of the Safe Drinking Water Act. The provision states in part: "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency...finds that...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 purpose of this project is modernization of the water treatment plant, which has not been updated for several decades. These upgrades will increase

water treatment plant efficiency and treatment capacity to meet demand. The project components include the installation and construction of vertical turbine pumps, wet well, chemical storage, flocculator basins, sand filtration units, new storage tanks, and other water treatment plant site improvements. The reduced pressure zone backflow preventer is a necessary component of the chlorinator system and for the protection of the system from pressure changes.

The Authority contacted domestic manufacturers to find AIS-compliant reduced pressure zone backflow preventers and provided information to EPA demonstrating that no domestic manufacturers of reduced pressure zone backflow preventers meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of reduced pressure zone backflow preventers and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received one comment from a manufacturer stating they had a potential domestic alternative. However, the Authority notified EPA that this potential domestic alternative did not meet all of the project's technical specifications and would require a redesign of the project to use different shut-off valves.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the New River Valley Regional Water Authority, Virginia, for the 2020 Waterworks Improvements Phase II Project with respect to a reduced pressure zone backflow preventer. This waiver permits the purchase of one 6-inch reduced pressure zone backflow preventer using DWSRF funds as documented in the State of Virginia's waiver request submittal on behalf of the assistance recipient, dated September 22, 2021.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.