



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 Double Check Valves for the City of Freeport, IL Water Treatment Plant No. 11 Project
Waiver Number 05-DW-0019

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 City of Freeport, Illinois, for the purchase of 4-inch and 6-inch double check valves for the Water Treatment Plant No. 11 Project. This waiver permits the use of non-domestic double check valves 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 be waived 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 City's existing groundwater wells tested positive for per- and polyfluoroalkyl substances (PFAS). To address the PFAS contamination, a new well house facility is needed and will provide water from a different, deeper aquifer. Furthermore, the City's

primary water treatment plant is outdated and needs significant upgrades. This project requires installation of double check valves for the domestic water line and potable fire supply line. Procurement of these valves is imperative to project completion, and a delay could put the project months behind schedule.

The City conducted research to find a domestic manufacturer of AIS-compliant double check valves and provided information to EPA demonstrating that no domestic manufacturers of double check valves meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of double check valves 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 no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the City of Freeport, Illinois for the Water Treatment Plant No. 11 Project with respect to double check valves. This waiver permits the purchase of 4-inch and 6-inch double check valves using DWSRF funds as documented in the State of Illinois's waiver request submittal on behalf of the assistance recipient, dated June 1, 2022.

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 Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.