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 Eccentric Butterfly Valves for the Granger-Hunter Improvement District, UT for the Rushton Water Treatment Plant Project
Waiver Number 08-DW-0023

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

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Date: 2022.08.16 14:37:00 -04'00'

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 Granger-Hunter Improvement District (GHID), Utah, for the purchase of double eccentric butterfly valves (24-inch and 18-inch) for the Rushton Water Treatment Plant Project. This waiver permits the use of double eccentric butterfly 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 Rushton Water Treatment Plant Project will remove iron, manganese and ammonia from various wells in the GHID system. The project includes the

installation of a 24-inch and an 18-inch double eccentric butterfly valves that are needed to provide critical isolation capabilities for the water main. It is essential that these butterfly valves do not leak, as they will be located below grade in limited access and confined spaces, and the double eccentric design provides these characteristics.

GHID contacted domestic manufacturers to find comparable AIS-compliant double eccentric butterfly valves and provided information to EPA demonstrating that no manufacturers of double eccentric butterfly valves meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of double eccentric butterfly 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 GHID, Utah, for the Rushton Water Treatment Plant Project with respect to double eccentric butterfly valves. This waiver permits the purchase of double eccentric butterfly valves (24-inch and 18-inch) using DWSRF funds as documented in the State of Utah's waiver request submittal on behalf of the assistance recipient, dated June 30, 2022.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov or (202) 564-1968.