



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 Wichita, Northwest Wichita Water Treatment Facility Project
Waiver Number 07-DW-0007

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

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Andrew D. Sawyers, Director
Office of Wastewater Management

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 Wichita, Kansas, for the purchase of 2-inch through 10-inch double check valves for the Northwest Wichita Water Treatment Facility Project. This waiver permits the use of 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 co-funded by the Drinking Water State Revolving Fund (DWSRF) and the Water Infrastructure Finance and Innovation Act (WIFIA) program. Any other project funded by the DWSRF, WIFIA, or the Clean Water State Revolving Fund that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF and WIFIA assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF or WIFIA 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 and the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914(c)(2). The provisions state in part that the requirements shall be waived and 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 City of Wichita currently operates the Main Water Treatment Facility, which is more than 80 years old and lacks necessary redundancies. The City recognized the risk of serving its more than 550,000 customers from one water treatment facility. To address this concern, the City is constructing a new facility—the Northwest Wichita Water Treatment Facility—that will be fully redundant and provide clean drinking water for the growing region. The Northwest Wichita Water Treatment Facility is designed to treat water from three different sources: groundwater, surface water and aquifer storage and recovery. The ability to blend any source of water increases efficiency and drought resiliency for the City.

The double check valves will be installed on the incoming potable water mains for many of the different structures associated with this project and are necessary to prevent potential contamination. Potable water is necessary for a variety of functions at the new treatment facility including, but not limited to, chemical feed, washdown, drinking water, and sanitation.

The City contacted domestic manufacturers to find 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 Wichita, Kansas, for the Northwest Wichita Water Treatment Facility Project with respect to double check valves. This waiver permits the purchase of 2-inch through 10-inch double check valves using DWSRF and WIFIA funds as documented in the State of Kansas's waiver request submittal on behalf of the assistance recipient, dated October 25, 2022.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act section 1452(a)(4). Legal authority for the AIS requirements for WIFIA projects, including waiver authority, is included in the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914(c).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck (DWSRF) at shattuck.dallas@epa.gov (202-564-0972) and Dan-Tam Nguyen (WIFIA) at nguyen.dan-tam@epa.gov (202-564-2784).