



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

OFFICE OF WATER

## **DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to Salt Lake City, Utah for Backflow Preventers  
**FROM:** Andrew D. 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” requirements of 33 U.S.C. §3914 under the authority of §3914(c)(2) to the Salt Lake City Department of Public Utilities (Applicant) for 1 ½-inch to 8-inch backflow preventers. This waiver permits the use of these backflow preventers, produced outside the United States and in the specific sizes requested, in the Salt Lake City Water Reclamation Facility Nutrient project because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products for the proposed project funded by the Water Infrastructure Finance and Innovation Act (WIFIA). Any other jurisdiction with projects funded by either WIFIA or the State Revolving Funds (SRFs) that wishes to use the same products must apply for a separate waiver.

Rationale: According to 33 U.S.C. §3914, WIFIA loan recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through WIFIA. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in 33 U.S.C. §3914(c)(2). The provision states that, “[the requirements] shall not apply in any case or category of cases in which the Administrator [of the Environmental Protection Agency] 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 manufacturers producing 1 ½-inch to 8-inch backflow preventers in sufficient and reasonably available quantities of satisfactory quality that meet both the project specifications and the AIS provisions. The backflow preventers are required to prevent cross contamination between reclaimed and potable drinking water supplies within the Water Reclamation Facility.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the backflow preventers. 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 of the project. For market research, EPA contacted 4 manufacturers and suppliers of backflow preventers. None responded

indicating they had potential domestic alternatives. EPA received no public comments to the waiver request. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: Since the Applicant established a proper basis to specify the products required for this project, and because EPA substantiated the Applicant's claim, that these products are not available from a manufacturer in the United States, the Salt Lake City Department of Public Utilities is hereby granted a waiver from the AIS requirements for the Water Reclamation Facility Nutrient project. This waiver permits the purchase of the specified 1 ½-inch to 8-inch backflow preventers, documented in the Applicant's waiver request submittal to WIFIA, dated February 2, 2023.

If you have any questions concerning the contents of this memorandum, please contact Ashley Longrie, Environmental Engineer, WIFIA Management Division, at [longrie.ashley@epa.gov](mailto:longrie.ashley@epa.gov) or (202) 578-5942.