



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 30-inch and 36-inch Butterfly Valves for the City of Oak Ridge, TN Water Treatment Plant and Transmission Line Project
Waiver Number 04-DW-0014

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

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 Oak Ridge, TN, for the purchase of 30-inch and 36-inch butterfly valves for the Water Treatment Plant and Transmission Line Project. This waiver permits the use of 30-inch and 36-inch butterfly valves because no known domestic manufacturers produce a product that meets the project's schedule and 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) and Water Infrastructure Finance and Innovation Act (WIFIA). Any other project funded by the DWSRF, Clean Water State Revolving Fund, or WIFIA 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 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: This project will replace aging infrastructure assets and provide an increased supply and treatment capability for the City of Oak Ridge. The project includes the installation of approximately 2,500 linear feet of 36-inch diameter restrained joint pipe and approximately 11,500 linear feet of 30-inch diameter restrained joint pipe to the existing water storage tanks. These butterfly valves are critical because the project requires buried restrained joint installation and cannot use flanged valves.

The first butterfly valves are scheduled for installation on July 6, 2023, and the domestic option found by the recipient has a delivery time of 28 to 36 weeks, which would significantly impact the project's schedule. The non-domestic option delivery time would give the recipient more flexibility to stay on schedule.

The City of Oak Ridge conducted research to find a domestic manufacturer of AIS-compliant 30-inch and 36-inch butterfly valves and provided information to EPA demonstrating that no domestic manufacturers of butterfly valves meet the project's schedule and technical specifications for buried restrained joints.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 30-inch and 36-inch butterfly valves and concluded that there are no domestic manufacturers of these products that meet the project's schedule and 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 assistance recipient, with EPA concurrence, determined that the manufacturer's product does not meet the project's technical specifications.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the City of Oak Ridge, for the Water Treatment Plant and Transmission Line Project with respect to 30-inch and 36-inch butterfly valves. This waiver permits the purchase of 30-inch and 36-inch butterfly valves using DWSRF and WIFIA funds as documented in the State of Tennessee's waiver request submittal on behalf of the assistance recipient, dated March 30, 2023.

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 Jorge Medrano (DWSRF), Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov or (202) 564-1968; or Dan-Tam Nguyen (WIFIA), Environmental Engineer, WIFIA Management Division, at nguyen.dan-tam@epa.gov or (202-564-2784).