



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 Dual Plate Check Valves for the City of Stuart, FL Water Treatment Plant Reverse Osmosis Treatment Facility Project
Waiver Number 04-DW-0015

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 Stuart, FL, for the purchase of 3-inch and 10-inch dual plate check valves for the Water Treatment Plant Reverse Osmosis Treatment Facility Project. This waiver permits the use of non-domestic 3-inch and 10-inch dual plate check 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). 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: This project consists of the construction of a reverse osmosis water treatment to enhance the existing water treatment plant. Construction includes the installation of 3-inch and 10-inch dual plate check valves. The 10-inch check valves are located on the pump system for the reverse osmosis treatment system. The 3-inch check valves are located on the carbon dioxide solution pump system. These check valves are essential because they protect the upstream pumps by preventing backflow that can cause severe damage.

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

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 3-inch and 10-inch dual plate check 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 a mandatory 15-day public comment period. EPA received one comment from a manufacturer indicating they had a potential domestic alternative with a delivery time of 28 to 52 weeks. The project needs to be completed by December 2023. Extending the construction contract seven months to a year, would have a serious impact on the overall project and function of the system. The community's current raw water source is a surficial aquifer that contains PFAS contaminants and potential for saltwater intrusion.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the City of Stuart, for the Water Treatment Plant Reverse Osmosis Treatment Facility Project for 3-inch and 10-inch dual plate check valves. This waiver permits the purchase of 3-inch and 10-inch non-domestic, dual plate check valves using DWSRF funds as documented in the State of Florida's waiver request submittal on behalf of the assistance recipient, dated June 9, 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).

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.