



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

February 28, 2024

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Double Check Valves, Pipes and Fittings for the City of Oklahoma City, OK Hefner Water Treatment Plant Ozone System Expansion/Upgrades Project
Waiver Number 06-DW-0010 – Not Approved

TO: Candy Thompson, P.E.
DWSRF Engineering Manager, Water Quality Division
Oklahoma Department of Environmental Quality

FROM: Anita Maria Thompkins, Director
Drinking Water Infrastructure Development Division

Decision: The U.S. Environmental Protection Agency (EPA) is not approving the State of Oklahoma's request for an availability-based waiver of the American Iron and Steel requirement for double check valves, pipes, and fittings for the City of Oklahoma City's Hefner Water Treatment Plant Ozone System Expansion/Upgrades Project. Product research and public comments indicated that manufacturers could supply domestic alternatives that meet the project's technical specifications. Therefore, the EPA is not approving this waiver request.

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 the EPA determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) of the SDWA. 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 an upgrade to the ozone system generators and equipment, as well as a new chemical building, at the Lake Hefner Water Treatment Plant. These improvements include the installation of double check valves, pipes, and fittings in the new chemical building.

The City conducted research to find a domestic manufacturer of AIS-compliant check valves, pipes, and fittings (of different sizes) and provided information to the EPA demonstrating that no domestic manufacturers of stainless steel gate valves meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of double check valves, pipes, and fittings (of different sizes) and reached out to 23 known valves, pipes, and fittings manufacturers, suppliers, and distributors; and, per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA found three domestic manufacturers that could meet the project's technical specifications for some of the products requested and received one public comment from a manufacturer that could supply domestic alternatives for additional products requested to meet the project's technical specifications.

Finding: The EPA is not granting an availability-based waiver from the AIS requirements to Oklahoma City, for the Hefner Water Treatment Plant Ozone System Expansion/Upgrades Project with respect to double check valves, pipes, and fittings (of different sizes) as documented in the State of Oklahoma's waiver request submittal on behalf of the assistance recipient, dated August 14, 2023. If the assistance recipient still finds that a waiver is necessary for an item, please submit a new waiver request or evaluate whether the use of one of EPA's AIS National Waivers is appropriate.

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.