



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 a Butterfly Valve in the Granger-Hunter Improvement District, UT 2200 West Waterline Replacement Project
Waiver Number 08-DW-0017

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

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 Granger-Hunter Improvement District (Granger-Hunter), Utah, for the purchase of one double eccentric butterfly valve for the 2200 West Waterline Replacement Project. This waiver permits the use of one 20-inch non-domestic double eccentric butterfly valve because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver only applies 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 either the Drinking Water or Clean Water State Revolving Fund (SRF) 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 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."

The purpose of this project is to replace a waterline in West Valley, UT. The current waterline was constructed in the 1960s and needs to be replaced. Additionally, the road that is impacted by this project is scheduled to be repaved. Once the road is repaved, there is a prohibition on digging up the road for several years. The double eccentric butterfly valve is necessary because of its leak free design, which is critical to isolate the waterline when future system repairs are needed. This project is currently scheduled for completion in November 2020. The valve needs to be installed soon to avoid conflicts with the road repaving schedule and winter season construction hiatus.

Granger-Hunter contacted domestic manufacturers to find comparable AIS-compliant double eccentric butterfly valves and provided information to EPA demonstrating that no manufacturers of double eccentric butterfly valves meet the project's schedule and technical specifications.

EPA conducted market research on the supply and availability of 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 two public comments from manufacturers stating that they had a potential domestic alternative. Both of these manufactures had delivery lead times of several months, which would push project completion until spring and after the road has been repaved.

EPA is granting an availability-based waiver from the AIS requirements to the Granger-Hunter Improvement District, Utah, for the 2200 West Waterline Replacement Project with respect to one double eccentric butterfly valve. This waiver permits the purchase of one 20-inch double eccentric butterfly valve using DWSRF funds as documented in the state of Utah's waiver request submittal on behalf of the assistance recipient, dated August 3, 2020.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.