



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 Butterfly Valves in the Buckeye Broadway Road Water Treatment Facility Project
Waiver Number 09-DW-0008

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 Buckeye, Arizona, for the purchase of butterfly valves for the Broadway Road Water Treatment Facility Project. This waiver permits the use of fifty-three (53) 4-inch to 16-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). 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 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."

Background of Waiver Request: The purpose of this project is to replace an outdated arsenic treatment plant with a new 6-million gallon per day arsenic treatment plant, including drilling of four new groundwater wells. This project began as an emergency project to replace several

failing storage tanks and two groundwater wells with poor water quality and was expanded to include the treatment plant, which was also in need of repair. The arsenic treatment is necessary because of the water quality in Buckeye's existing and proposed groundwater wells. The butterfly valves are needed for the extensive piping at the arsenic treatment plant. To keep the project on schedule, the butterfly valves need to be installed by mid-February. Significant timing delays will increase the risk of failure of the existing water treatment facility. The plant already experienced unanticipated emergency repairs to the arsenic filtration vessels last year. Buckeye contacted domestic manufacturers to find AIS-compliant butterfly valves and provided information to EPA demonstrating that no domestic manufacturers of butterfly valves meet the project's schedule and technical specifications.

Assessment of Waiver Request: 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 three public comments from manufacturers stating that they had potential domestic alternatives. The three manufacturers had delivery lead times ranging from 18 to 30 weeks to deliver all fifty-three (53) butterfly valves, which would significantly delay project completion.

Finding: EPA is granting an availability-based waiver from the AIS requirements to Buckeye, Arizona, for the Broadway Road Water Treatment Facility Project with respect to fifty-three (53) butterfly valves. This waiver permits the purchase of fifty-three (53) 4-inch to 16-inch butterfly valves using DWSRF funds as documented in the state of Arizona's waiver request submittal on behalf of the assistance recipient, dated November 24, 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 Kiri Anderer, Senior Environmental Engineer, Drinking Water Protection Division, at anderer.kirsten@epa.gov or (202) 564-3134.