



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 Convoluted Stainless Steel Back-up Rings in the Central Utah Water Conservancy District Duchesne Valley Water Treatment Plant Improvement Project
Waiver Number 08-DW-0020

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 Central Utah Water Conservancy District (CUWCD), Utah, for the purchase of convoluted stainless steel back-up rings for the Duchesne Valley Water Treatment Plant Improvement Project. This waiver permits the use of eighty-five (85) non-domestic 2-inch to 24-inch convoluted stainless steel back-up rings because no known domestic manufacturers produce a product that meets the project's 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 improve the Duchesne Valley Water Treatment Plant and to address water quality issues from recent natural disasters. The Dollar Ridge Fire of 2018 burned approximately 69,000 acres in the watershed upstream of CUWCD's reservoir. Then, three thunderstorm events occurred soon after the fire, causing

extreme erosion and degrading water quality in the reservoir. CUWCD had to reduce treatment production rates to deal with the increased turbidity and organic carbon levels in the source water. After learning that impacts from the fire could affect water quality for decades, CUWCD decided to modify the existing water treatment plant to include sedimentation and intermediate ozonation. The stainless steel back-up rings are needed at transition connections between high-density polyethylene and steel or ductile iron pipe; stainless steel is required due to the corrosive nature of the soil. CUWCD contacted domestic manufacturers to find AIS-compliant convoluted stainless steel back-up rings and provided information to EPA demonstrating that no domestic manufacturers of back-up rings meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of convoluted stainless steel back-up rings and concluded that there are no domestic manufacturers of these products that meet the project's 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 no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Central Utah Water Conservancy District, Utah, for the Duchesne Valley Water Treatment Plant Improvement Project with respect to convoluted stainless steel back-up rings. This waiver permits the purchase of eighty-five (85) 2-inch to 24-inch convoluted stainless steel back-up rings using DWSRF funds as documented in the state of Utah's waiver request submittal on behalf of the assistance recipient, dated December 22, 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.