



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

8/7 3 0 2013

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Combination Air and Vacuum Relief Valves in the Middlesex Water Company Western Transmission Main Project in Edison, NJ
Waiver Number 02-DW-0008

FROM: Peter Grevatt, Director
Office of Ground Water and Drinking Water

A handwritten signature in blue ink, appearing to read "Peter Grevatt" with a stylized flourish at the end.

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 Middlesex Water Company (MWC) for the purchase of 11 combination air and vacuum relief valves for the Western Transmission Main Project. This waiver permits the use of 11 combination air and vacuum relief valves because no known domestic manufacturers produce a product that meets the project's technical specification. This is a project-specific waiver and 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 the Agency determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with Section 424 of Public Law 115-141, the "Consolidated Appropriations Act, 2018". 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."

MWC's Western Transmission Main Project is necessary to provide a redundant drinking water source to 75% of the Middlesex Water Company's service area. Due to space limitations,

combination air and vacuum relief valves with a height less than 18 inches are required for this project. The 11 valves constitute approximately 5% of the total material cost for this project.

MWC attempted to find a domestic manufacturer of combination air and vacuum relief valves and provided information to the EPA demonstrating that the specified valves are not domestically sourced and no domestic manufacturer exists.

The EPA conducted market research on the supply and availability of combination air and vacuum relief valves and concluded that there are no domestic manufacturers of this product that meets the project's technical specifications. The EPA's inquiry supports the MWC's assertion that the combination air and vacuum relief valves are not available domestically. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA received one comment on this waiver request from a manufacturer claiming they could produce an AIS-compliant product that meets project specifications. However, MWC project engineers state that although the valve meets the height requirements at less than 18-inches, the valve is studded and cannot mate directly with the flanged butterfly valve with tapped holes. A spool piece would be required between the butterfly valve and this valve increasing the overall height of the piping arrangement and therefore, would not fit unless the entire pipeline profile is lowered.

The EPA is granting an availability-based waiver from the AIS requirements to the MWC for the Western Transmission Main Project with respect to the combination air and vacuum relief valves. This waiver permits the purchase of 11 combination air and vacuum relief valves using DWSRF funds as documented in the State of New Jersey's waiver request submittal on behalf of the assistance recipient, dated July 6, 2018.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-141, the "Consolidated Appropriations Act, 2018", under the authority of Section 424.

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.