



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 Triple Offset Butterfly Valves for the City of Avenal, CA Water Transmission Replacement Pipeline Project
Waiver Number 09-DW-0010

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 City of Avenal, California, for the purchase of 4-inch, 6-inch and 18-inch triple offset butterfly valves for the 18-Inch Water Transmission Replacement Pipeline Project. This waiver permits the use of triple offset butterfly valves (4-inch, 6-inch and 18-inch), 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 either the Drinking Water or Clean Water State Revolving Fund (SRF), 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 City delivers treated water to the community through a 12-inch and an 18-inch water main. The 18-inch water main was installed in 1986 and over the last ten years it has experienced hundreds of leaks primarily due to corrosion. The City is planning to replace the worst section of the water main, including valves, which need to be able to handle pressures of 400 to 500 psi to fill a storage tank. The project includes the installation of triple offset butterfly valves, and they must meet the requirements of the National Sanitation

Foundation (NSF). The triple offset butterfly valves are designed to meeting the 400 psi and 500 psi pressure and NSF requirements. They are also designed to have the valve disc only make contact with the seat ring at full closure so that there is no sliding, rubbing or grinding between the two mechanical components. This reduces the wear on the valve and leakage, thereby reducing maintenance problems. The triple offset butterfly valve is designed for zero leakage.

The City conducted research to find a domestic manufacturer of 4-inch, 6-inch and 18-inch AIS-compliant triple offset butterfly valves and provided information to EPA demonstrating that no domestic manufacturers of triple offset butterfly valves meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 4-inch, 6-inch and 18-inch triple offset butterfly valves 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, and the Agency received no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the City of Avenal, California, for the 18-Inch Water Transmission Replacement Pipeline Project with respect to 4-inch, 6-inch and 18-inch triple offset butterfly valves. This waiver permits the purchase of these triple offset butterfly valves using DWSRF funds as documented in the state of California's waiver request submittal on behalf of the assistance recipient, dated April 21, 2021.

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 Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.