



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project-Specific Public Interest Waiver of American Iron and Steel Requirements for Wafer-Style Butterfly Valves in the Town of Wolfeboro, NH Water Treatment Plant Upgrades Project
Waiver Number 01-DW-0006

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

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Date: 2022.11.04 10:58:15
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Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a project-specific public interest waiver pursuant to the American Iron and Steel (AIS) requirements to the Town of Wolfeboro, New Hampshire, for the purchase of wafer-style butterfly valves for the Water Treatment Plant Upgrades Project. This waiver permits the use of 4-inch through 12-inch wafer-style butterfly valves for the Water Treatment Plant Upgrades Project. 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)(i) of the Safe Drinking Water Act. The provision states in part: “[the requirements] shall be waived in any case or category of cases in which the Administrator finds that... applying [the requirements] would be inconsistent with the public interest.”

Background of Waiver Request: The Town is currently completing water treatment plant improvements, including upgrades to the exiting clarifier and filtration treatment units. The filters and supporting mechanical equipment have been in operation for several decades, and a 2017 asset management plan recommended filter rehabilitation.

The Town applied for a public interest waiver from the AIS requirements for the use of non-domestic wafer-style butterfly valves, citing both standardization on the non-domestic valve and timing concerns. The wafer-style butterfly valves requested by the Town are the exact same brand of valves with lay-lengths that will match the existing valves, avoiding significant modifications to the stainless-steel piping. The Town has standardized on the use of these valves, which allows for consolidated inventory of parts and maintenance needs, in addition to staff being familiar with this brand of valve and how to repair them. The Town researched various wafer-style butterfly valves to replace the existing valves and

determined the same brand of valves are necessary to maintain existing valve quality from a reliable manufacturer, match the existing valve lay length, and ensure a direct and simple replacement of the existing valves.

The Town can meet winter system demands with only one filter online, allowing the other filter to undergo necessary rehabilitation. However, both filters need to be operational during summer to meet peak demand. The project deadline is March 2023 to successfully take each treatment unit offline, complete modifications, testing, and reactivation. For the Town to meet this deadline, the wafer-style butterfly valves need to be delivered by January 1, 2023. Without the wafer-style butterfly valves, the Town would not complete treatment unit improvements by peak summer demands. This would result in a project delay until late 2023 or early 2024.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of wafer-style butterfly valves and concluded that there are no domestic manufacturers of these products that meet the project's schedule and technical specifications without modifying the current piping configuration. 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 they had potential domestic alternatives. However, the manufacturers' products do not meet the project's technical specifications.

Finding: EPA is granting a project-specific public interest waiver from the AIS requirements to the Town of Wolfeboro, New Hampshire, for the Water Treatment Plant Upgrades Project with respect to wafer-style butterfly valves. This waiver permits the purchase of 4-inch through 12-inch wafer-style butterfly valves using DWSRF funds as documented in the State of New Hampshire's waiver request submittal on behalf of the assistance recipient, dated July 27, 2022.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act 1452(a)(4).

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