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

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OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Public Interest Waiver of American Iron and Steel Requirements to the County of Maui, Hawaii for Air Release/Vacuum Valves

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

The EPA is hereby granting a public interest waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(1) to the County of Maui Department of Environmental Management in Hawaii for the purchase of non-domestic stainless steel air release/vacuum valves. This waiver permits the use of these air release/vacuum valves manufactured outside of the United States in the County's force main replacement projects. This is a product specific waiver and only applies to the use of the specified product for County of Maui's force main replacement projects. Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver.

Rationale: According to Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(1) of the Clean Water Act. The provision states that, "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency…finds that – (1) applying [the requirements] would be inconsistent with the public interest."

The County of Maui plans to install stainless steel air release/vacuum valves in two force main replacement projects. The County will install five air release/vacuum valves as part of the Paia Wastewater Pump Station Force Main Replacement project and one air release/vacuum valve as part of the Kihei 10 Force Main Replacement project. The valves are needed to release accumulated air during the operation of the system to protect against surges and also to admit air into the system when pressure in the pipeline drops below atmospheric pressure.

The County applied for a public interest waiver from the AIS requirements for the use of a non-domestic brand of air release/vacuum valve, citing both standardization on the non-domestic valve, and environmental concerns. Since 2009, the County has standardized on the use of the non-domestic air release/vacuum and now operates approximately 40 valves throughout their facilities. Due to the harsh coastal environment, the County specifies stainless steel material since cast iron is highly susceptible to corrosion and valves in other materials, such as nylon, are

not available in the required sizes. Through standardizing on the brand of non-domestic air release/vacuum valves, the County was able to reduce the amount of spare parts needed for replacement and also minimized the need to train personnel in maintaining valves from various manufacturers. The County claims that the logistics of training personnel are especially difficult in Maui because the County has groups of maintenance personnel on each of its three islands. If the County purchased another brand of air release/vacuum valves it would need to stock an additional inventory of spare internal components and also spend time training maintenance personnel on the operation and maintenance of the other brand of valves, which would not be in the public's interest.

Based on their experience, the County of Maui claims the non-domestic brand of air release/vacuum valve is more reliable and results in fewer valve failures and sanitary sewer spills than other brands of air release/vacuum valves used previously. This is in part due to the geographic characteristics of the County of Maui. The County's facilities are affected by the harsh coastal environment. Most of the facilities are located a few hundred yards from the Pacific Ocean and are subjected to salt air and blowing sand from the prevailing trade winds. The salt air rapidly accelerates corrosion of valves, and blowing sand can accumulate and cause equipment failures due to clogging and gumming. Prior to standardization on the non-domestic brand of valves, other brands of air release/vacuum valves experienced failures, which resulted in sanitary sewer spills. The County reported that the last incident of a sanitary sewer spill from an air release/vacuum valve was in 2007. The valve failure that led to the spill was due to excessive corrosion of the valve body from the salt air environment. Since the County standardized on the non-domestic brand in 2009, no further failures and sewer spills have occurred, which reduces environmental concerns.

The EPA conducted market research and solicited public comments on the supply and availability of air release/vacuum valves. The Agency's market research indicated that there may be domestic alternatives that meet the project's specifications, but the applicant has provided sufficient justification that it has standardized on the non-domestic brand, and the use of a brand of valve other than the non-domestic brand specified would not alleviate the County's concerns of training maintenance personnel, or the possibility of valve failures resulting in sewer spills.

The EPA is hereby granting a waiver from the AIS requirements to the County of Maui Department of Environmental Management. This waiver permits the purchase of the specified non-domestic air release/vacuum valves documented in the state of Hawaii's waiver request submittal on behalf of the applicant dated September 21, 2015. This waiver covers current and future CWSRF funded force main replacement projects in the County of Maui that require the specified air release/vacuum valves.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at connor.timothy@epa.gov or (202) 566-1059.