



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

SEP 30 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Liberty Lake Water and Sewer District in Washington for Combination Wafer Swing Check Valves

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

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers", written over the printed name and title.

The EPA is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the Liberty Lake Water and Sewer District for the purchase of 18-inch combination wafer swing check valves. This waiver permits the use of these check valves, manufactured outside of the United States, in the Water and Sewer District's Water Reclamation Facility Upgrades, Phase 2 project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project 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 based on the specific project circumstances.

Rationale: According to the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The Agency can determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) 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 - (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The Liberty Lake Water and Sewer District provided information to the EPA claiming there are no manufacturers producing combination wafer swing check valves that meet the project's technical specifications in the United States in sufficient and reasonably available quantities. The project requires three 18-inch combination wafer swing check valves. The project design contains specific requirements for the check valves due to unique site conditions in the water reclamation facility; the valves must have a short line length of 4.25 inches due to limited space, the check valves must be manufactured from stainless steel suitable for exposure to concentrated chemicals, and the valves must be designed to be fully open at very low line velocities to minimize pressure loss through the valve. The applicant attempted to find an AIS-compliant

check valve, but was only able to find one non-domestic valve that met the project's specific requirements.

The EPA conducted market research and solicited public comments on the supply and availability of combination wafer swing check valves. Through its market research, the Agency was unable to find a domestic manufacturer of check valves that met the project's technical specifications. The Agency found three manufacturers that produce AIS-compliant wafer swing check valves, but none meet the project's technical specifications. The Agency received one public comment from a manufacturer of check valves claiming that they could provide an AIS-compliant product. However, the applicant confirmed that the AIS-compliant valve would not be sufficient for the project because the check valve does not contain an adjustable dual-weight swing for low flow and head loss applications, which is a requirement in the project's specifications.

Since the applicant established a proper basis to specify a particular product required for this project and the EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States without significant delays in the project schedule, the Liberty Lake Water and Sewer District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified combination wafer swing check valves documented in the state of Washington's waiver request submittal on behalf of the applicant dated August 18, 2016.

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