



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

NOV 30 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 New Jersey American Water Sunset Road Water Treatment Plant Expansion Project in Township of Lakewood, NJ  
Waiver Number 02-DW-0006

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

A handwritten signature in blue ink, appearing to read "Jeff Z. M. L. for PG".

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 New Jersey American Water (NJAW) in the Township of Lakewood, NJ for the purchase of two combination air and vacuum relief valves, for the Sunset Road Water Treatment Plant Expansion Project. This waiver permits the use of two non-domestic 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."

The Sunset Road Water Treatment Plant currently treats water that is pumped from Well # 10. NJAW identified the need to increase the capacity of the water treatment plant from 2.2 million gallons per day to 3.9 million gallons per day. This expansion is necessary to meet current maximum day demands. A new well, with combination air and vacuum relief valves, will be the source of the additional 1.7 million gallons per day needed. These valves constitute less than 0.1% of the total material cost for this project.

High iron levels in the raw water can cause the stainless steel float on typical combination air and vacuum relief valves to stick. Therefore, for this project two combination air and vacuum relief valves with polypropylene floats instead of stainless steel are necessary to prevent this sticking.

NJAW attempted to find a domestic manufacturer of combination air and vacuum relief valves with polypropylene floats and provided information to the EPA demonstrating that the specified valves are not domestically sourced and no domestic manufacturer of these specific valves 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 specification. The EPA's inquiry supports NJAW's assertion that these 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 did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to NJAW for the Sunset Road Water Treatment Plant Expansion Project in the Township of Lakewood with respect to the combination air and vacuum relief valves. This waiver permits the purchase of two 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 December 8, 2017.

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](mailto:anderer.kirsten@epa.gov) or (202) 564-3134.