



FEB 05 2019

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Kearney, Nebraska for a Double Check Valve

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

A handwritten signature in black ink, appearing to read "AS", is positioned to the right of the "FROM:" field.

The U.S. Environmental Protection Agency (EPA) hereby grants 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 Kearney, Nebraska for the purchase of a 4-inch double check valve. This waiver permits the use of a double check valve manufactured outside of the United States at Kearney's Solids Handling Facility for sludge dewatering, because no domestic manufacturers produce alternatives that 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 (CWSRF). Any other jurisdiction with projects funded by either the Clean Water or Drinking Water State Revolving Fund (DWSRF) that wishes to use the same products 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. The EPA has the authority to 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 City of Kearney provided information to the Agency asserting that there are no manufacturers producing these double check valves in the United States in sufficient and reasonably available quantities to meet the specifications of the project. The City of Kearney Wastewater Treatment Plant requires this double check valve for their sludge dewatering process. The project specifications require a Watts Series LF709 (or pre-approved equal) double check valve assembly. The valve interior and exterior shall be coated with an NSF/ANSI 61 certified fusion bonded epoxy. The valve shall meet the requirements of AWWA C510 and shall have a working pressure of up to 175 psig (gauge reading). This double check valve assembly is integral to providing the building with a protected water supply source by preventing the backflow of water into the system.

The EPA conducted market research on the supply and availability of 4-inch double check valves. The Agency's market research identified no domestic manufacturers that produce this double check valve. The EPA contacted all known manufacturers or suppliers of double check valves. Only one of the five

companies contacted by the Agency produces double check valves domestically. However, this company's valves have a stainless-steel body and chloramine resistant silicone seats which do not meet the project specifications. None of the other companies contacted could provide a domestic product to meet the specifications of the project. An additional email was sent to specific manufacturers and national trade associations concurrent with the 15-day public comment period, alerting them to the waiver and requesting that they provide comments within 15 days. During public comment solicitation, the EPA received no (zero) comments from any interested party, manufacturer, or other. There were no (zero) responses to the additional email. The EPA concluded that the applicant's claims are supported by available evidence.

Since the applicant established a proper basis to specify a product required for this project and since the EPA substantiated the applicant's claims through market research that the products are not available from a manufacturer in the United States, the City of Kearney, Nebraska is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified double check valve, as requested by the recipient on December 3, 2018.

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.