



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

JUL 24 2019

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Double Door Check Valves in the City of Tonka Bay, MN Water Treatment Plant Improvement Project
Waiver Number 05-DW-0005

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

A handwritten signature in blue ink, appearing to read "Jennifer L. McLain", is positioned to the right of the "FROM:" field.

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 the City of Tonka Bay, Minnesota for the purchase of five double door check valves for the Tonka Bay Water Treatment Plant Improvement Project. This waiver permits the use of five (one 6-inch, three 8-inch, and one 12-inch) non-domestic double door check valves because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver only applies to the use of the specified products 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 EPA determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with section 1452(a)(4)(A) of the Safe Drinking Water Act. 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 City is rehabilitating an existing lime softening drinking water treatment plant to allow the system to continue providing safe drinking water. The project includes a 45-day bypass of the lime-softening clarifier and filters. To get ready for the bypass, the plant will need to be briefly

shut down to replace the process valves and flowmeters. This waiver pertains to five of the process valves being replaced during this shutdown. The estimated lead time for AIS-compliant valves is twenty-five (25) weeks; therefore, these valves would not be available for installation during the intended shutdown timeframe, which is before peak summer demands. In addition, due to the project's construction schedule and the access needed to install these valves, the estimated lead times for AIS-compliant valves would push construction of the roofing work into the winter months, possibly exposing the new filter media to freezing temperatures. The anthracite filter media being used for this project is known to fracture in freezing temperatures. The double door check valves constitute less than one percent of the total material cost for this project.

The City attempted to find another domestic manufacturer of double door check valves and provided information to the EPA demonstrating that no manufacturers of 6-inch to 12-inch double door check valves meet the project's schedule and technical specifications.

The EPA conducted market research on the supply and availability of 6-inch to 12-inch double door check valves and concluded that there are no domestic manufacturers of these products that meet the project's schedule and technical specifications. The EPA's inquiry supports the City's assertion that the double door check valves produced domestically have a 24-26 week lead time to delivery. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period, and the EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the City of Tonka Bay, Minnesota for the Water Treatment Plant Improvement Project with respect to 6-inch to 12-inch double door check valves. This waiver permits the purchase of one 6-inch, three 8-inch, and one 12-inch double door check valves using DWSRF funds as documented in the State of Minnesota's waiver request submittal on behalf of the assistance recipient, dated May 28, 2019.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452 (a)(4)(A).

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 or (202) 564-3134.