



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 14 2019

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Plunger Valves in the Great Lakes Water Authority, MI Northeast Flow Control Facility Project
Waiver Number 05-DW-0007

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

A handwritten signature in black ink, appearing to read "Jennifer L. McLain", is written over the "FROM:" line.

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 Great Lakes Water Authority (GLWA), Michigan for the purchase of four 20-inch plunger valves for the Northeast Flow Control Facility (NEFCF) project. This waiver permits the use of four 20-inch plunger valves that have not been produced domestically because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver 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 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 NEFCF project is the first phase of a three-phase water transmission system upgrade to deliver up to 200 million gallons per day of finished water to the Northeast Water Treatment Plant (WTP) from two other WTPs in an effort to decommission excess treatment capacity at the Northeast WTP. The plunger valves will be used at the new NEFCF, located at the Northeast WTP in Detroit, Michigan. These valves are needed to control the pressure and flow of the water transmission system to prevent wholesale customers connected to the transmission system from seeing a decrease in pressure if flows exceed the pipe capacity.

GLWA contacted several domestic manufacturers to find comparable AIS-compliant valves and provided information to the EPA demonstrating that no manufacturers of plunger valves meet the project's technical specifications.

The EPA conducted market research on the supply and availability of 20-inch plunger valves and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period, and the Agency received no public comments.

The EPA is granting an availability-based waiver from the AIS requirements to the GLWA, Michigan, for the NEFCF project with respect to four 20-inch plunger valves. This waiver permits the purchase of four 20-inch plunger valves using DWSRF funds as documented in the State of Michigan's waiver request submittal on behalf of the assistance recipient, dated October 11, 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 Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.