



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Double Eccentric Butterfly Valves in the Kearns Improvement District 6200 South Zone C Pump Station Project
Waiver Number 08-DW-0019

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

Decision: 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 Kearns Improvement District (the District), Utah, for the purchase of double eccentric butterfly valves for the 6200 South Zone C Pump Station Project. This waiver permits the use of eleven (11) non-domestic 12-inch to 30-inch double eccentric butterfly valves because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver applies only 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 the DWSRF, Clean Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act 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 EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) 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."

Background of Waiver Request: The District is close to exceeding capacity of its existing pump station, and the construction of a new pump station is necessary to increase capacity to meet the

demand for existing customers. This new pump station will convey water from the nearby Jordan Valley Water Conservancy District and pump that water to District-owned storage facilities. If any of the existing pumps fail during peak demand, the District will not be able to meet current demands. The double eccentric butterfly valves are necessary to provide effective water shutoff for major conveyance valves that remain open most of the time and are rarely exercised. The valve installation is scheduled for Summer 2021 to stay on the critical path for the project. Without the valves in place by this time, some foundational elements and the pouring of the pump station floor cannot be completed.

The District contacted domestic manufacturers to find AIS-compliant double eccentric butterfly valves and provided information to EPA demonstrating that no domestic manufacturers of double eccentric butterfly valves meet the project's schedule and technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of double eccentric butterfly valves and concluded that there are no domestic manufacturers of these products that meet the project's schedule and technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received one public comment from a manufacturer stating they had a potential domestic alternative. However, the manufacturer had a delivery lead time of 34 weeks, which would significantly delay the project.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Kearns Improvement District, Utah, for the 6200 South Zone C Pump Station Project with respect to double eccentric butterfly valves. This waiver permits the purchase of eleven (11) 12-inch to 30-inch double eccentric butterfly valves using DWSRF funds as documented in the state of Utah's waiver request submittal on behalf of the assistance recipient, dated December 18, 2020.

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).

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.