



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

JUN 13 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Western Municipal Water District for Triple Offset Butterfly Valves

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

A handwritten signature in black ink, appearing to read "A. Sawyers".

The U.S. Environmental Protection Agency is hereby granting 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 the Western Municipal Water District in the City and County of Riverside, California for the purchase of 18-inch and 24-inch diameter triple offset butterfly valves. This waiver permits the use of these valves manufactured outside of the United States in the Water District's La Sierra Transmission Main project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications and can be delivered on time to avoid delays in the project schedule. This is a project specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same products must apply for a separate waiver based on the specific project circumstances.

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 Western Municipal Water District provided information to the Agency claiming there are no manufacturers producing 18-inch and 24-inch diameter triple offset butterfly valves in the United States in sufficient and reasonably available quantities. The Water District plans to install a potable water transmission line as part of its La Sierra Transmission Line project, which is one component of a larger project aimed at improving groundwater management and protecting the water quality of the Santa Ana River. The potable water pipeline will have higher than typical operating pressures and requires triple offset butterfly valves that provide a drip tight shut off. The applicant attempted to find domestic 18-inch and 24-inch triple offset butterfly valves, but was unable to find any produced in the United States.

The EPA conducted market research on the supply and availability of 18-inch and 24-inch triple offset butterfly valves. The Agency concluded that the applicant's claim is supported by available evidence. No domestic manufacturers of these products exist that meet the technical specifications of the project and can be delivered on time to avoid delays in the project schedule. The Agency's market research identified two manufacturers that could make domestic triple offset butterfly valves. One manufacturer indicated they can only produce the domestic valves in sizes up to 12 inches in diameter. The second manufacturer indicated they can provide domestic valves to meet the project specifications, but the valves must be special ordered and require a 40 week lead time for delivery. This lead time would significantly delay the project schedule.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States within the applicant's timeframe, the Western Municipal Water District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified butterfly valves documented in the state of California's waiver request submittal on behalf of the applicant dated May 3, 2016.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at connor.timothy@epa.gov or (202) 566-1059.