



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

FEB 28 2018

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for 16-inch Tilting Disk Check Valves in the New Jersey American Water Raw Water Pumping Improvements Project
Waiver Number 02-DW-0003

FROM: Peter Grevatt, Director
Office of Ground Water and Drinking Water

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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 New Jersey American Water (NJAW) for the purchase of two 16-inch slanted seat tilting disk check valves, for the Raw Water Pumping Improvements Project. This waiver permits the use of two tilting disk check valves because no known domestic manufacturers produce a product that meets the project's technical specification. This is a project-specific waiver and 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 Agency determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with Section 425 of Public Law 115-31, the "Consolidated Appropriations Act, 2017". 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."

NJAW's Raw Water Pumping Improvements Project is necessary to improve efficiency and reliability of raw water pumping capabilities at the water treatment plant. This project ensures

the community continues to receive safe drinking water and will meet Federal and New Jersey drinking water regulations. Due to space limitations in the pumping vault, the tilting disk check valves are required for this project. In addition, the valves provide energy and cost savings, since these valves can open and close at various speeds, preventing slamming and surges. The two valves constitute less than 1% of the total material cost for this project.

NJAW attempted to find a domestic manufacturer of 16-inch tilting disk check valves and provided information to the EPA demonstrating that the specified valves are not domestically sourced and no domestic manufacturer exists.

The EPA conducted market research on the supply and availability of 16-inch tilting disk check valves and concluded that there are no domestic manufacturers of this product that meets the project's technical specifications. The EPA's inquiry supports the NJAW's assertion that the 16-inch tilting disk check valves are not available domestically. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the NJAW for the Raw Water Pumping Improvements Project with respect to the tilting disk check valves. This waiver permits the purchase of two 16-inch slanted seat tilting disk check valves using DWSRF funds as documented in the State of New Jersey's waiver request submittal on behalf of the assistance recipient, dated June 26, 2017.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-31, the "Consolidated Appropriations Act, 2017", under the authority of Section 425.

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.