



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 a 4-inch Double Check Valve in the City of Fort Calhoun, NE Water System Improvements Project
Waiver Number 07-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 the City of Fort Calhoun, NE for the purchase of one 4-inch double check valve, for the 2016 Water System Improvements Project. This waiver permits the use of one non-domestic double check valve 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 2113 of Public Law 114-322, the "Water Infrastructure Improvements for the Nation Act" (WIIN 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's Water System Evaluation noted that the City is completely reliant on the Washington County Rural Water (WCRW) No. 1 water supply for maintaining water pressure in their distribution system. Without a suitable backup supply, or a water storage tank to sustain system pressure, the City could experience a complete water loss if any maintenance is ever needed in this rural community. By interconnecting to the WCRW No. 2 system, the City will ensure that

the residents are provided with a supply of safe drinking water on a continuous basis. This project requires one double check valve be installed within a master meter vault to prevent cross contamination of water being purchased from WCRW No. 2. The use of double check valves is a common engineering practice, in preventing backflow, when water passes from one system to another. This valve constitutes 1.6% of the total material cost for this project.

The City attempted to find a domestic manufacturer of double check valves and provided information to the EPA demonstrating that the specified check valves are not domestically sourced and no domestic manufacturer of 4-inch double check valves exists.

The EPA conducted market research on the supply and availability of 4-inch double check valves and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. The EPA's inquiry supports the City's assertion that the double 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 City of Fort Calhoun for the 2016 Water System Improvements Project with respect to the 4-inch double check valve. This waiver permits the purchase of one 4-inch double check valve using DWSRF funds as documented in the State of Nebraska's waiver request submittal on behalf of the assistance recipient, dated April 10, 2017.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 114-322, the WIIN Act, under the authority of Section 2113.

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.