



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 4-inch and 8-inch Stainless Steel Check Valves in the City of North Liberty, IA Well Construction and Rehabilitation Project
Waiver Number 07-DW-0004

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 North Liberty, IA for the purchase of six 4-inch and three 8-inch stainless steel check valves for the Well Construction and Rehabilitation Project. This waiver permits the use of nine non-domestic stainless steel 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 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."

Raw water from the City's existing wells has a combined radium concentration above the maximum contaminant level (MCL). In addition, the City's drinking water system will likely exceed capacity within five years due to rapid population growth. Therefore, expansion of the

current system with two new wells and the rehabilitation of two existing wells is needed to provide safe drinking water to the City's population.

The specialty check valves are required for use on submersible well pump column pipe installations operated using variable frequency drives, which allows the City to vary water output from the wells depending on the demand. Stainless steel was specified due to corrosion issues the City has experienced in their wells in the past. These valves constitute 2.6% of the total material cost for this project.

The City attempted to find a domestic manufacturer of the project-specific check valves and provided information to the EPA demonstrating that the specified check valves are not domestically sourced and no domestic manufacturer of the 4-inch and 8-inch stainless steel check valves exists.

The EPA conducted market research on the supply and availability of these 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 stainless steel 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 and the EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the City of North Liberty for the Well Construction and Rehabilitation Project with respect to the six 4-inch and three 8-inch stainless steel check valves. This waiver permits the purchase of the nine stainless steel check valves using DWSRF funds as documented in the State of Iowa's waiver request submittal on behalf of the assistance recipient, dated May 24, 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.