



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 6-inch Double Check Valves in the Roxborough Water and Sanitation District, CO Northwest Douglas County Water Pipeline Project
Waiver Number 08-DW-0006

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 Roxborough Water and Sanitation District (RWSD) for the purchase of four 6-inch double check valves, for the Northwest Douglas County Water Pipeline in Plum Valley Heights, Colorado. This waiver permits the use of double check valves that have not been produced domestically 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 424(b)(2) of Public Law 114-113, the "Consolidated Appropriations Act, 2016," which has been continued by P.L. 114-254, the "Further Continuing and Security Assistance 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."

RWSD is constructing a permanent water supply to four existing developments in Plum Valley Heights that currently rely on a non-renewable ground water supply. The project consists of the acquisition, design, installation and construction of an entirely new water system. The project

requires a total of four double check valves to be installed within the three meter vaults to prevent cross contamination of water being purchased from Centennial Water. The use of double check valves is common practice when water passes from one water system (Centennial) to another (Roxborough). These valves constitute just over one percent of the total material cost for this project.

RWSD 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 6-inch double check valves exists.

The EPA conducted market research on the supply and availability of 6-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 RWSD'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 and the EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the RWSD for the Northwest Douglas County Water Pipeline Project with respect to the 6-inch double check valves. This waiver permits the purchase of four 6-inch double check valves using DWSRF funds as documented in the State of Colorado's waiver request submittal on behalf of the assistance recipient, dated January 26, 2017.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 114-113, the "Consolidated Appropriations Act, 2016," under the authority of Section 424(b)(2), which has been extended by P.L. 114-254, the "Further Continuing and Security Assistance Appropriations Act, 2017" and also previously under P.L. 113-235 and P.L. 113-76.

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.