



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

NOV 30 2018

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for an 8-inch Double Check Valve in the City of Wooster, AR Wooster Waterline Improvement Project  
Waiver Number 06-DW-0004

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

A handwritten signature in blue ink, appearing to read "Peter Grevatt for PG", is written over the "FROM:" line.

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 Wooster, AR for the purchase of one 8-inch double check valve for the Wooster Waterline Improvement project. This waiver permits the use of a double check valve that has 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 of Public Law 115-141, the "Consolidated Appropriations Act, 2018". 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 is upgrading their distribution system to add a secondary connection to a nearby community. The second water supply source will provide redundancy for periods of drought and will improve overall hydraulics within the distribution system. This project requires one double check valve be installed within a master meter building to prevent cross contamination. The use of the double check valve is common practice when water passes from one water system to

another and is a requirement of the nearby community. The double check valve constitutes just over one percent 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 8-inch double check valves exists.

The EPA conducted market research on the supply and availability of 8-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 Wooster, AR for the Wooster Waterline Improvement Project with respect to the 8-inch double check valve. This waiver permits the purchase of one 8-inch double check valve using DWSRF funds as documented in the State of Arkansas's waiver request submittal on behalf of the assistance recipient, dated May 15, 2018.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-141, the "Consolidated Appropriations Act, 2018", under the authority of Section 424.

If you have questions concerning the contents of this memorandum, please contact Kiri Anderer, Senior Environmental Engineer, Drinking Water Protection Division, at [anderer.kirsten@epa.gov](mailto:anderer.kirsten@epa.gov) or (202) 564-3134.