



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

JUN 18 2019

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for 1.5- inch and 2-inch Pressure Reducing Valves in the Town of Breckenridge, CO Breckenridge Second Water Treatment Plant Project  
Waiver Number 08-DW-0006

**FROM:** Jennifer McLain, Acting Director  
Office of Ground Water and Drinking Water

A handwritten signature in blue ink, appearing to read "Jennifer McLain".

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 Town of Breckenridge, CO for the purchase of two pressure reducing valves for the Breckenridge Second Water Treatment Plant Project. This waiver permits the use of two pressure reducing valves for compressed air service that have not been produced domestically because no known domestic manufacturers produce a product that meets the project's technical specification. This project-specific waiver 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 1452(a)(4)(A) of the Safe Drinking Water 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 Town is constructing a second treatment plant to provide drinking water for the existing distribution system. This project requires two pressure reducing valves to reduce the compressed air pressure from the air compressors to the equipment service header line. These valves are important for reducing air pressure to a useable pressure to protect the equipment and tool

connections downstream of the compressor. There are two compressed air systems on this project, each requiring one of these pressure reducing valves directly off the compressed air tank. The pressure reducing valves constitute less than one percent of the total material cost for this project.

The Town attempted to find a domestic manufacturer of pressure reducing valves and provided information to the EPA demonstrating that the specified pressure reducing valves are not domestically sourced and no domestic manufacturer of 1.5- inch or 2-inch pressure reducing valves with the necessary pressure ratings exist.

The EPA conducted market research on the supply and availability of 1.5- inch and 2-inch pressure reducing 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 Town's assertion that the pressure reducing valves with the necessary pressure ratings 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 Agency did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the Town of Breckenridge, CO for the Second Water Treatment Plant Project with respect to 1.5- inch and 2- inch pressure reducing valves. This waiver permits the purchase of one 1.5-inch and one 2-inch pressure reducing valve using DWSRF funds as documented in the State of Colorado's waiver request submittal on behalf of the assistance recipient, dated April 12, 2019.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of Section 1452 (a)(4)(A).

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.