



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Double Offset Butterfly Valves in the Central Utah Water Conservancy District, UT Duchesne Aqueduct Improvement Project
Waiver Number 08-DW-0012

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

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 Central Utah Water Conservancy District (CUWCD), Utah, for the purchase of 15 double offset butterfly valves for the Duchesne Aqueduct Improvement Project. This waiver permits the use of 15 non-domestic double offset butterfly valves (8-inch through 30-inch) because no known domestic manufacturers produce a product that meets the project's technical specifications. 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 EPA determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) 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 purpose of this project is to improve the Duchesne Aqueduct, including vault reconstruction, valve replacement, a new access road, and vegetation removal. The double offset butterfly valves are necessary to isolate and shut-off flow during maintenance of plunger valves and flow meters. It is essential that these butterfly valves do not leak, as they will be located below grade in limited access confined space vaults.

CUWCD contacted domestic manufacturers to find comparable AIS-compliant valves and provided information to the EPA demonstrating that no manufacturers of double offset butterfly valves meet the project's technical specifications.

The EPA conducted market research on the supply and availability of double offset butterfly valves and concluded that there are no domestic manufacturers of this product in all sizes that meet the project's technical specifications. 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 received no public comments.

The EPA is granting an availability-based waiver from the AIS requirements to the CUWCD, Utah, for the Duchesne Aqueduct Improvement Project with respect to 15 double offset butterfly valves. This waiver permits the purchase of 15 double offset butterfly valves (8-inch through 30-inch) using DWSRF funds as documented in the State of Utah's waiver request submittal on behalf of the assistance recipient, dated March 5, 2020.

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).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.