



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 Plunger Valves in the Central Utah Water Conservancy District, UT Duchesne Aqueduct Improvement Project
Waiver Number 08-DW-0011

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 five plunger valves for the Duchesne Aqueduct Improvement Project. This waiver permits the use of three 8-inch and two 12-inch non-domestic plunger valves 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."

This purpose of this project is to improve the Duchesne Aqueduct, including vault reconstruction, valve replacement, a new access road, and vegetation removal. The plunger

valves are necessary to prevent decreases in pressure throughout the water system. Additionally, the plunger valves require much less space and maintenance than other pressure-regulating valves.

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

The EPA conducted market research on the supply and availability of plunger valves and concluded that there are no domestic manufacturers of these products 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 five plunger valves. This waiver permits the purchase of three 8-inch and two 12-inch plunger valves 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.