



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 a 6-inch Double Check Valve in the City of Greensburg, IN New Surface Water Treatment Plant Project
Waiver Number 05-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 City of Greensburg, Indiana, for the purchase of one 6-inch double check valve for the New Surface Water Treatment Plant (SWTP) Project. This waiver permits the use of one non-domestic 6-inch double check valve, 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 New SWTP Project consists of replacing the City's existing treatment plant, which is at the end of its useful life, and includes the installation of one (1) double check valve for cross contamination protection. The double check valve will be installed where the potable water piping is connected to the sludge draw-off lines for two solids-contact clarifiers at the treatment plant. Potable water is used to flush the draw-off lines and clarifier sumps back into the clarifier tanks to maintain proper operation of the clarifiers.

The City conducted research to find a domestic manufacturer of 6-inch double check valves and provided information to the EPA demonstrating that no manufacturers produced these valves domestically.

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. 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 City of Greensburg, Indiana for the New Surface Water Treatment Plant Project with respect to one 6-inch double check valve. This waiver permits the purchase of one 6-inch double check valve using DWSRF funds as documented in the State of Indiana's waiver request submittal on behalf of the assistance recipient, dated April 1, 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 Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.