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 Wafer-Style Check Valves in the Wolsey, SD Pump House Replacement Project Waiver Number 08-DW-0016

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

JENNIFER MCLAIN Digitally signed by JENNIFER MCLAIN Date: 2020.08.14 09:32:18 -04'00'

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 Wolsey, South Dakota, for the purchase of two wafer-style check valves for the Wolsey Pump House Replacement Project. This waiver permits the use of two 6-inch non-domestic wafer-style check 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 EPA determines that it is necessary to waive this requirement. 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 replace Wolsey's pump house. Because of the existing building configuration, there are only 14 inches between the flange on the new pump and the flange on the pipe fitting on the other side. It is necessary to fit a butterfly valve and a check valve within this 14-inch span for each of the two new pumps. Without these valves, Wolsey would need to shut down their entire water distribution system if they needed to do pump repair or replacement in the future. These wafer-style check valves keep the tower pressure from pushing back and are much narrower than standard valves, allowing them to fit in the 14-inch span.

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

EPA conducted market research on the supply and availability of wafer-style 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 EPA's AIS website for the mandatory 15-day public comment period. EPA received one public comment from a manufacturer stating that they had a potential domestic alternative, but, upon further consultation with the manufacturer and the community, it was determined that this manufacturer's products do not meet the project's technical specifications.

EPA is granting an availability-based waiver from the AIS requirements to the Wolsey, South Dakota, for the Wolsey Pump House Replacement Project with respect to two wafer-style check valves. This waiver permits the purchase of two 6-inch wafer-style check valves using DWSRF funds as documented in the State of South Dakota's waiver request submittal on behalf of the assistance recipient, dated July 9, 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.