DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements for Plunger Valves in the Duchesne County Water Conservancy District Victory Pipeline Project Waiver Number 08-DW-0001a

FROM: Peter Grevatt, Director
Office of Ground Water and Drinking Water

The U.S. Environmental Protection Agency is hereby granting a project-specific waiver pursuant to the American Iron and Steel requirements to the Duchesne County Water Conservancy District for the purchase of non-domestic plunger valves. This waiver permits the use of plunger valves manufactured outside of the United States to be used in the DCWCD Victory Pipeline Project in Duchesne County, Utah, because no known domestic manufacturers produce an alternative that meets the project’s technical specifications. This is a project-specific waiver and only applies to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund. Any other project funded by either the Drinking Water or Clean Water State Revolving Fund that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provisions require DWSRF assistance recipients to use specific domestic iron and steel products that are produced in the United States if the project is funded through an SRF assistance agreement unless the Agency determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with Section 424(b)(2) of Public Law 113-235, the “Consolidated and Further Continuing Appropriations Act, 2015.” 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 the plunger valves in the DCWCD Victory Pipeline Project is to control pressure at metered connections to retail water suppliers. Demands exceeding contracted peak capacities can create a significant pressure loss in the pipeline. The plunger valve can be controlled remotely to limit flows and prevent insufficient system pressures. DCWCD examined two alternate valve designs including diaphragm valves and sleeve valves. Diaphragm valves do not meet the technical specifications of the project because, unlike plunger valves, these valves are
not true anti-cavitation valves and would likely be damaged in the project applications. Sleeve valves are not a viable alternative because their design utilizes small-hole perforations which are prone to clogging, leading to higher repair and failure rates. The sleeve valves must be removed from the pipe and sent away to be repaired, which is not acceptable because the system cannot be shut down for a sustained period of time. The plunger valve can be repaired in situ. The plunger valve which the recipient selected for use in the Victory Pipeline Project that meets the project needs is manufactured outside of the United States. The assistance recipient was unable to find plunger valves manufactured domestically that meet the project’s technical specifications.

EPA conducted market research on the supply and availability of plunger valves and concluded that there are no domestic manufacturers of plunger valves that meet the project’s technical specifications, supporting DCWCD’s claim. EPA identified two manufacturers of plunger valves; however, both of the manufacturers informed EPA that they do not produce these plunger valves domestically.

Having established both a proper basis to specify the particular product required for this project and that this product was not available from a manufacturer in the United States, DCWCD is hereby granted a waiver from the AIS requirements for the Victory Pipeline Project. This waiver permits the purchase of non-domestic plunger valves using DWSRF funds as documented in the State of Utah’s waiver request submittal on behalf of the assistance recipient, dated October 30, 2014.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 113-235, the “Consolidated and Further Continuing Appropriations Act, 2015,” under the authority of Section 424(b)(2) and also previously under P.L. 113-76.

If you have questions concerning the contents of this memorandum, please contact Kiri Anderer, Environmental Engineer, Drinking Water Protection Division, at anderer.kirsten@epa.gov or (202) 564-3134.