



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

FEB 20 2015

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements for Back-Up Rings for HDPE Pipe in the Duchesne County Water Conservancy District Victory Pipeline Project
Waiver Number 08-DW-0001b

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

A handwritten signature in black ink, appearing to be "Peter Grevatt", written over the "FROM:" line.

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 back-up rings for high-density polyethylene pipe. This waiver permits the use of back-up rings for HDPE pipe 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 back-up rings for HDPE pipe in the DCWCD Victory Pipeline Project is to connect flanged HDPE pipe. The back-up rings proposed for this project consist of three different types: Fusion Bonded Coated ASTM A 536 Ductile Iron; Polypropylene Encapsulated ASTM A 536 Ductile Iron; and Type 304 Stainless Steel. The assistance recipient was unable to

find back-up rings for HDPE pipe manufactured domestically that meet the project's technical specifications.

EPA conducted market research on the supply and availability of back-up rings for HDPE pipe and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications, supporting DCWCD's claim. EPA identified four manufacturers of back-up rings for HDPE pipe; however, these manufacturers informed EPA that they do not produce these back-up rings 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 back-up rings for HDPE pipe 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.