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

FEB 02 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Sequim, Washington for 5-Inch Diameter Butterfly Valves

FROM: Andrew D. Sawyers, Director
Office of Wastewater Management

The EPA is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Sequim in Washington for the purchase of 5-inch butterfly valves. This waiver permits the use of these butterfly valves, manufactured outside of the United States, in the Aerobic Digester Aeration and Headworks Improvement Project at the Water Reclamation Facility in Sequim. This waiver is granted because no domestic manufacturer produces alternatives that can be delivered on time, to avoid delays in the project schedule, and that meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver based on the specific project circumstances.

Rationale: According to the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The Agency can determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) of the Clean Water Act. The provision states that, "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency…finds that – (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The construction contractor for the project contacted three domestic valve manufacturers. None of these domestic manufacturers identified could meet the project supply schedule or could not supply the specified valves. The 5-inch butterfly valves are scheduled to be installed on or around February 1, 2016. The EPA also conducted market research and solicited public comments on the supply and availability of 5-inch butterfly valves. Through soliciting public comments, EPA was not able to find a domestic manufacturer of 5-inch butterfly valves that met the project's technical specifications and that could be delivered on time to avoid significant delays in the project schedule. EPA concluded that the City of Sequim's claim that there are no domestic manufacturers of 5-inch butterfly valves that meet the project schedule deadlines and technical specifications, is supported by available and sufficient evidence. The minimum amount of lead time that a domestic

manufacturer indicated they would need to provide the 5-inch butterfly valves was 26-28 weeks, which would result in delays in the project schedule past the expected project completion date.

Since the applicant established a proper basis to specify a particular product required for this project and the EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States without significant delays in the project schedule, the City of Sequim is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified 5-inch diameter butterfly valves documented in the state of Washington's waiver request submittal on behalf of the applicant dated December 11, 2015.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at connor.timothy@epa.gov or (202) 566-1059.