



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

MAY 27 2016

OFFICE OF  
WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Public Interest Waiver of American Iron and Steel Requirements for a Cut-in Valve in the City of Bonne Terre, MO Water System Improvements Project  
Waiver Number 07-DW-0001

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

The U.S. Environmental Protection Agency (EPA) is hereby granting a project-specific public interest waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Bonne Terre, MO for the purchase of a 12-inch cut-in valve. This waiver permits the use of a non AIS-compliant cut-in valve in the Water System Improvements Project in Bonne Terre, Missouri. 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 (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 provisions require DWSRF assistance recipients to use specific 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. The EPA has the authority to issue waivers in accordance with Section 424(b)(1) of Public Law 114-113, the "Consolidated Appropriations Act, 2016". 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... applying [the requirements] would be inconsistent with the public interest."

The project included the exterior painting of the Mansion Hill water storage tank. During the attempt to isolate the tank, the existing gate valve was found to be defective. An AIS-compliant replacement valve would have taken six weeks to obtain. The tank painting needed to be completed promptly since winter was approaching. The most cost effective and quickest way to isolate the tank and allow the painting to proceed was to use a cut-in valve, which can be installed in a few hours. Had the City not proceeded promptly to isolate and paint the tank, the project would have suffered a 5 month winter delay and the contractor's mobilization/demobilization costs would have significantly increased.

The community installed a non-AIS compliant valve because it had a 1 day lead time versus a domestic valve which had a 6 week lead time. The non-AIS compliant 12-inch valve is manufactured by Hydra-Stop and was delivered in 1 day, allowing the project to proceed without delay.

The City of Bonne Terre, MO is hereby granted a public interest waiver from the AIS requirements for the Water System Improvements Project. This waiver permits the purchase of a non-AIS compliant 12-inch cut-in valve using DWSRF funds as documented in the State of Missouri's waiver request submittal on behalf of the assistance recipient, dated February 11, 2016.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 114-113, the "Consolidated Appropriations Act, 2016," under the authority of Section 424(b)(1), and also previously under P.L. 113-235 and P.L. 113-76.

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](mailto:medrano.jorge@epa.gov) or (202) 564-1968.