



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAY 27 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Public Interest Waiver of American Iron and Steel Requirements to the Taylor-West Weber Water Improvement District for a Well Conductor Casing Waiver Number 08-DW-0003

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

A handwritten signature in black ink, appearing to read "Peter Grevatt", with a long horizontal line extending to the right.

The U.S. Environmental Protection Agency (EPA) is hereby granting a public interest waiver of the American Iron and Steel (AIS) requirements, pursuant to Public Law (PL) 114-113, the "Consolidated Appropriations Act, 2016" to the Taylor-West Weber Water Improvement District. This waiver permits a 30-inch diameter well conductor casing not produced in the United States to be used in the Taylor-West Weber Water Improvement District (WID) Water System Improvement Project in West Haven, Utah. 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 of PL 114-113 require DWSRF assistance recipients to use iron and steel products that are produced in the United States if the project is funded through an SRF assistance agreement. These provisions also allow EPA to waive the requirement for use of iron and steel products produced in the United States under certain circumstances, including "...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 Taylor-West Weber Water Improvement District has applied to EPA for a public interest waiver for the purchase of a well conductor casing not produced in the United States. The well conductor casing is a 30-inch diameter steel casing that creates a safe (non-collapsible) hole through which a production well will be drilled and provides a sanitary surface seal to inhibit intrusion of ground water into the aquifer from which the well will draw ground water. This is a preliminary step to drilling a production well. Once installed, the well conductor casing is not a removable part of the well, and for this particular project, it is cement-grouted into the ground to a depth of 100 feet.

Taylor-West Weber WID urgently needed the well for which the conductor casing was required. Without this new well, the district would not be able to meet its peak water demands. This new well replaces an old well which had failed.

The community contacted 17 different manufacturers of well conductor casings to inquire about availability of casings produced in the United States. Of the 17 manufacturers, only two indicated that their products were "American manufactured". The district selected one of these two manufacturers believing the manufacturer was providing an AIS compliant product. Taylor-West Weber WID installed the well conductor casing on or about October 28, 2015, to keep the project on schedule. After receipt of the invoice for the well conductor casing, the community requested the necessary AIS certification letter, at which time they determined that the casing they had already installed did not actually meet the AIS requirements. The well conductor casing was manufactured domestically, but from a slab of imported steel.

The district is depending on the production from this new well to allow them to meet peak water demands this summer. The well conductor casing cannot be easily replaced without drilling a whole new well. Such an undertaking would leave the district unable to meet peak water demands this summer.

EPA finds that applying the AIS provisions to the 30-inch well casing installed by the Taylor-West Weber WID would be inconsistent with the public interest. Therefore, Taylor-West Weber WID is hereby granted a public interest waiver from the AIS requirements for the Water System Improvement Project. This waiver permits the purchase of a 30-inch diameter well conductor casing, not produced in the United States, using DWSRF funds as documented in the State of Utah's waiver request submittal on behalf of the assistance recipient, dated January 5, 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 or (202) 564-1968.

cc: Anita Thompkins, Director, Drinking Water Protection Division
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