



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Butterfly Valves and Surge Relief Valve for Maine Water Company, ME Saco River Raw Water Pump Station and Intake Project
Waiver Number 01-DW-0005

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

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Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the Maine Water Company (MWC), Maine, for the purchase of butterfly valves and a surge relief valve for the Saco River Raw Water Pump Station and Intake Project. This waiver permits the use of butterfly valves and a surge relief valve, because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver applies only 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), or the Water Infrastructure Finance and Innovation Act that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF assistance agreement unless EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) of the Safe Drinking Water Act. 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."

Background of Waiver Request: This project consists of constructing a raw water pump station and intake as part of the new Saco River Water Treatment Facility, which will replace the current plant that was built in 1884 and is located in the floodplain. This project requires several butterfly valves which provide isolation and allow maintenance to the raw water pumps and surge relief valves which discharge to the atmosphere if the discharge piping becomes over-pressured.

The valves are needed for the testing of the raw water force main between the pump station to the treatment building. The valves need to be installed by December 2021, a deadline that is integral to the April 2022 commissioning of their new water treatment plant. The new plant needs to be online as soon as possible to reduce risk of future flooding of the existing plant.

The Maine Water Company conducted research to find a domestic manufacturer of AIS-compliant butterfly valves and surge relief valves and provided information to EPA demonstrating that no domestic manufacturers of butterfly valves and surge relief valves meet the project's schedule and technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of butterfly valves and surge relief valves and concluded that there are no domestic manufacturers of these products that meet the project's schedule and technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Maine Water Company, Maine, for the Saco River Raw Water Pump Station and Intake Project with respect to butterfly valves and a surge relief valve. This waiver permits the purchase of these butterfly valves and surge relief valve using DWSRF funds as documented in the State of Maine's waiver request submittal on behalf of the assistance recipient, dated October 1, 2021.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

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.