



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 Expansion Joints in the City of Prescott Water Production Facility and Intermediate Pump Station Project
Waiver Number 09-DW-0014

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

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 City of Prescott, Arizona, for the purchase of expansion joints for the Water Production Facility and Intermediate Pump Station Project. This waiver permits the use of molded rubber expansion joints with plated carbon steel flanges because no known domestic manufacturers produce a product that meets the project's 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 the DWSRF, Clean Water State Revolving Fund, 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: The City's Water Production Facility is the primary source for domestic water production and has exceeded its service life and needs to be upgraded. This project includes construction of a new booster pump station, piping, site access, electrical

improvements, and a new intermediate pump station. High water pressure is necessary for this project. Therefore, these particular expansion joints are required because they can withstand higher water pressures than other types of joints.

The City contacted domestic manufacturers to find AIS-compliant expansion joints and provided information to EPA demonstrating that no domestic manufacturers of expansion joints meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of expansion joints and concluded that there are no domestic manufacturers of these products that meet the project's 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 City of Prescott, Arizona, for the Water Production Facility and Intermediate Pump Station Project with respect to molded rubber expansion joints with plated carbon steel flanges. This waiver permits the purchase of expansion joints using DWSRF funds as documented in the State of Arizona's waiver request submittal on behalf of the assistance recipient, dated December 10, 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.