



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 24-inch Butterfly Valves for Whitworth Water District, WA Zone 3 to Zone 8 Transmission Main Project

**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 Whitworth Water District (the District), Washington, for the purchase of 24-inch butterfly valves for the Zone 3 to Zone 8 Transmission Main Project. This waiver permits the use of non-domestic 24-inch butterfly valves 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 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 be waived 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 project includes the installation of approximately 3.4 miles of 24-inch diameter water main north of Spokane, Washington, for the distribution of water for the Whitworth Water District. This water main needs to be installed by July 15, 2022, so that Spokane County can complete their subsequent roadway restoration project. Any delays created

by the District's project will impact Spokane County's roadway project. In order to meet these contract milestones, the 24-inch butterfly valves must be delivered to the site as soon as possible. The water main cannot be installed or tested without the valves on hand and final surface restoration cannot be completed until the valves are installed and the water main is successfully tested.

The District contacted manufacturers to find AIS-compliant butterfly valves and provided information to EPA demonstrating that no domestic manufacturers of butterfly 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 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 Whitworth Water District, Washington, for the Zone 3 to Zone 8 Transmission Main Project with respect to butterfly valves. This waiver permits the purchase of 24-inch butterfly valves using DWSRF funds as documented in the State of Washington's waiver request submittal on behalf of the assistance recipient, dated April 1, 2022.

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