



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 in the City of Lewiston, ID Water Treatment Plant Retrofit Project Waiver Number 10-DW-0010

**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 Lewiston, Idaho, for the purchase of 24-inch butterfly valves for the Water Treatment Plant Retrofit Project. This waiver permits the use of 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 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 is utilizing the DWSRF for various drinking water system improvements, including construction of a new water treatment plant, replacement of undersized water mains, upgrades to the existing booster pumping facility, and construction of a new well supply and finished water reservoir. The butterfly valves are necessary for the ultraviolet light disinfection system for the new water treatment plant, which is scheduled to be installed in early December 2022. The previous water treatment plant was demolished to make room for the new plant. The City was using temporary membrane treatment trailers during Summer 2022 to meet peak demands while the new plant was being constructed. The treatment trailers were recently decommissioned, and the City is operating with only its limited groundwater supply during the upcoming winter months. Significant lead times for domestic butterfly valves would delay the City's project, which is scheduled for completion by the end of January 2023. The new water treatment plant needs to be in operation before the end of winter, so the

City will be able to meet spring and summer demands. The project deadline is critical for the City to provide a potable water supply to its customers.

The City contacted domestic 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 City of Lewiston, Idaho, for the Water Treatment Plant Retrofit 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 Idaho's waiver request submittal on behalf of the assistance recipient, dated September 15, 2022.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Infrastructure Development Division, at [shattuck.dallas@epa.gov](mailto:shattuck.dallas@epa.gov) or (202) 564-0972.