



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 a Butterfly Valve and a Check Valve for the Hayden Lake Irrigation District, ID Two Million Gallon Water Tank Project
Waiver Number 10-DW-0007

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 Hayden Lake Irrigation District (District), Idaho, for the purchase of a 12-inch butterfly valve and an 18-inch silent check valve for the Two Million Gallon Water Tank Project. This waiver permits the use of a 12-inch butterfly valve and an 18-inch silent check 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 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: This project consists of constructing a two-million-gallon water storage tank to increase the supply capacity for the existing population in the District, as well as site improvements around the new tank including the water mains to connect to the existing wells and distribution system. The project also includes the installation of a 12-inch butterfly valve and an 18-inch silent check valve that are components of the tank's interior piping and required to fill and operate the tank. In order to avoid a construction shutdown for the winter, the project has to stay on schedule. Otherwise the tank will remain empty and inoperable until March 2023, which does not leave enough time for pump testing and adjustments before the next peak demand season starts.

The District conducted research to find a domestic manufacturer of AIS-compliant 12-inch butterfly valves and 18-inch silent check valves and provided information to EPA demonstrating that no domestic manufacturers of butterfly valves and silent check valves meet the project's schedule and technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 12-inch butterfly valves and 18-inch silent check valves and concluded that there are no domestic manufacturers of this product 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 Hayden Lake Irrigation District, Idaho, for the Two Million Gallon Water Tank Project with respect to a 12-inch butterfly valve and an 18-inch silent check valve. This waiver permits the purchase of one 12-inch butterfly valve and one 18-inch silent check valve using DWSRF funds as documented in the State of Idaho's waiver request submittal on behalf of the assistance recipient, dated August 25, 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 Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov or (202) 564-1968.