



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 Strainers and Ball Check Valves for the City of Chicago, IL Jardine Water Purification Plant (JWPP) and Sawyer Water Purification Plant (SWPP) Phosphate System Modifications Project
Waiver Number 05-DW-0020

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 of the Safe Drinking Water Act (SDWA) to the City of Chicago, IL, for the purchase of strainers and ball check valves for the Jardine Water Purification Plant (JWPP) and Sawyer Water Purification Plant (SWPP) Phosphate System Modifications Project. This waiver permits the use of strainers and ball check valves 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 SDWA. 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 various improvements to Chicago’s Jardine and Sawyer Water Purification Plants, including modifications to the chemical fill station and a new chemical feed system for JWPP, and the new chemical fill and feed systems for SWPP. These improvements will ensure continuity and efficiency at the City’s major purification plants. The strainers and ball check valves will be part of the blended phosphate piping system.

The City conducted research to find a domestic manufacturer of AIS-compliant strainers and ball check valves and provided information to EPA demonstrating that no domestic manufacturers of strainers and ball check valves meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of strainers and ball check valves 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 Chicago, for the Jardine Water Purification Plant (JWPP) and Sawyer Water Purification Plant (SWPP) Phosphate System Modifications Project with respect to strainers and ball check valves. This waiver permits the purchase of strainers and ball check valves using DWSRF funds as documented in the State of Illinois' waiver request submittal on behalf of the assistance recipient, dated May 8, 2023.

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.