



## OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

February 20, 2024

### **MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for Stainless Steel Gate Valves for City of Stuart, Florida Water Treatment Plant Reverse Osmosis Treatment Facility Project  
Waiver Number 04-DW-0017

**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 Stuart, FL, for the purchase of stainless steel gate valves for the Water Treatment Plant Reverse Osmosis Treatment Facility Project. This waiver permits the use of stainless steel gate 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 constructing a new reverse osmosis treatment system, including modifications to the City's deep injection well. The new deep injection wellhead requires one 4-inch and one 6-inch stainless steel gate valves.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of stainless steel gate valves, and reached out to 12 known gate valve manufacturers, suppliers, and distributors. None indicated they could provide domestic stainless steel gate valves that meets 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 Stuart, for the Water Treatment Plant Reverse Osmosis Treatment Facility Project with respect to stainless steel gate valves. This waiver permits the purchase of stainless steel gate valves using DWSRF funds as documented in the State of Florida's waiver request submittal on behalf of the assistance recipient, dated December 21, 2023.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act section 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](mailto:medrano.jorge@epa.gov) or (202) 564-1968.