



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Small-Bore, Stainless Steel Fittings for the City of Mitchell, South Dakota, Pump Station and Ground Reservoir Project
Waiver Number 08-DWA-0031

FROM: Jennifer L. McLain, Director

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 Mitchell, SD (Applicant), for the purchase of small-bore stainless-steel fittings for the Mitchell Pump Station and Ground Storage Reservoir Project. This waiver permits the use of small-bore stainless-steel fittings, specifically: 2" Stainless Steel 150# Unions, 1/2" x 1-1/2" Stainless Steel Schedule 40 Nipple, 1/2" Stainless Steel 150# Threaded Tee, and 1/2" x 1/4" Stainless Steel 150# Hex Head Reducing Bushing, 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 the EPA determines that it is necessary to waive this requirement. The 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 2.5-million-gallon ground storage reservoir and a corresponding pump station to service the City of Mitchell, SD. The project's main purpose is to increase the city's water storage, improve pressures in the distribution system, and

provide improved water quality to the city. Small-bore stainless steel fittings including unions, nipples, threaded tees, hex head reducing bushing, ball valves, flanges, and reducers are required to join pipes within the pump station and stainless steel is required due to its durability, corrosivity resistance and ease of maintenance.

The Applicant conducted research to find a domestic manufacturer of AIS-compliant small-diameter stainless steel pipe fittings and provided information to the EPA demonstrating that no domestic manufacturers of the specified small-diameter stainless steel pipe fittings meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of small-bore stainless steel fittings, specifically: 2" Stainless Steel 150# Unions, 2" Stainless Steel 150# Reducers, 2" Stainless Steel 150# Flanges, 1/2" x1-1/2" Stainless Steel Schedule 40 Nipple, 1/2" Stainless Steel 1000# Standard Port NPT Ball Valve, 1/2" Stainless Steel150# Threaded Tee, and 1/2" x 1/4" Stainless Steel 150# Hex Head Reducing Bushing. The EPA reached out to 14 known stainless steel pipe fitting manufacturers, suppliers, and distributors. During market research, the EPA was able to identify domestic options for the reducers, flanges, and ball valves that met the project's technical specifications. For the remaining products, stainless steel unions, schedule 40 nipples, threaded tees, and hex head reducing brushings, no manufacturers indicated that they could provide domestic options. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA received no public comments.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the City of Mitchell for its Pump Station and Ground Reservoir Project with respect to small-bore, stainless steel fittings specifically: 2" Stainless Steel 150# Unions, 1/2" x1-1/2" Stainless Steel Schedule 40 Nipple, 1/2" Stainless Steel150# Threaded Tee, and 1/2" x 1/4" Stainless Steel 150# Hex Head Reducing Bushing. Because the specified reducers, flanges, and ball valves are available domestically, they are not included in this waiver. This waiver permits the purchase of the specified small-bore stainless-steel fittings, as described in this waiver, using DWSRF funds, as documented in the State of South Dakota's waiver request submittal on behalf of the assistance recipient, dated August 30, 2024.

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 Belle Sullivan, Environmental Engineer, Drinking Water Infrastructure Development Division, at sullivan.belle@epa.gov.