



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 Seven Butterfly Valves for Hayden Lake Irrigation District, ID Two Million Gallon Water Tower Project
Waiver Number 10-DW-0005

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, Idaho, for the purchase of one 16-inch, three 18-inch and three 24-inch butterfly valves for the 2.0 Million Gallon Water Tower Project. This waiver permits the use of seven butterfly valves (one 16-inch, three 18-inch and three 24-inch), 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 either the Drinking Water or Clean Water State Revolving Fund (SRF), 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: This project consists of constructing a two-million-gallon water storage tank to increase the supply capacity for the existing population in the District. The project also includes site improvements around the new tank including the water mains to connect to the existing wells and distribution system.

The butterfly valves are integral to the project to make the connections to the existing well and distribution system. The work sequence in the project's specifications indicates these connections cannot be made between May 1st and September 10th during summer peak water demand in the District. If the project is delayed past May 1st, it would require the well to be shutdown, impacting a vast portion of the District's customers.

The Hayden Lake Irrigation District conducted research to find a domestic manufacturer of 16-inch, 18-inch and 24-inch 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 16-inch, 18-inch and 24-inch 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 two public comments from manufacturers stating that they had potential domestic alternatives. The two manufacturers had delivery lead times ranging from 15 to 16 weeks to deliver all seven (7) butterfly valves, which would significantly delay project completion to beyond May 1st. This delay would adversely impact the work sequence section of the project's specifications.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Hayden Lake Irrigation District, Idaho, for the 2.0 Million Gallon Water Tower Project with respect to one 16-inch, three 18-inch and three 24-inch butterfly valves. This waiver permits the purchase of these seven butterfly valves using DWSRF funds as documented in the state of Idaho's waiver request submittal on behalf of the assistance recipient, dated February 26, 2021.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.