



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 Discharge Column Piping in the County of Maui Pookela Well “B” Development Project
Waiver Number 09-DW-0011

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 County of Maui, Hawaii, for the purchase of discharge column piping for the Pookela Well “B” Development Project. This waiver permits the use of non-domestic discharge column piping 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 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: The purpose of this project is development of a back-up well to provide source water reliability for the Maui area. This new well project includes installation of a 900 gallons per minute pump and motor, discharge column piping, flush water drain line, and

motor-control center upgrades. The County of Maui contacted domestic manufacturers to find AIS-compliant discharge column piping and provided information to EPA demonstrating that no domestic manufacturers of discharge column piping meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of discharge column piping 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 County of Maui, Hawaii, for the Pookela Well "B" Development Project with respect to discharge column piping. This waiver permits the purchase of discharge column piping using DWSRF funds as documented in the State of Hawaii's waiver request submittal on behalf of the assistance recipient, dated June 1, 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 Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at shattuck.dallas@epa.gov or (202) 564-0972.