



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for a Double Check Valve for the Town of Queen Creek, Arizona Storage Tank and Booster Pump Station Project
Waiver Number 09-DWA-0030

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 Town of Queen Creek, AZ (Applicant), for the purchase of a 12-inch double check valve for the Storage Tank and Booster Pump Station Project. This waiver permits the use of a 12-inch double check valve because no known manufacturers produce a domestic product that meets the technical specifications of the project. 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. 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: The project consists of a new concrete water storage tank and a new vertical turbine booster pump station with associated electrical controls and equipment. The project requires the installation of a 12-inch double check valve to prevent non-potable water backflow into the potable water system, as required by the Arizona Department of Environmental Quality.

The Applicant conducted research to find a domestic manufacturer of AIS-compliant 12-inch double check valves and provided information to EPA demonstrating that no domestic manufacturers of 12-inch double check valves meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of double check valves and reached out to 10 known double check valves manufacturers, suppliers, and distributors. No manufacturers indicated that they could provide a domestic option.

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 two public comments: one from a manufacturer indicating that they do not manufacture a valve with this design, and the other from a distributor indicating that they contacted manufacturers and confirmed that they do not make AIS compliant 12-inch double check valves that meet the technical specifications of the project.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Town of Queen Creek, for the Storage Tank and Booster Pump Station Project with respect to a 12-inch double check valve. This waiver permits the purchase of a 12-inch double check valve using DWSRF funds as documented in the State of Arizona's waiver request submittal on behalf of the assistance recipient, dated December 13, 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 Jorge Medrano, Environmental Engineer at medrano.jorge@epa.gov, or Ivy Shorter, Physical Scientist at shorter.ivy@epa.gov, Drinking Water Infrastructure Development Division.