



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Multiple Valves for the Eastern New Mexico Water Utility Authority New Rural Water System Project
Waiver Number 06-DWA-0013

FROM: Jennifer L. McLain, Director

Decision: The U.S. Environmental Protection Agency (EPA) is 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 Eastern New Mexico Water Utility Authority, NM (Applicant), for the purchase of nozzle check valves, control valves, and surge relief valves for the New Rural Water System Project. This waiver permits the use of these valves because no known manufacturers produce domestic products that meet the technical specifications of the project. This project-specific waiver applies only to the use of the specified products 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 approximately 130 miles of raw water transmission main, a raw water intake structure and pump station, a raw water booster pump station, a water treatment plant, a finished water booster pump station, and pressure reducing stations where required. The project requires the installation of ten nozzle check valves, three control valves, and one surge relief valve for the completion of this project. The project requires these valves to prevent reverse flows through pumps, to depressurize and drain high pressure pipes, and to prevent excessive pressure buildup in the main pipeline.

The Applicant conducted research to find a domestic manufacturer of AIS-compliant nozzle check valves, control valves, and surge relief valves and provided information to EPA demonstrating that no domestic manufacturers of these multiple valves meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of nozzle check valves, control valves and surge relief valves. The EPA reached out to 10 known nozzle check valve manufacturers, suppliers, and distributors. No manufacturers indicated that they could provide a domestic option. The EPA also reached out to 10 known control valve manufacturers, suppliers, and distributors. No manufacturers indicated that they could provide a domestic option. The EPA also reached out to 11 known surge relief valve manufacturers. 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 no public comments.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Eastern New Mexico Water Utility Authority, for the New Rural Water System Project with respect to nozzle check valves, control valves, and surge relief valves. This waiver permits the purchase of nozzle check valves, control valves, and surge relief valves using DWSRF funds as documented in the State of New Mexico's waiver request submittal on behalf of the assistance recipient, dated March 3, 2025.

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 Peter Roumeliotis, Physical Scientist at roumeliotis.peter@epa.gov, or Jorge Medrano, Environmental Engineer at medrano.jorge@epa.gov, Drinking Water Infrastructure Development Division.