



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Backflow Preventers for the Cave Creek Water Interconnect Project
Waiver Number 09-DWA-0036

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 Cave Creek, AZ (Applicant), for the purchase of backflow preventers. This waiver permits the use of backflow preventers 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 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: The project consists of constructing a new interconnection between the Town of Cave Creek and the City of Phoenix as allowed by an Intergovernmental Agreement. This new interconnection would increase the reliability Cave Creek's distribution system and would allow Cave Creek to conduct necessary maintenance of their system. This project also includes other distribution system upgrades. The backflow preventers are an integral part to the interconnection.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of backflow preventers and reached out to ten (10) manufacturers, suppliers, and distributors. No (zero) manufacturers indicated that they could provide a domestic option that meets the project's technical specifications.

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 stating that they cannot manufacture the product to the technical specifications, and one public comment from a manufacturer asking for more information about the product. The requested information was provided, and the EPA received no further comments from that manufacturer.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Town of Cave Creek, for the Cave Creek Water Interconnect Project, with respect to the backflow preventers. This waiver permits the purchase of backflow preventers using DWSRF funds, as documented in the State of Arizona's waiver request submittal on behalf of the assistance recipient, dated September 16, 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 Alexis Johnson, Physical Scientist at johnson.alexis.j@epa.gov, Drinking Water Infrastructure Development Division.