



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of the American Iron and Steel Requirements for a 4-inch Backflow Preventer and a 4-inch Wye Strainer for the Town of Montezuma, IN Water Treatment Plant Improvement Project Waiver Number 05-DWA-0029

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 Montezuma, Indiana (Applicant), for the purchase of a 4-inch backflow preventer and a 4-inch wye strainer for its Water Treatment Plant Improvement project. This waiver permits the use of the 4-inch backflow preventer and the 4-inch wye strainer 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 Applicant is under an Agreed Order and Compliance Plan with the Indiana Department of Environmental Management to reduce nitrate concentrations in the water by improving the treatment system. The backflow preventer and wye strainers are needed to protect the potable water supply.

The Applicant conducted research to find a domestic manufacturer of AIS-compliant 4-inch backflow preventers and 4-inch wye strainers and provided information to the EPA demonstrating that no domestic manufacturers of are available to meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of 4-inch backflow preventers and 4-inch wye strainers. During market research, the EPA reached out to twelve (12) known manufacturers of backflow preventers and wye strainers. No domestic manufacturers were identified which could meet the technical specifications for 4-inch backflow preventers and 4-inch wye strainers. 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 (2) public comments. Through direct follow up with each manufacturer, the EPA confirmed neither manufacturer produces AIS compliant backflow preventers or wye strainers.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Town of Montezuma, Indiana, for the Water Treatment Plant Improvement Project with respect to a 4-inch backflow preventer and a 4-inch wye strainer. This waiver permits the purchase of the 4-inch backflow preventer and 4-inch wye strainer using DWSRF funds as documented in the State of Indiana's waiver request submittal on behalf of the assistance recipient, dated November 6, 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 SRF_AIS@epa.gov.