



## OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

### **MEMORANDUM**

**SUBJECT:** Timing Availability-Based Project Waiver of American Iron and Steel Requirements for a Three-way Plug Valve for the Brookings, SD, Municipal Utilities Water Treatment Plant Project  
Waiver Number 08-DWA-0034

**FROM:** Jennifer L. McLain, Director

**Decision:** The U.S. Environmental Protection Agency (EPA) is hereby granting a timing availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements of the Safe Drinking Water Act (SDWA) to the City of Brookings, South Dakota (Applicant), for the purchase of a three-way plug valve. This waiver permits the use of a three-way plug valve because no known manufacturers produce a domestic product that meets the project's technical specifications and schedule. 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 installing a three-way plug valve in place of two separate existing plug valves for a new 6 million gallon per day lime softening water treatment plant (WTP). The new WTP will require a new raw water line and a new finished

water line. Using a three-way plug valve for the lime silos instead of two plug valves will remove any plugging issues that would occur in and out of the lime silos at the new treatment plant.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability for three-way plug valves and reached out to 10 (ten) manufacturers, suppliers, and distributors. Four (4) manufacturers originally indicated they could provide a domestic option that meets the project's technical specifications. One (1) manufacturer indicated that they could meet the project's technical specifications, however not within the project's schedule. The remaining three (3) manufacturers, when contacted by the applicant, stated that they could not provide AIS-compliant three-way plug valves that meet the project's technical specifications and schedule.

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 during the public comment period.

Finding: The EPA is granting a timing availability-based waiver from the AIS requirements to the City of Brookings, SD, for the Brookings Municipal Utilities Water Treatment Plant Project, with respect to a three-way plug valve. This waiver permits the purchase of a three-way plug valve using DWSRF funds, as documented in the State of South Dakota's waiver request submittal on behalf of the assistance recipient, dated March 2, 2026.

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](mailto:johnson.alexis.j@epa.gov), Drinking Water Infrastructure Development Division.