



OFFICE OF WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Backflow Prevention Valves for the Southeast Water Production Facility Polk Regional Water Cooperative Project
Waiver Number 04-DWA-0029

FROM: Jennifer L. McLain, Director
Office of Ground Water and Drinking Water

Andrew Sawyers, Director
Office of Wastewater Management

Decision: The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the American Iron and Steel (AIS) requirements of 33 U.S.C. § 3914 under the authority of 33 U.S.C. § 3914(c)(2) and Section 1452(a)(4) of the Safe Drinking Water Act to Polk County for the purchase of 6-inch backflow prevention valves for the Southeast Water Production Facility Polk Regional Water Cooperative Project in Polk County, Florida. This waiver permits the use of backflow preventers because no known domestic manufacturers produce a product that meets the project's technical specifications. 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) and the Water Infrastructure Finance and Innovation Act (WIFIA). 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 and WIFIA assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF and/or WIFIA 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 Safe Drinking Water Act and the Water Infrastructure Finance and Innovation Act at 33 U.S.C. § 3914(c)(2). 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 Southeast Water Production Facility Polk Regional Water Cooperative Project in Lake Wales is a regional alternative water supply initiative that will include the construction of a Reverse Osmosis (RO) treatment facility and wellfield development along with installation of raw and finished water mains. Backflow preventers are required for the project to prevent contamination of the potable water lines throughout the plant.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of 6-inch backflow preventers by contacting known manufacturers, suppliers, and distributors. During market research, the EPA reached out to ten (10) known manufacturers of backflow preventers. There were no (zero) manufacturers identified who could meet the technical specifications for the product.

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 (zero) public comments from manufacturers.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to Polk County for the Southeast Water Production Facility Polk Regional Water Cooperative Project with respect to 6-inch backflow preventers. This waiver permits the purchase of these valves using DWSRF and WIFIA funds as documented in the Applicant's waiver request dated April 23, 2026.

Legal Authority: Legal authority for the AIS requirements, including waiver authority, is included in 33 U.S.C. § 3914 and Section 1452(a)(4) of the Safe Drinking Water Act.

If you have questions concerning the contents of this memorandum, please contact Belle Sullivan, Environmental Engineer, Drinking Water Infrastructure Development Division, at Sullivan.Belle@epa.gov.