



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

MAR - 3 2020

OFFICE OF WATER

### DECISION MEMORANDUM

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for a Stainless Steel Check Valve in the Lake Panorama Association Water Supply and Treatment System Improvements Project  
Waiver Number 07-DW-0006

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

A handwritten signature in blue ink, appearing to read "Jennifer L. McLain".

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 to the Lake Panorama Association in Iowa for the purchase of a stainless steel check valve for the Water Supply and Treatment System Improvements Project. This waiver permits the use of one non-domestic 6-inch stainless steel check valve because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver only applies 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 either the Drinking Water or Clean Water State Revolving Fund (SRF) 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 Safe Drinking Water Act. The provision states in part: "[the requirements] shall not apply 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."

The Lake Panorama Association Water Supply and Treatment System Improvements Project includes construction of a new well. The 6-inch stainless steel check valve will be located in the discharge piping of a submersible well pump system, as required by the Great Lake Upper Mississippi River Board Design Standards. The nature of the groundwater at this site is very

corrosive, and it is required that all materials in constant contact with the groundwater are made of stainless steel.

The Association contacted other domestic manufacturers to find comparable AIS-compliant stainless steel check valves and provided information to the EPA demonstrating that no manufacturers meet the project's technical specification.

The EPA conducted market research on the supply and availability of 6-inch stainless steel check valves and concluded that there are no domestic manufacturers that meet the project's technical specification. 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 offering a domestic stainless steel check valve that meets the project's technical specification.

The EPA is granting an availability-based waiver from the AIS requirements to the Lake Panorama Association in Iowa for the Water Supply and Treatment System Improvements Project with respect to a stainless steel check valve. This waiver permits the purchase of one 6-inch stainless steel check valve using DWSRF funds as documented in the State of Iowa's waiver request submittal on behalf of the assistance recipient, dated February 7, 2020.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at [shattuck.dallas@epa.gov](mailto:shattuck.dallas@epa.gov) or (202) 564-0972.