



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Fin Neck Hardware for Beatty Water and Sanitation District, Nevada Water Storage Tank Replacement Project
Waiver Number 09-DW-0024

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 Beatty Water and Sanitation District, NV, for the purchase of fin neck hardware for the Water Storage Tank Replacement Project. This waiver permits the use of fin neck hardware 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). 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 project consists of erecting a forty-five-thousand-gallon bolted steel storage tank, which will provide the District and its neighboring communities adequate water supply throughout the dry season each year. Due to the corrosive environment, the project requires factory coated fin neck hardware including 1/2-inch washers, 1/2-inch nuts, and 1/2-inch bolts.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of fin neck hardware and reached out to 11 known fin neck hardware manufacturers, suppliers, and distributors. None indicated they could provide domestic fin neck hardware that meet 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 one comment from a manufacturer indicating they had potential domestic alternatives. However, the manufacturers' products do not meet the project's technical specifications.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Beatty Water and Sanitation District, for the Water Storage Tank Replacement Project with respect to fin neck hardware. This waiver permits the purchase of fin neck hardware using DWSRF funds as documented in the State of Nevada's waiver request submittal on behalf of the assistance recipient, dated April 2, 2024.

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 Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at medrano.jorge@epa.gov.