



## OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

### **MEMORANDUM**

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for Galvanized Steel and Well Casing Pipes for Lord Arizona Water Systems, Arizona, Wells Drilling Project  
Waiver Number 09-DW-0025

**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 Lord Arizona Water Systems, AZ (System), for the purchase of galvanized steel and well casing pipes for the Wells Drilling Project. This waiver permits the use of galvanized steel and well casing pipes 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 products 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 products 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 drilling two wells to replace two wells that collapsed last summer during the same week. The project requires an 8-inch well casing pipe and a 2-inch drop galvanized pipe. These products were selected because the wells are 1,000 feet below land surface and anything deeper than 400 feet requires steel because PVC is not strong enough to keep a moving pump suspended nearly 1,000 feet for an extended period of time.

The System conducted research to find a domestic manufacturer of AIS-compliant galvanized steel and well casing pipes and provided information to EPA demonstrating that no domestic manufacturers of galvanized steel and well casing pipes meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of galvanized steel and well casing pipes and reached out to 11 galvanized steel pipe and 12 well casing pipe manufacturers, suppliers, and distributors. Several potential domestic options were identified: 2 for the galvanized steel pipe and 3 for the well casing pipe. For the galvanized steel pipe, one manufacturer corrected their initial statement and confirmed they do not have or produce any domestic options. The other manufacturer does not sell galvanized steel pipe but indicated it could be fabricated. However, this manufacturer provided neither a price quote nor a delivery date and did not explain whether the pipe coating products would be NSF compliant. As for the well casing pipe, 2 manufacturers do not have a perforated casing option as required by the technical specifications of the project, and the third does not have a domestic option in stock nor did they offer a lead time to produce it and deliver it. After contacting the manufacturers, the System determined those options do not 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 two comments. One comment was from a manufacturer indicating they had potential domestic well pipe and casing, and the other comment was from a concerned customer explaining the impact of having these wells out of service. During direct communications between the manufacturer and the System, it was determined that they do not normally produce a well pipe and casing that meets the technical specifications for the project and they would need to custom-produce it. This would delay the project further, first because the project engineer would need to prepare certified drawings for the well pipe and casing, and second, the manufacturer could not provide a price quote nor a delivery time, making it impossible for the project to estimate a reasonable time to complete the well construction and make safe drinking water available to the community.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the Lord Arizona Water Systems, for the Wells Drilling Project with respect to galvanized steel and well casing pipes. This waiver permits the purchase of non-domestic galvanized steel and well casing pipes using DWSRF funds as documented in the State of Arizona's waiver request submittal on behalf of the assistance recipient, dated June 18, 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](mailto:medrano.jorge@epa.gov).