



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for High Pressure Ductile Iron Pipe for the Town of Killington, VT Water System Source, Pumping, Storage and Transmission Main Project
Waiver Number 01-DW-0007

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

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 to the Town of Killington, VT, for the purchase of high-pressure ductile iron pipe for the Water System Source, Pumping, Storage and Transmission Main Project. This waiver permits the use of high-pressure ductile iron pipe 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. 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 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: This project consists of various improvements to Killington’s drinking water system, including a new water source, storage, and piping system to provide safe drinking water to existing public water systems which have water quality concerns. The project also includes the construction of a pump station that will convey water from an in-building clear well to the water storage tank. Specialty high-pressure ductile iron pipe is required for the first 3,630 linear feet of water main from the pumps’ discharge due to a 700 pound-per-square-inch (psi) operating pressure.

The town conducted research to find a domestic manufacturer of AIS-compliant high-pressure ductile iron pipe and provided information to EPA demonstrating that no domestic manufacturers of high-pressure ductile iron pipe meet the project's technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of high-pressure ductile iron pipe and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. Per statutory requirement, the waiver request was posted on EPA's AIS website for the mandatory 15-day public comment period. EPA received no public comments.

Finding: EPA is granting an availability-based waiver from the AIS requirements to the Town of Killington, for the Water System Source, Pumping, Storage and Transmission Main Project with respect to high-pressure ductile iron pipe. This waiver permits the purchase of high-pressure ductile iron pipe using DWSRF funds as documented in the State of Vermont's waiver request submittal on behalf of the assistance recipient, dated April 14, 2023.

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 or (202) 564-1968.