



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

March 25, 2024

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Restrained Joint Fittings for City of Gainesville, Georgia Riverside Drive WTP High Service Pump No. 5 Modifications Project
Waiver Number 04-DW-0018

FOR

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 City of Gainesville, GA, for the purchase of restrained joint ductile iron fittings (restrained joint fittings) for the Riverside Drive WTP High Service Pump No. 5 Modifications Project. This waiver permits the use of restrained joint fittings 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: This project consists of performing major pump building modifications: replacing the existing No. 5 high service pump, motor, and drive; installing underground valves, piping and fittings; and installing a surge tank with valves, piping, fittings and controls. The fittings for the surge tank include the installation of four (4) 24-inch restrained joint fittings.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of restrained joint fittings and reached out to 16 known restrained joint fittings manufacturers, suppliers, and distributors. None indicated they could provide domestic restrained joint fittings that meets 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 no public comments.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the City of Gainesville, for the Riverside Drive WTP High Service Pump No. 5 Modifications Project with respect to restrained joint fittings. This waiver permits the purchase of restrained joint fittings using DWSRF funds as documented in the State of Georgia's waiver request submittal on behalf of the assistance recipient, dated February 6, 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 or (202) 564-1968.