



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Ductile Iron Mechanical Joint Tapping Sleeves for the City of Hazard, Kentucky Phase 4 - Emergency Tank Replacement Project
Waiver Number 04-DWA-0022

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 Hazard for the purchase of ductile iron mechanical joint tapping sleeves for the Phase 4 - Emergency Tank Replacement Project in Kentucky. This waiver permits the use of ductile iron mechanical joint (MJ) tapping sleeves 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 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 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 will construct two 1 million gallon (MG) water storage tanks and take the existing 2 MG tank out of service. Due to heavy degradation from rust on the walls and floor, the existing main tank is in danger of rupturing. The project's specifications require an 18-inch ductile iron MJ tapping sleeve. The tapping sleeve is required to tap an existing 18-inch ductile iron line so the City of Hazard can connect their new ductile

iron 18-inch line, connecting the existing distribution system to the new tanks, without shutting off water to the system.

The City of Hazard conducted research to find a domestic manufacturer of AIS-compliant ductile iron mechanical joint tapping sleeves and provided information to the EPA demonstrating that no domestic manufacturers of ductile iron mechanical joint tapping sleeves meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of ductile iron MJ tapping sleeves needed and reached out to nine (9) known manufacturers, suppliers, and distributors. One (1) manufacturer indicated they could provide 18-inch ductile iron MJ tapping sleeves that meets the project's technical specifications. When contacted, the manufacturer informed the City of Hazard that they can only provide an 18" carbon steel MJ tapping sleeve, not a ductile iron sleeve, which does not meet the technical specifications for the project because there is a risk of galvanic corrosion if the proposed alternative materials were used in the place of ductile iron.

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 (1) public comment from a manufacturer stating that they could provide an AIS compliant fabricated carbon (or stainless steel) mechanical joint tapping sleeve as an alternative product. However, the alternative product does not meet the project's technical specifications and as stated above there is a risk of galvanic corrosion if the proposed alternative materials were used in the place of ductile iron.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the City of Hazard, for the Phase 4 - Emergency Tank Replacement Project with respect to ductile iron mechanical joint tapping sleeves. This waiver permits the purchase of ductile iron mechanical joint tapping sleeves using DWSRF funds as documented in the State of Kentucky's waiver request submittal on behalf of the assistance recipient, dated November 8th, 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 Daniel La Bella, Environmental Engineer, Drinking Water Infrastructure Development Division, at labella.daniel@epa.gov.