



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 Backup Flanges for the Town of St. Johnsbury, Vermont Water Treatment Plant Improvements Project
Waiver Number 01-DWA-0008

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 Town of St. Johnsbury for the purchase of ductile iron (DI) backup flanges, for the Water Treatment Plant Improvements Project in Vermont. This waiver permits the use of DI backup flanges 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 consists of constructing a new water treatment plant that can accommodate an ultrafiltration membrane treatment system. The new plant will provide improved surface water treatment for the community by replacing unsafe filter tanks. DI backup flanges are required to join the stainless-steel process piping. The project requires flanges in the sizes of 6-inch, 8-inch, 10-inch, and 12-inch.

The Town of St. Johnsbury conducted research to find a domestic manufacturer of AIS-compliant DI backup flanges and provided information to the EPA demonstrating that no domestic manufacturers of DI backup flanges meet the project's technical specifications.

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of DI backup flanges needed and reached out to 16 known manufacturers, suppliers, and distributors. None (zero) indicated they could provide DI backup flanges 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 St. Johnsbury, for the Water Treatment Plant Improvements Project with respect to DI backup flanges. This waiver permits the purchase of DI backup flanges using DWSRF funds as documented in the State of Vermont's waiver request submittal on behalf of the assistance recipient, dated April 10th, 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.