



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

FEB 26 2020

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Ductile Iron Ball and Socket Pipe in the Boone County Public Service District Prenter Road/Route 5 Area Waterline Extension Phase II Project
Waiver Number 03-DW-0001

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

A handwritten signature in black ink, appearing to read "Jennifer L. McLain", written over the printed name and title.

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 Boone County Public Service District (PSD) in West Virginia for the purchase of ductile iron ball and socket pipe for the Prenter Road/Route 5 Area Waterline Extension Phase II Project. This waiver permits the use of non-domestic ductile iron ball and socket pipe because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver only applies 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 either the Drinking Water or Clean Water State Revolving Fund (SRF) 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 Safe Drinking Water Act. The provision states in part: "[the requirements] shall not apply 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."

The Prenter Road waterline extension project is needed to replace the existing public water system, which is currently in non-compliance. The ductile iron ball and socket pipe is needed for a stream crossing that is part of this project. According to the manufacturer, the ball, bell and retainer are not domestically produced; therefore, the ball and socket pipe does not meet the AIS

requirements even though the other components of the pipe are domestically produced. An alternate manufacturer of the ball and socket pipe was found, but the lead time would delay construction into fish spawning season. Due to this, the construction under the stream could not begin until summer 2020, delaying project completion several months.

The PSD contacted other domestic manufacturers to find comparable AIS-compliant ductile iron ball and socket pipe and provided information to the EPA demonstrating that no manufacturers of this specialty pipe meet the project's schedule and technical specification.

The EPA conducted market research on the supply and availability of ball and socket pipe and concluded that there are no domestic manufacturers of this specialty pipe that meet the project's schedule and technical specification. The EPA found no additional domestic manufacturers. 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.

The EPA is granting an availability-based waiver from the AIS requirements to the Boone County PSD in West Virginia for the Prenter Road/Route 5 Area Waterline Extension Phase II Project with respect to ductile iron ball and socket pipe. This waiver permits the purchase of ductile iron ball and socket pipe using DWSRF funds as documented in the State of West Virginia's waiver request submittal on behalf of the assistance recipient, dated January 6, 2020.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4)(A).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.