



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for High Pressure Butterfly Valves for the Town of Killington, Vermont, New Community Water System Project
Waiver Number 01-DW-0009

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 Killington, VT (Applicant), for the purchase of high-pressure butterfly valves for the New Community Water System Project. This waiver permits the use of a high-pressure butterfly valves 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 a new water source, a finished water storage tank, and piping system for the Town of Killington, which will improve the water quality. The current phase of work includes a new high service pump station that will convey water from the existing clearwell to the new water storage tank. Specialty high-pressure butterfly valves are required due to a 700-psi operating pressure of the high-pressure ductile iron water main.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of high-pressure butterfly valves and reached out to ten known high-pressure butterfly valve manufacturers, suppliers, and distributors. None indicated they could provide domestic high-pressure butterfly valves that meet 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 Town of Killington, for the New Community Water System Project with respect to high-pressure butterfly valves. This waiver permits the purchase of high-pressure butterfly valves using DWSRF funds as documented in the State of Vermont's waiver request submittal on behalf of the assistance recipient, dated May 30, 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.