



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Intake Encasement Pipe for the City of Clinton Water Department Raw Water Intake Improvements Project
Waiver Number 06-DWA-0018

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 Section 1452(a)(4) of the Safe Drinking Water Act (SDWA) to the City of Clinton for the purchase of an intake encasement pipe for the City of Clinton Water Department Raw Water Intake Improvements Project in the City of Clinton, AR. This waiver permits the use of an intake encasement pipe 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 City of Clinton Water Department Raw Water Intake Improvements Project includes replacing the existing encasement pipe that houses a skid mounted submersible turbine pump on the shore of Greers Ferry Lake. Clinton Water Department has a replacement pump ready to be installed but cannot install it until the encasement pipe is replaced, due to deterioration and corrosion of the existing pipe. The encasement pipe internal diameter (ID) must be the same as or larger than the existing pipe, otherwise the replacement pump will not fit inside the encasement. The existing 18-inch Schedule 10 pipe has an ID of 17.5 inches.

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

Assessment of Waiver Request: The EPA conducted market research on the supply and availability of intake encasement pipes by contacting known manufacturers, suppliers, and distributors. During market research, the EPA reached out to thirteen (13) known manufacturers of intake encasement pipes. One (1) manufacturer indicated that they could provide a domestic option; however, the City of Clinton confirmed this option does not meet the project's 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 one (1) public comment from a manufacturer. Through direct follow up with the manufacturer, the City of Clinton confirmed that the manufacturer does not produce AIS compliant intake encasement pipes.

Finding: The EPA is granting an availability-based waiver from the AIS requirements to the City of Clinton, AR for the City of Clinton Water Department Raw Water Intake Improvements project. This waiver permits the purchase of this pipe using DWSRF funds as documented in the Applicant's waiver request dated April 22, 2026.

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 Ivy Shorter, Physical Scientist, Drinking Water Infrastructure Development Division, at Shorter.Ivy@epa.gov.