



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

JUN 10 2015

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Toledo, Ohio for Flanged Reducing Bends

FROM: *for Sheila E. Swartz*
Andrew D. Sawyers, Director
Office of Wastewater Management

The EPA is hereby granting a project waiver pursuant to the "American Iron and Steel" requirements of the Clean Water Act Section 608 under the authority of Section 608(c)(2) to the City of Toledo, Ohio for the purchase of six ductile iron, 42-inch by 30-inch long radius flanged reducing bend fittings. This waiver permits the use of these fittings manufactured outside of the United States in the City's Ottawa River Storage Facility project because no domestic manufacturer can produce alternatives that meet the project's technical specifications and can be delivered on time to avoid delays in the project schedule. This is a project specific waiver and only applies to the use of the specified product for the proposed project funded by the Clean Water State Revolving Fund. Any other project funded by either the Clean Water or Drinking Water State Revolving Fund that wishes to use the same product must apply for a separate waiver based on the specific project circumstances.

Rationale: According to the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The agency can determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c)(2) of the Clean Water Act. The provision states that, "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency...finds that - (2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The City of Toledo provided information to the Agency demonstrating that there are no manufacturers producing domestic 42-inch by 30-inch ductile iron flanged long radius reducing 90-degree pipe bends in the United States in sufficient and reasonably available quantities in a timeframe that would allow the project to meet its schedule. The City found only one manufacturer that indicated they may be able to supply the product in question, however, manufacturing the product domestically would require a long lead time, which would significantly delay the project construction. Based on information provided by the applicant, the use of ductile iron long radius reducing bends is critical to the hydraulics of the pumping system to minimize headloss and ensure uniform flow in the system, which will optimize the performance of the pumps.

The Agency has conducted market research on the supply and availability of 42-inch by 30-inch ductile iron flanged long radius reducing 90-degree pipe bends and concluded that the City of Toledo's claim that there are no domestic manufacturers that can supply a similar product in an appropriate timeframe to meet the project's construction deadlines is supported by available evidence. EPA market research identified two manufacturers who responded that they would be able to produce these products, but they would require a lead time of eight to 12 months.

Since the applicant established a proper basis to specify a particular product required for this project and EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States, the City of Toledo is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified flanged reducing bends documented in the state of Ohio's waiver request submittal on behalf of the applicant dated April 17, 2015.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Municipal Support Division, at connor.timothy@epa.gov or (202) 566-1059.