



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

JUN 05 2015

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Winston-Salem and Forsyth County City/County Utilities Commission for Mechanical Joint Adapter Bells and Ductile Iron Wall Collars

FROM: *for* *Sheila E. Grace*
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 Winston-Salem and Forsyth County City/County Utilities Commission in North Carolina for the purchase of 4-inch to 42-inch mechanical joint adapter bells and 4-inch to 60-inch ductile iron wall collars. This waiver permits the use of these mechanical joint adapter bells and wall collars manufactured outside of the United States in the Utilities Commission's Muddy Creek Wastewater Treatment Plant Improvements project because no domestic manufacturers 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 products 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 products 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 project engineer for the Winston-Salem and Forsyth County City/County Utilities Commission provided information to the Agency demonstrating that there are no 4-inch to 42-inch mechanical joint adapter bells and 4-inch to 60-inch ductile iron wall collars manufactured in the United States in sufficient and reasonably available quantities and of satisfactory quality to meet the required technical specifications. The Utilities Commission plans to install several mechanical joint adapter bells and wall collars as part of the Muddy Creek Wastewater Treatment Plant Improvements project. These products will be embedded into concrete walls at

pipe penetrations for the influent diversion box in the project. The project engineer attempted to find a domestic producer of the adapter bells and wall collars through correspondence with manufacturers and suppliers, but none indicated that products that met the project's technical specifications were available domestically. The applicant selected 4-inch to 42-inch adapter bells and 4-inch to 60-inch wall collars, which are manufactured outside of the United States for use in the Muddy Creek Wastewater Treatment Plant Improvements project.

The EPA conducted market research on the supply and availability of 4-inch to 42-inch mechanical joint adapter bells and 4-inch to 60-inch ductile iron wall collars and concluded that the Utilities Commission's claim that there are no domestic manufacturers of these products that meet the technical specifications of the project and the project schedule, is supported by available evidence. The EPA identified several manufacturers of mechanical joint adapter bells and wall collars and none of the manufacturers indicated that they could produce AIS compliant 42-inch mechanical joint adapter bells, or 4-inch to 60-inch ductile iron wall collars.

One manufacturer indicated during the public comment period that they would be able to provide domestic 4-inch to 36-inch mechanical joint adapter bells, but they had previously informed the project engineer that they did not manufacture domestic mechanical joint adapter bells. The project engineer provided evidence to the EPA of correspondence with manufacturers, and at the time of the correspondence, no manufacturers claimed to produce the specified product domestically. Switching to the alternative domestic product at this point in time would result in significant delays in the project schedule and the applicant would be unable to meet their first project milestone in early summer.

Since the applicant established a proper basis to specify particular products 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 and can be delivered on time to avoid delays in the project schedule, the Winston-Salem and Forsyth County City/County Utilities Commission is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified mechanical joint adapter bells and ductile iron wall collars documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated April 13, 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.