



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

DEC 15 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 30 Inch TR Flex Pipe Fittings

**FROM:** Andrew D. Sawyers, Director  
Office of Wastewater Management

A handwritten signature in black ink, appearing to read "Andrew D. Sawyers".

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 30 inch TR Flex ductile iron fittings. This waiver permits the use of these TR Flex fittings 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. The EPA had previously granted a project waiver to the Utilities Commission for 4 inch and 6 inch TR Flex ductile iron fittings on August 6, 2015 and the Utilities Commission applied for a waiver for 30 inch TR Flex Fittings at a later date. 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 Section 608 of the Clean Water Act, CWSRF assistance recipients must use specific domestic iron and steel products that are produced in the United States if the project is funded through the SRFs. The EPA has the authority to 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 contractor for the Winston-Salem and Forsyth County City/County Utilities Commission provided information to the Agency asserting that there are no manufacturers producing 30-inch TR Flex ductile iron fittings in the United States in sufficient and reasonably available quantities. The Muddy Creek Wastewater Treatment Plant Improvements project requires TR Flex ductile iron fittings to join sections of pipe conveying potable and non-potable water, waste activated sludge, and centrate. The project requires a range of fittings including bends, and mechanical joint plugs that are 30 inches in diameter. The project contractor attempted to find domestic

manufacturers of the TR Flex fittings by contacting vendors, but was unable to find a domestic source for the fittings. In addition, while the contractor was aware of other methods to restrain pipe besides using the TR Flex fittings, the Engineer of Record for the project required TR Flex push on fittings for portions of project. Based on information provided by the applicant, there are no domestic manufacturers of TR Flex ductile iron fittings that can meet the technical specifications of the project.

The EPA conducted market research on the supply and availability of 30 inch TR Flex fittings 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 is supported by available evidence. The Agency's market research identified two manufacturers that produce 30 inch TR Flex ductile iron fittings, but neither manufacturer produces the products domestically.

The Agency acknowledges that there are other methods of restraining pipe joints that use products other than the TR Flex push on fittings. However, for this particular project, the Engineer of Record mandated the use of TR Flex fittings. Requiring the applicant use other methods of restraining pipe joints would result in significant redesign of the project, which in turn would cause delays in the project construction.

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 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 TR Flex fittings documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated November 19, 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](mailto:connor.timothy@epa.gov) or (202) 566-1059.