



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

JUN 13 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Mobile Area Water and Sewer System for Mechanical Joint Ductile Iron Wall Sleeves

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

A handwritten signature in black ink, appearing to read "A. Sawyers", positioned to the right of the "FROM:" field.

The U.S. Environmental Protection Agency 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 Mobile Area Water and Sewer System (MAWSS) in Alabama for the purchase of 30-inch and 42-inch mechanical joint ductile iron wall sleeves. This waiver permits the use of these wall sleeves manufactured outside of the United States in the C.C. Williams WWTP Headworks and Primary Clarifier Replacement project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications. 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 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 MAWSS provided information to the EPA asserting that there are no manufacturers producing 30-inch and 42-inch mechanical joint ductile iron wall sleeves in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The applicant attempted to find a domestic manufacturer of these wall sleeves, and contacted several suppliers, but was unable to find any produced in the United States.

The EPA conducted market research on the supply and availability of mechanical joint ductile iron wall sleeves. The Agency concluded that the applicant's claim is supported by available evidence. The Agency's market research identified one manufacturer that claimed they could provide domestic wall sleeves in the sizes required. However, the AIS-compliant wall sleeves

require glued-in threaded inserts instead of wall sleeves that are direct tapped. The Engineer of Record expressed concern that the glued-in inserts would introduce a weakness that would not be present with the specified direct tapped wall sleeves, and this design change may increase a risk of failure of the wall sleeve that could potentially disable primary clarifiers in the wastewater treatment facility. Based on the Engineer of Record's concern, the domestically available wall sleeves would not meet the project's design intent for quality.

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 produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality, MAWSS is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified ductile iron flanges documented in the state of Alabama's waiver request submittal on behalf of the applicant dated May 12, 2016.

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.