



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

DEC -8 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for 64-in Ductile Iron Threaded Companion Flanges in the City of Great Falls, MT Water Treatment Plant Improvements Project Phase 1 Waiver Number 08-DW-0005

FROM: Peter Grevatt, Director
Office of Ground Water and Drinking Water

A handwritten signature in blue ink, appearing to be "P. Grevatt", written over the "FROM:" line.

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 to the City of Great Falls for the purchase of 23 64-in ductile iron threaded companion flanges. For the Water Treatment Plant Improvements Project Phase 1 in Great Falls, Montana, this waiver permits the use of ductile iron threaded companion flanges that have not been produced domestically, because no known domestic manufacturers produce an alternative that meets the project's technical specification. This is a project-specific waiver and only applies 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 either the Drinking Water or Clean Water State Revolving Fund (SRF) 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 Agency determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with Section 424(b)(2) of Public Law 114-113, the "Consolidated Appropriations Act, 2016," which has been continued by P.L. 114-223, the "Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017." The provision states in part: "[the requirements] shall not apply 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."

The referenced project is being constructed in Great Falls, MT to provide the City of Great Falls with upgrades to old electrical systems and to add additional treatment in the disinfection process

to eliminate pathogens and minimize disinfection by-products. The project consists of several upgrades for the City of Great Falls water treatment plant, including a chemical feed and ultraviolet light disinfection building, a water storage surge tank, an electrical room addition and associated yard piping upgrades.

Great Falls attempted to find a domestic manufacturer of ductile iron threaded companion flanges and provided information to the EPA demonstrating that the specified flanges are not domestically sourced and no domestic manufacturer of 64-in ductile iron threaded companion flanges exists.

The EPA conducted market research on the supply and availability of ductile iron threaded companion flanges and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications, supporting Great Falls' claim.

EPA is hereby granting an availability-based waiver from the AIS requirements to the City of Great Falls for the Water Treatment Plant Improvements Project Phase 1. This waiver permits the purchase of non-domestic 23 64-in ductile iron threaded companion flanges using DWSRF funds as documented in the State of Montana's waiver request submittal on behalf of the assistance recipient, dated September 28, 2016.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 114-113, the "Consolidated Appropriations Act, 2016," under the authority of Section 424(b)(2), which has been extended by P.L. 114-223, the "Continuing Appropriations and Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2017, and also previously under P.L. 113-235 and P.L. 113-76.

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.