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July 16, 2015

Michele Marsh, PE  
Montana Department of Environmental Quality (MDEQ)  
Technical and Financial Assistance Bureau  
PO Box 200901  
Helena, Montana 59620-0901

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DEQ  
Planning Division

RE: Butte-Silver Bow WWTP Phase 2 MBR Upgrades  
Transition Coupling Waiver Request

Dear Michele:

This letter constitutes a formal request on behalf of Butte-Silver Bow (BSB) to MDEQ/EPA for a waiver from the American Iron and Steel (AIS) requirements for three (3) transition couplings on the above referenced project.

**Background - Three 30-inch RCP Transition Couplings.** As communicated to you on September 26, 2014 by Morrison-Maierle, the Contractor (Swank Enterprises) for the above referenced project discovered that existing process piping requiring modification was constructed of 30-inch RCP, and not ductile iron as was anticipated based on available record drawings from design work completed in 1977. Attachment 1 presents Sheet 2-C-2 which documents the two transition coupling locations and anticipated material. This change in conditions required the Contractor to order two new transition couplings from the manufacturer that required special fabrication. The delivery time for revised AIS compliant couplings was 5-7 weeks based on documentation from the manufacturer, which would have delayed the project schedule in an unacceptable way. Attachment 2 presents communication between the supplier, contractor, engineer and MDEQ on this topic.

As you are aware, BSB invested over a year developing a construction schedule and restrictive groundwater dewatering approach for this Superfund sited project that EPA and MDEQ would approve. These restrictions and approach were incorporated into the contract documents. Attachment 3 presents summary information on the Contractor's schedule, dewatering specification, dewatering plan and EPA approval of the plan and constraints. Procurement and installation of two AIS-compliant 30-inch RCP couplings would not have allowed contract document schedule conformance since it was necessary for this work to be completed within the first few weeks of the initial 6-month dewatering period.

Through Morrison-Maierle, BSB requested authorization to use non-AIS compliant couplings that were readily available, met the project's technical specifications (Attachment 4 – see Section 2.11), and could be delivered on time to avoid delays in project schedule. MDEQ's response on September 29, 2014 granted the use of the transition couplings for this piping installation pending ultimate removal or a waiver request. As a result, the Contractor procured non-AIS compliant couplings and the schedule was only marginally affected. This work was completed on October 23, 2014 using the non-AIS compliant transition couplings. The revised work required a change in the Contractor's scope and corresponding increase in contract price of \$11,488 (Attachment 5).

On October 1, 2014 the contractor discovered a third location (Attachment 1) where an existing 30-inch RCP pipe required a specially fabricated coupling. Similar to the situation described above, the groundwater dewatering constraints could not accommodate the 5-7 week fabrication delay for an AIS compliant coupling. Once again, BSB requested authorization to use a non-AIS compliant transition coupling while a waiver claim from AIS requirements was prepared. Your email on October 2, 2014 (Attachment 2) allowed the use of the non-compliant coupling while BSB pursued an AIS waiver to be processed by EPA. The installation of the coupling and work for this tie-in was finished by October 30, 2014. All other background and schedule constraints necessitating a non-AIS compliant transition coupling for this third location are consistent with the description offered for the first two transition couplings. The revised work required a change in the Contractor's scope and corresponding contract price increase of \$ 5,956 (Attachment 6).

As mentioned above, Attachment 2 is a compilation of the e-mail correspondence between supplier, contractor, Morrison-Maierle and MDEQ regarding the timeline and circumstances outlined above. The one point of clarification to make is that initial conversations regarding the transition couplings being characterized as "temporary" because the piping work they were a component of was necessary due to other construction sequencing issues. In fact, this piping work is intended to be incorporated into the final work, as it is buried some 12 feet in the ground. The piping is currently in use. At the conclusion of the project a portion of the line with two transitions couplings will no longer be in service for normal future operations. The line with the single transition coupling will remain in service at the conclusion of the project. Removal of any of the transition couplings was never a component of the Contractor's original scope of work for the project. To complete removal and/or removal and replacement would require a change order and an additional project expenditure of \$ 37,851 (Attachment 7).

**AIS Waiver Request.** BSB requests that EPA grant a waiver for the use of these three non-AIS compliant 30-inch RCP transition couplings due to the fact that no domestic manufacturers could produce products meeting the project's technical specifications and could be delivered on time to avoid delays in the project schedule. As described above, the schedule constraints were a result of an EPA and MDEQ-approved dewatering approach with restrictive deadlines that could not be modified due to Superfund facilities operational concerns.

Please let us know if you have any questions or need additional information regarding this request.

Sincerely,



David Schultz, PE  
Director of Public Works

Attachments:

- 1) Sheet 2-C-2; Piping Plan with Transition Couplings
- 2) Communication between Morrison-Maierle (Engineer), MDEQ, Swank Enterprises (Contractor) and HD Supply Waterworks (Supplier)
- 3) Project schedule, dewatering technical specification, dewatering plan (agreement and constraints), and EPA correspondence approving the dewatering plan.
- 4) Project technical specification information applicable to transition couplings.
- 5) Contract price request for 2-30" RCP transition couplings.
- 6) Contract price request for 1-30" RCP transition coupling.
- 7) Proposed contract price request for removal and/or replacement of 3-30" AIS-compliant RCP transition couplings at conclusion of the project.

cc: Frank Shields, BSB WWTP Superintendent  
Matt Moore, PE, BSB  
Scott Murphy, PE, MMI  
Jeremy Perlinski, PE, MMI  
Neal Levang, PE MMI

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