



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

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OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Raritan Township Municipal Utilities Authority (RTMUA) in New Jersey for Nyloplast Ductile Iron Square Inlet Frame and Grate

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

A handwritten signature in blue 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 Raritan Township in New Jersey for the purchase of four (4) 12-inch Nyloplast Ductile Iron Square Frames and Grates. This waiver permits the use of these frames and grates manufactured outside the United States in the Township’s Main Treatment Plant Motor Control replacement project, because no suitable domestic alternatives could be found to meet the project specifications. 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 when 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.”

Raritan Township and consultants attempted to find domestic frames and grates that met the project specification, but were not able to identify a domestic manufacturer. The required square frame and grate castings are made specifically for each basin to provide a round-bottom flange that matches closely the diameter of the drain basin. The project contractor identified two manufacturers of inlet frames and grates that meet the project specifications and both manufacturers have advised that they are unable to provide domestically manufactured inlet frames and grates for their drainage systems.

The EPA conducted market research and solicited public comments on the supply and availability of 12-inch square frame and grate castings and found two domestic manufacturers claiming to make compliant versions of the 12-inch ductile iron square grate and frame castings that meet H-20 load specifications, as per the project specifications.

After reviewing EPA's recommendations for alternate domestic inlet frames and grates, the township could not find a suitable alternate to the specified, non-domestic units. While the domestic alternatives identified were of an appropriate shape and size, according to the project engineer none of these alternatives would be suitable for the project, due to a lack of compatibility with other aspects of the project and design requirements further outlined below.

The specified inlet frames and grates, and alternate inlet frames and grates, as proposed by the contractor, are both components of manufactured drainage systems that are designed specifically to fit into the surface drainage structures that are part of the respective drainage systems. The four (4) surface drainage structures that are required for this project, are 12-inches in diameter and the inlet frames that both manufacturers provide for their drainage systems have round bottoms that are designed to fit into the tops of drainage structures to prevent displacement of the frames. While one domestic manufacturer produces a drainage assembly with a round bottom, the dimensions of the assembly are significantly larger than the specified inlet frames and grates. The use of this alternate product would require a complete redesign of the concrete support pads which could significantly delay the project schedule.

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 that can meet the project specifications, the Raritan Township Municipal Utilities Authority (RTMUA) is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified Nyloplast Ductile Iron Square Frames and Grates documented in the state of New Jersey's waiver request submittal on behalf of the applicant dated October 30, 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.