



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

MAR - 9 2016

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 Stainless Steel Closure Couplings

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 Winston-Salem and Forsyth County City/County Utilities Commission in North Carolina for the purchase of 54 inch and 78 inch diameter stainless steel closure couplings. This waiver permits the use of these closure couplings 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. 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 EPA claiming there are no manufacturers producing 54-inch and 78-inch stainless steel closure couplings in the United States in sufficient and reasonably available quantities that meet the project specifications. The closure couplings will be used to join sections of Hobas brand fiberglass pipe and must be compatible with Hobas pipe. The project contractor attempted to find domestic manufacturers of the closure couplings, but was unable to find a domestic source.

The EPA conducted market research and solicited public comments on the supply and availability of 54-inch and 78-inch stainless steel closure couplings compatible with Hobas pipe 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 one manufacturer that claimed to produce domestic closure couplings compatible with fiberglass pipe. However, the alternate closure couplings contained carbon steel components rather than all stainless steel components and did not meet the project's technical specifications.

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 stainless steel closure couplings documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated December 15, 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.