



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

AUG 01 2016

OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the City of Winston-Salem, North Carolina for Ductile Iron Pipe Flex-Ring Fittings

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

A handwritten signature in black ink, appearing to read "A. Sawyers", written over 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 City of Winston-Salem, North Carolina for the purchase of 16-inch and 24-inch ductile iron pipe Flex-Ring fittings. This waiver permits the use of these fittings manufactured outside of the United States in the City's Kerners Mill Force Main project because no domestic manufacturers produce an alternative product that can meet the project's technical specifications and can be delivered on time to avoid delays in the project schedule. 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 the City of Winston-Salem provided information to the Agency asserting that there are no manufacturers producing 16-inch and 24-inch Flex-Ring fittings for ductile iron pipe in the United States in sufficient and reasonably available quantities. The City requires fittings for its Kerners Mill Force Main project that allow flexibility at pipe joints while maintaining pressure and water tightness. The project requires a total of twenty-one 24-inch Flex-Ring fittings that include bends and tees as well as one 16-inch Flex-Ring plug. The applicant attempted to find these Flex-Ring fittings from a domestic source by contacting vendors but was unable to find these fittings in the sizes required produced in the United States.

The EPA conducted market research on the supply and availability of ductile iron pipe Flex-Ring fittings or comparable fittings that could meet the performance requirements of the specified fittings. The Agency concluded that the applicant's claim is supported by available evidence. The Agency was unable to find a domestic manufacturer of the Flex-Ring fittings in the sizes required. The Agency's market research identified one manufacturer that claimed they could provide domestic fittings that are comparable to Flex-Ring fittings in the sizes needed, but use of these fittings would require additional modifications to the pipe, which would add more work to the project. Since the applicant required the fittings to be delivered within a six week lead time, ordering another brand of fittings and making modifications to the pipe to install the fittings would significantly delay the project schedule and may also affect the product warranty for the pipe.

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 within the applicant's timeframe, the City of Winston-Salem is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified ductile iron pipe Flex-Ring fittings documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated June 21, 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.