



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

SEP 30 2016

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Metropolitan Water Reclamation District of Greater Chicago in Illinois for Duplex Basket Strainers

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

A handwritten signature in black 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 Metropolitan Water Reclamation District of Greater Chicago (MWRDGC) in Illinois for the purchase of three duplex basket strainers. This waiver permits the use of these basket strainers manufactured outside of the United States in the MWRDGC’s Westside Primary Settling Tanks 1- 9 and Aerated Grit Facility project because no domestic manufacturers produce an alternative product that can meet the project’s technical specifications. 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 the AIS requirements, CWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if 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.”

The MWRDGC provided information to the EPA claiming there are no manufacturers producing duplex basket strainers that meet the project’s technical specifications in the United States in sufficient and reasonably available quantities. The project requires three duplex basket strainers, which are used to remove and retain foreign particles from flowing fluids. The duplex strainers allow for continuous operation of the unit since one strainer can remain in operation while the other is being cleaned. The project contractor attempted to find an AIS-compliant basket strainers, and contacted several manufacturers, but was unable to find a manufacturer that could produce a domestic duplex-type basket strainer that met the project specifications.

The EPA conducted market research and solicited public comments on the supply and availability of duplex basket strainers. Through conducting market research, the Agency was not able to find a domestic manufacturer of duplex basket strainers that met the project's technical specifications. The Agency was able to identify two manufacturers who could produce fabricated duplex-type basket strainers, but the fabricated units were made of carbon steel bodies as opposed to cast iron bodies and they did not meet the project's technical specifications. In addition, the manufacturers of the fabricated AIS-compliant strainers could not guarantee a delivery time for the units that would avoid significant delays in the project schedule.

Since the applicant established a proper basis to specify a particular product required for this project and the EPA substantiated the applicant's claim through market research that this product is not available from a manufacturer in the United States without significant delays in the project schedule, the MWRDGC is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified duplex basket strainers documented in the state of Illinois's waiver request submittal on behalf of the applicant dated August 18, 2015.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Water Infrastructure Division, at connor.timothy@epa.gov or (202) 566-1059.