



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

JUN 13 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 a 60-Inch Diameter Ductile Iron Threaded Flange

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 60-inch ductile iron threaded flanges. This waiver permits the use of these flanges manufactured outside of the United States in the Utilities Commission's Muddy Creek Wastewater Treatment Plant Improvements 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 Winston-Salem and Forsyth County City/County Utilities Commission provided information to the Agency asserting that there are no manufacturers producing 60-inch ductile iron flanges for ductile iron pipe in the United States in sufficient and reasonably available quantities. The applicant attempted to find a domestic 60-inch ductile iron flanges, and contacted several vendors, but was unable to find any produced in the United States.

The EPA conducted market research on the supply and availability of 60-inch ductile iron flanges. The Agency concluded that the applicant's claim is supported by available evidence. No

domestic manufacturers of these products exist that meet the technical specifications of the project or can be delivered on time to avoid delays in the project schedule. The Agency's market research identified one manufacturer that claimed they could provide domestic 60-inch ductile iron flanges, but the lead time for delivery of this product is 12 weeks. Since the applicant requires the product within six weeks, the additional lead time for the domestic product would result in significant delays in the project schedule.

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 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 ductile iron flanges documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated May 2, 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.