



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

DEC 18 2017

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for 14-inch Uni-flange Adaptors in the City of Jacksonville, IL New Water Treatment Plant Project
Waiver Number 05-DW-0002

FROM: Peter Grevatt, Director
Office of Ground Water and Drinking Water

A handwritten signature in blue ink, appearing to read "Peter Grevatt", written over the "FROM:" line.

The U.S. Environmental Protection Agency (EPA) is hereby granting an availability-based project-specific waiver pursuant to the American Iron and Steel (AIS) requirements to the City of Jacksonville, IL for the purchase of forty-five 14-inch uni-flange adaptors for the New Water Treatment Plant Project. This waiver permits the use of 14-inch uni-flange adaptors that have not been produced domestically because no known domestic manufacturer produces 14-inch uni-flange adaptors that meet the project's technical specification. This is a project-specific waiver and only applies to the use of the specified product for the referenced project funded by the Drinking Water State Revolving Fund (DWSRF). Any other project funded by either the Drinking Water or Clean Water State Revolving Fund (SRF) that wishes to use the same product must request a separate waiver based on the specific project circumstances.

Rationale: The AIS provision requires DWSRF assistance recipients to use specific domestic iron and steel products if the project is funded through an SRF assistance agreement unless the Agency determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with Section 424(b)(2) of Public Law 114-113, the "Consolidated Appropriations Act, 2016," which has been continued by P.L. 114-254, the "Further Continuing and Security Assistance Appropriations Act, 2017." The provision states in part: "[the requirements] shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency...finds that...iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality."

The City of Jacksonville, IL is constructing a new treatment plant to prevent coliform contamination and boil order issues. The project consists of a new 9.0 million-gallon per day water treatment plant complete with intake, raw water pumping station, two rapid mix basins, three flocculation basins, three sedimentation basins, a recarbonation basin, eight new filters, a

1.0 million-gallon clearwell, pump, mechanical feed equipment, lagoons, emergency generator, piping, controls, and all the necessary appurtenances to make the plant complete and operational. The uni-flange adaptors provide accessibility for a future removal/maintenance of the processing equipment in the filter gallery area which has a limited amount of room to facilitate installation and are required due to the congested layout of the plant piping. These uni-flange adaptors constitute less than 0.1% of the total material cost for this project.

The City attempted to find a domestic manufacturer of uni-flange adaptors and provided information to the EPA demonstrating that the specified flanges are not domestically sourced and no domestic manufacturer of 14-inch uni-flange adaptors exists.

The EPA conducted market research on the supply and availability of 14-inch uni-flange adaptors and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. The EPA's research confirmed the City's assertions. Furthermore, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period and the EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the City of Jacksonville, IL for the New Water Treatment Plant Project. This waiver permits the purchase of forty-five 14-inch uni-flange adaptors using DWSRF funds as documented in the State of Illinois' waiver request submittal on behalf of the assistance recipient dated February 2, 2017.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 114-113, the "Consolidated Appropriations Act, 2016," under the authority of Section 424(b)(2), which has been extended by P.L. 114-254, the "Further Continuing and Security Assistance Appropriations Act, 2017" and also previously under P.L. 113-235 and P.L. 113-76.

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Protection Division, at medrano.jorge@epa.gov or (202) 564-1968.