



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

FE3 28 2018

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Steel Sheet Piling in New Jersey American Water Treatment Plant Flood Wall Project in Township of Bridgewater, NJ
Waiver Number 02-DW-0002

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

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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 New Jersey American Water in the Township of Bridgewater, NJ for the purchase of 500 linear feet of AZ38-700N sheet piling, for the Water Treatment Plant Flood Wall Project. This waiver permits the use of 500 linear feet of non-domestic steel sheet piling because no known domestic manufacturers produce a product that meets 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 425 of Public Law 115-31, the "Consolidated 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."

New Jersey American Water is installing a new flood wall at its existing water treatment plant in the Township of Bridgewater, NJ. Hurricane Irene in 2011 resulted in flood waters that were

within one inch of breaching the existing flood wall. Raising the existing flood wall an additional four feet will protect the water treatment plant from future potential floods as well as meet the 500-year storm elevation required by the NJ Office of Homeland Security and Preparedness.

AZ38-700N steel sheet piling is required as part of the raised flood wall system for its tight interlock. The flood wall requires sheet piling to retain the earth and keep out seasonally fluctuating water, and is designed as a “combi-wall” system that includes steel sheet piling placed between pipes to provide superior water tightness. The sheet piling constitutes approximately 11% of the total material cost for this project.

The Township attempted to find a domestic manufacturer of AZ38-700N sheet piling and provided information to the EPA demonstrating that the specified sheet piling is not domestically sourced and no domestic manufacturer of AZ38-700N sheet piling exists.

The EPA conducted market research on the supply and availability of AZ38-700N sheet piling and concluded that there are no domestic manufacturers of this product that meets the project's technical specification. The EPA's inquiry supports the Township's assertion that the AZ38-700N sheet piling is not available domestically. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period. The EPA did not receive any comments.

The EPA is granting an availability-based waiver from the AIS requirements to the Township of Bridgewater for the Water Treatment Plant Flood Wall Project with respect to the AZ38-700N sheet piling. This waiver permits the purchase of 500 linear feet of AZ38-700N sheet piling using DWSRF funds as documented in the State of New Jersey's waiver request submittal on behalf of the assistance recipient, dated April 18, 2017.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under P.L. 115-31, the “Consolidated Appropriations Act, 2017”, under the authority of Section 425.

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.