



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV - 1 2019

OFFICE OF WATER

### DECISION MEMORANDUM

**SUBJECT:** Availability-Based Project Waiver of American Iron and Steel Requirements for Flex Ring Fittings in the City of Columbus, OH "Olentangy River Road 24" Water Main Phase One Project  
Waiver Number 05-DW-0006

**FROM:** Jennifer L. McLain, Director  
Office of Ground Water and Drinking Water

A handwritten signature in black ink, appearing to read "Jennifer L. McLain", is 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 Columbus, Ohio for the purchase of 19 flex ring fittings for the "Olentangy River Road 24" Water Main Phase One Project. This waiver permits the use of 19 flex ring fittings that have not been produced domestically because no known domestic manufacturers produce a product that meets the project's technical specifications. This project-specific waiver 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 EPA determines that it is necessary to waive this requirement. The EPA has the authority to issue waivers in accordance with section 1452(a)(4)(A) of the Safe Drinking Water Act. 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."

This project consists of constructing 3,400 linear feet of 24-inch water main along Olentangy River Road, as well as installing new fire hydrants and valves, abandoning existing water mains, and relocating service lines. The City was able to eliminate some of the tee fittings needed by allowing the contractor to weld outlets onto the pipe. However, the project still requires 19 large diameter restraint joint fittings.

The City contacted several domestic manufacturers to find comparable AIS-compliant flex ring fittings and provided information to the EPA demonstrating that no manufacturers of flex ring fittings meet the project's technical specifications.

The EPA conducted market research on the supply and availability of flex ring fittings and concluded that there are no domestic manufacturers of these products that meet the project's technical specifications. Per statutory requirement, the waiver request was posted on the EPA's AIS website for the mandatory 15-day public comment period, and the Agency received no public comments.

The EPA is granting an availability-based waiver from the AIS requirements to the City of Columbus, Ohio, for the "Olentangy River Road 24" Water Main Phase One Project with respect to 19 flex ring fittings. This waiver permits the purchase of 19 flex ring fittings using DWSRF funds as documented in the State of Ohio's waiver request submittal on behalf of the assistance recipient, dated October 1, 2019.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects is included under the Safe Drinking Water Act, under the authority of section 1452(a)(4)(A).

If you have questions concerning the contents of this memorandum, please contact Dallas Shattuck, Physical Scientist, Drinking Water Protection Division, at [shattuck.dallas@epa.gov](mailto:shattuck.dallas@epa.gov) or (202) 564-0972.