



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

AUG 6 2015

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 Ductile Iron Back-up Rings for HDPE Pipe

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

A handwritten signature in black ink, appearing to read "A. Sawyers", written over the "FROM:" line.

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 Winston-Salem and Forsyth County City/County Utilities Commission in North Carolina for the purchase of ductile iron back-up rings for HDPE pipe. This waiver permits the use of these back-up rings manufactured outside of the United States in the Utilities Commission's Muddy Creek Wastewater Treatment Plant Improvements project because no domestic manufacturers produce alternatives that meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified products 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 products 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 project engineer for the Winston-Salem and Forsyth County City/County Utilities Commission provided information to the Agency asserting that there are no manufacturers producing ductile iron back-up rings for HDPE pipe in the United States in sufficient and reasonably available quantities that meet the project's technical specifications. The Muddy Creek Wastewater Treatment Plant Improvements project requires ductile iron back-up rings to strengthen HDPE flanged adaptors where HDPE pipe is joined to another pipe material. The project engineer received a notice from their supplier that the ductile iron back-up rings were not available from a domestic source. The engineer attempted to find domestic manufacturers of the back-up rings by contacting several vendors, but was unable to find a domestic source. Based on

information provided by the applicant's project engineer, there are no domestic manufacturers of ductile iron back-up rings for HDPE pipe that can meet the technical specifications of the project.

The EPA conducted market research on the supply and availability of ductile iron back-up rings and concluded that the Utilities Commission's claim that there are no domestic manufacturers of these products that meet the technical specifications of the project, is supported by available evidence. The Agency's market research identified five manufacturers that produce ductile iron back-up rings for HDPE pipe, but none of the manufacturers produce the products domestically.

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, 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 back-up rings documented in the state of North Carolina's waiver request submittal on behalf of the applicant dated July 2, 2015.

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.