



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 TR Flex Pipe Fittings

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

A handwritten signature in black ink, appearing to read "A. Sawyers", is written over the printed name and title.

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 TR Flex ductile iron push on fittings that are four inches and six inches in diameter. This waiver permits the use of these TR Flex fittings 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 TR Flex ductile iron fittings in the sizes required for the project in the United States in sufficient and reasonably available quantities. The Muddy Creek Wastewater Treatment Plant Improvements project requires TR Flex ductile iron push on fittings to join sections of pipe conveying potable and non-potable water, waste activated sludge, and centrate. The project requires a range of fittings including bends, tees and crosses in four-inch and six-inch sizes. The project engineer received a notice from their supplier that the TR Flex fittings were not available from a domestic source. The engineer attempted to find domestic manufacturers of the TR Flex fittings by contacting vendors, but was unable to find a domestic source for the fittings. In addition,

while the project engineer was aware of other methods to restrain pipe besides using the TR Flex fittings, the Engineer of Record for the project required TR Flex push on fittings for portions of project. Based on information provided by the applicant's project engineer, there are no domestic manufacturers of TR Flex ductile iron push on fittings that can meet the technical specifications of the project.

The EPA conducted market research on the supply and availability of TR Flex fittings 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 two manufacturers that produce TR Flex ductile iron push on fittings in the sizes requested by the applicant, but neither manufacturer produces the products domestically.

The Agency acknowledges that there are other methods of restraining pipe joints that use products other than the TR Flex push on fittings. However, for this particular project, the Engineer of Record mandated the use of TR Flex fittings. Requiring the applicant use other methods of restraining pipe joints would result in significant redesign of the project, which in turn would cause delays in the project construction.

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 TR Flex fittings 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.