



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

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OFFICE OF
WATER

DECISION MEMORANDUM

SUBJECT: Project Waiver of American Iron and Steel Requirements to the Metropolitan District in Connecticut for Mechanical Joint Adapter Bells

FROM: *Sheila E. Grace*
Andrew D. Sawyers, Director
Office of Wastewater Management

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 Metropolitan District in Connecticut for the purchase of thirty-four (34) 4 inch to 42 inch cast ductile iron mechanical joint adapter bells. This waiver permits the use of these mechanical joint adapter bells manufactured outside the United States in the Metropolitan District's Rocky Hill Water Pollution Control Facility Upgrade project, because no domestic manufacturers produced alternatives at the required time of procurement or the necessary date of installation. 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 the AIS requirements, CWSRF and DWSRF assistance recipients are required to use specific domestic iron and steel products that are produced in the United States if the project is funded through an assistance agreement. The agency can 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 Metropolitan District attempted to find domestic mechanical joint adapter bells, but was not able to find the required products at the time needed for procurement and installation. The District's Rocky Hill Water Pollution Control Facility Upgrade project is a Consent Decree project with a Notice to Proceed in January 2015. The project has a tight schedule and the contractor had to immediately procure the mechanical joint adapter bells, which were needed at an early stage of the project in the critical path. The project includes three stages of tank installations, starting with construction of a new clarifier and aeration tank, to increase the hydraulic capacity of the plant. Each tank needs to be in successful service before work is started on the next tank. The adapter bells are needed for three clarifiers and the new aeration tank. One

adapter bell needed to be installed immediately, in April 2015, which necessitated the early procurement of these products. The adapter bells were procured in February 2015 and delivered to the site by April 2015. At that time of procurement, the contractor was unable to find domestic mechanical joint adapter bells that could meet the project specifications and could be delivered on time to avoid delays in the project schedule.

The project engineer for the District's Rocky Hill Water Pollution Control Facility Upgrade project provided information to the Agency demonstrating that at the required time of procurement, no domestically manufactured cast ductile iron mechanical joint adapter bells were available. The engineer attempted to find a domestic producer of the adapter bells through correspondence with manufacturers and suppliers, but none could provide the products that met the project's technical specifications. The applicant selected 4 inch to 42 inch adapter bells, which are manufactured outside of the United States for use in the Rocky Hill Water Pollution Control Facility Upgrade project.

The EPA conducted market research and solicited public comments on the supply and availability of 4 inch to 42 inch mechanical joint adapter bells, and concluded that the Metropolitan District's claim that, at the required time of procurement, there were no domestic manufacturers of these products that met the technical specifications of the project and the project schedule, is supported by available evidence. The EPA identified several manufacturers of mechanical joint adapter bells, but none of the manufacturers indicated that they produced AIS compliant 4 inch to 42 inch cast ductile iron mechanical joint adapter bells at the time of the District's required procurement. One manufacturer claimed that they had begun producing domestic mechanical joint adapter bells in some of the sizes that the applicant required, but the manufacturer started production of the domestic products after the applicant's installation date. If the applicant had waited for the domestic product, the project schedule would have been significantly delayed and the project would be at risk of failing to meet the substantial completion date of the Consent Decree.

Since the applicant established a proper basis to specify particular products 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 and can be delivered on time to avoid delays in the project schedule, the Metropolitan Water District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified mechanical joint adapter bells documented in the state of Connecticut's waiver request submittal on behalf of the applicant dated August 13, 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.