



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

OFFICE OF WATER

DECISION MEMORANDUM

SUBJECT: Availability-Based Project Waiver of American Iron and Steel Requirements for Reducers (Fittings) in the City of Flint Control Station #2 Improvements Project Waiver Number 05-DW-0015

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

Decision: 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 Flint, Michigan, for the purchase of two reducers (fittings) for the Control Station #2 Improvements Project. This waiver permits the use of two reducers (42-inch by 36-inch and 72-inch by 42-inch) because no known domestic manufacturers produce a product that meets the project's schedule and technical specifications. This project-specific waiver applies only 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 the DWSRF, Clean Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act 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 EPA determines that it is necessary to waive this requirement. EPA has the authority to issue waivers in accordance with section 1452(a)(4)(C)(ii) 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."

Background of Waiver Request: This project is part of a larger effort to construct a secondary water supply for the City, which is critical to achieve proper source reliability. The project includes renovating piping, valves, and metering within an existing control station at the Flint Water Treatment Plant. Existing isolation valves, located near the control station, must close securely so construction work at the water treatment plant can be safely completed. However, it

was recently discovered these buried valves have deteriorated and are not operational. The contractor submitted a change order to quickly replace the isolation valves and pipes so the project can continue expeditiously. As part of this change order, two large specialty reducers are necessary to complete replacement of these isolation valves and pipes. Domestic reducers in the size required have longer lead times than non-domestic alternatives. The City needs to proceed with installation of these reducers as quickly as possible to comply with an EPA Administrative Order, by completing construction before winter.

The City contacted domestic manufacturers to find AIS-compliant reducers and provided information to EPA demonstrating that no domestic manufacturers of reducers meet the project's schedule and technical specifications.

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

Finding: EPA is granting an availability-based waiver from the AIS requirements to the City of Flint, Michigan, for the Control Station #2 Improvements Project with respect to two reducers (42-inch by 36-inch and 72-inch by 42-inch). This waiver permits the purchase of reducers using DWSRF funds as documented in the State of Michigan's waiver request submittal on behalf of the assistance recipient, dated October 22, 2021.

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).

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 or (202) 564-0972.