



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

OFFICE OF WATER

## **DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Orange County Water District in California for Globe Valves, Triple Offset Butterfly Valves, Ball Check Valves, and Swing Check Valves.

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

The U.S. Environmental Protection Agency (EPA) is hereby granting a project waiver pursuant to the “American Iron and Steel” (AIS) requirements of the Clean Water Act section 608 under the authority of section 608(c)(2) to the Orange County Water District (the County) for Globe Valves, Triple Offset Butterfly Valves, Ball Check Valves, and Swing Check Valves. This waiver permits the use of these valves manufactured outside of the United States in the Groundwater Replenishment System (GWRS) Final Expansion project located in Fountain Valley, California, because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This is a product specific waiver and only applies to the use of the specified products for the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects 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.

**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. 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 County provided information to EPA asserting that there are no manufacturers producing anti-cavitation globe valves, triple offset butterfly valves, chemically-resistant PTFE lined ball check valves, and 316 stainless steel swing check valves in the United States in sufficient and reasonably available quantities. Orange County will install six 8-inch globe valves, five 8-inch to 30-inch triple-offset butterfly valves, two 3-inch and two 4-inch ball check valves, and two 1.5-inch swing check valves at the Orange County Ground Water Treatment Plant Advanced Water Treatment Facility. These valves are needed to supplement the existing respective valves that are currently being used at the GWRS

recycled water treatment plant. For each of the four types of valves, the County contacted between five and eight manufacturers. None could provide domestically produced valves to meet the specifications of the project.

EPA conducted market research and a public comment period on the supply and availability of the valves. The basis of evaluation included thorough review of the waiver request submission, examination of domestic manufacturer catalogs or other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of state staff, and outreach to contractors and engineers with expertise and familiarity with the project. EPA contacted thirty-three manufacturers of globe valves, butterfly valves, ball check valves, and swing check valves. Twenty-eight manufacturers do not produce AIS-compliant anti-cavitation globe valves, triple offset butterfly valves, chemically-resistant PTFE-lined ball check valves, or 316 stainless steel swing check valves in the United States, and three manufacturers did not respond. EPA's market research identified one potential domestic manufacturer that initially claimed to be able to produce globe valves, triple offset butterfly valves, ball check valves, and swing check valves in the United States and one other manufacturer that initially claimed to be able to produce globe valves in the United States. After communication between the manufacturers and the project contractors, neither manufacturer could, in fact, meet the size, material, or pressure rating specifications of the project with domestically produced valves. Therefore, EPA agrees with the assessment that no domestic manufacturers can produce available products meeting the project specifications. There were no (zero) public comments during the public comment period.

Because the applicant established a proper basis to specify particular products required for this project, and because EPA substantiated the applicant's claim through market research that these products are not available from a manufacturer in the United States, the Orange County Water District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified globe valves, triple offset butterfly valves, ball check valves and swing check valves documented in the State of California's waiver request submittal on behalf of the applicant dated June 4, 2020.

If you have any questions concerning the contents of this memorandum, please contact Timothy Connor, Chemical Engineer, Water Infrastructure Division, at [connor.timothy@epa.gov](mailto:connor.timothy@epa.gov) or (202) 566-1059.