



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 Marina Coast Water District in California for 4-inch, 6-inch, and 10-inch Double Check Valves and 6-inch and 8-inch Reduced Pressure Zones

FROM: Andrew Sawyers, Director
Office of Wastewater Management

Decision: 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 Marina Coast Water District (Applicant) for 4-inch, 6-inch, and 10-inch double check valve backflow prevention assemblies and 6-inch and 8-inch reduced pressure principle backflow prevention assemblies. This waiver permits the use of these backflow prevention assemblies, manufactured outside of the United States, in the Regional Urban Water Augmentation Project RUWAP Distribution Mains Project in Marina, California because no domestic manufacturers produce alternatives that meet the project’s technical specifications.

This waiver applies only to the proposed project funded by the Clean Water State Revolving Fund (CWSRF). Any other jurisdiction with projects funded by either the CWSRF, the Drinking Water State Revolving Fund, or the Water Infrastructure Finance and Innovation Act that wishes to use the same products must apply for a separate waiver.

Rationale: Section 608 of the Clean Water Act requires CWSRF assistance recipients for treatment works projects to use specific iron and steel products that are produced in the United States. EPA has the authority to determine whether it is necessary to waive this requirement based on certain circumstances set forth in Section 608(c) 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 EPA] 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.”

Background of Waiver Request: The Applicant provided information to EPA asserting that there are no domestic manufacturers producing 4-inch, 6-inch, and 10-inch double check valves and 6-inch and 8-inch reduced pressure zones in sufficient and reasonably available quantities and of a satisfactory quality. These backflow prevention products will be installed in the distribution pipelines as required by the California Division of Drinking Water to prevent recycled water backflow into the potable water system. The project specifications require the double check valve to meet standard AWWA C510 and the reduced pressure zone to meet AWWA C511.

Assessment of Waiver Request: EPA conducted market research and a public comment period on the supply and availability of the backflow prevention products. 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 of the project. In total, EPA contacted four (4) known backflow prevention product manufacturers and suppliers. EPA received one (1) public comment to the waiver request. The comment was from a manufacturer identified through market research as possibly having AIS-compliant backflow prevention products that met the project specifications. However, as documented by email communications between the manufacturer and the Applicant, it was determined the manufacturer does not offer the requested backflow prevention products with epoxy coated ductile iron valve bodies in accordance with ASTM A536 and the project specifications. After conducting market research and public comment solicitation, EPA staff and contractors were unable to find domestic backflow prevention products that met the project's technical specifications and that could be certified as AIS compliant. Therefore, EPA agrees with the assessment that no domestic manufacturers produce available products meeting the project's specifications.

Finding: Since 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 Marina Coast Water District is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of 4-inch, 6-inch, and 10-inch double check valve backflow prevention assemblies and 6-inch and 8-inch reduced pressure principle backflow prevention assemblies, documented in the State of California's waiver request submittal on behalf of the Applicant dated January 5, 2021.

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 or (202) 566-1059.