



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

FEB 27 2018

OFFICE OF WATER

**DECISION MEMORANDUM**

**SUBJECT:** Project Waiver of American Iron and Steel Requirements to the Marina Coast Water District in California for High Working Pressure Butterfly Valves

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

A handwritten signature in black ink, appearing to read "A. Sawyers", is positioned to the right of the "FROM:" field.

The U.S. Environmental Protection Agency 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 Marina Coast Water District (MCWD) in California for the purchase of thirty-five 24-inch butterfly valves rated to a working pressure of 350 psi. This waiver permits the use of these items manufactured outside of the United States in the MCWD's Regional Urban Water Augmentation Project (RUWAP) because no domestic manufacturer produces an alternative product that can meet the project's technical specifications. This is a project specific waiver and only applies to the use of the specified product 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 product 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 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."

California provided information to the EPA claiming there are no manufacturers producing butterfly valves in the United States in sufficient and reasonably available quantities to meet the project's technical specifications. The MCWD requires high working pressure butterfly valves for the RUWAP to convey water from Monterey One Water's advanced water treatment plant for urban irrigation within the MCWD service area and direct injection into the groundwater for indirect potable reuse. The valves are needed to isolate flow in the conveyance system. The project requires 24-inch butterfly valves designed and manufactured in accordance with the AWWA C504 standard which must meet a working pressure of 350 psi. The project specifications also require submittal of a letter signed by a designated representative from the manufacturer certifying that the valve is manufactured to a working pressure of 350 psi. In addition, a minimum of 10-years of documented installations of 350 psi valves of similar size and pressure ratings are required with the submittals. The applicant was unable to identify a

manufacturer that could make an AIS-compliant butterfly valve that can meet the project's technical specifications.

The Agency has conducted market research on the supply and availability of butterfly valves that can meet the project specifications and concluded that the applicant's claim that there are no domestic manufacturers that can supply a similar product to meet the project's specifications is supported by available evidence. EPA contacted seven manufacturers of butterfly valves and none of the manufacturers indicated they can produce valves meeting both the high working pressure requirement and the AWWA C504 standard. During public comment solicitation, EPA received one comment from a manufacturer. In follow-up with the valve manufacturer, EPA concluded that the manufacturer could not manufacture a butterfly valve that met the project specifications.

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 these products are not available from a manufacturer in the United States, the MCWD is hereby granted a waiver from the AIS requirements. This waiver permits the purchase of the specified butterfly valves documented in the state of California waiver request submittal on behalf of the applicant dated August 3, 2017.

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.