



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 a Double Check Valve for the City of Antioch, CA Brackish Water Desalination Project Waiver Number 09-DW-0021

**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 Antioch, CA, for the purchase of a 12-inch double check valve for the Brackish Water Desalination Project. This waiver permits the use of a 12-inch double check valve because no known domestic manufacturers produce a product that meets the project's 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 be waived 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 consists of the construction of a brackish water desalination plant to provide a reliable and drought-resistant water source for the City to address the current and foreseeable changes in water quality. It will replace the existing river intake pumps and install a new section of 30-inch raw water conveyance pipeline to provide a direct connection to the City’s existing water treatment plant. The project includes the installation of a 12-inch double check valve that will prevent the backflow of highly saline water into the pump station thereby eliminating potential negative impacts to potable water quality.

The City conducted research to find a domestic manufacturer of AIS-compliant 12-inch double check valves and provided information to EPA demonstrating that no domestic manufacturers of double check valves meet the project’s technical specifications.

Assessment of Waiver Request: EPA conducted market research on the supply and availability of 12-inch double check valves and concluded that there are no domestic manufacturers of these products that meet the project's 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 Antioch, for the Brackish Water Desalination Project with respect to a 12-inch double check valve. This waiver permits the purchase of a 12-inch double check valve using DWSRF funds as documented in the State of California's waiver request submittal on behalf of the assistance recipient, dated February 3, 2023.

Legal Authority: Legal authority for the AIS requirements for DWSRF projects, including waiver authority, is included in the Safe Drinking Water Act 1452(a)(4).

If you have questions concerning the contents of this memorandum, please contact Jorge Medrano, Environmental Engineer, Drinking Water Infrastructure Development Division, at [medrano.jorge@epa.gov](mailto:medrano.jorge@epa.gov) or (202) 564-1968.