OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

SOLICITATION OF PUBLIC COMMENT FOR PROJECT-SPECIFIC BUILD AMERICA, BUY AMERICA NONAVAILABILITY WAIVER PROPOSAL

SUBJECT: **UNDER EVALUATION: Project-Specific Nonavailability Waiver of Build America, Buy America Act Requirements to the City of Pomeroy in Washington, for the High Pressure Zone Booster Station Project for, Multistage Pumps, Flow Meters, Pressure Transmitters, and Pressure Switches.**

Introduction

This solicitation of public comment by the U.S. Environmental Protection Agency (EPA) is to evaluate a Build America, Buy America Act (BABA) waiver request submitted by an assistance recipient based on nonavailability of products for a single project.

This solicitation of public comment does not represent a final agency decision. The purpose of this proposal is to inquire whether potential domestic products may be available that were not identified by the assistance recipient or through the EPA's domestic product research efforts, and whether other factors should be considered in the evaluation of a waiver.

The EPA has completed its market research efforts and was unable to identify a BABA compliant product meeting the performance-based specifications, in sufficient and reasonably available quantities and of a satisfactory quality. The EPA makes every effort to locate BABA compliant products through its waiver process and the public comment period provides a meaningful opportunity to vet the Agency's interim research. In the EPA's experience, a viable domestic product is identified through public comment in many cases. Through this public comment period, commenters may provide information that indicates a waiver may not be needed. For example, if the specified item is found to be domestically available, EPA would not issue a final waiver.

Public comments are requested for 15 days (specific dates noted on the EPA's website). Please submit comments to BABA-OW@epa.gov. Please include information in the subject of the email identifying it as a public comment on this waiver request, such as "Waiver Comment: Pomeroy High Pressure Zone Booster Station" or similar. The proposed waiver will also be posted to the Made in America website.

Background

The Buy America Preference set forth in section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), requires all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the US.

Under section 70914(b), the EPA may waive the application of the Buy America Preference, in any case in which it finds that: applying the domestic content procurement preference would be inconsistent with the public interest; types of iron, steel, manufactured products, or construction materials are not produced in the US in sufficient and reasonably available quantities or of a satisfactory quality; or the inclusion of iron, steel, manufactured products, or construction materials produced in the U.S. will increase the cost of the overall project by more than 25 percent. All waivers must have a written explanation for the proposed determination; provide a period of not less than fifteen (15) calendar days for public comment on the proposed waiver; and submit the proposed waiver to the Office of Management and Budget's (OMB) Made in America Office for review to determine if the waiver is consistent with policy.

Summary

Proposed Waiver: The Environmental Protection Agency is soliciting comments regarding whether to issue a project waiver of the manufactured products requirements of section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), for the below listed products used in an infrastructure project funded through the Capitalization Grants for Drinking Water State Revolving Funds.

Waiver Type: Nonavailability of compliant products in sufficient and reasonably available quantities or of a satisfactory quality.

Waiver Level and Scope: Project level waiver for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project specific Nonavailability waiver of BABA manufactured products requirements to the City of Pomeroy, for vertical multistage pumps, pressure switches, pressure transmitters, and flow meters for it's High Pressure Zone Booster Station Project.

Project Summary: This project will include facilities improvements at the booster station located at the intersection of South 18th St and Columbia Street in Pomeroy, WA, owned and operated by the applicant. The work includes, but not limited to, procurement of project materials, erecting a CMU building, mechanical piping, pump installation, electrical, controls, site work, landscaping, permitting, coordination with agencies and utilities companies, and providing reports to applicable funding agencies.

Length of the waiver: From the effective date of the final waiver until December 31st 2028 .

Summary of Items Covered in the Proposed Waiver (including NAICS):

The applicant is seeking a waiver for vertical multistage pumps, pressure switches, pressure transmitters, and flow meters.

Vertical Multistage Pumps

- NAICS: 486990
- PSC: M1NE/4610

Pressure Switch

- NAICS: 2213
- PSC: 6685

Pressure Transmitter

- NAICS: 2213
- PSC: 6685

Flow Meter

- NAICS: 2213
- PSC: 6680

The applicant proposes to procure these products that are manufactured outside of the United States. For additional information on the project and waiver request, see the attached original waiver request from the assistance recipient and technical specifications for the project.

Description of Efforts Made to Avoid the Need for a Waiver

No BABA-compliant products were identified by the applicant, or through the EPA's market research completed in March 2025. The market research process included thorough review of the waiver request submission, examination of domestic manufacturer catalogs and other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of regional project officers, and outreach to contractors and engineers with expertise and familiarity with the project. During market research EPA contacted 9 manufactures and suppliers of multistage pumps, 9 manufacturers and suppliers of flow meters, 8 manufacturers and suppliers of pressure switches, and 8 manufactures and suppliers of pressure transmitters. No BABA-compliant options for any of the products were found. Based on the technical evaluation conducted, the claim that BABA-compliant products that meet the project's specification are not available domestically is supported.

Anticipated Impact if No Waiver is Issued

Due to the critical nature of the project, absent a waiver, the project could be significantly delayed while the community seeks other, non-federal funding. This could present a public health risk to the community.

Description of Award

Recipient Name and/or Unique Entity Identifier (UEI):
Recipient Name: City of Pomeroy
Recipient Unique Entity Identifier: UDV5CSK64BN9
Federal Financial Assistance Identification Number (FAIN): 02J45101
Federal Financial Assistance Listing Name 66.468 Drinking Water State Revolving Fund
Federal Financial Assistance Listing Number: 66.468
Federal Financial Assistance Funding amount: $1,200,000
Total Cost of Infrastructure Expenditures: $1,480,000 construction cost.

April 9, 2025

Build America, Buy America
Project-Specific Non-Availability Waiver Request
Project Name: Pomeroy High Pressure Zone Booster Pump Station
Loan Contract Number: [redacted]
Borrower: City of Pomeroy, WA
County and Municipality: Garfield Co., City of Pomeroy, WA

To Whom it May Concern,

Keller Associates, Inc (KA) provides engineering services to design, permit, and bid the High-Pressure Zone Booster Pump Station Project (Project) for the City of Pomeroy, WA (Owner). This Project is funded in part by Drinking Water State Revolving Funds and subject to Build America, Buy America (BABA) Act requirements. On behalf of the Owner, KA is requesting a project-specific non-availability waiver as described below. Per EPA guidance, this letter includes a project summary; description and explanation of waiver need; summary of due diligence; quantity and materials of products; specifications and design considerations; and approximate unit and project costs.

PROJECT SUMMARY

The Project consists of Construction of a new booster pump station as identified in the bid documents. The project is located [redacted] in Pomeroy, WA. The work includes, but not limited to, procurement of project materials, erecting a CMU building, mechanical piping, pump installation, electrical, controls, site work, landscaping, permitting, coordination with agencies and utilities companies, and providing reports to applicable funding agencies.

The project construction cost is estimated at $1,480,000.00.

DESCRIPTION AND EXPLANATION OF WAIVER NEED

KA and the City of Pomeroy, WA are requesting the following waiver and need:

- **Waiver Type**: a nonavailability waiver due to types of manufactured products not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality.
- **Waiver Level and Scope**: Project level waiver for a single project. No other project or award will utilize the waiver.

- **Waiver Description**: Project-specific waiver of BABA requirements to the Owner for Pomeroy HPZ BPS Project for various products identified during design. Note that due to the complexity and timeline of this Project, future waivers may be identified and requested during construction:

Product	NAICS	PSC	[redacted]	[redacted]
Vertical-Multistage Pumps	486990	M1NE / 4610		
Pressure Switch Pressure	2213	6685		
Transmitter	2213	6685		
Flow Meter	2213	6680		

SUMMARY OF DUE DILIGENCE

[redacted](contractor) has evaluated the above products for BABA compliance through examination of manufacturer catalogs, technical data, and marketing materials, and personal communication with various sales representatives and manufacturers. [redacted] findings are summarized in the table below.

Product	Manufacturers	Response
Vertical Multistage Pumps	[redacted]	The [redacted] Pumps are NOT BABA Compliant. [redacted]
Pressure Switch		Per the vendor, the pressure switch manufacturer does not provide BABA compliance certificates due to partial resources being from non-US sources.
Pressure Transmitter		[redacted]

Product	Manufacturers	Response
Flow Meter	[redacted]	I reached out to our supplier ([redacted] only supply BABA certifications on their smaller pipe sized meters.

SPECIFICATIONS AND DESIGN CONSIDERATIONS

KA has enclosed specifications in this package for the above equipment. [redacted]

ANTICIPATED IMPACT IF NO WAIVER ISSUED

The products identified above are not readily available domestically and/or add complexity to operations and maintenance. [redacted]

Please contact me if you have questions, concerns, or require additional information.

Sincerely,

Keller Associates, Inc. City of Pomeroy

Pomeroy, WA HPZ BPS Technical Specifications:

The project requires inline vertical multistage pumps with the following specifications:

2.1 GENERAL

A. Pump shall be identical, multi-stage, inline vertical pumps. Attach a stainless-steel nameplate to the pump indicating rated head and flow, impeller size, speed, manufacturer's name, and model number.

B. It is the intent of this specification that the complete pumps, motors, and ancillary components necessary for a complete and functional system be provided by the pump manufacturer for complete system responsibility.

C. All pump components in contact with water shall be ANSI/NSF 61 approved for drinking water.

D. Compliance with the requirements of the individual pump sections may necessitate modifications to the manufacturer's standard equipment.

E. Performance Curves: All pumps shall have a continuous rising curve or the system operating range shall not cross the pump curve at two different capacities or "dip region." Unless indicated otherwise, the required pump shaft horsepower at any point on the performance curve shall not exceed the rated horsepower of the motor or engine or encroach on the service factor. The shut-off head shall be a minimum of 20% higher than the head at the best efficiency point.

F. Each unit of pumping equipment shall incorporate all basic mechanisms, couplings, electric motors or engine drives, necessary mountings, and appurtenances.

G. Operating Conditions: The work of this Section shall be suitable for long term operation under the following conditions:

Duty	Continuous
Drive	Soft Start
Ambient Environment	Indoors, Ventilated and Heated
Ambient Temperature (degrees F)	50 to 100
Ambient Relative Humidity (Percent)	10 to 60
Fluid Service	Potable Water
Fluid Temperature (degrees F)	45 to 75
Fluid pH Range	6 to 9

Project Site Elevation (ft, above msl)	Per DRAWINGS

J. Performance Requirements: Pumps shall meet or exceed the performance requirements as defined below. The pumps shall be selected such that the highest efficiency is obtained for the average pumping conditions as identified below. Efficiency listed includes pump and motor.

Primary Design Performance (Three Pumps Operating in Parallel)	
Flow (total, gpm)	1,200
Total Dynamic Head (ft)	150
Min. Pump Efficiency	78%
Max Operating Speed (rpm)	3,500
Pump HP (each)	30

a. PUMP REQUIREMENTS

i. Pump Construction: Construction of vertical multistage pumps shall conform to the following requirements:

Pump Body and Base	Cast Iron (ASTM Class 35/40B), Epoxy Coated
Impeller	Stainless Steel
Diffuser	Stainless Steel
Casing,	Stainless Steel
Shaft	Stainless Steel
Adaptor	Cast Iron (ASTM Class 35/40B)
Coupling	Flexible Heavy Duty, Aluminum A384.0-F
Coupling Guard	Stainless Steel
Seal Plate	Stainless Steel
Mechanical Seal	Silicon Carbide/Carbon/Viton/EPDM
Mech Seal Flush	Product Water
Elastomers	Viton

Wear Rings	PPS/Stainless Steel
Shaft Sleeve & Bushing	Tungsten Carbide/Silicon Carbide
Fill & Drain Plugs	AISI 304 Stainless Steel
Tie Rods	Carbon Stl / Zinc Plated
Seal Gland	Stainless Steel
Mounting	Vertical
Inlet/Outlet Flange Locations	Low Inlet and Low Outlet Flanges 180 degrees apart at Pump Base

ii. Flanges and Bolts: Suction and discharge flanges shall conform to ANSI/ASME B16.1 - Cast Iron Pipe Flanges and Flanged Fittings, Class 25, 125, 250, and 800 or ANSI/ASME B16.5 - Pipe Flanges and Flanged Fittings dimensions.

iii. Motor:

1. The motor shall be NEMA MG-1 standard design B, Vertical Solid Shaft, enclosure, squirrel cage induction full voltage type. Motor shall be a premium efficiency, 460 volt, 3-phase, 60 Hz. Each motor shall be capable of driving the pump under all head conditions without exceeding the rated capacity of the motor. Motor shall conform to AIEE and NEMA, standards.
2. The motors shall be designed and manufactured to meet all applicable sections of NEMA MG1, 1993. Specific reference is to Part 30 and Part 31, as applicable.
3. Motors shall be capable of operating at 1.0 service factor on inverter power. Nameplate sinewave service factor shall be 1.15 or greater.
4. Motors shall be rated for continuous operation in a 50º C ambient temperature 2,000 feet above sea level.
5. Motors shall not exceed class F insulation limits with 115º C allowable winding hot spot temperature, when operated on inverter power across the entire speed and torque envelope specified.
6. Motors shall meet NEMA design “B” performance levels.
7. Motors shall be nameplated for 30-60 hertz operation. The motor shall be capable of operating a variable torque load over 2:1 speed range. The pump/motor combination

shall be capable of operating continuously at 30 hz without overheating.

8. [redacted]

iv. Motor Thrust Bearing: The motor thrust bearing shall be designed to carry the hydraulic thrust plus the weight of the shaft and the impellers. The thrust bearing life expectancy shall have a five-year average rating based on 24 hours per day usage. The motor shall be capable of carrying up thrust equal to approximately 30% of the total down thrust. Bearings shall be oil or grease lubricated as per manufactures standard design. Each motor shall be provided with a corrosion-resistant nameplate giving the name of the manufacturer, horsepower, voltage, frequency, speed, efficiency and current for unit at full load.

v. [redacted]

b. PUMP APPURTENANCES

i. Nameplates: Each pump shall be equipped with a stainless steel nameplate indicating serial numbers, rated head and flow, impeller size, pump speed, and manufacturer's name and model number.

The project requires flow meters with the following specifications:

2.1 GENERAL

A. All meters shall be capable of operating at a minimum ambient temperature ranging from -4 to 140 degrees F.

B. All meters shall be rated for NFPA hazardous areas, see Drawings for further information.

C. The Contractor shall be responsible for confirming necessary cable length with meter manufacturer prior to ordering any meter equipment.

2.2 ELECTROMAGNETIC (MAG) FLOW METERS

A. The electromagnetic flowmeter shall consist of a flow sensor based on Faraday's Law of Electromagnetic Induction, the flow of liquid through the sensor induces an electrical voltage that is proportional to the velocity of the flow.

B. Electromagnetic flowmeter systems shall be the low frequency electromagnetic induction type which produces a DC pulsed signal directly proportional to and linear with the liquid flow rate. Complete zero stability shall be an inherent

characteristic of the flowmeter system. Each magnetic flow metering system shall include a metering tube, signal cable, transmitter, and flowmeter grounding rings.

C. Meter Tube: The tube shall be constructed of 304 or 316 stainless steel tube with ductile iron flanged or Carbon Steel connections and include a minimum of two (2) self-cleaning electrodes. The electrodes shall be constructed of materials conforming to the manufacturer's recommendation for the intended service. The meter housing shall be IP67 or IP68, rated for a submergence depth of 3 meters for a duration of 48 hours. Grounding rings shall conform to the manufacturer's bore and material recommendation for the intended service. Grounding rings shall be designed to protect and shield the liner's edge interface from abrasion at the meter end.

The project requires pressure switches with the following specifications:

2.1 ADJUSTABLE PRESSURE SWITCH

A. Adjustable pressure switches shall be diaphragm-actuated, dual adjustment pressure switches with SPDT contacts rated for a minimum of 5 Amps at 120 V AC. The dead band shall be adjustable up to 60 percent of full scale. Set points shall fall between 20 and 80 percent of the adjustable range. [redacted]

The project is requesting pressure transmitters with the following specifications:

2.1 DIFFERENTIAL AND GAUGE PRESSURE TRANSMITTERS

A. Electronic differential transmitters shall consist of a capsule assembly, bottom works, vent plug, drain plug, cover flange, process connector and connection, amplifier unit, integral indicator, terminal box with cover, block and bleed valves, and conduit connections. Pressure applied to the unit shall be transmitted by a sealed fill fluid to both sides of a sensing diaphragm. The sensing diaphragm and the sensor body shall function as the moving and fixed electrodes, respectively, of a differential capacitor. As the applied pressure causes the diaphragm to move, the capacitance of the cell shall change.

B. Performance Requirements: The amplifier unit shall convert the change in capacitance to a 4 – 20 mA DC signal, 2 wire type, with an allowable loop load of no less than 600 ohms. Static pressure rating shall be a minimum of 500 psig. The maximum overrange pressure limit shall be a minimum of 150 percent of the range. Span shall be adjustable over a minimum of 5:1 range. External adjustments shall include zero and span. Output signal damping shall be provided as an internal adjustment.

1. Equipment shall be suitable for an ambient operating range of minus 40 degree F to plus 212 degrees F.
2. The integral indicator shall be calibrated in process units.
3. Power supply shall be 24 VDC.

4. Accuracy, including linearity and repeatability, shall be a plus or minus 0.2 percent of span.

5. Differential pressure transmitters used for flow service shall include square root extraction to produce an output signal linearly proportional to flow.

C. Wetted parts, including block and bleed valve parts, shall be constructed of Type 316 stainless steel.

D. [redacted]