OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

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

FROM: Jennifer L. McLain, Director

JENNIFER MCLAIN Digitally signed by JENNIFER MCLAIN Date: 2026.02.27 17:48:12 -05'00'

Decision

The U.S. Environmental Protection Agency is hereby issuing a project waiver pursuant to the domestic preference set forth in section 70914 of the Build America, Buy America (BABA) Act included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), under the authority of section 70914(b), to the City of Pomeroy (Applicant) for the purchase of multistage pumps, flow meters, pressure transmitters, and pressure switches. This waiver permits the use of multistage pumps, flow meters, pressure transmitters, and pressure switches because no known domestic manufacturers produce BABA compliant products that meet the technical specifications of the project. This waiver is applicable to expenditures made for the specified products for the City of Pomeroy for the High-Pressure Zone Booster Station project funded by the Drinking Water State Revolving Fund (DWSRF), on or after the effective date of the final waiver until December 31, 2029.

This is a project-specific waiver. No other project will utilize the waiver.

Background

The Buy America Preference set forth in section 70914 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 U.S.

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; iron, steel, manufactured products, or construction materials are not produced in the U.S. 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

Waiver Type: Nonavailability of a domestic product 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.

Waiver Description: Project-specific nonavailability waiver of BABA requirements to the City of Pomeroy for multistage pumps, flow meters, pressure transmitters, and pressure switches.

Project Summary: This project will include facilities improvements at the booster station located in Pomeroy, WA, owned and operated by the Applicant. The work includes, but not limited to, procurement of project materials, erecting a concrete masonry unit 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 31, 2029.

Summary of Items Covered in the Waiver (including NAICS):
The following items are covered under this waiver:

- Vertical Multistage Pump
  - NAICS: 486990
  - PSC: M1NE/4610
- Flow Meter
  - NAICS: 334513
  - PSC: 6680
- Pressure Transmitter
  - NAICS: 334513
  - PSC: 6685
- Pressure Switch
  - NAICS: 334513
  - PSC: 6685

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, the EPA contacted nine (9) manufacturers and suppliers of multistage pumps, nine (9) manufacturers and suppliers of flow meters, eight (8) manufacturers and suppliers of pressure transmitters, and eight (8) manufacturers and suppliers of pressure switches. 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.

Assessment of Cost Advantage of a Foreign-Sourced Product

Under OMB M–24–02, agencies are expected to assess "whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products" as appropriate before granting a public interest waiver. The EPA's analysis has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Summary of Public Comments

A memorandum soliciting public comments and the Applicant's waiver request were posted on the EPA's public facing webpage, and a notice of the waiver request was also posted to the OMB's Made in America website on November 17, 2025, to satisfy the required fifteen (15) day public comment period. The comment period for the waiver closed on December 2, 2025. One public comment was submitted in support of the waiver. The EPA received no other comments and therefore no substantive changes were made between this waiver and the version that was posted for public comment.

Description of Award

Recipient Name and/or Unique Entity Identifier (UEI):

Recipient Name: City of Pomeroy

UEI: 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