



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Nonavailability Waiver of Build America, Buy America (BABA) Act Requirements to the Pittsburgh Water and Sewer Authority, PA, for Multiple Manufactured Products and Construction Materials for the Aspinwall Pump Station, Bruecken Pump Station and Clearwell Emergency Response Project

FROM: Jennifer L. McLain, Director

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 Pittsburgh Water and Sewer Authority (Applicant) for the purchase of multiple manufactured products and construction materials. This waiver permits the use of multiple manufactured products and construction materials because no known domestic manufacturers produce a product that meet the technical specifications of the project. This waiver is applicable to expenditures made for the specified products for the Aspinwall Pump Station, Bruecken Pump Station and Clearwell Emergency Response (ABC) project funded by the Drinking Water State Revolving Fund (DWSRF), on or after the effective date of the final waiver until October 1, 2031.

This is a project-specific waiver. Any other project that wishes to use the same products must apply for a separate waiver.

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 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; 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

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 multiple products for a single project. No other project will utilize the waiver.

Waiver Description: Project-specific nonavailability waiver of BABA manufactured products requirements or construction materials requirements where applicable to the Pittsburgh Water and Sewer Authority, for twenty (20) manufactured products and construction materials.

Project Summary: The Pittsburgh Water and Sewer Authority (PWSA) is currently undergoing several design and construction projects related to the replacement of a 40 million-gallon clearwell, which is a large storage tank for finished water. This project includes improvements to the Bruecken Pump Station, Aspinwall Pump Station, and an emergency clearwell bypass. The ABC project is the second phase of the City of Pittsburgh's effort to meet their required Consent Decree deadlines with the Pennsylvania Department of Environmental Protection. Each part of the project is necessary leading up to the replacement of the clearwell. This project is completely located within City of Pittsburgh limits.

The Aspinwall Pump Station at the Aspinwall Treatment Plant was originally built in 1912. Improvements include: the replacement of the existing horizontal split case pumps, motors, switchgear, suction and discharge piping and valves; upgrade of electrical power to medium voltage; a new electrical room and the creation of office spaces. Activities outside of the pump station include the demolition of a garage and fluoride building. Additional improvements include the construction of a chemical building housing orthophosphate and hydrofluorosilicic acid, updates to the site utilities, pavement replacement, and stormwater improvements. Exterior improvements to the building include surface cleaning, and roof and window replacement.

Improvements to the Bruecken Pump Station include the demolition of an existing garage, construction of a new facility and associated structures to house pumps (vertical turbine pumps with integral wet well, motors, switchgear), large diameter piping, valves and vault work, electrical equipment, and a chemical building. The existing pump station will remain in place for other PWSA operations. Exterior improvements include replacement of perimeter fencing, re-organization of materials stored on property, utility relocation and stormwater improvements.

The original clearwell at the Aspinwall Treatment Plant was built in 1908. Improvements related to the clearwell bypass include installation of 144-inch and 84-inch diameter steel-coated pipe, vaults, and pile foundations to be in service by the time the clearwell improvements project starts construction.

Length of the waiver: From the effective date of the final waiver until projection completion, which is estimated to be October 1, 2031.

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

The items in the appendix of this document are covered under this waiver.

Description of Efforts Made to Avoid the Need for a Waiver

Both the PWSA and EPA made every effort to obtain domestically produced manufactured products and construction materials for this project. This is both documented in the waiver request, and in the description of the EPA's and Pittsburgh's extensive research efforts listed below.

Prior to submission of the waiver request, the PWSA conducted their own market research. They contacted multiple individual potential domestic manufacturers for the products which were requested to be waived. When domestic products which could meet the technical specifications for the project could not be identified, the waiver request was submitted, initiating EPA market research.

The EPA conducted initial market research in January 2025. After the EPA's research concluded, the assistance recipient identified several additional products which could not be found domestically. A second round of research was conducted, which concluded in May 2025. The market research processes 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:

- Eight (8) manufacturers of pipe penetration sealant
- Ten (10) manufacturers of buried storm water tanks
- Ten (10) manufacturers of ladder fall protection
- Nine (9) manufacturers of door hardware
- Eight (8) manufacturers of metal edge strips
- Eleven (11) manufacturers of medium voltage electric motors
- Ten (10) manufacturers of resilient entrance mats
- Eleven (11) manufacturers of electric traction elevators
- Ten (10) manufacturers of quick disconnect fittings
- Nine (9) manufacturers of three-way mixing control valves
- Eight (8) manufacturers of uninterruptible power systems

- Ten (10) manufacturers of magnetic flow meters
- Ten (10) manufacturers of radar level transmitter equipment
- Ten (10) manufacturers of induction motors
- Ten (10) manufacturers of hot water boilers
- Ten (10) manufacturers of hydronic system pumps
- Ten (10) manufacturers of differential pressure meters
- Ten (10) manufacturers of unit heaters
- Ten (10) manufactures of automatic temperature control systems and smoke detectors
- Nine (9) manufactures of low-voltage electrical cables and equipment
- Eight (8) manufacturers of medium-voltage electrical cables and equipment
- Eight (8) manufacturers of lightning protection
- Eight (8) manufacturers of compression connectors
- Seven (7) manufacturers of three-phase uninterruptible power supplies
- Six (6) manufacturers of panelboards
- Nine (9) manufacturers of steam pumps.

The EPA identified these manufacturers in an attempt to identify all potential domestic manufacturers of the above-mentioned products.

BABA compliant manufacturers for metal edge strips, hot water boilers, unit heaters, and lightning protection were identified, which are able to meet the project's specifications. As a result of the EPA's market research, the PWSA is no longer requesting to waive these items. In addition, the PWSA also removed the door hardware and steam pumps from the waiver request.

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 proposed waiver closed on December 2, 2025.

The EPA received eight (8) public comments. One (1) public comment from a manufacturer indicated that they could provide BABA compliant resilient entrance mats. Through communication with the manufacturer, the Applicant determined that these products did not meet the technical performance specifications for their project. One (1) comment from a flow

meter manufacturer indicated that they could provide BABA compliant flow meters. Through communication with the manufacturer, the Applicant determined that these products did not meet the technical performance specifications. One (1) comment from a different flow meter manufacturer requested specifications. The EPA directed the manufacturer to the relevant specification section and did not receive further relevant correspondence. One (1) commenter summarized the listed market research efforts. Two (2) commenters stated that they cannot provide any of the products which are requested to be waived. One (1) commenter stated that they do not ship outside of their geographical territory and did not provide information indicating that they can provide a BABA compliant product that meets the project's technical specification. One (1) commenter agreed with the waiver and requested that this waiver be expanded to a general product specific waiver.

Description of Award

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

Recipient Name: Pittsburgh Water and Sewer Authority;

Recipient Unique Entity Identifier: S7ZAXKQJ8NJ2

Federal Financial Assistance Identification Number (FAIN): N/A

Federal Financial Assistance Listing Name: 66.468 Drinking Water State Revolving Fund

Federal Financial Assistance Listing Number: 66.468

Federal Financial Assistance Funding amount: \$258,611,688

Total Cost of Infrastructure Expenditures: \$289,600,000

If you have questions concerning the contents of this memorandum, please contact the domestic preference team at BABA-OW@epa.gov.

APPENDIX

Products proposed to be waived (with NAICS and PSC codes) for the for the Aspinwall Pump Station, Bruecken Pump Station and Clearwell Emergency Response Project

Pipe penetration sealant:

- NAICS: 325520
- PSC: 5330

Buried stormwater tanks

- NAICS: 326199
- PSC: 5430

Ladder fall protection

- NAICS: 332999
- PSC: 4240

Induction motors

- NAICS: 335312
- PSC: 6105

Medium voltage motors

- NAICS: 335312
- PSC: 6105

Resilient entrance mats

- NAICS: 326299
- PSC: 7220

Electric traction elevators

- NAICS: 333921
- PSC: 3960

Quick disconnect fittings

- NAICS: 335999
- PSC: 6150

Three-way mixing control valves

- NAICS: 332911
- PSC: 4810

Uninterruptible power system

- NAICS: 335999
- PSC: 6140

Magnetic flow meters

- NAICS: 334513

- PSC: 6680

Radar level Transmitter Equipment

- NAICS: 334513

- PSC: 6680

Hydronic system pumps

- NAICS: 333996

- PSC: 4320

Differential pressure meters

- NAICS: 334513

- PSC: 6685

Automatic Temperature Control System and Smoke Detectors

- NAICS: 334290

- PSC: 6350

Low voltage electrical cables

- NAICS: 335999

- PSC: 6150

Medium voltage electrical cables and equipment

- NAICS: 3335999

- PSC: 6145

Compression connectors

- NAICS: 334417

- PSC: 5935

Three-Phase Uninterruptable Power Supply

- NAICS: 335999

- PSC: 6140

Panelboards

- NAICS: 335313

- PSC: 5998