



## OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

### **DECISION MEMORANDUM**

**SUBJECT:** Project-Specific Nonavailability Waiver of Build America, Buy America Act Manufactured Product Requirements to the Towanda Municipal Authority in Pennsylvania, for Jet Motive Pumps

**FROM:** Andrew Sawyers, Director

#### **Decision**

The U.S. Environmental Protection Agency is hereby issuing a project waiver pursuant to the Buy America Preference set forth in section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), under the authority of section 70914(b), to Towanda Municipal Authority in Pennsylvania (Applicant) for jet motive pumps. This waiver permits the use of these products, which are not produced in the United States in the Wastewater Treatment Plant Upgrades Project, because no manufacturers were identified that produce BABA-compliant alternatives that meet the technical specifications of the project. The waiver is applicable to expenditures made for jet motive pumps on or after the effective date of the final waiver until project completion, estimated to be October 30, 2028.

This is a project-specific waiver. Any other projects that wish to use the same product must apply for a separate waiver. If you have any questions concerning the contents of this memorandum, please contact the Domestic Preference Team at [BABA-OW@epa.gov](mailto:BABA-OW@epa.gov).

#### **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 that all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States.

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 United States 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 (1) a written explanation for the proposed determination; (2) provide a period of not less than fifteen (15) calendar days for public comment on the proposed waiver; and (3) 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 BABA-compliant product in sufficient and reasonably available quantities or of satisfactory quality.

Waiver Level and Scope: Project level waiver for single type of product for a single project. No other project may utilize this waiver.

Waiver Description: Project-specific nonavailability waiver of BABA manufactured product requirements to the Applicant in Pennsylvania, for jet motive pumps for the Wastewater Treatment Plant Upgrades Project.

Project Summary: The project will include upgrades to the existing Wastewater Treatment Plant in Towanda Borough, Pennsylvania. The project includes construction of a new headworks facility, rehabilitating components of the digestion process and completing other miscellaneous improvements. The project also includes the installation of new emergency generators and improvements to the existing control and telemetry systems.

Length of the waiver: From the effective date of the final waiver until project completion, estimated to be October 30, 2028.

Summary of Items Covered in the Waiver (including NAICS): The Applicant is seeking a waiver for the following manufactured product:

Jet Motive Pumps  
NAICS Code: 39914  
PSC Code: 4310

No acceptable BABA-compliant products were identified by the recipient, or through the EPA's market research completed in June 2025. Therefore, the Applicant proposes to procure non-compliant jet motive pumps.

### **Description of Efforts Made to Avoid the Need for a Waiver:**

The Applicant made a good faith effort to identify alternative compliant products that meet project specifications and was unable to find other similar products that were BABA-compliant and would meet the technical specifications of the project.

The Applicant performed due diligence prior to requesting a waiver from the EPA. The Applicant contacted six (6) pump manufacturers. One (1) manufacturer indicated that they could provide BABA-compliant products, though the offer did not meet the technical specifications for the project. The project engineer thoroughly analyzed the BABA-compliant pumps to determine if they could be utilized without significantly altering project design. The primary exception for the jet motive pumps was the diameter of the suction and discharge flanges. The difference in connection between the current pumps and the proposed pumps meant that the proposed pumps would not be compatible with the existing pump base and housekeeping pad. Both would need to be demolished and reconstructed. Even if that work was completed, the existing piping array would then need to be modified to match the proposed pipe's diameter. This would require complete replacement of piping, since the existing piping

includes integrated analytical probes that would be rendered inoperable if it is no longer in the pre-construction configuration. Based on this evaluation, the Applicant determined that attempting to use the proposed alternative pumps was not feasible as it would require an expansion of the project scope, significant redesign, project schedule delays, and additional costs.

The EPA also conducted market research in June 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, and communication with domestic manufacturers.

During market research, the EPA contacted eleven (11) manufacturers and suppliers for pumps. No (zero) manufacturers indicated they could produce BABA-compliant products that met the technical specifications of the project.

### **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 Made in America website on January 14, 2026, to satisfy the requirement to publish any proposed project-specific waiver and provide the public with fifteen (15) days to submit comments. The EPA sought public and industry comment from all interested parties and encouraged potential manufacturers of the product in question to submit comments. The comment period for the proposed waiver closed on January 29, 2026. No (zero) public comments were received for this waiver request.

### **Description of Award**

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

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

Federal Financial Assistance Listing Name: 66.458 Clean Water State Revolving Fund

Federal Financial Assistance Listing Number: 66.458

Common Government-wide Accounting Classification Code: 068

Federal Financial Assistance Funding Amount: \$6,807,020

Total Cost of Infrastructure Expenditures: \$6,807,020