



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 for Thurston County Public Utility District, Washington, for Submersible Well Pumps, Submersible Pump Motors, and Motor Starter Control Boxes for the Lazy Acres 351 PFAS Remediation Project
Waiver Number 10-DWB-0013

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 Thurston County Public Utility District, Washington (Applicant), for the purchase of submersible well pumps, submersible pump motors, and motor starter control boxes. This waiver permits the use of the specified submersible well pumps, submersible pump motors, and motor starter control boxes 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 Lazy Acres 351 PFAS Remediation project funded by the Drinking Water State Revolving Fund (DWSRF), on or after the effective date of the final waiver until June 30, 2029.

This is a project-specific waiver. No other project will utilize the 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 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 multiple products for a single project. No other project will utilize the waiver.

Waiver Description: Project-specific nonavailability waiver of BABA manufactured products requirements to the Thurston County Public Utility District for the following products:

1. One (1) 3HP and one (1) 5HP submersible well pumps
2. One (1) 3HP and one (1) 5HP submersible pump motors
3. One (1) 3HP and one (1) 5HP motor starter control boxes

Project Summary: Lazy Acres 351 PFAS Remediation Project includes the construction of the ion-exchange (IX) system, modification and replacement of buildings containing treatment systems and well equipment, and modification and replacement of other associated infrastructure. This will include the installation of pump motors, and the replacement of well pumps and control boxes which are critical to overcoming additional head loss through the proposed PFAS treatment system.

Length of the waiver: From the effective date of the final waiver until projection completion, which is estimated to be June 30, 2029.

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

Submersible well pumps

- NAICS: 333996
- PSC: 4320

Submersible pump motors

- NAICS: 333996
- PSC: 4320

Motor starter control boxes

- NAICS: 333996
- PSC: 4320

Description of Efforts Made to Avoid the Need for a Waiver

Both Thurston County Public Utility District and the EPA made every effort to obtain BABA-compliant submersible well pumps, submersible pump motors, and motor starter control boxes. This is both documented in the waiver request, and in the description of the EPA's extensive research efforts listed below.

The EPA concluded market research in October 2025. During market research, the EPA contacted fourteen (14) manufacturers of submersible well pumps, submersible pump motors, and motor starter control boxes. The EPA identified these manufacturers in an attempt to find all potential BABA-compliant manufacturers of the above-mentioned product(s).

When contacted, two (2) manufacturers indicated potential to meet the specifications of the project while being BABA compliant. Through direct communication with the manufacturers, the assistance recipient verified to the EPA that neither manufacturer could provide BABA compliant products that meet the technical specifications for the project. Based on the technical evaluation conducted, the claim that BABA-compliant products that meet the project's specification are not available 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 March 23, 2026, to satisfy the required fifteen (15) day public comment period. The EPA sought public comment from all interested parties. The comment period for the waiver closed on April 7, 2026. The EPA received no public comments and therefore no substantive changes were made between this waiver decision memorandum and the version that was posted for public comment.

Description of Award

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

Recipient Name: Thurston County Public Utility District

Recipient Unique Entity Identifier: QYTKXNE588N9

Federal Financial Assistance Identification Number (FAIN): 4E-02J44601

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

Federal Financial Assistance Listing Number: 66.468

Federal Financial Assistance Funding amount: \$515,602.00

Total Cost of Infrastructure Expenditures: \$515,602.00