



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 Columbus, OH, for Electrical Equipment for the Fourth Water Plant Site Preparation 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 City of Columbus, OH (Applicant), for the purchase of high-voltage electrical equipment. This waiver permits the use of high-voltage electrical equipment 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 Columbus, OH for the Fourth Water Plant Site Preparation Project funded by the Drinking Water State Revolving Fund (DWSRF), on or after the effective date of the final waiver until January 21, 2030.

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 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 City of Columbus, OH, for three high-voltage electrical components.

Project Summary: The purpose of the Fourth Water Plant Site Preparation Project is to get the site ready for the future Home Road Water Plant. This preparation includes the installation of a 138 kV electrical substation system including all structures, disconnect switches, bussing, circuit breakers, transformers, switchgear, controls, prefabricated electrical building, and appurtenances. The substation that will be constructed in this project will be necessary to power the future Home Road Water Plant, which will be constructed in a future project.

Length of the waiver: From the effective date of the final waiver until project completion, which is estimated to be January 21, 2030.

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

The following items are covered under this waiver:

High Voltage SF6 Dead Tank Circuit Breaker

- NAICS: 335313
- PSC: 5950

High Voltage Coupling Capacitor Voltage Transformer (CCVT)

- NAICS: 335313
- PSC: 5950

High Voltage Surge Arresters

- NAICS: 334513
- PSC: 5925

Description of Efforts Made to Avoid the Need for a Waiver

Both the City of Columbus and the EPA made every effort to obtain BABA-compliant electrical equipment. This is both documented in the waiver request, and in the description of the EPA's extensive research efforts listed below.

Market research concluded on August 8, 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) high-voltage circuit breaker manufacturers and suppliers of high-voltage circuit breakers, eleven (11) high-voltage transformer manufacturers and suppliers, and ten (10) manufacturers and suppliers of high-voltage surge arresters. The EPA identified these manufacturers to find all potential BABA-compliant manufacturers of the above-mentioned product(s).

When contacted, one (1) high-voltage circuit breaker manufacturer indicated potential to meet the specifications of the project while being BABA compliant. When contacted by the assistance recipient, the manufacturer declined to confirm that their high voltage circuit breakers comply with either BABA or the technical specifications of 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 February 26, 2026, to satisfy the required fifteen (15) day public comment period. The comment period for the waiver closed on March 13, 2026. The EPA received no public comments and therefore no substantive changes were made between this waiver and the solicitation form that was posted for public comment.

Description of Award

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

Recipient Name: City of Columbus

UEI: 316400223

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: \$62,508,000.00

Total Cost of Infrastructure Expenditures: \$107,626,131.41