

July 14, 2026

**Build America Buy America Act
Final Non-Availability Waiver for Pneumatic
Actuator Valves**

Lincoln Pipestone Rural Water System –Water Treatment Plant Project

1. Summary

Agency: United States Department of Agriculture (USDA), Rural Development (RD), Rural Utilities Service (RUS)

Waiver: The U.S. Department of Agriculture is issuing a project non-availability waiver of the manufactured products domestic preference requirements of Section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) as applied to one federal financial assistance award for the Lincoln Pipestone Rural Water System in Lake Benton, MN. This proposed limited non-availability waiver allows Lincoln Pipestone to purchase non-domestic pneumatic actuator valves.

Applicability: This waiver permits the use of non-domestic pneumatic actuator valves on the Lincoln Pipestone Rural Water System's Water Treatment Plant project in Lake Benton, MN. These products will be obtained by the Lincoln Pipestone and incorporated into the subject project prior to the expiration date of the waiver.

Waiver Type: Non-availability waiver of the BABA manufactured product requirements.

Summary of Items Covered in Waiver: Pneumatic Actuator Valves.

Waiver Justification Summary: Pneumatic Actuator Valves are manufactured products not produced in the United States of a satisfactory quantity or quality.

Length of the Waiver: The effective date of this waiver is from the date of issue and will remain in effect until the completion of the project, estimated to be April 28, 2028.

2. Background

The Buy America Preference set forth in Section 70914 of the Build America, Buy America Act included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), requires all iron, steel, manufactured products, and construction materials used for 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,

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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 United States will increase the cost of the overall project by more than 25%. All waivers must have a written explanation for the proposed determination; provide a period of not less than 15 days for public comment on the waiver; and submit the waiver to the Office of Management and Budget Made in America Office for review to determine if the waiver is consistent with policy.

3. Description of Award

Title of Project: Lincoln Pipestone Rural Water System Water Treatment Plant

Infrastructure Project Description and Location: Lincoln Pipestone owns and operates a water system that includes source, treatment, storage, and distribution in rural Minnesota.

Description of Project: This project seeks to construct a 1.8 MGD water treatment plant that will treat the source water for removal of iron and manganese and adjust hardness of the source water.

Recipient Name: Lincoln Pipestone Rural Water System, Lake Benton, MN

Unique Entry Identifier (UEI): P1G7CAYWUA47

Federal Financial Assistance Program: Water and Waste Direct Loans and Grants

Federal Financial Assistance Funding Amount: \$28,373,000

4. Description of Covered Items

Manufactured Products: The waiver seeks an exception to the Build America, Buy America Act (BABA) requirements for the following manufactured products:

Actuator Valves (20 needed) shall be vane pneumatic style operator suitable for 80 psi air supply and that are double-acting, weatherproof, and furnished with corrosion resistant cover complete with sealing gaskets.

- NAICS: 221310
- PSC: 4610
- Country of Origin: United Kingdom

5. Waiver Justification Summary

Anticipated Impact if No Waiver is Issued:

Absent this waiver, the project could not be completed as designed. A re-design would delay the project, which is already in construction, and would result in a less efficient final project. The engineer specifically utilized pneumatic actuator valves to make use of air compressor equipment and lines found in other parts of the plant, most of which have already been installed. The applicant made a good faith effort to follow BABA requirements and only became aware of the lack of BABA-compliant valves after construction had commenced.

If the waiver is implemented the project will be able to purchase the needed equipment and

complete the construction project in a timely manner.

Description of Efforts Made to Identify Domestic Products:

USDA conducted market research to determine if there are domestic manufacturers that can produce or supply pneumatic actuator valves. USDA contacted multiple manufacturers for product availability. Most manufacturers contacted either confirmed that they cannot manufacture the product to meet the project specifications, did not respond to inquiries, or confirmed that their products are not BABA compliant. Thus, there are no viable options for this 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 Non-availability waiver. USDA’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.

Solicitation for Comments: The proposed waiver was posted on USDA’s public facing webpage during the period of June 23 – July 8, 2026, and a notice of the proposed waiver was posted to the Made in America website, to satisfy the requirement to publish any Build America, Buy America Act Project Waiver and provide the public with fifteen (15) days to submit comments. No comments were received from the public, and therefore no substantive changes were made in response.

For more information on the Build America, Buy America Preference, please reference <https://www.usda.gov/about-usda/general-information/staff-offices/office-chief-financial-officer/federal-financial-assistance-policy/usda-buy-america-waivers-federal-financial-assistance>