

Issued: July 14, 2026
Expires: December 31, 2027

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**Build America Buy America Act Final Project-
Specific Nonavailability Partial Waiver for City
of Marble, MN, Water Tower
AMR Ultrasonic Water Meters**

City of Marble, Minnesota – Water Tower 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 specific non-availability partial 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 City of Marble, Minnesota. This proposed limited non-availability waiver allows the City to purchase domestically assembled non-BABA compliant Automatic Meter Reading (AMR) ultrasonic residential water meters.

Applicability: This waiver permits the use of non-domestic AMR ultrasonic residential water meters in the City of Marble Minnesota's Water Tower Project.

Waiver Type: Non-availability waiver of the BABA manufactured product requirements for AMR ultrasonic residential water meters.

Summary of Items Covered in Waiver: AMR ultrasonic residential water meters.

Waiver Justification Summary: AMR ultrasonic residential water meters 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 completion of the project, currently estimated to be on December 31, 2027.

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 infrastructure projects under Federal financial assistance awards be produced in the United States.

Under Section 70914(b), the Agency 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 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: City of Marble, MN, Water Tower

Infrastructure Project Description and Location: The City of Marble, MN, is constructing a water tower and installing meters city-wide.

Description of Project: This project seeks to replace its existing 75,000 gallon elevated storage tank with a new tank of the same capacity and a mixer. The other portion of the project is city-wide installation of residential water meters, as the system is currently unmetered, which presents significant operational challenges both physically and financially.

Recipient Name: City of Marble, MN

Unique Entry Identifier (UEI): RGHXECYTCCA7

Federal Financial Assistance Program: 10.760 Water and Waste Direct Loans and Grants

Federal Financial Assistance Funding Amount: \$1,549,000

4. Description of Covered Items

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

AMR Ultrasonic Residential Water Meters: The waiver request will apply to residential meters (approximately 150 of 283 needed on the project) not covered by De Minimis Waiver. Components will be sourced from several countries and assembled in the United States. The specifications for the meters include both equipment and installation requirements. The equipment specifications are as follows:

Meter Type: Water Meters shall be solid-state Sensus model iPERL Water Meters or approved equal. Water meters shall conform to the most recent revision of ANSI/AWWA standards C-700 and C-710 and compliant with NSF/ANSI Standard 61 Annexes F and G. Water meters shall meet the AWWA flow rate accuracy requirements. The water meters shall be equipped with an AMR type register.

Encoder Register Unit: The register shall be an AMR type that provides an encoder generated output signal in units of gallons. The register shall have a 9-digit hermetically sealed electronic register with LCD display. The encoder register will provide an 8-digit meter reading identification number for each meter, leak detection data, days of no

consumption, and backflow indication. This information shall be communicated to the AMR endpoint/software at each meter read.

Meter Reading Technology: Meters must be capable of being read by manual entry, offsite (walk by) radio read technology, or mobile (drive by) radio read technology supported by the AMR system. The meter reading devices shall display all information collected from the encoder register units. The mobile reading technology must show the number of meters read and unread on the route. The time and date must be stamped at each read and communicated to the city's billing system. Meter reading technology shall include Sensus "FieldLogic" and "Auto Read Software" used with the "FieldLogic Handheld Device/Programmer" or approved equal.

- NAICS: 238220
- PSC: 6632

5. Waiver Justification Summary

Anticipated Impact if No Waiver is Issued:

Absent this waiver, the project would not be able to be completed given that the primary purpose of this portion of the project is to install water meters. RD Regulation 7 CFR 1780.57(m) requires that projects using WEP funding must include metering devices for each connection. Use of meters in operating a water system ensures that customers pay their own share rather than supplementing other customers' usage. Also, meters can be helpful in detecting and locating leaks in the system. The water system currently does not have water meters, and the City is eager to modernize its system.

The USDA conducted market research between November 2025 and December 2025, USDA was unable to identify any manufacturers that can provide AMR ultrasonic residential water meters that meet the project requirements and that are BABA compliant.

If the waiver is implemented the project will be able to purchase the needed meters and complete the construction project in a timely manner.

Description of Efforts Made to Identify Domestic Products:

The local project team and USDA conducted market research to determine if there are domestic manufacturers that can produce or supply ultrasonic AMR water meters. In total, 25 manufacturers were contacted about 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>