



July 7, 2023

Mr. Timothy Connor  
Water Infrastructure Division  
Office of Water  
U.S. Environmental Protection Agency

Ms. Kiri Anderer  
Drinking Water Protection Division  
Office of Water  
U.S. Environmental Protection Agency

Via email

**Re: Amended Public Interest Waiver of Section 70914(a) of P.L. 117-58, Build America, Buy America Act, 2021 for State Revolving Fund and Water Infrastructure Projects that have Initiated Design Planning**

Dear Mr. Connor and Ms. Anderer,

The Association of Metropolitan Water Agencies (AMWA) appreciates the opportunity to comment on EPA’s proposed amendment to the program waiver of the requirements of section 70914(a) of the Infrastructure Investment and Jobs Act of 2021 (IIJA) for eligible projects financed by the State Revolving Fund (SRF), and water infrastructure projects subject to SRF requirements funded outside SRF appropriations, that initiated project design planning prior to May 14, 2022. AMWA supports EPA’s willingness to waive the new Build America, Buy America rules for these SRF-funded and other water infrastructure projects, and the association agrees that waivers for these projects and Water Infrastructure Finance and Innovation Act (WIFIA) funded projects should be consistent.

AMWA supported passage of IIJA and its infusion of \$43 billion for the State Revolving Funds (SRFs) to support efforts such as replacing lead service lines and addressing emerging drinking water contaminants like PFAS. These funds are subject to an existing statutory requirement that all the iron and steel products used in SRF-funded projects must be produced in the United States. These iron and steel products are defined in statute to include “lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.”

IIJA expanded these existing American Iron and Steel requirements already applied to the Drinking Water SRF and several other infrastructure financing programs. Under the new law, all manufactured products used in SRF-funded projects must also be produced in the United States

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unless EPA provides a waiver. This new requirement was effective for projects receiving SRF funding on or after May 14, 2022.

AMWA had previously commented on the proposed waiver for SRF-funded projects that had submitted engineering plans and urged EPA to mirror the waiver provided for WIFIA-funded projects that had initiated project design prior to the May 14, 2022, compliance date.<sup>1</sup> AMWA appreciates EPA's willingness to accept that recommendation in the final approved waiver for SRF-funded projects. AMWA also supports EPA's latest action to expand these waivers to any water infrastructure projects subject to SRF requirements. The association believes it is in the public interest to provide these flexibilities as water systems work to upgrade and improve the country's infrastructure.

Thank you for the opportunity to comment on this matter. AMWA looks forward to continuing to work with EPA to promote cost-effective water infrastructure investment. If you have any further questions, please contact Brian Redder ([Redder@amwa.net](mailto:Redder@amwa.net)), AMWA's Manager of Regulatory and Scientific Affairs.

Sincerely,



Thomas Dobbins  
Chief Executive Officer

cc: Radhika Fox, OW  
Jennifer McLain, OGWDW

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<sup>1</sup> June 28, 2022, AMWA comments on proposed BABA waiver for certain SRF-funded projects.  
<https://www.amwa.net/testimonycomments/amwa-comments-epas-proposed-baba-waiver-certain-srf-projects>.