



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

SOLICITATION OF PUBLIC COMMENT FOR PROJECT-SPECIFIC BUILD AMERICA, BUY AMERICA NONAVAILABILITY WAIVER PROPOSAL

SUBJECT: UNDER EVALUATION: Project-Specific Nonavailability Waiver of Build America, Buy America Act Requirements to the Township of Bedminster in New Jersey, for Pump Control Systems and Submersible Sewage Pumps

Intro: This solicitation of public comment by the U.S. Environmental Protection Agency (EPA) is to evaluate a Build America, Buy America Act (BABA) waiver request submitted by an assistance recipient based on nonavailability of products for a single project.

This solicitation of public comment does not represent a final agency decision. The purpose of this proposal is to inquire whether potential alternative domestic products may be available that were not identified by the assistance recipient or through the EPA's domestic products research efforts, and whether other factors should be considered in the evaluation of a waiver.

The EPA has completed its market research efforts and was unable to identify alternative domestic products meeting the performance-based specifications, in sufficient and reasonably available quantities and of a satisfactory quality. The EPA makes every effort to locate domestic alternative products through its waiver process and the public comment period provides a meaningful opportunity to vet the Agency's interim research. In the EPA's experience, viable domestic products are identified through public comment in many cases. Through this public comment period, commenters may provide information that indicates a waiver may not be needed. For example, if the specified items are found to be domestically available, EPA would not issue a final waiver.

Public comments are requested for 15 days (specific dates noted on the EPA's website). Please submit comments to BABA-OW@epa.gov. Please include information in the subject of the email identifying it as a public comment on this waiver request, such as "Waiver Comment: Township of Bedminster-Pump Control Systems and Submersible Sewage Pumps" or similar.

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 US.

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 US 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

Proposed Waiver: The Environmental Protection Agency is soliciting comments regarding whether to issue a project waiver of the requirements of section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), for the Township of Bedminster in New Jersey (Applicant) for Pump Control Systems and Submersible Sewage Pumps used in an infrastructure project funded as directed by H.R. 2617, div. G, Joint Explanatory Statement, page 1622.

Waiver Type: Nonavailability of domestic products in sufficient and reasonably available quantities or of a satisfactory quality.

Waiver Level and Scope: Project level waiver for several products for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Township of Bedminster in New Jersey, for Pump Control Systems and Submersible Sewage Pumps for the Miller Lane Pump Station Replacement.

Project Summary: The Applicant intends to replace the existing Miller Lane sanitary pump station which serves the Township of Bedminster, Borough of Far Hills, and Borough of Peapack and Gladstone. The existing pump station will be replaced with a new pump station to provide reliable conveyance of sanitary sewer flows and protect the surrounding community from potential sanitary sewer overflows. The proposed replacement pump station will be installed on the same property immediately adjacent to the existing pump station so that the existing pump station may remain in service throughout construction. The proposed pump station is anticipated to be a triplex submersible type with a comminutor, valve vault, electrical cabinets and controls, and an exterior emergency standby generator. The proposed pump station will pump from a new proposed wet well directly into the existing force main.

Length of the waiver: From the effective date of the final waiver until June 30, 2028.

Summary of Items Covered in the Proposed Waiver (including NAICS): The Township of Bedminster is seeking a waiver for a pump control system (NAICS code: 335314) and submersible sewage pumps (NAICS code: 333914), which are BABA manufactured products.

Description of Efforts Made to Avoid the Need for a Waiver

The Applicant made a good faith effort to identify any alternative domestic compliant products that met project specifications. They were unable to find similar products that were domestically produced and would meet the technical specifications of the project.

The EPA also conducted market research in December 2024. The market research process included a thorough review of the waiver request submission, examination of domestic manufacturer catalogs and other technical data and marketing materials, and communication with domestic manufacturers.

The EPA researched and contacted fourteen (14) pump control system manufacturers and suppliers. The manufacturers were asked whether they manufacture BABA-compliant pump control systems that meet the project's specifications, and if so, what the estimated lead time would be. None (zero) of manufacturers replied that they offer BABA-compliant products meeting project specifications.

The EPA researched and contacted twelve (12) submersible sewage pump manufacturers and suppliers. The manufacturers were asked whether they manufacture BABA-compliant submersible sewage pumps that meet the project's specifications, and if so, what the estimated lead time would be. None (zero) of manufacturers replied that they offer BABA-compliant products meeting project specifications.

Description of Award

Common Government Accounting Code: 068

Recipient Name and/or Unique Entity Identifier (UEI): CZ1GNPY27LA5

Federal Financial Assistance Identification Number (FAIN): N/A

Federal Financial Assistance Funding Amount: \$2,646,000

Total Cost of Infrastructure Expenditures: \$3,055,000.83

Waived Amount: \$334,000