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 Quonochontaug Central Beach Fire District in Rhode Island, for Turbidity Monitors and Controllers

Introduction

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 non-availability of multiple 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 product 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, a viable domestic product is 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 item is 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: QCBFD, RI BABA Waiver Request" or similar. The proposed waiver will also be posted to the Made in America website.

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 EPA 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 turbidity monitors and controllers used in an infrastructure project funded by the 2024 Consolidated Appropriations Act.

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 multiple products for a single project. No other project will utilize the waiver.

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the Quonochontaug Central Beach Fire District (Applicant) in Rhode Island, for turbidity monitors and controllers for the Water System Upgrade Project.

Project Summary: The project consists of upgrades to the existing community drinking water infrastructure in Charlestown, Rhode Island, including improvements to the sole-source well field, an expansion of the pump-house that will support a new chlorination system, iron and magnesium filtration, updated electronics for system management and alerts, additional tanks for storage and environmental management as well as other supporting infrastructure improvements.

Length of the waiver: From the effective date of the final waiver until project completion, estimated to be April 30, 2030.

Summary of Items Covered in the Proposed Waiver (including NAICS): The Applicant is seeking a waiver for the following products: Turbidity Monitor and Controller (Manufactured Product, NAICS: 334513, PSC code: 6630). The Applicant proposes to procure these products, which do not meet the domestic content requirements of BABA. For additional information on the project and waiver request, see the attached original waiver request from the assistance recipient and supporting documents.

Description of Efforts Made to Avoid the Need for a Waiver

The Applicant made a good-faith effort to identify alternative domestic products. Of note, the Applicant's original waiver request included additional manufactured products for which BABA-compliant alternatives were identified through both the EPA's market research and the Applicant's continued efforts to comply. For the turbidity monitors and controllers, the Applicant was unable to find similar products that were domestically produced and would meet the technical specifications of the project.

The EPA conducted market research in March 2025. 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 also contacted nine (9) manufacturers and suppliers of turbidity monitors and controllers. No (zero) manufacturers indicated they could produce BABA-compliant turbidity monitors and controllers that meet the technical specifications of the project. Based on the technical evaluation conducted, the claim that there are no BABA-compliant turbidity monitors and controllers available that meet the project's specifications is supported.

Anticipated Impact Absent a Waiver
In the absence of a waiver, the recipient would be unable to complete the Water System Upgrade project. Domestic alternatives were not found for any of the products listed in this waiver request, so the recipient has no path forward without a waiver or expending time and money on redesigning the project.

Description of Award
Recipient Name and/or Unique Entity Identifier (UEI):
Quonochontaug Central Beach Fire District/ K13WHKMUTFY1

Common Government Accounting Code: 068

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

Federal Financial Assistance Listing Number: 66.202

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

Total Cost of Infrastructure Expenditures: $1,275,000

Quonochontaug Central Beach Fire District

NOTE: Information in this waiver may have been redacted or removed due to issues of proprietary business information or incompatibility with Federal accessibility requirements. To request the information redacted for purposes of accessibility requirements, please email CWSRFWaiver@epa.gov.

April 4, 2025

EPA Office of Water

To whom it may concern at the EPA Office of Water:

The Quonochontaug Central Beach Fire District (QCBFD), UEI K13WHKMUTFY1, respectfully requests a Project-Specific Nonavailability Waiver of Build America, Buy America Act Requirements for its water system upgrade project.

The specifics of the request are included below and the attached (in accompanying email) Excel document (QCBFD Waiver Application Support 2.0). In addition, I have attached (in accompanying email) supporting correspondence from our contractor.

Please reach out to me with any questions you may have. My contact information is below.

Thank you for your support with this critical project.

Kind regards,

Barry Okun

Barry Okun
Finance Chairperson
Central Beach Fire District, Charlestown, RI
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Project-Specific Nonavailability Waiver Request of Build America, Buy America Act Requirements for the Quonochontaug Central Beach Fire District (Rhode Island), ("the Applicant") for Mini-Split System Heat/Air Conditioner, Turbidity Monitor, Turbidity Controller, and Architectural Western Red Cedar Shingles for Pump House exterior.

Waiver Type: Nonavailability of a domestic product in sufficient and reasonably available quantities or of 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 requirements to the Applicant for Mini-split system, Turbidity Monitor and Controller, and Cedar Shingles.

Project Summary: The project location is in Charlestown, Rhode Island. The project consists of upgrades to the existing community drinking water infrastructure, including improvements to the sole-source well field, an expansion of the pump-house which will now support a new chlorination system, iron and magnesium filtration, updated electronics for system management and alerts, additional tanks for storage and environmental management as well as other supporting infrastructure improvements.

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The project requires a waiver because no domestic alternatives were available for consideration.

Project Timing: Site preparation and construction of the pumphouse will begin in April 2025. Project completion is scheduled for December 31, 2025, barring no unforeseen delays.

Summary of Items Covered in the Proposed Waiver (including NAICS): The Applicant is seeking a waiver for a split-system heater/air conditioner (NAICS code 333415), Turbidity Monitor and Turbidity Controller (NAICS code 334513), and Cedar Shingles (NAICS Code 423330), all of which are manufactured products under BABA. The Applicant proposes to procure a non-domestic split-system heater/air conditioner, non-domestic Turbidity Monitor, non-domestic Turbidity Controller, and non -domestic cedar shingles. No domestic alternative products were identified by the Applicant, or where applicable, through EPA's market research completed in March

2025. See attached pages for scope of work performed.

The project requires a split-system heater/ air conditioner consisting of a [redacted] Outdoor Heat Pump Unit with an [redacted] indoor unit.

The project requires a Turbidity Monitor consisting of a Low Range Laser Turbidimeter with Flow Sensor, Automatic Cleaning, RFID, and System Check, EPA Version and a Turbidity Controller consisting of a 5x mA Output, 2 digital Sensors, 24 VDC, without plug.

The project requires Architectural Western Red Cedar Shingles on the outside of the pumphouse building to match the look and feel of the surrounding structures.

Description of Efforts Made to Avoid the Need for a Waiver

Both the Applicant and the EPA made significant effort to identify domestically produced split-system heater/air conditioners, Turbidity Monitors and Turbidity Controllers. At the Applicant's request, the EPA also investigated Meter Main Sockets, however the Applicant is not seeking a waiver for these. Separately, the Applicant investigated domestically produced Cedar Shingles. See documentation in attached excel worksheet and related emails.

For those items researched by the EPA, the Applicant conducted research to find a domestic manufacturer of BABA-compliant products and provided this information to the EPA demonstrating that no domestic manufacturers of those products are available that meet the project's technical specifications.

Following receipt of the Applicant's research request, the EPA also performed independent product research to identify potential domestic manufacturers of split-system heater/air conditioners, Turbidity Monitors, Turbidity Controllers, and Meter Main Sockets. During market research, the EPA contacted nine (9) manufacturers and suppliers for split-system heater/air conditioners, nine (9) manufacturers and suppliers for Turbidity Monitors and Turbidity Controllers, and six (6) manufacturers and suppliers of Meter Main Sockets. No (zero) domestic manufacturers

indicated they could produce BABA-compliant split-system heater/air conditioners, Turbidity Monitors, Turbidity Controllers or Meter Main Sockets.

The Applicant did not include the Cedar Shingles in their original EPA research request. The Applicant is not seeking a waiver for the Meter Main Sockets.

[redacted]

7. The chlorine analyzer system shall be mounted on a 30" x 30" custom backboard shall include a two (2) stage filtration system.

8. The chlorine analyzer shall be [redacted] as manufactured by [redacted] or approved equal.

C. Turbidity Monitor ([redacted])

Provide one (1), turbidity analyzer/monitor conforming to the following requirements:

1. The turbidity monitor shall conform to the requirements of USEPA Method 180.1.

2. The turbidity monitor shall have a continuously flowing water sample with bubble removal capability and venting. The sensor shall use the Nephelometric measurement method via project of incandescent light into the water, with photocell detection of light scattered 90° from the incandescent beam. The turbidity monitor shall be provided a controller to accept up to two (2) turbidity sensor signals.

3. The turbidity monitor shall be [redacted], or equal, conforming to the following specifications:

a.	Range:	0.001 to 100 NTU;
b.	Accuracy:	+/- 2% of reading or +/- 0.015 NTU;
c.	Repeatability:	Better than +/-1% of reading or +/-0.002 NTU;
d.	Response Time:	15 seconds for full-scale step change;
e.	Signal Average Time:	Selectable from 6, 30,60, 90 seconds;
f.	Sample Temperature:	0 to 50°C;
g.	Sample Flow Req'd:	200 to 750 mL/minute;
h.	Operating Humidity:	5 to 95%, non-condensing;
i.	Power:	120 – 230 VAC, 50/60 Hz;
j.	Sample Inlet Fitting:	¼" NPT Female w/compression fitting;
k.	Drain fitting:	½" NPT Female, w/hose barb;
l.	Recorder Outputs:	Two (2), 4-20 mA;
m.	Alarms:	Three (3), set-point alarms, SPDT relay;
n.	Enclosure:	NEMA 4X;

4. The turbidimeter operator interface unit shall allow program modifications via menu-driven software and shall provide data logging of measurement data. The interface unit shall have an integral data logger with the capacity to store data on 15-minute intervals for a minimum of 180 days. The DC power supply shall be housed in the interface unit.

5. The DC power supply shall automatically accept input in the range of 100 to 230 vac, 50/60 Hz.