



OFFICE OF WASTEWATER MANAGEMENT

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Nonavailability Waiver of Build America, Buy America Act
Manufactured Product Requirements to the Quonochontaug Central Beach Fire
District in Rhode Island, for Turbidity Monitors and Controllers

FROM: Andrew Sawyers, Director

Decision

The U.S. Environmental Protection Agency is hereby issuing a project waiver pursuant to the Buy America Preference set forth in section 70914 of the Build America, Buy America Act (BABA) included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), under the authority of section 70914(b), to the Quonochontaug Central Beach Fire District in Charlestown, Rhode Island (Applicant) for turbidity monitors and controllers. This waiver permits the use of these products, which are not produced in the United States, in the Water System Upgrade Project, because no manufacturers were identified that produce BABA-compliant alternatives that meet the technical specifications of the project. The waiver is applicable to expenditures made for turbidity monitors and controllers on or after the effective date of the final waiver until project completion, estimated to be April 30, 2030.

This is a project-specific waiver. Any other projects that wish to use the same product must apply for a separate waiver. If you have any questions concerning the contents of this memorandum, please contact the Domestic Preference Team at BABA-OW@epa.gov.

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 that 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 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 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 U.S. will increase the cost of the overall project by more than 25 percent. All waivers must (1) have

a written explanation for the proposed determination; (2) provide a period of not less than fifteen (15) calendar days for public comment on the proposed waiver; and (3) 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

Waiver Type: Nonavailability of BABA-compliant 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 may utilize this waiver.

Waiver Description: Project-specific nonavailability waiver of BABA manufactured product requirements to the Applicant, 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.

Summary of Items Covered in the Waiver (including NAICS): The Applicant is receiving a waiver for turbidity monitors and controllers (NAICS code 334513; PSC 6630), which are BABA manufactured products. The Applicant proposes to procure turbidity monitors and controllers which are not produced in the United States. No compliant alternative products were identified by the Applicant, or through the EPA's market research completed in April 2025, or through the public comment period which closed on January 29, 2026.

Description of Efforts Made to Avoid the Need for a Waiver

The Applicant made a good faith effort to identify alternative BABA-compliant 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 other similar products that were BABA-compliant and would meet the technical specifications of the project.

The EPA also conducted market research. The market research process included 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 nine (9) manufacturers and suppliers of turbidity monitors and controllers. The manufacturers were asked whether they manufacture BABA-compliant turbidity monitors and controllers that meet the project's specifications, and if so, what the estimated lead time would be. 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.

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 public interest waiver. The EPA’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.

Summary of Public Comments

A memorandum soliciting public comments and the Applicant’s waiver request were posted on the EPA’s public facing webpage and a notice of the waiver request was also posted to the Made in America website on January 14, 2026, to satisfy the requirement to publish any proposed project-specific waiver and provide the public with fifteen (15) days to submit comments. The EPA sought public and industry comment from all interested parties and encouraged potential manufacturers of the product in question to submit comments. The comment period for the proposed waiver closed on January 29, 2026. No (zero) public comments were received for this waiver request.

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