



## OFFICE OF GROUND WATER AND DRINKING WATER

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 (BABA) Requirements for City of Sauk Rapids, Minnesota, for Filter Media for the Water Treatment Plant Capacity Upgrade Project**

#### **Introduction**

This solicitation of public comment by the U.S. Environmental Protection Agency (EPA) is to evaluate a BABA waiver request submitted by an assistance recipient based on nonavailability of product(s) 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 BABA compliant 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 BABA compliant products meeting the performance-based specifications, in sufficient and reasonably available quantities and of a satisfactory quality. The EPA makes every effort to locate BABA compliant 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 a BABA-compliant option for a specified item is found, 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](mailto: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: Treatment Plant Upgrade project" 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 U.S.

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 U.S. 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 manufactured products requirements of section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), for filter media used in an infrastructure project funded through the Drinking Water State Revolving Fund.

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

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

Proposed Waiver Description: Project-specific nonavailability waiver of BABA requirements to the City of Sauk Rapids, for filter media.

Project Summary: The Water Treatment Plant (WTP) Capacity Upgrade Project consists of several improvements at the WTP to support the increased capacity of water, primarily consisting of new filter media, flowmeters, chemical feed equipment, valves, and actuators. Given that all raw water supplies will now be routed to the single WTP, this additional raw water results in increased capacity greater than the original design. The increase in filtration flow is anticipated to result in increased backwash frequency, and potentially rapid decline in performance of the media given its age. As such, new filtration media is needed to handle the increased flow conditions.

Length of the waiver: From the effective date of the final waiver until projection completion, which is estimated to be October 2030.

Summary of Items Covered in the Proposed Waiver (including NAICS):

Filter media

- NAICS: 221310
- PSC: 4610

### **Description of Efforts Made to Avoid the Need for a Waiver**

Both, the Minnesota Department of Health and the EPA made every effort to obtain BABA-compliant filter media. This is both documented in the waiver request, and in the description of the EPA's extensive research efforts listed below.

Market research concluded on February 5, 2026. The market research process included thorough review of the waiver request submission, examination of domestic manufacturer catalogs and other technical data and marketing materials, personal communication with domestic manufacturers, inquiries of regional project officers, and outreach to contractors and engineers with expertise and familiarity with the project. During market research, the EPA contacted eight (8) manufacturers of filter media. The EPA identified these manufacturers in their attempt to find all potential BABA-compliant manufacturers of the above-mentioned product(s).

When contacted, one (1) manufacturer indicated potential to meet the specifications of the project while being BABA compliant. Through direct communication with the manufacturer, the assistance recipient concluded that the product could not meet the project specifications. Based on the technical evaluation conducted, the claim that BABA-compliant products that meet the project's specifications are not available is supported.

### **Description of Award**

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

Recipient Name: City of Sauk Rapids

Recipient Unique Entity Identifier: NEMMPBCZ7BX3

#### **Federal Financial Assistance Identification Number (FAIN):**

**Federal Financial Assistance Listing Name:** 66.468 Drinking Water State Revolving Fund

**Federal Financial Assistance Listing Number:** 66.468

**Federal Financial Assistance Funding amount:** \$6,182,000

**Total Cost of Infrastructure Expenditures:** \$6,182,000



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April 2, 2026

RE: BABA Nonavailability Waiver  
Sauk Rapids WTP PFAS Capacity  
Increase  
SEH No. 175019 14.00

Todd Johnson, PE  
DWSRF Program Coordinator  
Minnesota Department of Health  
Drinking Water Protection

Dear Mr. Todd Johnson:

The City of Sauk Rapids (PWSID 105004) is seeking a **Nonavailability Waiver** of Build America, Buy America (BABA) requirements for [REDACTED] filter media for the WTP PFAS Capacity Increase project as no domestic manufacturers produce alternatives that meet the technical specifications of the project.

Project Background and Summary:

The City of Sauk Rapids identified elevated levels of PFAS contamination exceeding MCL's in several wells supplying the low zone of the water system. To address this contamination, planning efforts have selected several PFAS abatement efforts including

- Construction of new supply wells
- Construction of well house for new and existing wells
- Raw water main upgrades to support new and existing wells
- **Water Treatment Plant capacity upgrades**

The **WTP Capacity Upgrade Project** is needed as all raw water supplies will now be routed to the single WTP. This project consists of several improvements at the WTP to support the increased capacity of water, primarily consisting of new [REDACTED] filter media, flowmeters, chemical feed equipment, valves, and actuators.

Waiver Need:

The existing WTP currently utilizes [REDACTED] filter media primarily used for removal of iron and manganese. Additional raw water being routed to the WTP results in increased capacity greater than the original design. While the existing media is in adequate condition, the increase in filtration flow is anticipated to result in increased backwash frequency, and potentially rapid decline in performance given the age of the media. As such, new filtration media is included in this project to handle the increased flow conditions needed. [REDACTED] is an advanced filtration media of silica-based material with a catalytic coating of manganese dioxide.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-3507

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While there are similar filtration media products available and used in similar applications, the media characteristics and performance are not identical. Selection of alternative materials such as pyrolusite has other operational impacts like increased backwash rate requirements, and filter pilot studies would be recommended to properly validate performance. In addition, the water treatment plant was specifically designed for the use of manganese [REDACTED].

The media replacement at the WTP would require approximately 1815 cuft (includes excess to account for filter variations) of [REDACTED] media, at an expected material [REDACTED]. The total project cost is estimated to be approximately \$6,182,000 and is scheduled to begin and was originally scheduled to be completed in 2026; however, the project is on hold awaiting the completion of the environmental review.

The project is being funded by the Drinking Water Revolving Fund administered by the MN Department of Health and the MN Public Facilities Authority.

Non-Availability Waiver Documentation:

The filter media proposed for the project is a direct replacement of the existing media. This media has a demonstrated history of good performance with the City's current water supply, meeting the original design specifications.

It is the City and SEH's understanding that the filter media may not qualify under the "cement and cementitious materials; aggregates such as stone, sand, or gravel" exemption as the aggregate material is impregnated with a manganese dioxide coating, and is only manufactured [REDACTED]. SEH has confirmed with the manufacturer that the product does not meet BABA requirements. Other filter media suppliers as well as filtration equipment manufacturers have suggested other "similarly coated media". However these products are not a direct replacement/equivalent, but create an in-situ pseudo [REDACTED] like media after extended operation. These products require several months to reach similar performance levels, and do not have the same media properties. Should an alternative media be pursued, it would be recommended to perform an additional pilot study which would impact the project schedule and costs.

Please find attached to this letter accompanying project specifications and correspondence with several suppliers.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

Matthew Nguyen, PE  
Project Engineer  
(Lic. FL, MN, VA, WI)

mtn

c: Chris Larson, SEH

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This waiver request was submitted to the EPA by the state of Minnesota and applies only to the project in the subject line. All supporting correspondence and/or documentation from contractors, suppliers or manufacturers included as a part of this waiver request was done so by the recipient to provide an appropriate level of detail and context for the submission. There may be documents with project diagrams, schedules, and supplier correspondence in formats that do not meet the Federal accessibility requirements for publication on the Agency's website. Hence, these exhibits have been omitted from this waiver publication. They are available upon request by emailing DWSRFWaiver@epa.gov.

## SECTION 46 61 10

### FILTER MEDIA

#### PART 1 GENERAL

##### 1.01 SUMMARY

- A. Section Includes:
  - 1. Filter Media; manganese greensand, anthracite
  - 2. Work to be performed as Alternate 1
- B. Related Sections include but are not necessarily limited to:
  - 1. Division 00 – Procurement and Contracting Requirements.
  - 2. Division 01 – General Requirements.
  - 3. Section 01 11 00 – Summary of Work.
  - 4. Section 01 33 00 – Submittal Procedures.
  - 5. Section 01 61 03 – Equipment, Basic Requirements.
  - 6. Section 01 60 00 – Product Requirements.
  - 7. Section 01 75 00 – Starting and Adjusting
  - 8. Section 01 77 00 – Closeout Procedures.
  - 9. Section 01 78 37 – Product Warranties.
  - 10. Section 01 78 23 – Operation and Maintenance Data

##### 1.02 QUALITY ASSURANCE

- A. Referenced Standards:
  - 1. ASTM International (ASTM):
    - a. A240, Standard Specification for Stainless Steel Materials.
    - b. C33, Standard Specification for Concrete Aggregates.
    - c. C123, Standard Test Method for Lightweight Particles in Aggregate.
    - d. C128, Standard Test Method for Density, Relative Density (Specific Gravity), and Absorption of Fine Aggregate.
    - e. A307, Standard Specification for Carbon Steel Bolts and Studs, 60,000 PSI Tensile Strength.
    - f. D570, Standard Test Method for Water Absorption of Plastics.
    - g. E11, Specification for Wire-Cloth Sieves for Testing Purposes.
    - h. F593, Standard Specification for Stainless Steel Bolts, Hex Cap Screws, and Studs.
    - i. F594, Standard Specification for Stainless Steel Nuts.
    - j. D638, Standard Test Method for Tensile Properties of Plastics.
    - k. D790, Standard Test Methods for Flexural Properties of Unreinforced and Reinforced Plastics and Electrical Insulating Materials.
    - l. D2583, Standard Test Method for Indentation Hardness of Rigid Plastics by Means of a Barcol Impressor.
  - 2. American Iron and Steel Institute (AISI).
  - 3. American Society of Mechanical Engineers (ASME):
    - a. B16.1, Gray Iron Pipe Flanges and Flanged Fittings: Classes 25, 125, and 250.
    - b. PTC 10, Power Test Code on Compressors and Exhausters.
  - 4. American Water Works Association (AWWA):
    - a. B100, Standard for Granular Filter Material.
    - b. C653, Disinfection of Water Treatment Plants.
    - c. F101, Contact Molded, Fiberglass-Reinforced Plastic Wash Water Troughs and Launderers.
    - d. F102, Matched-Die Molded, Fiberglass-Reinforced Plastic Weir Plates, Scum Baffles, and Mounting Brackets.
  - 5. American Welding Society (AWS):
    - a. B2.1, Specification for Resistance Welding for Aerospace Applications.
    - b. D1.3, Structural Welding Code Sheet Steel.

- c. D1.6, Structural Welding Code Stainless Steel.
- d. D9.1, Sheet Metal Welding Code.
- e. D17.2, Resistance Welding– Spot Welding by Machine.
- f. G2.1, Guide for the Joining of Wrought Nickel-based Alloys.
- 6. NSF International (NSF):
  - a. 61, Drinking Water System Components – Health Effects.
- 7. Occupational Safety and Health Administration (OSHA).

### 1.03 SUBMITTALS

- A. See Section 01 33 00 for requirements for the mechanics and administration of the submittal process.
- B. Shop Drawings:
  - 1. All dimensioned Layout Drawings shall be specific to this Project.
  - 2. Submit manufacturer's literature and catalog cuts of underdrain nozzles.
  - 3. Submit Drawings verifying location of air header piping, installation details, anchorage, and other items essential to work.
- C. Product Data:
  - 1. Filter Media:
    - a. Filter Media data sheets indicating material, material source, unit weight, effective size, uniformity coefficient and other pertinent data specified or required to evaluate quality for each layer of material.
    - b. Acknowledgement that products submitted meet requirements of standards referenced.
    - c. Manufacturer's installation instructions including initial washing procedures for media.
    - d. Fabrication and/or Layout Drawings.
    - e. Complete installation and placement procedures.
    - f. Affidavit of Compliance in accordance with AWWA B100 for filter sand, NSF No. 61 for each media type, and AWWA B604 for activated carbon.
    - g. Test reports.
      - 1) Average specific gravity (apparent).
      - 2) Total percentage of material passing each sieve.
      - 3) Total percentage of material retained on each sieve.
      - 4) A plot on probability paper, showing the cumulative percent by weight of the material passing through each sieve size opening.
      - 5) Effective size.
      - 6) Uniformity coefficient.
      - 7) Acid Solubility.
      - 8) Hardness (Mohs scale).
      - 9) Porosity (void fraction).
- D. Samples (Media Only):
  - 1. One-liter dry sample of each media type placed in tightly closed clear plastic jars and labeled appropriately.
  - 2. Test Laboratory:
    - a. Submit name of independent testing laboratory along with statement of experience and qualifications to perform the specified tests.
      - 1) Engineer must approve independent laboratory.
      - 2) Engineer's rejection of any testing laboratory proposed by supplier shall not serve as basis for extra costs to Owner.
  - 3. Laboratory Test Results: Submit analyses from test laboratory.
- E. Contract Closeout Information:
  - 1. Operation and Maintenance Data:
    - a. See Section 01 33 00 for requirements for the mechanics, administration, and the content of Operation and Maintenance Manual submittals.
  - 2. Certificates and Field Test Reports.
    - a. Perform certified material testing of new filter media by an Owner approved independent testing laboratory employed by the Supplier.

- 1) Certified test results shall cover all physical, gradation, size, and chemical characteristics specified in this Section.
  - a) All tests shall be made in accordance with test procedures as described in AWWA B100.

#### 1.04 SYSTEM DESCRIPTION

- A. Number of Filters: Four (5).
- B. Filter Description:
  1. Configuration: Four (4) concrete gravity filters
  2. Dimensions: 18'x16'
  3. Filter Surface Area: 288 square feet per filter, 1,152 square feet total
  4. Underdrain type: Block style, IMS cap
  5. Existing Media: 12 inches anthracite over 18 inches manganese greensand.
- C. All materials which come in contact with the water treatment plant's product water shall be NSF 61 approved. This shall be easily verifiable with product labels or documentation accompanying the equipment and materials upon delivery to Site.

#### 1.05 DEFINITIONS

- A. Percent Size:
  1. Size of the theoretical opening of a sieve through which that percentage of the filter media, by weight, will pass (For example, if the size distribution of the filter media particles is such that 20 PCT of the sample is finer than 0.70 mm, the filter media shall be said to have a 20 PCT size of 0.70 mm).
- B. Sieve Dimensions:
  1. Per ASTM E11 and Table B.1 of the Appendix to AWWA B100.
- C. Effective Size (ES):
  1. Ten (10) PCT size (d10), i.e., 10 PCT of the sample is finer than the effective size.
- D. Uniformity Coefficient (UC):
  1. Ratio of media 60 PCT size (d60) to media 10 PCT size (d10).
- E. Flat Particles:
  1. Particles in which a circumscribing rectangular prism exceeds 5 times the shortest axis.

### PART 2 PRODUCTS

#### 2.01 FILTER EQUIPMENT SUPPLIER

- A. Filter equipment to be provided by:
  1. [REDACTED]
  2. [REDACTED]
  3. [REDACTED]

#### 2.02 FILTER MEDIA

- A. Materials:
  1. Material to conform to AWWA B100 as modified herein.
  2. Screen all material through standard sieves conforming to ASTM E11.
  3. Supply an additional 5 PCT (minimum) of each type of filter media by volume to account for variations in filter dimensions.
  4. All excess media shall become property of Owner.



- B. Manganese Media:
1. Material Properties:
    - a. Conform to AWWA B100 as modified herein.
    - b. Composed of hard, durable, uncoated silica grains, containing not more than 1 PCT of flat or elongated particles free of clay, loam, silt, and organic matter.
    - c. Maximum permissible PCT loss on ignition: 2 PCT.
    - d. Average apparent specific gravity: >2.5.
  2. Gradation:
    - a. Effective size (d<sub>10</sub>) (mm): 0.30 to 0.35.
    - b. Uniformity coefficient (UC): < 1.60.
  3. Depth:
    - a. 18 Inches
    - b. Depth/thickness tolerance: -0 and 1/2 IN plus tolerance after installation and washing.
- C. Anthracite:
1. General:
    - a. Shall consist of hard, durable, and dense anthracite coal that will resist degrading during handling and use.
    - b. Product is expected to be factory screened to meet gradation requirements below.
  2. Gradation:
    - a. Effective size shall be in the range of 0.6 to 0.8 mm.
    - b. Uniformity coefficient shall be 1.6 maximum.
  3. Depth:
    - a. 12 inches
    - b. Depth/thickness tolerance: -0 and 1/2 IN plus tolerance after installation and washing.

## **PART 3 EXECUTION**

### **3.01 INSTALLATION**

- A. Media:
1. Install products in accordance with manufacturer's instructions.
  2. Place filter materials in accordance with AWWA B100 as modified herein.
  3. Ensure against damage to filter underdrains and backwash mechanisms during installation.
  4. Repair or replacement of these systems if damaged by Contractor's operations will be at no additional cost to Owner.
  5. Maintain clean environment throughout installation.
  6. Level lines shall be placed on all sides of the filter basin designating the top elevation of each media layer.
  7. Install in a manner which prevents contamination from any source.
  8. Prevent disturbance of previously installed layers.
  9. Do not stand or walk directly on media; utilize boards or plywood to distribute weight without disturbing media.
  10. Smooth top of each layer after installation.
  11. Filter media depth shall be measured after the completion of backwashing and skimming.
  12. Filter Sand Placement:
    - a. Provide for expansion of filter sand media due to segregation of different particle sizes by placing 10 to 15 PCT less media depth than specified prior to inundation.
    - b. Place remainder of specified depth after the filter has been thoroughly washed, but prior to scraping.
    - c. Repeat backwashing to bring excess fine material to the surface prior to scraping.
    - d. After placement, wash filter sand at least 3 times with the Engineer present.
      - 1) Minimum duration: 10 minutes each.
      - 2) Initial wash rate not to exceed 2 GPM/SQFT.
      - 3) Gradually increase over a 3 minute period to a maximum of 20 GPM/SQFT and maintain for 7 minutes.
      - 4) At the conclusion of each wash cycle, reduce flow rate to that which gives 10 PCT bed expansion and maintain for at least 30 seconds to properly re-stratify the media.
      - 5) Repeat until sand is clean and no further discoloration appears.

- e. Scrape off and remove fine-grained materials that accumulate at surface of bed at end of each backwash period.
  - 1) Minimum depth of scraping: 1/2 IN, 1/4 IN, and 1/8 IN for successive washes.
  - 2) Continue scraping and wasting operations until filter sand remaining in filter contains no more than 10 PCT by weight of sand smaller than the specified effective size (d10).
  - 3) Place sufficient excess material to anticipate this requirement.
- f. If necessary, add additional sand to bring the bed up to the required mark.
  - 1) Slowly refill filter, backwash and re-skim fines.

### **3.02 CLEANING**

- A. Following installation, completely clean underdrains and wash free of all loose materials and debris.

### **3.03 DISINFECTION**

- A. After all work is completed and before the filter is placed in service, disinfect filter by chlorination in accordance with AWWA C653 Section 4 as modified herein:
  - 1. Place bleach in underdrain of filter to produce a free chlorine residual of at least 25 mg/l throughout the filter. Fill filter from underdrain.
  - 2. Allow the chlorinated water to stand in the filter for a period of at least 12 hours.
  - 3. Test chlorinated water in filter after 12 HRS for free chlorine.
    - a. Take at least two samples.
    - b. If residual chlorine level is less than 15 mg/l, repeat steps a, b, and c.
  - 4. Upon completion of disinfection, waste filter water and thoroughly backwash filter to remove chlorine.
- B. Bacteriological Sampling:
  - 1. After completion of chlorination and prior to placing filters in service, conduct bacteriological testing.
  - 2. Take at least two samples from each filter not less than 30 minutes apart and test for the presence of total coliform bacteria.
  - 3. If no coliforms are detected, the filter may be placed in service.
  - 4. If coliforms are present in any of the samples, proceed with 1 or 2 as follows:
    - a. Take samples 24 HRS apart until no coliforms are present.
    - b. Rechlorinate filter and conduct bacteriological testing as described above.

### **3.04 SYSTEM STARTUP**

- A. See Section 01 75 00 – Starting and Adjusting.

### **3.05 FIELD QUALITY CONTROL**

- A. Supplier's Field Services:
  - 1. Supplier shall employ and pay for two (2) service days for media supplier representative services.
  - 2. Media supplier's field representative shall:
    - a. Inspect and verify proper installation of filter media as specified and per supplier's recommendations.
    - b. Supervise installation of media in first filter.
    - c. Assist in field test of filter media.
    - d. Submit a certification of proper installation.
- B. Field Testing of Media by Owner:
  - 1. Owner will conduct independent testing of media (prior to installation) in accordance with AWWA B100.
    - a. Filter media not meeting the criteria specified herein will be rejected and replaced at no cost to the Owner.

**END OF SECTION**