



OFFICE OF GROUND WATER AND DRINKING WATER

WASHINGTON, D.C. 20460

DECISION MEMORANDUM

SUBJECT: Project-Specific Nonavailability Waiver of Build America, Buy America (BABA) Act Requirements to South Huntington, New York, for Advanced Oxidation Process Chambers and Accessories for the Water District for Advanced Oxidation Process (AOP) Treatment at Plant No. 15 Project.

FROM: Jennifer L. McLain, Director

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Decision

The U.S. Environmental Protection Agency is hereby issuing a project waiver pursuant to the domestic preference set forth in section 70914 of the Build America, Buy America (BABA) Act included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), under the authority of section 70914(b), to South Huntington New York Water District (Applicant) for the purchase of advanced oxidation process (AOP) chambers and accessories. This waiver permits the use of AOP chambers and accessories because no known domestic manufacturers produce BABA compliant products that meet the technical specifications of the project. This waiver is applicable to expenditures made for the specified products for the South Huntington NY Water District AOP Treatment at Plant No. 15 project funded by the Drinking Water State Revolving Fund (DWSRF), on or after the effective date of the final waiver until project completion which is estimated to be September 30, 2029.

This is a project-specific waiver. No other project will utilize the waiver.

Background

The Buy America Preference set forth in section 70914 of the BABA Act 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

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 project. No other project will utilize the waiver.

Waiver Description: Project specific nonavailability waiver of the BABA requirements to the Advanced Oxidation Process (AOP) Treatment at Plant No. 15 Project located in South Huntington, NY, for advanced oxidation process chambers and accessories.

Project Summary: The plant site where this advanced oxidation process (AOP) treatment system would be implemented is a critical facility which produces approximately 11% of the district's total low-zone pumpage and has the third-highest concentration of 1,4-dioxane among all District plant sites. The Applicant seeks to implement a new wellhead treatment system at South Huntington Water District's Plant No. 15 to treat the raw water from the District's Well Nos. 15-1 (NYSDEC No.: S-35007) and 15-2 (NYSDEC No.: S-77126) for the newly regulated contaminant 1,4-dioxane. The UV oxidation system is needed to treat the dioxane.

Length of the waiver: From the effective date of the final waiver until the project's completion which is estimated to be September 30, 2029.

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

The following items are covered under this waiver:

UV Oxidation System:

- NAICS: 221310
- PSC: C1NE

Description of Efforts Made to Avoid the Need for a Waiver

No BABA-compliant products were identified by the Applicant, or through the EPA's market research completed in April 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) advanced

oxidation process chamber manufacturers. One (1) manufacturer indicated potential to meet the project's specifications while being BABA compliant. However, the Applicant contacted the manufacturer and concluded that the product could not meet the project's specifications. Based on the technical evaluation conducted, the claim that BABA-compliant products that meet the project's specification are not available domestically 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 OMB's Made in America website on July 16, 2026, to satisfy the required fifteen (15) day-public comment period. The EPA sought public comment from all interested parties and encouraged potential manufacturers of the products in question to submit comments regarding anticipated timeframes for shifting to domestic manufacturing that would be compliant with BABA. The comment period for the waiver closed on July 31, 2026. The EPA received 1 (one) public comment from a manufacturer supporting the waiver, and therefore no substantive changes were made between this waiver and the version that was posted for public comment.

Description of Award

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

Recipient Name: South Huntington Water District

Recipient Unique Entity Identifier: JUT3XE93HMM6

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: \$5,000,000

Total Cost of Infrastructure Expenditures: \$8,800,000