



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 Act (BABA) Requirements to the Hawaii Department of Water Supply in Hawai'i for open line shaft vertical turbine booster pump assemblies

Product: Vertical Turbine Booster Pump Assemblies

Intro: 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 Single 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 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 a 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: Waimea Water Treatment Plant (WTP) Backwash & Service Boosters" 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 vertical turbine booster pump assemblies, used in an infrastructure project funded through a capitalization grants for 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 Hawaii Department of Water Supply, for vertical turbine booster pump assemblies (quantity: 4).

Project Summary: Demolishing existing backwash booster pump stations, along with the control equipment for all stations. Constructing new concrete pump pads, casing and sole plates, construction of new discharge piping, construction of new starting and control equipment, and SCADA integration work. The installation of the pumping assemblies.

Length of the waiver: From the effective date of the final waiver until December 31, 2027.

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

The Hawaii Department of Water Supply is seeking a waiver for the following product:

Vertical Turbine Booster Pump Assemblies (quantity: 4)

- NAICS: 333996
- PSC: 4320

No domestic alternative products were identified by the assistance recipient, or through the EPA's market research completed in October 2024.

For additional information on the project and waiver request, see the attached original waiver request from the assistance recipient and technical specifications for the project.

Description of Efforts Made to Avoid the Need for a Waiver

Both the Hawaii Department of Water Supply and the EPA made every effort to obtain domestically produced Vertical Turbine Booster Pump Assemblies. This is both documented in the waiver request, and in the description of EPA's extensive research efforts listed below.

Market research concluded on October 1, 2024. 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, EPA contacted 10 manufacturers of open line shaft water lubricated vertical turbine booster pump assemblies.

EPA identified these manufacturers in their attempt to find all potential domestic manufacturers of the above-mentioned products. When contacted, 2 manufacturers for open line shaft water lubricated vertical turbine booster pumps indicated potential to meet the specifications of the project while being BABA compliant. When reviewed, the project found that the potential domestic products were either not BABA-compliant or would result in unacceptable reduced efficiency. The project is moving forward with a waiver for this product based on the lack of a domestically available product that meets the specifications for the project.

Anticipated impact if no waiver is issued

Due to the critical nature of the project, absent a waiver, the project could be significantly delayed while the community seeks other, non-federal funding. This could present a public health risk to the community.

Description of Award

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

Recipient Name: Hawaii Department of Water Supply;

Recipient Unique Entity Identifier: EPPEQ6N7ZH13

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

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

Federal Financial Assistance Listing Number: 66.468

Federal Financial Assistance Funding amount: \$800,000

Total Cost of Infrastructure Expenditures: \$800,000