



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) Act Requirements to the Hawaii Department of Water Supply in Hawaii for Vertical Turbine Well Pump Assemblies for the Kahaluu Shaft Phased Pump Repairs Project

Product: Vertical Turbine Well 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 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 domestic products meeting the technical specifications, in sufficient and reasonably available quantities and of a satisfactory quality. The EPA makes every effort to locate domestic 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: Kahaluu Shaft Phased Pump Repairs" 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 manufactured products requirements of section 70914 of the BABA included in the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58), for vertical turbine well pump assemblies, used in an infrastructure project funded through the Capitalization Grants for Drinking Water State Revolving Funds.

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 the BABA manufactured products requirement to the Hawaii Department of Water Supply, for vertical turbine well pump assemblies

Project Summary: The project will consist of repairing the deep wells owned by HDWS. This portion of the project will purchase the various components that will need replacing, which include pumps, motors, valves, and control machinery.

Length of the waiver: From the effective date of the final waiver until December 31, 2030.

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 well Pump Assemblies

- NAICS: 333996
- PSC: 4320

No domestic products were identified by the assistance recipient, or through the EPA's market research completed in December 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 well 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 December 26, 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, the EPA contacted (10) manufacturers of vertical turbine well pump assemblies. The EPA identified these manufacturers in our attempt to find all potential domestic manufacturers of the above-mentioned products.

When contacted, (1) manufacturer for vertical turbine well pump assemblies indicated potential to meet the specifications of the project while being BABA compliant. When contacted by the assistance recipient, the manufacturer informed them that they could not meet the BABA requirements. 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

Without a waiver the project faces a risk of not being completed, leading to a high likelihood of failure and expensive emergency repairs as well as a limited availability of safe drinking water.

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):

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

Federal Financial Assistance Listing Number: 66.468

Federal Financial Assistance Funding amount: \$2,300,000

Total Cost of Infrastructure Expenditures: \$2,300,000