



Clean Water
State Revolving Fund

WIFIA
PROGRAM



BUILD AMERICA, BUY AMERICA ACT – REQUEST FOR INFORMATION: PRODUCTS USED IN WATER INFRASTRUCTURE PROJECTS

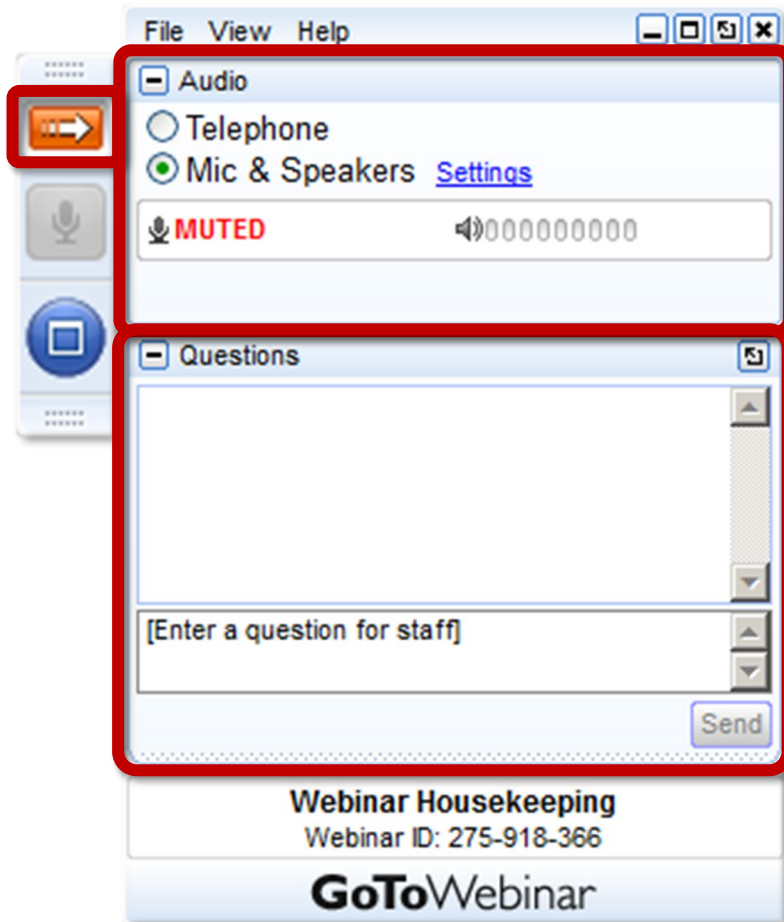
NOVEMBER 2023



United States
Environmental Protection
Agency

Office of Water

WEBINAR LOGISTICS



Your Participation

Join audio:

- Choose **Mic & Speakers** to use VoIP, OR
- Choose **Telephone** and dial using the information provided

Submit questions and comments via the **Questions** panel.

EPA staff will be responding to your written questions throughout the Webcast.

WHAT'S NEW WITH BABA?

- Request for Information Publication
- Brief Background
- Commenting Instructions
- Products
- Questions posed in the RFI
- Discussion

Bipartisan Infrastructure Law (BIL)

- Signed by President Biden on November 15, 2021.
- Historic investment in key programs and initiatives implemented by the U.S. Environmental Protection Agency to build safer, healthier, cleaner communities.
- Includes \$50 billion to the EPA to strengthen the nation's drinking water and wastewater systems – the single largest investment in water that the federal government has ever made.
- Approximately \$43.4B of this funding through the existing CWSRFs and DWSRFs.



BUILD AMERICA, BUY AMERICA ACT - BACKGROUND

- The Build America, Buy America Act (BABA) requires:
 - “[N]one of the funds made available for a Federal financial assistance program for infrastructure...may be obligated for a project unless all of the **iron, steel, manufactured products, and construction materials** used in the project are **produced in the United States.**”
 - BABA allows agencies to consider waivers in three categories of cases: Public Interest, Nonavailability, and Project Cost

REQUEST FOR INFORMATION (RFI)

- EPA, Published November 20, 2023
- “Request for Information Regarding Products and Categories of Products used in Water Infrastructure Programs”
- EPA and other federal water infrastructure programs requesting comment for 30 days
- [Federal Register](#) - RFI

The screenshot displays the Federal Register website interface. At the top, there is a navigation bar with links for Sections, Browse, Search, Reader Aids, and My FR. The main header features the National Archives logo, the text "FEDERAL REGISTER The Daily Journal of the United States Government", and the Presidential Seal. A blue banner indicates a "Notice". The main content area is titled "Request for Information Regarding Products and Categories of Products Used in Water Infrastructure Programs". Below the title, it states "A Notice by the Environmental Protection Agency on 11/20/2023". A comment period notice indicates "This document has a comment period that ends in 30 days. (12/20/2023)" with a "SUBMIT A FORMAL COMMENT" button. The document details section on the right lists: "Printed version: PDF", "Publication Date: 11/20/2023", "Agency: Environmental Protection Agency", "Dates: Comments must be received on or before December 20, 2023, to allow for their consideration during development of these funding programs. The EPA may consider comments received after the due date to the extent practicable.", "Comments Close: 12/20/2023", and "Document Type: Notice". The main text area on the left, under the heading "PUBLISHED DOCUMENT", contains the following information:

AGENCY:
Environmental Protection Agency (EPA).

ACTION:
Notice; request for information (RFI).

SUMMARY:
To support further development of multiple funding programs for water infrastructure subject to the requirements of the Build America, Buy America Act, the Environmental Protection Agency (EPA) invites public comment to inform the domestic availability of multiple products used in the construction, alteration, and/or maintenance of water infrastructure. The EPA is inviting comments to enable the agency to have the most comprehensive and current information available on the domestic market for BABA-covered products for its programs and the water infrastructure programs of other agencies. The EPA,

REQUEST FOR INFORMATION - BACKGROUND

- Agencies: EPA, USDA, USACE, HUD, FEMA, DOT, and DOI
- Inviting public comment to inform re: domestic availability of multiple products used in the construction, alteration, and/or maintenance of water infrastructure.
- Recent guidance clarifying requirements for Manufactured Products and Construction Materials (2 CFR 184)

GOALS FOR THE RFI

- Goals:
 - Work in coordination with private industry to provide clear and consistent demand signals for products used in water infrastructure projects.
 - Improve federal agency understanding of the current state of the domestic market for products required to service drinking, agricultural, wastewater treatment and delivery systems.
 - Seeking information regarding water infrastructure products initially identified with potential supply or availability concerns.

COMMENTING ON THE RFI

- Docket ID No. EPA-HQ-OW-2023-0396
- Online: (preferred!)
 - Follow the online instructions for submitting comments
 - Once submitted, comments cannot be edited or removed
- Mail: U.S. Environmental Protection Agency, EPA Docket Center, Water Docket, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460
- Hand Delivery or Courier: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue, NW, Washington, DC 20004

COMMENTING ON THE RFI

- Note: submit comments button does a pretty good job of hiding in plain sight!
- Electronic comments submitted here will be public and cannot be changed. Multiple comments are allowed.
- Do not submit CBI through this electronic portal.

The screenshot shows the Federal Register website interface. At the top, there is a navigation bar with links for Sections, Browse, Search, Reader Aids, and My FR. Below this is the Federal Register logo and the text "The Daily Journal of the United States Government". A blue banner at the top right contains a "Notice" icon and the word "Notice".

The main heading of the document is "Request for Information Regarding Products and Categories of Products Used in Water Infrastructure Programs". Below this, it states "A Notice by the Environmental Protection Agency on 11/20/2023".

A grey box contains the text: "This document has a comment period that ends in 30 days. (12/20/2023)". To the right of this box, a green button labeled "SUBMIT A FORMAL COMMENT" is circled in red.

Below the comment period box, there are two sections: "PUBLISHED DOCUMENT" and "DOCUMENT DETAILS".

PUBLISHED DOCUMENT

- AGENCY:** Environmental Protection Agency (EPA).
- ACTION:** Notice; request for information (RFI).

DOCUMENT DETAILS

- Printed version:** [PDF](#)
- Publication Date:** 11/20/2023
- Agency:** Environmental Protection Agency

COMMENTING ON THE RFI, CONTINUED

- All submissions received must include the Docket ID No.
 - EPA-HQ-OW-2023-0396
- Comments received may be posted without change to the [Federal Register](#) including any personal information provided.
- Multimedia submissions (audio, video, etc.) must be accompanied by a written comment.
- EPA will generally not consider comments outside of the primary submission (web, cloud, etc.)

COMMENTING ON THE RFI, CONTINUED

- Please indicate in your comments the area of interest (product or category of product) and the topic number(s).
 - Provide specific examples or information to illustrate your comments where possible.
- Please cite any public data that support your responses.
- Responses with specific data are especially useful.
- If data are available, but non-public, describe such data to the extent permissible.

COMMENTING ON THE RFI: CONFIDENTIAL INFORMATION

- Do not submit to the EPA's docket any information considered Confidential Business Information, Proprietary Business Information, or where disclosure is restricted by statute.
 - Separate, secure protocols apply for CBI submission
- If you wish to submit information containing CBI, please first contact EPA staff: Timothy Connor (connor.timothy@epa.gov) or Leslie Corcelli (corcelli.leslie@epa.gov)
 - Do not send CBI via email!
 - We will initiate a secure data exchange and provide detailed instructions for submitting CBI.

PRODUCTS AND CATEGORIES IN RFI

- Lead service line replacement components
- Valve actuators (electric/pneumatic/manual)
- Pumps and pump motors
- Stainless steel products and domestic mills
 - Especially small diameter stainless steel pipe and fittings
- PFAS treatment systems and media, especially granular activated carbon (GAC)

PRODUCTS AND CATEGORIES IN RFI

- Controls and switches
- Analytical instrumentation
- Supervisory control and data acquisition (SCADA) systems
- Backup power products and systems
- Blowers and aeration equipment
- Gear reducers

PRODUCTS AND CATEGORIES IN RFI

- Drives
 - Including variable frequency drives (VFDs)
- Ultraviolet (UV) water treatment systems
- Membrane and other filtration systems
 - e.g., ion exchange, membrane, and reverse osmosis
- Clarifier mechanisms
- Disinfection systems
- Conveyors

PRODUCTS AND CATEGORIES IN RFI

- Dewatering equipment
 - Such as compressors and presses, including belt presses
- Floating surface aerators
- Ozone generators
- Measurement sensors
- Water meters and associated communications devices
- Automated level control gates

QUESTIONS AND TOPICS IN RFI

- The RFI requests information specific to several topics
 1. Domestic Materials Sourcing and Manufacturing
 - identify manufacturers meeting requirements; production capacity; anticipated growth; support/incentives needed
 2. Market Readiness (current and near-term expectations)
 3. Timing (e.g., delivery timeframes)
 4. Other Practical Considerations

RESOURCES

- Docket ID No. EPA-HQ-OW-2023-0396
- [Federal Register](#) - RFI
- [EPA's Build America Buy America Webpage](#)
- [Made In America Office Website](#)
- Email inbox for assistance:
 - BABA-OW@epa.gov (hyphen!)

A black and white photograph of a construction site. In the foreground, there is a large pile of gravel or crushed stone. To the left, a concrete wall is under construction. In the background, an excavator is visible, and further back, there are trees and some structures. The text "Questions and Discussion" is overlaid in the center.

Questions and Discussion