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September 27, 2022

Via Email Only

Steve Malizia, Administrator
Town Offices
12 School Street
Hudson, New Hampshire 05031

Re: Request for Waiver of Water Line Requirements at Friar's Drive
Warehouse on Tax Map 209, Lot 001-000 - 161 Lowell Road
Our File No.: 21-264

Dear Steve:

With regard to the above-referenced matter which is scheduled before the Board of Selectmen this evening, I have been able to obtain a copy of a Decision Memorandum issued by the United States Environmental Protection Agency dated September 2, 2022, which is titled "Temporary Public Interest Waiver of Section 70914 of P.L.117-58, Build America, Buy America Act, 2021" for Selected EPA Funding Programs.

I have attached a copy of the Memorandum.

As you can see by the attached Memorandum, there is a specific supply problem in meeting the Build America, Buy America Act, which is similar to the situation with the "Made in USA" regulation with regard to water pipes. Essentially, because the demand is so pent up and now enormous, there is inadequate supply from American sources and so therefore waivers are being granted to allow exception to this program for a limited period of six months.

I have also obtained a list of various municipalities in the Commonwealth of Massachusetts that have been funded for which waivers have been granted and attach the same to this letter as well.

I believe this information might be helpful to the Board of Selectmen in deliberating on my request on behalf of my client for such a waiver.

Steve Malizia, Administrator
September 27, 2022
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I would appreciate it if you could deliver this letter along with the attachments to the Board of Selectmen in advance of the meeting.

Thank you.

Yours truly,

GOTTESMAN & HOLLIS P.A.

A handwritten signature in blue ink, appearing to read "Morgan A. Hollis", with a stylized flourish at the end.

Morgan A. Hollis

MAH:jlh
Enclosures

cc: Hayley Palazola



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

September 2, 2022

DECISION MEMORANDUM

SUBJECT: Temporary Public Interest Waiver of Section 70914 of P.L. 117-58, Build America, Buy America Act, 2021 for Selected EPA Funding Programs

FROM: Radhika Fox
Assistant Administrator

A handwritten signature in black ink, appearing to be "R. Fox", is written over the name "Radhika Fox".

Introduction

As the Biden-Harris Administration implements the historic Bipartisan Infrastructure Law (BIL), and many other infrastructure funding and financing programs, the U.S. Environmental Protection Agency (EPA) is committed to maximizing the use of American made products and materials. Alongside the BIL, Congress passed the Build America, Buy America Act (BABA), which establishes strong and permanent domestic sourcing requirements across all federal financial assistance programs. EPA is honored to play a leadership role in the effort to implement these provisions and is proud of its nearly decade of successful implementation of American Iron and Steel (AIS) provisions in its marquee State Revolving Fund (SRF) and Water Infrastructure Finance and Innovation Act (WIFIA) programs.

Moving forward, the Agency is in a strong position to build off this foundation to implement BABA across its federal financial assistance programs. EPA's WIFIA and SRF programs – which in FY22 will collectively account for the vast majority of the agency's funding and financing assistance obligations – are proposing temporary adjustment period waivers (for manufactured products and construction materials only) that clarify requirements for projects already in various phases of design/bid. Through these efforts, EPA will support whole of government efforts to catalyze domestic manufacturing, resilient supply chains, and good jobs – while successfully delivering a wide range of critical infrastructure projects for states, local communities, counties, tribal nations and farms, factories, and businesses across the United States.

Getting to full, long-term adoption of BABA provisions will require extensive consultation with stakeholders (including both potential funding recipients and industry) and a carefully calibrated adjustment period, leveraging the authority granted by Congress to issue public interest waivers, creating an appropriate on-ramp to requirements. In particular, several of EPA's smaller financial assistance programs do not have the same history of domestic sourcing requirements as do the SRF and WIFIA programs. The Agency, potential awardees, and the supply chains that serve them will need time to gather data and build the capacity and processes necessary to successfully comply with all of BABA's provisions.

EPA provides a temporary public interest waiver covering all BABA provisions for selected EPA water infrastructure and water resources protection programs for a period expiring six months after the issuance of this waiver. EPA provides this transitional “adjustment period waiver” to prepare for compliance with the new Made in America standards. During this time period, EPA expects states, industry, and other partners to begin developing compliance processes. EPA, using feedback from continued engagement through the waiver period, will work to ensure the creation of robust enforcement and compliance mechanisms, as well as tools to support funding recipients. Suppliers and other stakeholders are encouraged to inform EPA of currently sufficient domestic availability of categories of iron and steel, manufactured products, and construction materials to help EPA shorten the transitional waiver or narrow its applicability to rapidly incentivize and cultivate domestic manufacturing.

Program Waiver

EPA hereby grants a program waiver of the requirements of Section 70914 of the IJA (BABA), pursuant to Section 70914(b)(1) (public interest waiver), for eligible projects funded or financed by the programs noted below. This waiver will apply to all funds obligated by these programs for a period expiring six months after the issuance of this waiver. Projects covered by this waiver include those obligated under the following programs:

- National Estuaries Program (CWA Section 320)
- Geographic Programs¹
- Clean Water and Drinking Water Grants to U.S. Territories and District of Columbia
- Clean Water Indian Set-aside (and any associated Interagency Agreements with the Indian Health Service)
- Drinking Water Infrastructure Grant – Tribal Set-Aside (and any associated Interagency Agreements with the Indian Health Service)
- Congressionally Directed Spending/Community Project Funding (aka Community Grants)
- Sewer Overflow and Stormwater Reuse Municipal Grants (OSG)
- 319 Nonpoint Source Management Program Implementation
- Gulf Hypoxia Program
- U.S.-Mexico Border Water Infrastructure Program
- Small and Disadvantaged Community Grants Program, including Emerging Contaminants and Drinking Water Infrastructure Resilience & Sustainability (SDWA §1459A)
- Reducing Lead in Drinking Water Grant Program (SDWA §1459B)
- Voluntary School and Child Care Program Lead Testing and Remediation Grant Program (SDWA 1464(d))
- USMCA Implementing Legislation (Section 821 and Title IX, USMCA Supplemental Appropriations, 2020)
- Alaska Native Villages and Rural Communities Water Grant Program (ANV) (and any associated Interagency Agreements with the Indian Health Service)
- Coastal Wetlands Planning, Protection and Restoration Act, (CWPPRA) Programs

¹ Geographic Programs include: Great Lakes Restoration Initiative, Chesapeake Bay, San Francisco Bay, Puget Sound, Long Island Sound, Gulf of Mexico, South Florida, Lake Champlain, Lake Pontchartrain, Southern New England Estuaries, Columbia River Basin, Pacific Northwest.

15 projects total

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES—Continued
 [Community Project Funding]

Agency	Account	Location	Project	House Amount	House Requestors
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	UT	Millville City Sewer Project	3,500,000	Moore (UT)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WI	City of Milwaukee for a Clean Water Initiative	3,452,972	Moore (WI)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	City of Gloucester for a Water Pollution Control Facility Project	2,000,000	Moulton
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	Town of Reading for a Stormwater System Project	1,500,000	Moulton
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Burlington for the Mill Pond PFAS Filter Facility	1,000,000	Moulton
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	Town of North Reading for Wastewater Collection and Conveyance System Final Design	1,500,000	Moulton
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	FL	City of Sanford for Georgetown Stormwater Improvements	1,086,544	Murphy (FL)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	FL	Seminole County for a Washington Street Outfall Stormwater Project	1,304,000	Murphy (FL)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	City of Azusa for Aspan Well Treatment and Rehabilitation	2,500,000	Napolitano
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	City of Chicopee for a Water Pollution Control Facility	2,854,800	Neal
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CO	Town of Wellington for a Water Infrastructure Project	608,000	Neguse
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CO	Town of Mintum for a Water Treatment Plant	2,000,000	Neguse
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WA	Town of Winthrop Watermain Reconstruction	667,000	Newhouse
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	Helendale Wastewater Treatment Plant Tertiary Upgrade Engineering and Design	1,000,000	Oberholte
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	Replenish Biz Bear Lake Project	1,000,000	Oberholte
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	Wastewater Treatment Facility Phase III	1,275,000	Oberholte

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES—Continued
 (Community Project Funding)

Agency	Account	Location	Project	House Amount	House Requestors
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Somerset for a Hot & Cold Lane Tank THM Removal System	3,200,000	Auchincloss
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Millis for a Water Supply PFAS Treatment Planning, Design, Construction Project	3,452,972	Auchincloss
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Sharon for a PFAS Water Treatment Plant Project	3,452,972	Auchincloss
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Mansfield for the PFAS Treatment for Dustin/Prescott Wells Project	2,000,000	Auchincloss
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	Town of Foxborough for a Sewer Design Route 1 Project	400,000	Auchincloss
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	IA	City of Pacific Junction for a Green Infrastructure Project	1,000,000	Ame
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	IA	City of Clive for the Greenbelt Landing Project	500,000	Ame
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	OH	161 Water Tower Project	2,134,300	Balderson
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	KY	Montgomery County Sanitation District Improvements	3,000,000	Barr
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	KY	WWTP1 Upgrade & Expansion	5,000,000	Barr
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	KY	Nicholas County Water District—Phase 13 Water System Improvements	1,548,000	Barr
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	KY	Lawrenceburg Water System Improvements Project	2,000,000	Barr
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	KY	Stanton Water Improvements Project	640,000	Barr
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	Citrus Heights Water District for the Highland Avenue Well Project	1,500,000	Bera
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	Sacramento County for a Regional Conjunctive Use Project	2,800,000	Bera

Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MI	M-29 Water Main Replacement Project	2,500,000	McClain
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MI	Maywood Sanitary Sewer Pump Station Rehabilitation	1,450,000	McClain
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MN	City of Woodbury for a East Wellfield Manifold Pipe Project	3,452,972	McCollum
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MN	City of Birchwood Village for a Sewer Lift Station Replacement Project	480,000	McCollum
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	Town of Northborough for Water System Upgrades	491,000	McGovern
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	WV	Greater Harrison County PSD River Crossing Replacement	500,000	McKinley
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Village of Valley Grove Water System Improvements	5,000,000	McKinley
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Newburg Independence Water Supply Line Project	2,000,000	McKinley
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	WV	Town of Davis Sewer Collection System Improvements	5,000,000	McKinley
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Melfin Ridge Water Line Extension	400,000	McKinley
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Grand Vue Park Waterline Replacement	410,438	McKinley
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Kingwood Water Works (WSDOM Project)	4,000,000	McKinley
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MI	Water Resource Recovery Facility Groundwater Treatment Project	1,700,000	Mejer
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	WV	Glen Morgan Wastewater Treatment Plant Upgrade	2,000,000	Miller (WV)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Old Gwinn Road Water Main Extension	1,000,000	Miller (WV)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	WV	Hanover Waterline Extension	450,000	Miller (WV)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MI	Midland Sylvan Pump Station Detention Basin	1,000,000	Moolenaar
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	UT	Weber River Watershed Resilience Partnership	1,000,000	Moore (UT)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	UT	Logan City's Biodigester	5,000,000	Moore (UT)

Environmental Protection Agency	STAG—Clean Water State Revolving Fund	TX	Salado, Stormwater Improvement Project	1,500,000	Carter (TX)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	PA	Wyoming Valley Sanitary Authority for Restoration, Retrofits, and Acquisition Projects	3,452,972	Cartwright
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	PA	Milford Borough for a Central Sewage and Stormwater Project	3,452,972	Cartwright
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	HI	State of Hawaii for Pearl Harbor Aquifer Recovery Projects	1,720,000	Case
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	IL	Wheaton Sanitary District for Secondary Clarifier Upgrades	2,655,400	Casten
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	FL	Hillsborough County for a Septic to Sewer Project	1,920,000	Castor (FL)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	OH	West Kemper Road Storm Water Improvement Project	1,209,900	Chabot
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	RI	Town of Smithfield for a Water and Sewer Project	840,000	Cicilline
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	RI	Town of Bristol for the Sewer Rehabilitation Area 2 and 3 Project	1,248,000	Cicilline
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	RI	Town of Cumberland for a Returning Stormwater Runoff Project	1,200,000	Cicilline
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	City of Frammingham for the Lake Waushakum Clean Water Project	1,700,000	Clark (MA)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	City of Watertown for a Stormwater Tree Trench Project	240,000	Clark (MA)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	OK	City of Midwest City S.E. 15th Street Drainage Project	3,200,000	Cole
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	OK	City of Ada Wastewater Treatment Plant and Water Reuse	400,000	Cole
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	KY	Lebanon Water Works Company Tank Project	1,000,000	Comer
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	Orange County Sanitation District for a Supercritical Water Oxidation Project	3,452,972	Correa
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	City of Alwater for the Buhach Road and Gurr Road Utility Extension	3,000,000	Costa

National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	NY	New Day at Federal Hall: Preserving and Presenting America's Rich and Diverse History	500,000	Nadler
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	IU	Education Wing at the Metlar-Bodine House Museum Historic Site	500,000	Pallone
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	WI	Historic Driver Opera House Restoration — Darlington, WI	250,000	Pocan
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	WI	Mineral Point, WI Historic District Marquee Restoration	100,000	Pocan
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	AL	Historic Brown Chapel AME Church Restoration	1,500,000	Sewell
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	NY	Roslyn Grist Mill Rehabilitation	500,000	Suozzi
National Park Service	Historic Preservation Fund Projects—Save America's Treasures Grants	OH	Dayton Art Institute Restoration — Windows, Doors and More	800,000	Turner
National Park Service	Land Acquisition	GA	Cumberland Island National Seashore	8,700,000	Carter (GA)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	AL	Town of Garden City Water System Improvements	520,000	Aderholt
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	San Bernardino Valley Municipal Water District for a Stormwater Recharge Project	2,500,000	Aguilar
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	City of Rialto for the Lake Rialto Habitat Management and Community Open Space	2,000,000	Aguilar
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	NV	City of Fallon Wastewater Treatment Plant Dewatering Press	4,369,600	Amodei
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	NV	City of Reno Booth Street Sewer Siphon	1,500,000	Amodei
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	NV	Truckee Meadows Water Authority Spanish Springs Nitrate and Arsenic Treatment Plant	3,000,000	Amodei
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MA	City of Fall River for a Waterfront Stormwater Corridor Project	3,452,972	Auchincloss

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES—Continued
[Community Project Funding]

Agency	Account	Location	Project	House Amount	House Requestors
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	NY	City of Norwich Water Main Replacement	2,850,000	Tenney
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	MS	City of Clinton for a Regional Wastewater Project	1,200,000	Thompson (MS)
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	NV	Clark County for a Water Infrastructure Project	2,000,000	Titus
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	NY	Village of Fultonville for Drinking Water Upgrades Project	45,000	Tonko
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	City of Pomona for Groundwater Treatment R34	1,600,000	Torres (CA)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	City of Chino for a Treatment Plant Groundwater Wells 4 & 6 Project	2,000,000	Torres (CA)
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MA	Town of Winchendon for the Central Street Water Main Replacement and Upgrade Project	494,950	Trahan
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	OH	Wolf Creek Sanitary Liners Installation	3,360,000	Turner
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	IL	Village of Oswego for Corrosion Studies	1,800,000	Underwood
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	IL	Northern Moraine Wastewater Reclamation District for a Sanitary Sewer Extension Project	2,500,000	Underwood
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	McFarland Wastewater Treatment Plant Expansion Project	5,000,000	Valadao
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	CA	Fowler New Well and System Interconnection for Drought Resiliency Project	3,005,200	Valadao
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	NJ	North Cape May Watermain Replacement	1,953,918	Van Drew
Environmental Protection Agency	STAG—Clean Water State Revolving Fund	CA	County of San Diego for a Smuggler's Gulch Dredging Project	3,452,972	Vargas
Environmental Protection Agency	STAG—Drinking Water State Revolving Fund	MI	Hupp-Morrell Water Transmission Connector	4,240,000	Walberg