

## SAMPLE LETTER



### UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

THE ADMINISTRATOR

December 2, 2021

Dear Governors,

President Biden signed the Bipartisan Infrastructure Law on Monday, November 15, 2021. This is a big and bold investment in our nation's infrastructure, including a historic \$60 billion investment in key programs and initiatives implemented by the U.S. Environmental Protection Agency to build safer, healthier, cleaner communities. This critical funding means that more Superfund sites will be cleaned up faster; blighted and polluted sites across America will be redeveloped to contribute to local economies once again; the nation's school bus fleet will be made cleaner; and people will be put to work revitalizing aging water infrastructure in communities throughout the country.

The law's investment in water is nothing short of transformational. It 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. I write to share my commitment to forging a productive partnership between the EPA and the states to maximize the impact of these funds in addressing urgent water challenges facing communities. The majority of the water infrastructure dollars will flow through the State Revolving Funds, and, as a former state environmental regulator in North Carolina, I know firsthand that states, tribal nations and the EPA have successfully worked together to steward more than \$190 billion in SRF funds since 1988. For decades, the SRFs have been the foundation of water infrastructure investments, providing low-cost financing for local projects across America. An effective partnership in deploying these funds will be essential to unlocking the full potential of this moment.

Assistant Administrator Radhika Fox will soon be issuing national program guidance from the EPA's Office of Water to state primacy agencies for the use of water infrastructure funding through the BIL. In this letter, we share the agency's aspirations for what we can achieve by working together:

- **Target resources to disadvantaged communities.** Every state in America has disadvantaged communities – rural, urban, suburban – that have deeply rooted water challenges, whether it is too much, too little or poor-quality water. These communities have never received their fair share of federal water infrastructure funding. Through the Bipartisan Infrastructure Law, states have an unprecedented opportunity to correct this disparity.
- **Make rapid progress on lead-free water for all.** There is no safe level of exposure to lead, yet millions of families across America still suffer from lead contamination in their drinking water. States have a historic opportunity to use the dedicated \$15 billion for lead service-line replacement in the Bipartisan Infrastructure Law, while leveraging multiple other available funding streams, to get the lead out – once and for all.

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- **Tackle forever chemicals.** The Bipartisan Infrastructure Law provides an unprecedented level of funding dedicated to addressing perfluoroalkyl and polyfluoroalkyl substances and other emerging contaminants. States can use these resources to provide relief to communities on the front lines of PFAS contamination.

**Enclosed, please find the estimated 2022 state allotments of BIL funds through the SRFs – significant resources that we know will go a long way toward achieving our shared goals.** The enclosure summarizes the first-year allotment of nearly \$44 billion in total SRF funding that will be provided to states, tribes and territories over the next five years through the Bipartisan Infrastructure Law.

### **Target Resources to Disadvantaged Communities**

It is a top priority for the EPA to ensure communities that have historically struggled to access SRF funding are prioritized. During my recent Journey to Justice tour, where I traveled throughout Mississippi, Louisiana and Texas, I saw and heard firsthand the range of systemic barriers that low-income people and communities of color face in accessing federal infrastructure funding. For too long these communities have been left behind by both federal and state governments. From Jackson to Houston, New Orleans to St. James Parish, environmental-justice communities are concerned that they will be shut out of accessing water infrastructure funding from the SRFs. States and the EPA can and must do better with the Bipartisan Infrastructure Law. We know that economically stressed communities – small, large, rural, urban and suburban – often lack the financial, technical and managerial capacity to access traditional SRF loans. Almost half of the Bipartisan Infrastructure Law's nearly \$44 billion in SRF funds are eligible for distribution as grants or fully forgivable loans. States have the power to open the door to disadvantaged communities who for too long have struggled to compete for financing from traditional SRFs and other loan programs.

Throughout the implementation of the Bipartisan Infrastructure Law, as the EPA evaluates and approves states' intended use plans, **the agency strongly urges states to maximize the potential to remove barriers and prioritize the distribution of grant funds to disadvantaged communities.** To further aid states, tribes, local governments and water systems, the EPA will also provide technical assistance to help disadvantaged communities overcome barriers in applying for and receiving loans and grants through the SRFs.

### **Make Rapid Progress on Lead Free Water for All**

President Biden has set an ambitious goal of replacing 100 percent of the nation's lead service lines. The EPA views the \$15 billion in dedicated funding for lead service-line replacement in the Bipartisan Infrastructure Law as a centerpiece of the strategy to deliver lead-free water for all Americans.

As states initiate planning for the use of these funds, **the EPA urges states to target these funds to communities who are disproportionately impacted by lead in drinking water.** Moving forward, the EPA's strategy to address lead in drinking water will prioritize communities with the highest lead levels and those with environmental-justice concerns. I urge you to join us in this commitment. The EPA will be looking for intended use plans that affirmatively target these funds to replace both public and private lead service lines, especially in disadvantaged communities that lack access to other sources of funding. The dedicated lead funding in the Bipartisan Infrastructure Law is also not the only tool at states' disposal. We encourage states to deploy a broad range of funding sources, which may include American Rescue Plan funds, base SRF funds, Water Infrastructure Finance and Innovation Act funds, and more. States may also look for opportunities to leverage funds from the U.S. Department of

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Housing and Urban Development, the U.S. Department of Agriculture and other federal agencies, as well as state and local resources.

Finally, to make informed decisions about how best to use these resources, **the EPA encourages states to accelerate the development and use of lead service-line inventories.** While the Lead and Copper Rule Revision calls for drinking water systems to have lead service line inventories by 2024, we strongly recommend that states work with systems on these inventories as soon as possible.

### **Tackle Forever Chemicals**

Many communities in your states are grappling with emerging contaminants, such as PFAS. On October 18, 2021, the EPA announced the agency's [PFAS Strategic Roadmap](#) – laying out a whole-of-agency approach to addressing PFAS. The roadmap sets timelines for specific actions by the EPA and commits us to bolder new policies to safeguard public health, protect the environment and to hold polluters accountable.

The Bipartisan Infrastructure Law provides \$10 billion to start systematically reducing the risk that people will be exposed to PFAS and other contaminants through their drinking water and to help address discharges through wastewater. Half of these funds will go through the SRFs. **We have a unique opportunity to prioritize investment to local communities who are on the frontlines of PFAS contamination and who have few options to finance solutions through traditional programs.** The Office of Water will provide further guidance and technical assistance to support states and local communities in detecting the presence and levels of these substances and to facilitate state efforts to build the pipeline of projects to address them. In addition to using the targeted Small, Underserved, and Disadvantaged Community grants, we encourage states to submit intended use plans to the EPA for approval that maximize the use of SRF funds and eligibilities to address critical needs in underserved communities grappling with these and other contaminants.

### **Partnering for Progress**

We are honored and humbled by the opportunity to work with you to reshape America's water future. We know that we share the same goals: bringing clean, affordable and safe drinking water and wastewater services to everyone in America.

The EPA will be with you every step of the way. In the coming months, the Office of Water will work with you to identify the tools, resources and targeted technical assistance that will best support states in achieving these goals. We stand ready to work with your state to ensure an effective, efficient and equitable implementation of the Bipartisan Infrastructure Law.

Please do not hesitate to contact me, and your staff can always contact Casey Katims, Deputy Associate Administrator for Intergovernmental Affairs, at [katims.casey@epa.gov](mailto:katims.casey@epa.gov) with any questions.

Sincerely yours,  
Michael S. Regan

Enclosures:

- Estimated FY 2022 State Allotments for BIL
- EPA Fact Sheet on Water Provisions in BIL



**Bipartisan Infrastructure Law:  
Summary of 2022 Environmental Protection Agency  
State Revolving Funds (SRFs) by States, Tribes, and Territories**

<b>State</b>	<b>Amount</b>	<b>State</b>	<b>Amount</b>
Alabama	\$137,030,000	Montana	\$63,041,000
Alaska	\$65,074,000	Nebraska	\$63,430,000
Arizona	\$109,458,000	Nevada	\$71,601,000
Arkansas	\$93,252,000	New Hampshire	\$72,644,000
California	\$609,441,000	New Jersey	\$168,949,000
Colorado	\$121,347,000	New Mexico	\$63,041,000
Connecticut	\$76,907,000	New York	\$428,072,000
Delaware	\$63,041,000	North Carolina	\$199,211,000
District of Columbia	\$63,041,000	North Dakota	\$63,041,000
Florida	\$275,420,000	Ohio	\$241,554,000
Georgia	\$158,645,000	Oklahoma	\$91,488,000
Hawaii	\$68,398,000	Oregon	\$92,079,000
Idaho	\$63,041,000	Pennsylvania	\$240,381,000
Illinois	\$288,290,000	Puerto Rico	\$78,404,000
Indiana	\$127,705,000	Rhode Island	\$66,451,000
Iowa	\$110,745,000	South Carolina	\$88,984,000
Kansas	\$79,430,000	South Dakota	\$63,041,000
Kentucky	\$112,643,000	Tennessee	\$120,833,000
Louisiana	\$101,243,000	Texas	\$507,672,000
Maine	\$68,390,000	Utah	\$63,721,000
Maryland	\$144,181,000	Vermont	\$63,041,000
Massachusetts	\$188,890,000	Virginia	\$126,383,000
Michigan	\$213,201,000	Washington	\$152,969,000
Minnesota	\$116,792,000	West Virginia	\$83,211,000
Mississippi	\$74,899,000	Wisconsin	\$142,703,000
Missouri	\$147,152,000	Wyoming	\$63,041,000
<b>Territory</b>	<b>Amount</b>	<b>Territory</b>	<b>Amount</b>
American Samoa	\$30,885,000	Northern Marianas	\$20,794,000
Guam	\$26,522,000	Virgin Islands	\$31,883,000
<b>State Total</b>	<b>\$7,156,642,000</b>		
<b>Territories Total</b>	<b>\$110,084,000</b>		
<b>Tribes Total</b>	<b>\$154,080,000</b>		
<b>Grand Total</b>	<b>\$7,420,806,000</b>		

*This table summarizes the first year allotment of nearly \$44 billion in total SRF funding that will be provided to states, tribes, and territories over the next five years through the Bipartisan Infrastructure Law.*



## Bipartisan Infrastructure Law: A Historic Investment in Water

President Biden's leadership and bipartisan Congressional action have delivered the single-largest investment in U.S. water infrastructure ever. The Bipartisan Infrastructure Law invests **more than \$50 billion** through EPA's highly successful water infrastructure programs.

**\$20+ billion for safe drinking water.**

**\$15 billion in dedicated funding to replace lead pipes.**

**\$12+ billion to ensure clean water for communities.**

**\$1.8 billion to protect regional waters.**

**\$135 million for additional water improvements.**

With this funding, EPA, states, Tribes, and localities have a once-in-a-lifetime opportunity to strengthen and rebuild America's water infrastructure. EPA will ensure that all communities get their fair share of this federal water infrastructure investment—especially disadvantaged communities. This funding will put Americans to work in good-paying jobs and support a thriving economy.

### Safe Drinking Water

There are still an estimated 6 to 10 million lead service lines in cities and towns across the country, many of which are in low-income neighborhoods and communities of color. The Bipartisan Infrastructure Law will deliver resources to remove these lead pipes, in line with President Biden's goal of removing 100% of lead service lines. This means that millions of families will be able to rely on drinking water that is safe from lead and other contaminants.

### Clean Water for Communities

The nation's wastewater and stormwater management systems that are critical to safely returning used water to the environment are aging and breaking down. With more than \$12 billion for clean water infrastructure, communities will be able to upgrade these critical systems. This means that more people will be able to swim, fish, and play in their waters and the environment will be cleaner and more vibrant.

### Protecting Regional Waters

Investing in regional waters—from the Chesapeake Bay, to the Great Lakes, to the Puget Sound—will better protect the nation's largest and most treasured waters to ensure that they continue to serve as vital economic and recreational assets.

**Water is life.** It keeps us healthy, sustains vibrant communities and dynamic ecosystems, and it supports the economy. **Water infrastructure** is essential to delivering reliable, affordable, and safe water. When water infrastructure fails, it threatens people's health, peace of mind, and the environment. The **Bipartisan Infrastructure Law** provides a historic investment to replace pipes, upgrade water treatment facilities, and ensure that America's water systems are resilient for the future.

## Safe Drinking Water

**\$15 billion**

**Lead Service Line Replacement through the [Drinking Water State Revolving Funds](#)**  
49% of funds will be provided to communities as grants or principal forgiveness loans.  
51% of funds will be available to communities for low-interest loans.  
State match is not required.

**\$11.7 billion**

**Drinking Water State Revolving Funds**  
49% of funds will be provided to communities as grants or principal forgiveness loans.  
51% of funds will be available to communities for low-interest loans.  
State match is reduced to 10%.

**\$4 billion**

**Addressing Emerging Contaminants through the Drinking Water SRF**  
Can be used to remediate PFAS in drinking water.  
All funds provided to communities as grants or principal forgiveness loans.  
State match is not required.

**\$5 billion**

**Addressing Emerging Contaminants in Disadvantaged Communities**  
Funding through [Small, Underserved, and Disadvantaged Communities Grants](#)  
Can be used to remediate PFAS in drinking water.  
Provided as grants.  
State match is not required.

## Clean Water for Communities

**\$11.7 billion**

**Clean Water State Revolving Funds ([CWSRF](#))**  
49% of funds will be available for grants or principal forgiveness loans.  
51% of funds will be available for low-interest loans.  
State match is reduced to 10%.

**\$1 billion**

**Addressing Emerging Contaminants**  
Funding through Clean Water State Revolving Funds.  
All funds provided as grants or principal forgiveness loans.  
State match is not required.

## Protecting Regional Waters

**\$1.7 billion**

**Geographic Programs**  
Funding directed to 12 federally recognized geographic programs.

**\$132 million**

**National Estuary Program ([NEP](#))**  
Funding to be distributed across 28 Federally recognized estuaries to restore vulnerable coastal areas and communities.

## Additional Investments in Water

**\$60 million**

**Gulf of Mexico Hypoxia Task Force ([HTF](#))**  
Funding to be divided equally across 12 Hypoxia Task Force states.

**\$50 million**

**Underground Injection Control Grants ([UIC](#))**  
Funding to support states' efforts to attain Class VI primacy.  
100% of funding provided as grants.  
State match is not required.

**\$25 million**

**Permitting Class VI Wells ([Class VI Wells](#))**  
Support to EPA for carbon sequestration programs.