

Bipartisan Infrastructure Law Funding for Stormwater



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EPA states this Act will “rebuild America’s roads, bridges and rails, expand access to clean drinking water, ensure every American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in communities that have too often been left behind.”

On November 15, 2021, President Biden signed into law the Infrastructure Investment and Jobs Act also known as the Bipartisan Infrastructure Law (BIL). BIL allocates \$50 billion to improve the nation’s drinking water, wastewater, and stormwater infrastructure. This money will be distributed over five years between 2022 and 2026. The primary distribution mechanism will be the State Revolving Fund (SRF) program. This program has two primary distribution mechanisms: the Drinking Water State Revolving Fund (DWSRF) and the Clean Water State Revolving Fund (CWSRF). The CWSRF is the avenue for stormwater projects. The program is slated to receive \$12.7 billion over the next five years with \$1 billion for constituents of emerging concern (CEC).

This fact sheet provides guidance on availability by State and supporting information on what is needed to prepare for and obtain BIL funding for stormwater projects.

How Will the Infrastructure Bill Vary by State in Region 4 for Stormwater?

EPA delegates the administrative and implementation responsibility for the CWSRF funds to the states. By design, this provides flexibility for states to develop programs to distribute funds in a manner that best addresses each state’s challenges. This means there will be differences in the way funds are distributed. Some differences include:



- **The application process:** Each state’s application process and deadlines will be different. [Access your state’s CWSRF website here](#) for more information on state specific processes.
- **The amounts of funding available:** BIL funding will be distributed to states by EPA in accordance with existing SRF funding allocation methods. [View your state’s allocation here.](#)
- **Definitions of “Affordability Criteria”:** A goal of the BIL is to increase investment to disadvantaged communities through grants and forgivable loans. Each state has established different “Affordability Criteria” and these definitions are used to identify disadvantaged communities.
- **Project Ranking and Scoring:** To ensure disadvantaged communities are funded in accordance with the intent of the BIL, states have been directed by EPA to assess their approaches to ranking and scoring.
- **Technical Assistance Allocations:** Up to 2% of funding may be allocated to assist communities to access CWSRF funding. This may vary by state.

What Should My Stormwater Program Do to Take Advantage of BIL Funding?

In the first year, it will become evident which projects will be prioritized by the agencies overseeing distribution; the following list is a good place for stormwater programs to start:



1. **Pick projects that tell a story.** Be sure to layer in multiple benefits (social, economic, and environmental) into your application.
2. **Determine which neighborhoods qualify as Justice40 Tracts.** [View a map of Justice40 tracts](#) and [information on the Justice40 Initiative criteria](#).
3. **Request Technical Assistance** from your [Clean Water State Revolving Fund representative](#).
4. **Develop a preliminary engineering report** that addresses the recommended solution and documents any alternatives considered.
5. **Have an adopted Stormwater Master Plan or Watershed Management Plan** that looks holistically at impaired watersheds and identifies specific projects (Capital Improvement Plans) addressing EPA's Nine Minimum Elements.
6. **Take part in your state's Clean Watersheds Needs Survey (CWNS).** Contact your state's [CWNS program contact](#) for details.



BIL Funding for FEMA and Transportation

The BIL authorizes \$1.2 trillion to create a more resilient nation while also addressing climate change. There is an increased focus on underserved communities. FEMA programs that are being further bolstered using additional BIL funding include:

- **Flood Mitigation Assistance - \$3.5 billion**
- **Building Resilient Infrastructure and Communities - \$1 billion**
- **Dam Safety - \$733 million**
- **Safeguarding Tomorrow Through Ongoing Risk Mitigation Act - \$500 million**



The BIL spreads the above funding over a five-year period. Although the BIL authorizes additional funding, each federal fiscal year BIL funding must be appropriated. Therefore, it is very important to stay in contact with your State Hazard Mitigation Officer or FEMA Region IV Representative.

In addition, the BIL will also allocate funds for elements of stormwater management integrated into transportation projects. These additional funds will be routed through both existing and new programs and will be distributed by the [US Department of Transportation](#) (USDOT). Programs to watch include [Rebuilding American Infrastructure with Sustainability and Equity](#) (RAISE), [Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation](#) (PROTECT), and the [Healthy Streets Program](#).