



August 23, 2022

MEMORANDUM

SUBJECT: Implementation of the District of Columbia and the U.S. Territories Clean Water and Drinking Water Allocations of the Bipartisan Infrastructure Law

FROM: Radhika Fox
Assistant Administrator

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TO: EPA Regional Water Division Directors
Regions 2, 3, and 9

Overview

President Biden signed the Infrastructure Investment and Jobs Act of 2021 (IIJA) (P.L. 117-58), commonly referred to as the Bipartisan Infrastructure Law (BIL), into law on November 15, 2021. The law's investment in the water sector is nothing short of transformational. It includes \$50 billion to the U.S. Environmental Protection Agency (EPA) to strengthen the nation's drinking water and wastewater systems – the single largest investment in clean water that the federal government has ever made. Importantly, the BIL includes more than \$173 million in fiscal year (FY) 2022 to address drinking water and wastewater infrastructure needs in the District of Columbia (DC) and the U.S. Territories (also referred to as Territories, or Insular Areas). Specifically, this includes approximately \$63 million for DC and \$110 million for the Territories in FY 2022. EPA is committed to working together with DC and the Territories to maximize the impact of these funds in addressing urgent water challenges, particularly those faced by underserved communities.

The March 8, 2022, memo [Implementation of the Clean Water and Drinking Water State Revolving Fund Provisions of the Bipartisan Infrastructure Law](#) (herein *BIL SRF Implementation Memo*) described the implementation approach for Clean Water and Drinking Water State Revolving Funds (CWSRF/DWSRF). This memorandum provides information and guidelines on how EPA will award and administer allocations appropriated to the State and Tribal Assistance Grants (STAG) account in BIL to DC and the Territories, including American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Islands (USVI). The funds are awarded and administered by EPA Regions 2, 3, and 9 with oversight by EPA Headquarters. The BIL funding is subject to all applicable requirements of the existing Clean Water Act (CWA), Safe Drinking Water Act (SDWA), Omnibus Territories Act (OTA), and federal grant regulations.

1. Overall Funding and Key Priorities

BIL Funding for Territories and DC

The BIL appropriates more than \$43 billion to be administered through the existing CWSRF and DWSRF programs over five years, starting in FY 2022, with over \$173 million set-aside and dedicated to water projects in DC and the Territories. EPA allots a portion of the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF) as grants to DC and the Territories for drinking water and wastewater infrastructure. This funding allows DC and the Territories to improve compliance with the SDWA and CWA, provide safe drinking water, and protect the environment. Table 1 shows a summary of the five distinct BIL SRF appropriations and the FY 2022 appropriation amounts for DC and the Territories.

Table 1. Summary of BIL Appropriations – DC and Territories

Appropriation	FY 2022
CWSRF General Supplemental	\$36,417,000
CWSRF Emerging Contaminants	\$1,915,000
DWSRF General Supplemental	\$44,981,000
DWSRF Emerging Contaminants	\$18,888,000
DWSRF Lead Service Line Replacement	\$70,875,000
Total for all Appropriations	\$173,076,000

In general, EPA will administer the BIL funds using existing program requirements (e.g., cross-cutting authorities such as the National Environmental Policy Act) and procedures (see [CWA Regulations](#) and [DWSRF Program Website](#)).

This implementation memorandum is intended to be applicable to all five years of BIL appropriations. EPA anticipates issuing memoranda during Fiscal Years (FY) 2023 through 2026 with allocation information and program updates. Regions are strongly encouraged to obligate funds in an effective and timely manner. FY 2022 funds not obligated by September 30, 2023, are subject to reallocation.

Key Priorities

Many key priorities noted in the *BIL SRF Implementation Memo* apply to DC and the Territories, including:

Provide flexibility to meet local water needs: To meet the needs of communities, Regions are encouraged to provide flexibility where possible. BIL funding maintains the fundamental principle of promoting flexibility in project implementation.

Increase investment in disadvantaged communities: The Biden-Harris Administration has directed increased focus on supporting disadvantaged communities. As EPA implements the BIL funding, technical assistance and community engagement will broaden funding access for water infrastructure projects to reach underserved communities. EPA will collaborate closely with DC, and the Territories to help strengthen their financial, managerial, and technical capacity.

Make rapid progress on lead service line (LSL) replacements: EPA will collaborate with federal partners and key stakeholders to share models, guidance, and technical assistance to support use of LSL

replacement funds. Regions are encouraged to work with funding recipients to support the use of funds to rapidly complete both LSL inventories and full, not partial, LSL replacements.

Address perfluoroalkyl and polyfluoroalkyl substances (PFAS) and other emerging contaminants: BIL funding demonstrates an unprecedented commitment by Congress to address emerging contaminants with a focus on PFAS water contamination. Regions are encouraged to work with funding recipients to identify and implement water projects that address PFAS and other emerging contaminants under this program.

Support resilience and One Water innovation: EPA encourages recipients to utilize the significant increase in funding for infrastructure projects that make water systems more resilient to all threats – especially threats like natural disasters, climate change, bioterrorism, and cyber-attacks. For more information on increasing resilience, please see the *BIL SRF Implementation Memo*.

Support American workers and renew the water workforce: BIL is an opportunity to not only reinvest in water infrastructure but also to invest in the water workforce. BIL investments will create jobs in construction, operations, and maintenance, and other family-supporting careers. EPA is committed to working with DC and the Territories to strengthen the water workforce and create good-paying jobs in communities.

Cultivate domestic manufacturing: Congress passed the Build America, Buy America (BABA) Act under Division G at Title IX of the BIL. Congress established this domestic preference requirement to create long-term opportunities for domestic manufacturers and manufacturing jobs and build resilient domestic supply chains for a wide range of products. For wastewater treatment projects, BABA builds on the requirements for American materials in the Federal Water Pollution Control Act §215, 33 U.S.C. § 1295, and will newly apply to drinking water projects. On April 18, 2022, the Office of Management and Budget (OMB) released program guidance to federal agencies on BABA that specifies May 14, 2022, as the effective date for the BABA requirements. In addition, the OMB guidance details the process involved for seeking a waiver from the BABA requirements. EPA will issue implementation procedures for BABA compliance for federal water infrastructure funding programs, including a process for applying for waivers under BABA in the near future. EPA will work closely with federal agencies, DC, and the Territories on BABA technical assistance and training, as needed, to ensure compliance with the requirements.

Fully Enforce Civil Rights: Under Title VI of the Civil Rights Act, EPA has a responsibility to ensure that federal funds are not being used to subsidize discrimination based on race, color, or national origin. This prohibition against discrimination under Title VI has been a statutory mandate since 1964, and EPA has had Title VI regulations since 1973. EPA’s nondiscrimination regulations prohibit recipients of EPA financial assistance from taking actions in their programs or activities that are intentionally discriminatory and/or have a discriminatory effect based on race, color, national origin (including limited English proficiency), age, disability, or sex. EPA intends to carefully evaluate the implementation of SRF funding under the BIL to ensure compliance with civil rights laws. EPA will provide interested states with technical assistance and training to support their compliance with Title VI obligations.

Support building a pipeline of projects: EPA encourages strategic use of new funds from BIL as a catalyst to continue building and maintaining a robust project pipeline. It is critical that all funds – both from BIL and the base programs – are used in a timely and expeditious manner. At the same time,

effective projects that provide enduring and integrated solutions to meet community needs are necessary to transforming water infrastructure.

2. Clean Water Act Title II Program and FY 2022 BIL Allocations

Congress established the Construction Grants Program (CGP) in 1972 under CWA Title II, 33 U.S.C. §§ 1281-1301. The CGP served to further the construction of municipal wastewater treatment plants (WWTPs). The 1987 amendments to the CWA largely phased out and replaced the CGP with the CWSRF program in all 50 states and Puerto Rico. Congress exempted DC and the Territories from establishing State Revolving Loan Funds. The USVI, Guam, CNMI, American Samoa, and DC receive wastewater infrastructure grants under Title II of the CWA, which are allotted from a percentage of the BIL CWSRF funds. Table 2 lists the allocation amounts for the FY 2022 BIL CWA Title II Program for each of the Territories and DC. These amounts do not include CWA § 604(b), 33 U.S.C. § 1384(b), allocations to carry out planning under CWA § 205(j), 33 U.S.C. § 1285(j). Per statute, EPA will use the existing SRF allotment formulas¹ for all BIL SRF appropriations, including the allotment percentages for DC and the Territories.

Table 2. FY 2022 Clean Water BIL Funding Allocations

EPA Region	Locality	CWSRF General Supplemental	CWSRF Emerging Contaminants
Region 2	U.S Virgin Islands	\$5,802,000	\$305,000
Region 3	District of Columbia	\$8,738,000	\$459,000
Region 9	Guam	\$7,234,000	\$380,000
	American Samoa	\$9,997,000	\$526,000
	Commonwealth of the Northern Mariana Islands	\$4,646,000	\$245,000
Total		\$36,417,000	\$1,915,000

3. Safe Drinking Water Act Program and FY 2022 BIL Allocations

Under section 1452 of the SDWA, 42 U.S.C. § 300j-12, EPA is authorized to provide grants to improve drinking water infrastructure in DC and the Territories. Table 3 lists the BIL allocation amounts for the FY 2022 SDWA Program for each of the Territories and DC. Per statute, EPA will use the existing SRF allotment formulas² for all BIL SRF appropriations, including the allotment percentages for DC and the Territories. For the DWSRF, the allotment formula will change upon release of new data derived from the Seventh Drinking Water Needs Survey and Assessment (DWINSA).

¹ 33 U.S.C. §1384(c)

Table 3. FY 2022 Drinking Water BIL Funding Allocations

EPA Region	Locality	DW General Supplemental	DW Lead Service Line Replacement	DW Emerging Contaminants
Region 2	U.S Virgin Islands	\$8,605,000	\$13,558,000	\$3,613,000
Region 3	District of Columbia	\$17,992,000	\$28,350,000	\$7,555,000
Region 9	Guam	\$6,301,000	\$9,928,000	\$2,646,000
	American Samoa	\$6,778,000	\$10,680,000	\$2,846,000
	Commonwealth of the Northern Mariana Islands	\$5,305,000	\$8,359,000	\$2,228,000
Total		\$44,981,000	\$70,875,000	\$18,888,000

4. Omnibus Territories Act – Grant Consolidation and Matching Funds

Authority to Consolidate Grants for Territories

The Omnibus Territories Act (OTA), 48 U.S.C. § 1469a *et seq.*, provides authority for the Territories to consolidate grants. The OTA does not apply to DC. Congress passed the OTA to ease the burden on the Territories of applying for and reporting on federal grant and assistance programs. Under the OTA, federal agencies may consolidate most grants to the USVI, Guam, American Samoa, and CNMI. The Territories may apply for all or a subset of grants they are seeking from EPA by filing a single application and work plan. If grants for USVI, Guam, American Samoa, and CNMI are consolidated, the funds must be expended in furtherance of the programs and purposes that are being consolidated. The Territories determine the proportion of the funds allocated to the consolidated grant programs and purposes.

A consolidated grant program can provide considerable benefits for the Territories. Consolidation can support the Territories efforts to develop an overall approach to public health protection, water quality planning, and to develop a big picture plan for water pollution control. The Territories may pool funds received from different environmental grant programs and use them to achieve the greatest environmental and public health benefit.

Region 2 and Region 9 may consolidate CWA and SDWA grants to each Territory funded under the BIL. Further, subject to federal law, each Territory may use any or all the funds in those agreements for clean water or drinking water projects.

Region 9 routinely consolidates annual Clean Water (CW) and Drinking Water (DW) infrastructure funding into one consolidated cooperative agreement each for American Samoa, CNMI, and Guam. Region 2 has not had a practice of consolidating CW and DW infrastructure grants for the USVI under the OTA because, until recently, the CW and DW fund recipients were two separate agencies within the Territory. The USVI Department of Planning and Natural Resources is now the designated CW and DW grant recipient, potentially impacting consolidation decisions.

Each year (over a five-year period), all or some of the BIL awards may be consolidated into one cooperative or grant agreement for each Territory. As with all federal funds, BIL funds must be accounted for in accordance with applicable federal laws, regulations, and policies.

Authority to Waive Requirements for Matching Funds for Territories

The OTA requires federal agencies to waive matching requirements for funds under \$200,000, and such agencies have the discretion to waive matching requirements for funds over \$200,000. Both Region 2 and Region 9 have historically waived matching fund requirements for funds that would otherwise require matching funds for grants over \$200,000 under the CWA and SDWA infrastructure programs and may do so for funds awarded under the BIL.

The OTA authority to waive requirements for matching funds does not apply to DC.

5. District of Columbia Match Requirements

CWA Title II Program: District of Columbia Cost Share Requirements

For the BIL CWA General funds match, BIL contains the following provision:

“Provided further, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding sections 602(b)(2), 602(b)(3) or 202 of the Federal Water Pollution Control Act.”

This language reduces the state match requirement for the 51 state CWSRF programs to 10 percent of the total amount of the capitalization grant in fiscal years 2022 and 2023. EPA will also apply a 10 percent cost share requirement to DC under this appropriation for fiscal years 2022 and 2023. EPA will apply a 20 percent cost-share requirement to DC under this appropriation for fiscal years 24 through 26. The cost share requirement returns to 45 percent in fiscal year 2027 and thereafter. (See CWA section 202, 33 U.S.C. § 1282, which provides that the maximum federal share for grants awarded after September 30, 1984, is 55 percent.)

For the BIL CWA Emerging Contaminants funds match, BIL contains the following provision:

“Provided further, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act”

This language waives the requirements of sections 602(b)(2), 602(b)(3), or 202 of the Federal Water Pollution Control Act, for DC Clean Water emerging contaminants funds to provide cost-share under the (CWA Title II Program.

SDWA Program: District of Columbia Match Requirements

For the BIL DW General funds match, BIL contains the following provision:

“Provided further, That for the funds provided under this paragraph in this Act in fiscal year 2022 and fiscal year 2023, the State shall deposit in the State loan fund from State moneys an amount equal to at least 10 percent of the total amount of the grant to be made to the State, notwithstanding section 1452(e) of the Safe Drinking Water Act”

This language reduces the state match requirement for the 51 state DWSRF programs to 10 percent of the total amount of the capitalization grant in fiscal years 2022 and 2023. The match requirement returns to 20 percent of the capitalization grant in fiscal year 2024 and thereafter. EPA will also apply these cost share requirements to DC under this appropriation.

For the BIL DW Emerging Contaminants funds match, BIL contains the following provision:

“Provided further, That funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act”

This language waives the requirements of section 1452(e) of the SDWA, 42 U.S.C. § 300j-12(e), for the 51 state DWSRF programs to provide state match for the capitalization grant. EPA will similarly waive these cost share requirements to DC under this appropriation.

For the BIL DW Lead Service Line funds, BIL contains the following provision:

“Provided further, That the funds provided under this paragraph in this Act shall not be subject to the matching or cost share requirements of section 1452(e) of the Safe Drinking Water Act”

This language waives the requirements of section 1452(e) of the SDWA for the 51 state DWSRF programs to provide state match for the capitalization grant. In accordance with EPA general grants regulations, EPA will similarly waive these cost share requirements to DC under this appropriation.

6. General Fund Eligibilities

The BIL CWA General Supplemental funds share the same project and activity eligibilities as the [“base” CWA Title II Program](#). The BIL DW General Supplemental funds share the same project and activity eligibilities as the [“base” SDWA Program](#).

7. Emerging Contaminants

CWA Title II Program: Emerging Contaminants Requirements

Eligible Use of Funds: The BIL contains the following provision:

“Provided further, That funds provided under this paragraph in this Act shall be for eligible uses under section 603(c) of the Federal Water Pollution Control Act that address emerging contaminants.”

Emerging Contaminants refer to substances and microorganisms, including manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear materials, which are known or anticipated in the environment, that may pose newly identified or re-emerging risks to human health, aquatic life, or the environment. These substances, microorganisms or materials can include many different types of natural or manufactured chemicals and substances—such as those in some compounds of personal care products, pharmaceuticals, industrial chemicals, pesticides, and microplastics. Appendix A provides a definition of emerging contaminants for the purposes of the Title II Clean Water Program.

If Regions consolidate funding under the OTA (as described under Section 4 above) and Territories use the CWA Title II funding for emerging contaminants, the Territories should use this information as a guide.

For a project or activity to be eligible under this appropriation in a grant that is not consolidated, it must be otherwise eligible under the CWA Title II Program and the primary purpose must be to address emerging contaminants. Since the eligible uses under section 603(c) of the CWA, 33 U.S.C. § 1383(c), are generally much broader than the eligibilities under the CWA Title II Construction Grants Program, eligible uses under the CWA Title II Construction Grants Program should also be eligible under section 603(c) of the CWA. In other words, the eligibilities under the Title II program govern the allowable use of these funds, as opposed to the broader CWA 603(c) eligibilities.

SDWA Program: Emerging Contaminants Requirements

Eligible Use of Funds: The BIL contains the following provision:

“Provided further, That funds provided under this paragraph in this Act shall be to address emerging contaminants in drinking water with a focus on perfluoroalkyl and polyfluoroalkyl substances through capitalization grants under section 1452(t) of the Safe Drinking Water Act for the purposes described in section 1452(a)(2)(G) of such Act.”

If Regions consolidate funding under the OTA (as described under Section 4 above) and Territories use the SDWA funding for emerging contaminants, the Territories should use this information as a guide.

For a project or activity to be eligible for funding under this appropriation in a grant that is not consolidated, it must be otherwise SDWA Program eligible, and the primary purpose must be to address emerging contaminants in drinking water. Given the clear Congressional intent that these funds focus on projects addressing PFAS, EPA expects states to actively prioritize PFAS-focused projects. DC and the Territories, however, have the flexibility to fund projects for any contaminant in any of EPA’s [Contaminant Candidate Lists](#). For example, DC and the Territories may consider using these funds to address perchlorate as well as emerging contaminants that have higher levels of occurrence or health concerns.

If EPA has promulgated a [National Primary Drinking Water Regulation](#) (NPDWR) for a contaminant, then a project whose primary purpose is to address that contaminant is not eligible for funding under this appropriation, with the PFAS exception explained below. For example, a project for which the primary purpose is to address arsenic or nitrate in drinking water is not eligible because arsenic and nitrate are regulated under the NPDWRs. It should be noted that these projects may be eligible for funding under the DW Base or BIL General Supplemental appropriations.

EPA expects to establish an [NPDWR](#) for PFOA and PFOS. The Agency is also evaluating additional PFAS and groups of PFAS. Given stated Congressional intent of this appropriation, PFAS-focused projects will be eligible for funding under this appropriation regardless of whether EPA has established an NPDWR for that particular PFAS or group of PFAS. More information on PFAS is located here: <https://www.epa.gov/pfas>.

Appendix B contains examples of projects and activities eligible for funding under this appropriation.

8. Lead Service Line Replacement

The BIL contains the following provision:

“Provided further, that the funds provided under this paragraph in this Act shall be for lead service line replacement projects and associated activities directly connected to the identification, planning, design, and replacement of lead service lines.”

If Regions consolidate funding under the OTA (as described under Section 4 above) and Territories use the SDWA funding for lead service line identification and replacement, the Territories should use this information as a guide.

For a project or activity to be eligible for funding under this appropriation for grants that are not consolidated, it must be otherwise SDWA Program eligible and be a LSL replacement project or associated activity directly connected to the identification, planning, design, and replacement of lead service lines. Any project funded under this appropriation involving the replacement of a LSL must replace the entire LSL, not just a portion, unless a portion has already been replaced or is concurrently being replaced with another funding source. To address household affordability concerns and to minimize adverse public health effects, grant recipients are encouraged to fund the private portion of service line replacements at no additional cost to the homeowner.

To define a “lead service line” for the purpose of this appropriation, EPA will use an amended version of the Lead and Copper Rule Revisions’ regulatory definition, which is:

“...a service line made of lead, which connects the water main to the building inlet. A lead service line may be owned by the water system, owned by the property owner, or both. For the purposes of this subpart, a galvanized service line is considered a lead service line if it ever was or is currently downstream of any lead service line or service line of unknown material. If the only lead piping serving the home or building is a lead gooseneck, pigtail, or connector, and it is not a galvanized service line that is considered an LSL the service line is not a lead service line.”

EPA has expanded the eligible uses beyond the definition above to also include the replacement of lead goosenecks, pigtails, and connectors as eligible expenses, whether standalone or connected to a lead service line.

Appendix C contains examples of eligible projects and activities under this appropriation. Corrosion control studies, corrosion control infrastructure, and water meters are not eligible under this appropriation, but are eligible under the DW base program and BIL General Supplemental. Consistent with the base DW program, funding for bottled water and premise plumbing are not eligible under this appropriation. Temporary pitcher filters or point-of-use (POU) devices certified by an American National Standards Institute accredited certifier to reduce lead during construction or for a short time period after LSL replacement projects are completed are eligible uses of the funds.

9. Conclusion

EPA has a long history of working collaboratively with governments, utilities, and the public in the Territories and DC to ensure sustainable and resilient access to safe drinking water and clean water. To maximize the impact of BIL funds, EPA encourages Regions to focus on the key priorities outlined in

this implementation memo. EPA is committed to continuous engagement on implementation of the BIL funds for the benefit of communities in the Territories and DC.

For questions concerning the contents of this memorandum, contact Alma Hidalgo at hidalgo.alma@epa.gov or (202) 564-3126 for clean water questions or Jorge Medrano at medrano.jorge@epa.gov or (202) 564-1968 for safe drinking water questions.

Appendix A CWSRF Definition of Emerging Contaminants

Emerging Contaminants refer to substances and microorganisms, including manufactured or naturally occurring physical, chemical, biological, radiological, or nuclear materials, which are known or anticipated in the environment, that may pose newly identified or re-emerging risks to human health, aquatic life, or the environment.³ These substances, microorganisms or materials can include many different types of natural or manufactured chemicals and substances—such as those in some compounds of personal care products, pharmaceuticals, industrial chemicals, pesticides, and microplastics.⁴

⁵The main categories of emerging contaminants include but are not limited to:

- **Perfluoroalkyl and polyfluoroalkyl Substances (PFAS) and other persistent organic pollutants (POPs)** such as polybrominated diphenyl ethers (PBDEs; used in flame retardants, furniture foam, plastics, etc.) and other persistent organic contaminants such as perfluorinated organic acids, PFAS free foam flame retardants;
- **Biological contaminants and microorganisms**, such as antimicrobial resistant bacteria, biological materials, and pathogens;
- **Some compounds of pharmaceuticals and personal care products (PPCPs)**, including a wide suite of human prescribed drugs (e.g., antidepressants, blood pressure medications, hormones), over-the-counter medications (e.g., ibuprofen), bactericides, fragrances, UV filters (sunscreen agents), detergents, preservatives, and repellents;⁶
 - Insect Repellents, Cosmetics and UV filters: DEET, Methylparabens, Benzophenone⁷
 - Fragrances: HHCB and AHTN (7-acetyl-1,1,3,4,4,6-hexamethyl-1,2,3,4-tetrahydronaphthalene; CAS 21145-77-7; Tonalide)⁸
 - Cosmetic and food preservatives: BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene)⁹
 - Veterinary medicines such as antimicrobials, antibiotics, anti-fungals, growth promoters, investigational new animal drugs, and hormones;
 - Substances that illicit endocrine-disrupting chemicals (EDCs), including synthetic estrogens (e.g., 17 α ethynylestradiol, which also is a PCPP) and androgens (e.g., trenbolone, a veterinary drug), naturally occurring estrogens (e.g., 17 β -estradiol, testosterone), as well as many others (e.g., organochlorine pesticides, alkylphenols)

³ 2020 White House Office of Science & Technology Policy document which focused on drinking water/human health

⁴ Contaminants of Emerging Concern under the Clean Water Act 2019, Congressional Research Services

⁵ White Paper Aquatic Life Criteria for Contaminants of Emerging Concern 2008

⁶ Peck, A.M. Analytical methods for the determination of persistent ingredients of personal care products in environmental matrices. *Anal Bioanal Chem* **386**, 907–939 (2006). <https://doi.org/10.1007/s00216-006-0728-3>

⁷ Diana Montes-Grajales, Mary Fennix-Agudelo, Wendy Miranda-Castro. Occurrence of personal care products as emerging chemicals of concern in water resources: A review, *Science of The Total Environment*, Volume 595, 2017, Pages 601-614, ISSN 0048-9697, <https://doi.org/10.1016/j.scitotenv.2017.03.286>.

⁸ J Environ Eng (New York). Author manuscript; available in PMC 2010 Feb 1. Published in final edited form as: J Environ Eng (New York). 2009 Nov 1; 135(11): 1192. doi: 10.1061/(ASCE)EE.1943-7870.0000085

⁹ Soliman, Mary A., et al. “Human Pharmaceuticals, Antioxidants, and Plasticizers in Wastewater Treatment Plant and Water Reclamation Plant Effluents.” *Water Environment Research*, vol. 79, no. 2, 2007, pp. 156–167., <https://doi.org/10.2175/106143006x111961>.

- **Nanomaterials** such as carbon nanotubes or nano-scale particulate titanium dioxide, of which little is known about either their environmental fate or effects.
- **Microplastics/Nanoplastics:** synthetic solid particle or polymeric matrix, with regular or irregular shape and with size smaller than 5 mm, of either primary or secondary manufacturing origin, or larger plastic materials that degrade into smaller pieces, including from tire wear (such as 6PPD), which are insoluble in water.¹⁰ Primary microplastics include particles produced intentionally of this very small dimension, like pre-production pellets used as intermediate in plastic production, microbeads for abrasive functions or microfibers that form from synthetic textiles.¹¹

Projects that address contaminants with [water quality criteria established by EPA](#) under CWA section 304(a), 33 U.S.C. § 1314(a), except for PFAS are not eligible for CWSRF Emerging Contaminants funds.

¹⁰ J.P.G.L. Frias, Roisin Nash, Microplastics: Finding a consensus on the definition, Marine Pollution Bulletin, Volume 138, 2019, Pages 145-147, ISSN 0025-326X, <https://doi.org/10.1016/j.marpolbul.2018.11.022>.
(<https://www.sciencedirect.com/science/article/pii/S0025326X18307999>)

¹¹ Silvia Galafassi, Luca Nizzetto, Pietro Volta, Plastic sources: A survey across scientific and grey literature for their inventory and relative contribution to microplastics pollution in natural environments, with an emphasis on surface water

Appendix B

Detailed List of DWSRF Emerging Contaminant Project and Activity Examples

Below are non-exhaustive lists of DWSRF-eligible projects and activities under the BIL DWSRF Emerging Contaminant grants. For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible, and the primary purpose must be to address emerging contaminants in drinking water with a focus on perfluoroalkyl and polyfluoroalkyl substances. Projects that address any contaminant listed on any of EPA's [Contaminant Candidate Lists](#) are eligible (i.e., CCL1 – draft CCL5).

Infrastructure-Related Activities:

- Emerging contaminant costs associated with the construction of a new treatment facility or upgrade to an existing treatment facility that addresses emerging contaminants.
- New source (i.e., new/replacement well or intake) that addresses an emerging contaminant issue [Note: water rights purchases must still meet the criteria in the [Class Deviation for Water Rights](#)]
- Consolidation with another water system that does not have emerging contaminant present or has removal capability
- Costs for planning and design and associated pre-project costs
- Infrastructure related to pilot testing for treatment alternatives
- Create a new community water system to address unsafe drinking water provided by individual (i.e., privately-owned) wells or surface water sources

Non-Infrastructure Related Activities:

- Direct technical assistance to public water systems (of any size) with emerging contaminants and treatment problems which could lead to a loan application
- PFAS and other emerging contaminant project pre-development activities (such as determining if and where there is a problem)
- Technical assistance for eligible systems to diagnose emerging contaminant problems at their water systems
- Project planning, preliminary engineering, and design
- Funding SDWA primacy agency staff who are working on PFAS and emerging contaminant oversight
- Incorporating training on PFAS and emerging contaminants into state operator certification materials
- Obtain test kits/laboratory equipment for systems to test for newly recognized contaminants of concern and training to use that equipment
- Pilot testing and studies on improving PWS operation
- Source water protection activities (e.g., developing source water protection plans, well abandonment, etc.)
- Conduct initial, special (non-routine/non-compliance) monitoring to establish a baseline understanding of a contaminant of concern or operation of newly-used technology

Appendix C

Detailed List of DWSRF Lead Service Line Replacement Project and Activity Examples

Below are non-exhaustive lists of eligible projects and activities under the BIL DWSRF LSLR grants. For a project or activity to be eligible for funding under this appropriation, it must be otherwise DWSRF eligible and be a LSLR project or associated activity *directly connected* to the identification, planning, design, and replacement of lead service lines. Any project funded under this appropriation involving the replacement of a lead service line must replace the entire lead service line, not just a portion, unless a portion has already been replaced.

Infrastructure-Related Activities:

- Complete removal of lead service lines (public and privately owned portion) or service lines made of galvanized iron or galvanized steel (that are currently or have previously been downstream of lead components) and replacement with a pipe that meets the requirements established under 40 CFR § 143 and which complies with state and local plumbing codes and or building codes.
- Removal of lead or galvanized goosenecks, pigtails, and connectors, and replacement with an acceptable material that meets the requirements established under 40 CFR § 143 and which complies with state and local plumbing codes and or building codes.
- Replacement of curb stops, curb stop boxes, and other service line appurtenances that are removed as part of full LSLR.
- Site restoration, including landscaping, sidewalks, driveways, etc. if the removal was necessary to replace the lead service line.
- Permit fees if the fees are normal, required, and specific to the LSLR. It is recommended that communities waive these fees.
- Temporary pitcher filters or point-of-use (POU) devices certified by an American National Standards Institute accredited certifier to reduce lead during or for a short time period after LSLR projects.
- Development or updating of lead service line inventories, including locating and mapping lead service lines.
- Methods of investigation to develop inventories could include visual observation, water quality sampling (non-compliance), excavation, vacuum or hydro-excavation, statistical analysis, or other emerging technologies.
- Planning and design for infrastructure projects listed above.
- Non-routine lead sampling (if not for compliance purposes) as part of a LSLR project.

Non-Infrastructure Related Activities:

- Planning and design for LSLR infrastructure projects.
- Developing or updating lead service line inventories, including locating and mapping lead service lines.
- Providing technical assistance to small water systems undertaking lead service line inventories or construction projects.
- Non-routine lead sampling (if not for compliance purposes).