Sewer Overflow/Stormwater Reuse Grants: U.S. Environmental Protection Agency Announces State Formula Allocations

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The United States Environmental Protection Agency ("EPA") published a February 24th Federal Register Notice announcing the allocation formula for the Sewer Overflow and Stormwater Reuse Municipal Grants Program. See 86 Fed. Reg. 11287.

EPA is required to establish a formula to allocate proportional shares of the amounts appropriated to state entities to fund actions that help manage:

- Combined sewer overflows
- Sanitary overflows
- Stormwater

America's Water Infrastructure Act ("AWIA") of 2018 amended Section 221 of the Clean Water Act to reauthorize the Sewer Overflow and Stormwater Reuse Municipal Grants Program ("Program"). The Program provides funding for stormwater infrastructure projects in communities including combined sewer overflows ("CSO") and sanitary sewer overflows ("SSO").

The 2018 AWIA expanded project eligibilities to include stormwater management projects. Grants are provided to states which in turn provide sub-awards to eligible entities for projects that address infrastructure needs for CSOs, SSOs, and stormwater management.

EPA is required to develop a formula based on the relevant infrastructure needs submitted in the most recent Clean Watersheds Needs Survey ("CWNS"). The CWNS includes documented infrastructure needs. Funds appropriated are required to be allocated to the states according to their total proportional needs for municipal CSOs, SSOs, and stormwater as identified in the most recent CWNS.

EPA notes that the most recent CWNS did not include complete CSO, SSO, and stormwater infrastructure needs for every state and territory. As a result, the agency states that:

In order to equitably allocate appropriated funds based on existing infrastructure needs, as directed in the amended Section 221 of the CWA, it is appropriate to include additional factors to fully characterize needs for CSOs, SSOs, and stormwater management.

Three additional factors selected by EPA include:

- Annual average precipitation
- Total population

- Urban population

A copy of the Federal Register Notice which includes the State Entity Allocation Table can be downloaded here.