

April 5, 2021

# Biden infrastructure plan includes billions for “100 percent” lead service line replacement, addressing PFAS in drinking water

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A massive \$2 trillion-plus infrastructure plan outlined by the Biden administration last week proposes devoting \$111 billion to drinking water and wastewater infrastructure, with a major focus on eliminating “all lead pipes and service lines in ... drinking water systems.”

Dubbed the American Jobs Plan (<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/31/fact-sheet-the-american-jobs-plan/>), the proposal does not include detailed programmatic funding allotments but provides a broad outline of infrastructure priorities that Congress will need to mold into legislative text. Like the American Rescue Plan first outlined (<https://www.amwa.net/article/president-elect-pushes-additional-water-rate-assistance-new-stimulus-blueprint>) by President Biden in January, many details (<https://www.amwa.net/article/house-approves-american-rescue-plan-water-customer-assistance-funds>) would have to be filled in by lawmakers before final passage (<https://www.amwa.net/article/covid-19-package-carries-billions-dollars-aid-communities-low-income-water-ratepayers>) on Capitol Hill.

According to the White House outline, \$45 billion would be set aside to “replace 100 percent of the nation’s lead pipes and service lines” via EPA’s Drinking Water State Revolving Fund (SRF) and programs authorized through the WIIN Act of 2016. While the proposal would not explicitly require water systems to replace all lead service lines, a subsequent presidential tweet (<https://twitter.com/POTUS/status/1377239825984671744>) said it was “long past time” to address the issue. Meanwhile, the stated goal of 100 percent lead service line replacement comes as EPA contemplates (<https://www.amwa.net/article/final->

lead-and-copper-rule-revisions-effective-date-delayed-three-months) reopening the recently finalized Lead and Copper Rule Revisions to changes that could conceivably include a replacement mandate.

Rounding out the plan's \$111 billion water sector investment is \$56 billion to "upgrade and modernize America's drinking water, wastewater, and stormwater systems, tackle new contaminants, and support clean water infrastructure across rural America," and \$10 billion "to monitor and remediate PFAS in drinking water." Congress would finalize the amount of money actually set aside for these purposes and what programs they would flow through, but lawmakers would likely look to EPA's SRF and WIFIA programs, along with USDA rural water programs, to distribute the funding.

Climate resilience represents another major focus of the plan and could also serve as an avenue for water systems to receive additional dollars. While details are scarce, the plan calls on Congress to "invest in protection from extreme wildfires, coastal resilience to sea-level rise and hurricanes," while also providing "funding for the western drought crisis by investing in water efficiency and recycling programs."

In the coming weeks, Democratic congressional leaders are expected to begin shaping the administration's plan into a legislative proposal. But leading Republicans have already expressed concern about the scope of the plan – prompting speculation that it may only be able to pass under reconciliation, a parliamentary procedure that allows passage by a simple majority vote but also prohibits the inclusion of policy provisions that lack direct federal revenue or deficit implications.

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