

**U.S. EPA, Office of Grants and Debarment**  
**Definition of “Infrastructure” for purposes of the American Recovery and**  
**Reinvestment Act of 2009**

**May 8, 2009**

**Issue:** What does the term “infrastructure” mean for the purposes of applying the American Reinvestment and Recovery Act (ARRA) requirements specific to “infrastructure investments”? The Act itself does not define this term.

**Proposed Definition:** The term infrastructure refers to the substructure or underlying foundation or network used for providing goods and services; especially the basic installations and facilities on which the continuance and growth of a community, State, etc., depend. Examples include roads, water systems, communications facilities, sewers, sidewalks, cable, wiring, schools, power plants, and transportation and communication systems. The term does not include green practices recipients can follow to reduce energy consumption and greenhouse gas emissions and improve air, water quality, and waste management.

**Applicability to Recovery Act Funds**

The definition of infrastructure is significant because the Act applies specific requirements to “infrastructure investments” funded under the Act. These specific requirements include additional reporting (Section 1511) and certification requirements (Section 1512) for state and local recipients, and a preference for activities that can be started and completed expeditiously (Preference for Quick Start Activities - Section 1602). OMB has decided not to provide a government-wide determination of which activities are infrastructure investments.

The Quick-Start provision applies to all recipients engaged in infrastructure investment projects. The additional reporting requirements and the certification requirement apply only to recipients who are state and local governments as defined in 40 CFR 31.3 (a *State* is any of the several States of the U.S., the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of local governments; a *local government* is a county, municipality, city, town, township, local public authority (including any public and Indian housing agency under the U.S. Housing Act of 1937), school district, special district, intrastate district, council of governments (whether or not incorporated as a nonprofit corporation under State law), any other regional or interstate government entity or any agency or instrumentality of a local government).

## **Program application**

1) *Leaking Underground Storage Tanks* – The Recovery Act provides funding for cleanup activities that do not generally meet the definition of infrastructure. However, a limited amount of funding under the program is occasionally used to install piping to connect households and businesses to public water systems or replace public water system supply well(s) and associated piping due to groundwater contamination. These connection/replacement activities fall into the category of an infrastructure investment.

2) *Brownfields* – The Recovery Act provides funding for site assessment, job training, and cleanup activities that do not generally meet the definition of infrastructure. However, a limited amount of funding may fall into the category of infrastructure where the principal purpose of the activity is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a). It may also apply where funds are used to install piping to connect households or businesses to public water systems or replace public water system supply well(s) and associated piping due to groundwater contamination.

EPA does not consider remediation activities conducted with Brownfields supplemental funds by tribes, private sector developers, non-profit organizations (except non-profit organizations that are councils of governments or regional or interstate governmental entities per 40 CFR 31.3 *Local government*) or other non-governmental borrowers or subgrantees to be infrastructure investments for the purposes of the certification and reporting requirements.

3) *Superfund* – The Recovery Act provides funding for Superfund remedial cleanup activities that do not generally meet the definition of infrastructure. However, a limited amount of funding may fall under the category of infrastructure where the principal purpose of the activity is to construct a cap to be directly incorporated into a public building or public work as defined in 2 CFR 176.140(a). It may also apply where funds are used to install piping to connect households or businesses to public water systems or replace public water system supply well(s) and associated piping due to groundwater contamination.

4) *Diesel Emission Reduction* – The Recovery Act provides funding for diesel engine retrofits that do not meet the definition of infrastructure. A limited portion of the funding may be used for projects involving the construction/installation of Truck Stop Electrification (TSE) systems. TSE projects are considered to be infrastructure investments. Diesel emissions reductions projects for heavy generators used in public energy production are also considered to be infrastructure investments.

5) *Clean Water and Drinking Water State Revolving Funds* – The Recovery Act provides funding for drinking water systems and wastewater treatment works that generally fall within the definition of infrastructure. Funding is also provided for nonpoint source management and estuary conservation activities most of which is infrastructure investment. A portion of the funds are used for planning activities that are not infrastructure investment.