



Environmental Council of the States

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December 13, 2024

Dear U.S. DOE Transition Team:

On behalf of the Environmental Council of the States (ECOS), I am writing to invite the new leadership in the U.S. Department of Energy (DOE) to work closely with the state environmental agencies to achieve Department goals.

ECOS is the national nonprofit, nonpartisan association of state and territorial environmental agency leaders. Our association works to strengthen the partnership between the states and the federal government in the implementation of our nation's environmental laws and policies (see attached fact sheet). While our work is most closely tied with that of the U.S. Environmental Protection Agency, ECOS members have found that our efforts regularly intersect with DOE, and that closer coordination is essential to meeting national energy expansion needs and environmental regulatory requirements.

State environmental agencies have identified the following potential areas of ECOS-DOE coordination for early engagement:

- **Energy Infrastructure**

Under federal statutes, nearly all siting and development of energy requires planning, review, and permitting. ECOS member agencies, which play an important role in permitting new electric generation, would like to ensure early engagement in such efforts. As states across the nation have worked to improve their permitting processes to make them more transparent and timely, ECOS would like to find opportunities to work with DOE and other federal agencies to bring about permitting improvements and efficiencies. We have spent the last year working with the National Governors Association and the National Association of State Energy Officials to identify best practices and regional strategies to streamline permitting for faster, smarter results.

- **Sustainable Management of Critical Minerals and the Circular Economy**

As the useful life of batteries, solar panels, and everyday electronics is reached, critical minerals and other materials from these technologies can be reclaimed to support U.S. independence from foreign markets. In addition to recycling of these types of products, some industries are mining and refining critical minerals in coal byproducts and produced water from oil and gas. State environmental agencies, through ECOS, look forward to working with DOE to build a materials management plan that supports homegrown energy and critical minerals, keeps critical minerals available for new products, and responsibly manages end-of-life materials to protect communities and ecosystems.

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Texas Commission on
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- **Oversight and Cleanup of the Nuclear Weapons Complex**

States with nuclear weapons development sites, who are not mere hosts but also the sites' regulators, have worked with DOE's Office of Environmental Management (EM) for more than 20 years to support cleanup of the Complex. This work has included facilitating the ECOS-DOE-EPA Dialogue that allows EM and its environmental regulators to sit down together to discuss common challenges and share innovative solutions. ECOS looks forward to continuing the dialogue and other efforts to support the important work of EM.

In addition to the areas discussed above, we believe other opportunities to work together may be identified through regular conversations between ECOS and DOE leadership, such as quarterly calls between the ECOS Officers and the Deputy Secretary.

We would greatly appreciate the opportunity to answer any questions and to share the thoughts of our members – the top environmental regulators of the 50 states, the District of Columbia, and the territories – to maximize our success together. Please reach out to ECOS Executive Director Ben Grumbles at bgrumbles@ecos.org or (202) 266-4929 to arrange a discussion or to obtain additional information.

Sincerely,



Jon Niermann
ECOS President



National Environmental Protection: The Role of States

What role do states play in protecting human health and the environment?

Through the Clean Air Act, Clean Water Act, and Resource Conservation & Recovery Act subtitle C, Congress established its intent for states to exercise primary authority to **prevent and reduce air, water, and hazardous waste pollution**. U.S. EPA establishes rules and standards, and states are delegated authority to implement them through their own permit and enforcement programs.

States devote considerable effort to helping communities and regulated entities navigate the permitting process. Sufficient funding is critical to preserving the core ability of state staff to **issue and renew permits**; **gather data** for determinations regarding the health of local and regional air, water, and land resources; and **meet existing and new obligations**.

	61%	\$0	20 years
How do state environmental agencies fund their activities?	Permit fees and other fees comprised an average of 61% of state budgets in 2019. Revenue decreases as pollution tonnages go down, and some key work is not linked to specific permits.	Some state legislatures do not provide or do not increase general funds to these agencies.	Federal funding comprises an average of just 27% of state environmental budgets and may require a state match. State and Tribal Categorical Grant funding has remained nearly unchanged in 20 years, despite inflationary pressures.



Increase Categorical Grant funding to build and sustain state capacity.



Increase State Revolving Fund (SRF) levels for state-run programs in FY24 and beyond.



Provide support for PFAS responsibilities through funding, scientific and technical support, and regulatory flexibility.

How can Congress help?

Through an [ECOS resolution](#), states urge Congress and EPA to financially support state environmental agency implementation of federal requirements that benefit all of our communities. More information is available in the [ECOS testimony](#) to Congress on EPA's FY24 budget request.



ECOS Resolution



ECOS Testimony

State Environmental Actions

States are working hard to address many priorities, including:

- Increasing community resiliency through improved infrastructure planning, adaptation strategies, and other technical assistance,
- Identifying, reducing, and remediating per- and polyfluoroalkyl substances (PFAS) pollution,
- Increasing assessment and monitoring for other emerging contaminants and harmful algal blooms,
- Updating data management systems to support data-driven decision-making,
- Advancing efforts that protect all Americans, especially vulnerable communities that bear the greatest pollution burdens,
- Strengthening pollution detection efforts to minimize pollutants and restore impaired waterbodies and airsheds,
- Working with communities to identify and replace lead service lines,
- Implementing new federal rules and updating permitting and inspection programs consistent with these requirements,
- Ensuring wetland stewardship in light of the recent reduction in the scope of federal jurisdiction, and
- Responding to increased state workload due in part to new program interpretations.

What challenges do states face?

Federal government support has eroded in the past two decades, where inflation has soared. Resulting challenges include:

- Capacity building of key staff,
- Needed investments in improved data systems, electronic permitting, and monitoring, and
- State support for capitalization grants, public water systems, and other base capacity efforts.

In addition, states continue to address existing and emerging environmental challenges. On the issue of per- and polyfluoroalkyl substances or PFAS, in order to responsibly and sustainably reduce the risk from these pervasive chemicals, ECOS requests that Congress and EPA provide states with:

- Increased funding,
- Scientific and technical support, and
- Regulatory flexibility.

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States have received EPA delegation to serve as primary implementers and enforcers of most Clean Air Act standards.

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States have primacy to implement and enforce Safe Drinking Water Act programs for public water systems.

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States have primary authorization to implement and enforce the Resource Conservation & Recovery Act hazardous waste program.

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States are authorized to implement Clean Water Act National Pollutant Discharge Elimination System permitting and enforcement programs.

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