



# Environmental Council of the States

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January 3, 2025

Dear ECOS Colleagues:

It is my privilege to step into the role of ECOS President since our colleague, Jon Niermann, departed his post as Chairman of the Texas Commission on Environmental Quality at the end of 2024. In addition to Jon's departure, Brian Rockensuess, Commissioner of the Indiana Department of Environmental Management, is departing his post on January 10, 2025. Both Jon and Brian were strong leaders who listened and shared collaborative approaches with ECOS members and among the ECOS Board. I speak for all of us when I say we wish them well in future endeavors.

As the incoming ECOS President, I want to affirm that the three ECOS priorities enumerated by Jon Niermann in his November 1, 2024 letter were a collaborative effort among the ECOS Officers and remain in effect for 2025. I am also adding a fourth priority that complements and underscores the other three. Therefore, our ECOS priorities are as follows:

## **Meeting State Capacity Needs.**

States carry the laboring oar in implementing and enforcing the nation's environmental laws. This burden is growing rapidly due to expanding and changing populations, a public that is increasingly engaged with its state regulators, an increasing number of regulated entities, and regulatory programs that are growing in number, scope, and complexity. The challenges posed by PFAS and other emerging contaminants add to this burden, as do increasing deployments in response to disaster. And we have only seen the beginning of a significantly greater demand for permitting of new water and energy infrastructure. States need the resources to meet these demands. However, for two decades, EPA's categorical grant funding, which supports state regulatory programs, has been stagnant if not in decline. Addressing the imbalance between the burdens on our agencies and agency capacity is mainly a function of securing additional funding. So, ECOS will continue its advocacy to Congress and U.S. EPA to increase state categorical grants – while emphasizing that federal regulatory agendas affect states' burdens. At the same time, EPA and ECOS must collaborate on ways to reduce these burdens without compromising responsible environmental protection. The Council's advocacy for greater flexibility in the duration of NPDES permits is one such example. Finally, advancing workforce innovation and productivity may also have a role in addressing the imbalance. While ECOS members are accustomed to operating on lean budgets, there may still be efficiencies to capture by learning from one another, as well as from other public and private sector colleagues. So, ECOS will continue to search for best practices for agency operations, such as those for employee recruitment, retention, and retirement planning, and to seek new efficiencies.

## **Accelerating the Circular Economy.**

Sustainable Materials Management is widely understood to reduce the environmental footprint of the goods and services on which we rely while also presenting opportunities for economic growth. This promises significant benefits for the communities our agencies serve. ECOS will continue its work on market-based, regulatory, and other approaches to extend the useful life of materials in our production cycles, diverting materials from landfills and closing the loop where appropriate between post-

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New Mexico Environment  
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Indiana Department of  
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**Vacant**  
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**Myra Reece**  
South Carolina Department of  
Environmental Services  
ECOS Past President

**Ben Grumbles**  
ECOS Executive Director

consumer use and supply chains. This work includes enlisting EPA's active collaboration, which is vital to the effort.

**Advancing Water and Energy Infrastructure.**

Aging infrastructure, deferred maintenance, rapidly growing demand, and a need for diversification, hardening, and resilience all point to an imperative for significant new water and energy assets. Private and public monies, including funding under the Bipartisan Infrastructure Law and the Inflation Reduction Act, are poised to develop water supply and flood control projects, including projects supporting storage, reuse, and the beneficial use of produced waters; drinking water and wastewater systems to meet demand, conserve water, and address emerging contaminants; additional and diversified generation and transmission capacity and other energy-related assets; and supply chains, including for critical minerals to meet the demand for electric vehicles and power storage. ECOS members have their own perspectives and priorities for this infrastructure buildout, but there is broad consensus about the urgency of the effort and bipartisan recognition that environmental permitting needs to move faster if we are to see timely benefits from these projects. ECOS members will help ensure that projects are well-conceived from an environmental regulatory standpoint, but we are also at risk of being a bottleneck to achieving the important public health, environmental, and economic benefits that they offer. This requires the Council's constructive engagement in several facets of this infrastructure challenge. For example, ECOS will continue advocating for funding to ensure that state permitting teams are appropriately staffed, and that amid all the new spending EPA and Congress not lose sight of the importance of sustaining water infrastructure state revolving funds. ECOS will also be engaged in conversations about permitting streamlining, maintaining a sense of context and proportion in delivering project benefits sooner.

**Assuring Federal Facility Compliance.**

Across the United States, federal agencies and their contractors are subject to state regulations and permits that address air emissions, water discharges, hazardous waste management, and more. The federal government is responsible for thousands of remedial actions at active and inactive sites across the United States. They must comply with environmental laws and requirements in the same manner and to the same extent as any other regulated facility. However, federal agencies and their contractors sometimes face little consequence for violations of environmental rules and permits that can result in significant harm to the environment and can increase taxpayer liability. As a result, communities with active or inactive military bases, defense facilities, national laboratories, aerospace facilities, mining operations, or associated activities face a disproportionate risk. In response, ECOS will advocate for greater transparency and increased consequences related to federal facility and contractor compliance issues while supporting ECOS members who seek assistance on specific matters.

On behalf of ECOS's officers, thank you for supporting an organizational culture that seeks consensus and that is constructive even in the absence of consensus, and thank you for joining your colleagues in these priorities and all the important work we do to improve the lives of the citizens we serve. Here's to another great year for ECOS!

Sincerely,



James Kenney  
ECOS President