



THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

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May 17, 2011

The Honorable Dianne Feinstein
Chair, Senate Energy and Water Development Appropriations Subcommittee
S-128 The Capitol
Washington, DC 20510

The Honorable Lamar Alexander
Ranking Member, Senate Energy and Water Development Appropriations Subcommittee
S-146A The Capitol
Washington, DC 20510

The Honorable Rodney Frelinghuysen
Chair, House Energy and Water Development Appropriations Subcommittee
H-307 The Capitol
Washington, DC 20515

The Honorable Peter Visclosky
Ranking Member, House Energy and Water Development Appropriations Subcommittee
1016 Longworth House Office Building
Washington, DC 20515

**RE: State Environmental Agency Directors Support FY 2012 Funding
Appropriation for US Dept of Energy's Nuclear Cleanup Work**

Dear Madam Chairwoman Feinstein, Ranking Member Alexander, Mr. Chairman
Frelinghuysen and Ranking Member Visclosky:

We are writing to you on behalf of ECOS, the national non-profit non-partisan association
of state environmental agency directors.

As you consider appropriation levels for the FY 2012 federal budget, we urge you to
consider the US Dept of Energy's (DOE) nuclear cleanup work a funding priority.

DOE has requested that \$ 6.13B be appropriated to fund its Office of Environmental
Management (EM) for FY 2012 so the agency can remediate hazardous and radiological
contamination at sites within the nuclear weapons complex. This figure represents the
amount of funding DOE needs to successfully perform cleanup work to levels necessary
for meeting its obligations to state governments outlined in cleanup agreements.

On March 24, 2010, the state environmental agency directors passed a resolution urging
Congress to "appropriate the levels of funding necessary to ensure EM annual budgets are
fully funded and fully compliant" noting that "stable funding leads to greater efficiencies
in cleanup cost and schedule" (see addendum).

Therefore we believe that Congress should fully fund DOE's FY 2012 budget request for
the EM program. DOE has told states that if a lower level of funding is appropriated for

Richard Opper
Director, Montana Department of
Environmental Quality
PRESIDENT

Thomas Burack
Commissioner, New Hampshire
Department of Environmental Services
VICE PRESIDENT

Teresa Marks
Director, Arkansas Department of
Environmental Quality
SECRETARY-TREASURER

Michael Linder
Director, Nebraska Department of
Environmental Quality
PAST PRESIDENT

R. Steven Brown
Executive Director

FY 2012, cleanup of contaminated soils and groundwater will be delayed.*

Cleanup of the nuclear weapons complex represents a large liability to the federal government, but this is a liability that continues to shrink as cleanup is achieved at various sites within the complex. As states, we understand what it is like to make tough funding decisions. For this one, we urge you to allow DOE to continue the cleanup work to its conclusion.

Thank you for considering our position as you work towards passing a federal budget. Please contact R. Steven Brown, Executive Director of ECOS if you have any questions about this letter.

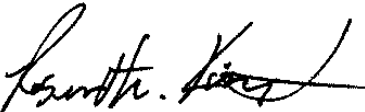
Sincerely,



Ted Sturdevant
Director
Washington State Department of Ecology
Chair, ECOS Cross-Media Committee



Colleen Cripps
Administrator
Nevada Division of Environmental Protection
Chair, ECOS Federal Facilities Forum



Robert W. King, Jr.
Deputy Commissioner
South Carolina Department of Health and Environmental Control
Chair, ECOS-DOD Sustainability Workgroup

ADDENDUM: Copy of ECOS Policy Resolution

* Presentation to the National Governors Association from Ines R. Triay, Assistant Secretary for Environmental Management, U.S. Department of Energy. May 6, 2011.



Resolution Number 10-3
Approved March 24, 2010
Sausalito, California

As certified by
R. Steven Brown
Executive Director

CLEANUP BUDGETS FOR THE NUCLEAR WEAPONS COMPLEX

WHEREAS, the nation's nuclear weapons production and research and development activities, conducted largely between the 1940s and 1980s, have left a legacy of hazardous, radiological, and mixed wastes scattered across sites widely referred to as the "nuclear weapons complex" (the "complex"); and

WHEREAS, proper cleanup of the complex is critical for protecting human health and to ensure that damages to natural resources are mitigated and/or compensated for; and

WHEREAS, the complex consists of over 100 sites in 33 states, thereby comprising one of the largest environmental cleanup operations being undertaken in the U.S.; and

WHEREAS, at least 14 states currently host active cleanup operations spearheaded by the U.S. Department of Energy (U.S. DOE) Office of Environmental Management (EM); and

WHEREAS, state environmental agencies are regulators with U.S. EPA and U.S. DOE, and may oversee cleanup operations within the complex as established by Federal Facility Agreements (FFAs), permits, and consent orders under FFCA, CERCLA, RCRA, and other laws; and

WHEREAS, some sites within the complex, including the Ohio Fernald and Colorado Rocky Flats sites, have benefited from accelerated cleanups that have generated cost savings from reduced future maintenance costs that were not redirected towards other site cleanups within the complex; and

WHEREAS, the influx of funding from the American Recovery and Reinvestment Act of 2009 (ARRA) has provided for further acceleration of nuclear and hazardous waste cleanups as well as decontamination and demolition of obsolete facilities within the complex; and

WHEREAS, recently-completed cleanups have shrunk the footprint and overall size and presence of nuclear weapons complex sites within the states; and

WHEREAS, notwithstanding these recent successes, continued cleanup of the complex remains a priority issue for the States; and

WHEREAS, stable funding leads to greater efficiencies in cleanup cost and schedule for both U.S. DOE and the States.

NOW, THEREFORE, BE IT RESOLVED THAT:

ECOS strongly supports continued environmental cleanup of the nuclear weapons complex.

ECOS recommends that U.S. DOE continue cleaning up the nuclear weapons complex and maintain a strong forum for communication and planning with state oversight officials via ECOS.

ECOS urges U.S. DOE officials to request fully funded, fully compliant *annual budgets* for the EM program to ensure enough funds are provided to all sites to achieve cleanup milestones on schedule as required by FFAs, permits, and consent orders.

ECOS urges the U.S. Congress to appropriate the levels of funding necessary to ensure EM annual budgets are fully funded and fully compliant as just described.

ECOS urges U.S. DOE to establish mechanisms whereby any cost savings that result from accelerated cleanups are recouped and redirected toward funding other site cleanups within the nuclear weapons complex, and

This resolution will be transmitted to the U.S. Congress, the Secretary of Energy, the Assistant Secretary of Energy for Environmental Management, the National Governors Association, and other stakeholder groups.