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October 31, 2017

Mr. David A. Bloom
Acting Chief Financial Officer
United States Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via regulations.gov: Docket ID No. EPA-HQ-OA-2017-0533

Subject: ECOS Comments on Draft EPA FY2018-2022 Strategic Plan, 82
Fed. Reg. 46,490 (October 5, 2017)

Dear Mr. Bloom:

The Environmental Council of States (ECOS), the nonpartisan, national association of state and territorial environmental agency leaders, is pleased to provide comments to the U.S. Environmental Protection Agency (EPA) on its draft FY 2018-2022 Strategic Plan (draft Plan).

ECOS appreciates this opportunity to comment on the draft Plan. ECOS encourages EPA to closely consider input from individual states as well as from state media associations in addition to the comments offered here. ECOS offers some high level comments and a few technical suggestions as an attachment to this letter.

States appreciate EPA's embrace of cooperative federalism in Goal 2 and throughout the draft Plan. States play an important role in meeting our nation's environmental and public health goals. States recognize that healthy and vibrant communities and economies rely upon both effective environmental protection and resilient economic growth. In June 2017, ECOS published a document entitled "Cooperative Federalism 2.0: Achieving and Maintaining a Clean Environment and Protecting Public Health." This document enumerates principles on the roles and functions of states and EPA as well as an initial list of policy issues where cooperative federalism could be focused. States are ready to consider new approaches to tailor state oversight transactions and to foster a culture of mutual respect. EPA's plan to develop a catalog of responsibilities that statutes require EPA to perform in programs delegated to states and tribes may assist in greater clarity, consistent decision-making, and reduced duplication of effort.

States also appreciate the embrace of E-Enterprise for the Environment in the draft Plan. States have been supportive of the joint governance efforts with EPA and tribes through E-Enterprise for the Environment including signing a charter renewal in September 2016 which formally added tribes to the governance structure. E-Enterprise has been a successful model and states, tribes, and EPA should continue to refine, engage, and collaborate on priority efforts. The draft Plan includes core E-Enterprise principles such as managing as a partnership, respect for existing delegations, and streamlining and modernizing before automating processes.

There are a number of E-Enterprise teams under joint governance that should continue to work closely together and report through E-Enterprise governance bodies on recommended actions. For instance, states, tribes, and EPA are working together on an E-Enterprise portal and should continue to work together to jointly define goals. Under E-Enterprise, states, tribes, and EPA are collaborating on permitting modernization efforts as well as shared services development and maintenance activities

E-Enterprise intentionally includes streamlining before automating processes. Many states have adopted business process improvement (BPI) models to streamline processes independent of technology deployment. States and EPA should continue to look for ways to work together on BPI efforts.

The draft strategic measures in the plan include EPA's FY2018-2019 Agency Priority Goals (APGs). EPA should seek state engagement as it establishes targets for identified strategic measures. States have first-hand knowledge of how to achieve successful implementation of programs and are key partners with the federal government. Achievement of EPA's draft Plan goals, objectives, and measures depends in part on federal government financial support to states for federally delegated programs. Adequate resources are key to the ability of states to successfully implement these responsibilities.

States seek to expand ECOS' Cooperative Federalism 2.0 framework to work with other federal agencies such as the U.S. Army Corps of Engineers. Consistent with this goal, states encourage EPA to include in its draft Plan a commitment to continue to work closely with the Corps through a unified federal government approach to support states who wish to assume delegation of Section 404 of the Clean Water Act responsibilities. States seek greater clarity regarding assumable and non-assumable waters as well as clear instructions for seeking 404 delegation and hope EPA will continue to commit to an active role alongside states.

States and EPA staff work closely together during emergencies. Recent response events including Hurricanes Harvey and Irma and western wildfires offer opportunities to reflect on lessons learned to continue to improve efforts and serve the public and these may be an appropriate areas of focus for EPA's draft Plan.

Again, thank you for your engagement with states and productive continuing conversations on many of the issues included in the draft Plan. We thank you again for the opportunity to share our input, and look forward to continuing to collaborate in this process. Please feel free to contact me or Alexandra Dunn, ECOS Executive Director and General Counsel, 202-266-4929 or adunn@ecos.org with any questions.

Regards,



Todd Parfitt
Director, Wyoming Department of Environmental Quality
ECOS President

cc: Henry Darwin, Assistant Deputy Administrator and Chief of Operations
ECOS Members
Pat Stevens (WI), ECOS Planning Committee Chair
Bill Ehm (IA), ECOS Planning Committee Vice Chair

Attachment: ECOS Technical Input on EPA's Draft FY2018-2022 Strategic Plan

ECOS Technical Input on EPA's Draft FY2018-2022 Strategic Plan

1. Pg. 19 - *Objective 2.1 - Enhance Shared Accountability:*

Strategic Measures

- *Increase the number of grant commitments achieved by states, tribes, and local communities.*

Comment: States negotiate with EPA regarding its workplan commitments related to receipt of its federal funding resources. All state grants (categorical grants and PPGs) provide some flexibility to direct resources to state priorities within a program area. For instance, state flexibility to determine the best way for its program to achieve national minimum standards accounting for unique geophysical, ecological, social, and economic conditions supports both healthy communities and vibrant economies. ECOS has launched ECOS Results, an interactive web tool that uses understandable outcome metrics designed to communicate to the public and other audiences state stories of public health and environmental progress. Grant commitments should reflect thoughtful workplan activities and reporting efforts. Strong state-EPA communication and engagement will be an important component of meeting this strategic measure. Grant commitments should also be reflective of the level of federal financial resources provided and a shared understanding and transparency around what work may no longer be performed by either party in the event there are decreases.

2. Pg. 20 – *Objective 2.1 Enhance Shared Accountability*

As a starting point the EPA is initiating a review of the use of Performance Partnership Grants (PPGs), an important tool in NEPPS. PPGs are a financial tool that allows states and tribes to combine separate “streams” of categorical grant funding, from across 20 eligible categorical grants, into one multi-program grant with a single budget. The goal of the review is to understand PPG utilization and outline a course of action addressing the challenges, leveraging lessons learned and progress achieved over the last 22 years. The intent is to provide states the flexibility to maximize human health and environmental protection achieved by the funds; further enhance the federal, state, and/or tribal partnership; and promote the goals of NEPPS.

Comment: The ECOS State Grants Subgroup (SGS) has worked closely with EPA's Office of Grants and Debarment (OGD) and Office of Intergovernmental Relations (OIR) on NEPPS, PPAs, PPGs, and related policy. For instance, the following two recent grants policies seek to increase awareness of the administrative and programmatic flexibility available through Performance Partnership Grants (PPGs), encourage PPG use, allow for greater multi-year awards, and streamline workplan negotiations:

- Performance Partnership Grants for States Grants Policy Issuance 15-01
- Timely obligation, award, and expenditure of EPA grant funds Grants Policy Issuance 12-06

ECOS encourages EPA to continue to work closely with states through the SGS to develop effective policies and identify practical steps to further this work.

3. Pg. 31 - Objective 3.3 - Prioritize Robust Science:

Refocus the EPA's robust research and scientific analysis to inform policy making.

Introduction

... EPA conducts problem-driven, interdisciplinary research to address specific environmental risks, and is committed to using science and innovation to reduce risks to human health and the environment, based on needs identified by EPA's program offices and state and tribal partners. Specifically, over the next four years, the Agency will strengthen alignment of its research to support EPA programs, regions, states, and tribes in accomplishing their top human health and environmental protection priorities for improved air quality, clean and safe water, revitalized land, and chemical safety. The Agency will also emphasize the translation of its work products for end user application and feedback.

Pg. 32- Sustainable and Healthy Communities

...

Over the next four years, EPA will:

- ...
- *Work with the ECOS/Environmental Research Institute of the States (ERIS) to evaluate the causal relationships between ecosystem goods and services and human health, and to document these relationships using EnviroAtlas.*
- ...

Comment: In the ECOS Cooperative Federalism 2.0 paper, states acknowledge that EPA should maintain a robust scientific research and data gathering capacity to establish national minimum regulatory standards based on sound science, to understand how best to respond to complex environmental pollution challenges, to respond to emerging pollutants, to incorporate modern technologies and efficiently determine protective alternative remediation strategies. ECOS' subsidiary, the Environmental Research Institute of the States (ERIS) works to provide EPA's Office of Research and Development information on state research priorities and to connect states with EPA's research. States, federal agencies, tribes, public stakeholders and industry also work together through the ERIS' program, the Interstate Technology and Regulatory Council (ITRC), to advance environmental solutions through the adoption of innovative technologies and solutions. EPA staff are included on the ITRC Board of Advisors and play an important role in identifying research projects of interest to both states and federal agencies. The scope of work with ERIS identified in the draft Strategic Plan is too narrowly focused on EnviroAtlas. States recommend that the broader effort of bringing state research priorities into EPA's research planning efforts and communicating the results of research and the development of tools should be reflected in the activities and strategies measures for this objective.

4. Pg. 34 - Objective 3.4 - Streamline and Modernize: Issue permits more quickly and modernize our permitting and reporting systems.

Strategic Measure

- *Accelerate permitting-related decisions.*

Comment: ECOS appreciates EPA's interest in streamlining and modernizing permitting. States execute a large amount of environmental permitting actions that are conducted nationally. A number of states have already initiated efforts to make permitting more efficient, improving service to the regulated community, and preserving important environmental protection outcomes. States look forward to working closely with EPA to achieve this goal through joint collaboration under E-Enterprise and other efforts as appropriate.

5. Pg. 37 – Objective 3.5 – Improve Efficiency and Effectiveness

Over the next four years, EPA programs that receive submissions from outside the Agency—whether from the reporting community, states, tribes, or local governments—will rely increasingly on centrally-developed and maintained information services, decreasing the volume of code each program must develop and maintain.

Comment: States, tribes and EPA are collaborating through E-Enterprise for the Environment to jointly determine priority projects including development of shared services. States may develop programs that could be adopted broadly and hosted in a common location for greater access and use. Decisions about shared services development and hosting - whether centrally developed, distributed access, or central hosting of shared services - may be best made through the E-Enterprise joint governance framework. This may also include greater two-way data flows to foster informed decision-making.

6. Pg. 38 - Objective 3.5 – Improve Efficiency and Effectiveness

...continually changing IT/IM and security requirements and variation among states and tribes require development of a holistic “Enterprise-Level Vision and Data Strategy” that optimizes both business processes and solutions; aligns all data programs, resources, and budgets; and strengthens the Agency’s enterprise risk strategies.

Comment: States should be directly involved in the development of the “Enterprise-Level Vision and Data Strategy” and welcome the opportunity to offer input about state IT and cyber security needs and how states and EPA may be able to coordinate future planning as legacy systems are replaced. Using the E-Enterprise construct may be an appropriate venue to discuss development of a technology road map.