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U.S. Environmental Protection Agency Enforcing Regulatory Reform Agenda: The Environmental Council of the States May 15th Comments

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The Environmental Council of the States ("ECOS") in a May 15th letter to the U.S. Environmental Protection Agency ("EPA") submitted comments on the February 24th *Executive Order 13777: Enforcing the Regulatory Reform Agenda* ("Agenda").

By way of summary, ECOS makes three initial points:

- The organization has a unique opportunity to offer perspective on environmental regulatory reform which has the "potential to make our system of environmental and public health protection more efficient, effective, and outcomes oriented.
- States have for many years been the primary implementers of federal environmental statutes through cooperative federalism (noting states have assumed over 96 percent of the delegable authorities under federal law).
- Because of states daily experiences with the complexity of the federal environmental regulatory systems, they are well positioned "to offer suggestions for regulatory reform, modernization and streamlining.

ECOS provides what it describes as "19 regulatory reform recommendations to begin this dialogue with you." The organization states that to prepare the list ECOS reviewed existing Resolutions and previous compilations of regulations identified by states as burdensome or less effective than possible. The recommendations are placed by the organization in three categories:

- Outdated, Unclear, or Burdensome Reporting Requirements
- Cooperative Agreements and Superfund State Contracts (CERCLA)
- Total Coliform Rule (SDWA)
- Consume Confidence Reports (SDWA)
- "Once in, Always in" Policy (CAA)
- Cross-Media Electronic Reporting Rule (Multi-Media)
- Sewage Overflow Regulations (CWA)
- Permit Modification Classification System (RCRA)
- Authorization of State Hazardous Waste Programs (RCRA)
- Hazardous Waste Rules and Regulations (RCRA)

- Opportunities to Modify Requirements to Advance State Flexibility and Authority; and
- State Assumption of the 404 Program (CWA)
- Underground Injection Control Regulations for Class V Wells (SDWA)
- Disinfection Byproducts Rule (SDWA)
- Maximum Residual Disinfectant Level Reporting (SDWA)
- Lead and Copper Rule (SDWA)
- National Pollutant Discharge Elimination System (CWA)
- Underlying Hazardous Constituent Land Disposal Restriction Regulations (RCRA)
- Set-Asides in State and Tribal Assistance Grants (Multi-Media)
- Maintenance Area Monitoring Requirements (CAA)

- Regulations that Hinder Infrastructure Investment.
- Projects Ineligible for Drinking Water State Revolving Fund (SDWA)

Becky Keogh, Director of the Arkansas Department of Environmental Quality serves as Secretary-Treasurer of ECOS.

[A copy of the May 15 letter can be downloaded here.](#)