



October 1, 2021

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC

The Honorable Charles E. Schumer
Senate Majority Leader
U.S. Senate
Washington, DC

The Honorable Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, DC

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
Washington, DC

RE: Infrastructure Investment & State Tribal Assistance Grants

Dear Congressional Leaders:

The Association of State Drinking Water Administrators (ASDWA), the Association of Clean Water Administrators (ACWA), the Environmental Council of the States (ECOS), and the Western States Water Council (WSWC), which represent State environmental agencies and programs, strongly support increased funding for drinking water, wastewater, and stormwater infrastructure that protects public health and the environment. However, in order to successfully implement the goals of the Infrastructure Investment and Jobs Act, state environmental programs need increased resources to administer their programs and support new infrastructure investments.

State agencies, such as departments of public health, environmental protection, and natural resources, play an integral role in building water infrastructure, from planning and design, to permitting and inspections, to construction and maintenance, to environmental compliance. These agencies are responsible for a myriad of infrastructure-related tasks, including providing technical assistance to small, rural, disadvantaged and underserved communities; marketing investments in green infrastructure; seeking public input on state funding priorities; processing loan and grant applications; prioritizing projects to meet the greatest need; conducting environmental reviews; performing cost-effective engineering analyses; permitting projects; monitoring compliance; and preventing fraud and waste.

The states welcome the focus on injecting resources into the system to spur infrastructure development and repair. This money is certainly needed. However, the states also need increased resources to support states in meeting their obligations to the Clean Water Act (CWA) and Safe Drinking Water Act (SDWA) through Public Water System Supervision (PWSS) funding, Clean Water Act (CWA) Sec. 106 grants, 319 grants, and funding to regional programs like the Chesapeake Bay or the Mississippi River/ Gulf of Mexico Hypoxia Task Force. States are also being asked to provide support for lead service line testing and replacement initiatives and to support environmental justice priorities and screening initiatives. Much of the federal funding has focused on specific outcomes and projects without much attention to the crucial, seasoned state staff that execute vital support and analytic functions. While appropriation increases have occurred over time since the inception of these programs, a more comprehensive analysis shows federal funding has remained nearly flat the past decade, and its purchasing power has diminished when considering inflation. For example, CWA sec. 106 funding in 2010 was \$229 million; after a rise in funding in 2011 and 2012, funding levels settled to \$231 million over 2014 – 2019. Section 106 funding in 2020 fell to \$223 million. If you look at a more recent time horizon, the Section 106 enacted level was \$230,806 million in FY2016 and \$230,000 million in FY2021, a reduction of \$806,000. This funding is especially critical as CWA programs have grown much larger. The NPDES permitting program now covers 900,000 municipal, industrial, stormwater, and construction facilities today. Additionally, the water quality issues facing the states and interstates are more complex and more challenging. Nutrient reduction in surface waters, stormwater management, alterations in hydrology, in part due to climate change, considerations of ground water, e-reporting requirements, the emerging contaminants such as PFAS and now social considerations of environmental justice are complications not envisioned when the Clean Water Act became law 50 years ago.

Congress has acknowledged its support of administrative costs by providing U.S. EPA with such funding. For instance, in the recently enacted American Rescue Plan Act in Section 6002 on funding for pollution and disparate impacts of the COVID-19 pandemic, Congress directed the EPA Administrator to reserve 2% or 5% for necessary administrative costs linked to specific subsections. In another example, in the FY21 appropriations under the State and Tribal Assistance Grants, Congress directs the EPA Administrator to report on the amounts and sources used to administer and provide oversight of these grant programs. States agree with Congress that it is important to acknowledge and support administrative needs and asks that it similarly consider funding for states who work most directly with communities to both develop proposals and seek their input when determining state priorities.

Similar complexities plague the state programs administering the Safe Drinking Water Act. The revised lead and Copper Rule will demand more action from state and local governments than ever before the situation in Flint, Michigan. Returning public water supply systems to complying with Maximum Contaminant Levels for nitrate, disinfection by-products and geologic contaminants is an ongoing challenge. PFAS in finished drinking water is an emerging concern for public water supply systems with small concentrations present ubiquitously presenting health concerns and challenges for treatment. A 2019 analysis of state drinking water programs' resources and needs estimated the funding gap at \$375 million annually and continuing to grow each year.

Robust funding for PWSS Grant Program and for CWA programs is necessary to ensure states have the capacity to handle an increase in funding for water infrastructure, especially to the Clean Water and Drinking Water SRFs. Fully funding State and Tribal Assistance Grants (STAG) and similar programs will ensure that insufficient staffing and administrative resources do not cause delays or bottlenecks with projects moving to construction with the appropriate public health safeguards and environmental permits.

Sincerely,



Don Welsh
Executive Director
Environmental Council of the States



Tony Willardson
Executive Director
Western States Water Council



Julia Anastasio
Executive Director & General Counsel
Association of Clean Water Administrators



Alan Roberson
Executive Director
Association of State Drinking Water Administrators