

DAILY READING FILE

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August 9, 2013

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OFFICE OF THE
EXECUTIVE SECRETARIAT

Mr. Ron Curry
USEPA Region 6 Administrator
1455 Ross Avenue, Suite 1200
Dallas, Texas 75202

Dear Mr. Curry:

The undersigned agricultural organizations are writing to you concerning the Total Maximum Daily Load (TMDL) that is being developed for the Illinois River.

The undersigned – or their members – own and operate facilities that produce or contribute to the production of the row crops, livestock and poultry that provide safe and affordable food, fiber and fuel to Americans all across the United States. Some of these facilities are located within the Illinois River watershed. These facilities, their employees and their customers could be greatly impacted by any TMDL issued for the Illinois River.

As you are aware, in February, Arkansas and Oklahoma officials jointly agreed to conduct a comprehensive stressor response study of phosphorous concentrations and impacts in the Illinois River watershed. This study, to be conducted over the next three years by an independent vendor, will be overseen by a six-member committee, three members of which will be selected by each governor. The states disagree about whether the concentration of total phosphorus (TP) in the Illinois River should be 0.037 mg/L, and the stressor response study will provide an excellent opportunity to determine the amount of TP that the river can assimilate without producing undesirable water quality conditions. Specifically, science will be used to determine the relationship between in-stream phosphorus concentrations, algal production, temperature, flow, and beneficial use. This study could endorse a 0.037 mg/L TP standard or recommend an entirely different standard.

After years of dispute, we are encouraged that the two states are working together on this study. We understand that the U.S. Environmental Protection Agency (EPA) is working with the two states and a consultant, Aqua Terra, to develop a TMDL for the Illinois River. If the EPA moves ahead with the development of a TMDL based upon achieving a TP concentration of 0.037 mg/L, that TMDL could result in costly implementation measures that are ultimately determined to be unnecessary based on the on-going study. The study could provide important and scientifically sound insights into the proper regulation of phosphorous but it will take time to complete. Therefore, in our view, it makes sense for the EPA to place its TMDL work on hold while the two states accomplish the stressor response study. This pause by the EPA will allow the two states to complete the study, which will follow all EPA protocols, and for the stressor response study's findings to be fully considered, ensuring the use of best available science in the development of the TMDL. Considering the results of the study before a TMDL is finalized will promote efficiency and prevent the potential for costly mistakes in implementing the TMDL.

Thank you for considering this request. If you have any questions, please do not hesitate to contact Susan Bodine at (202) 371-6364.

Sincerely,

Agricultural Retailers Association
American Farm Bureau Federation
The Fertilizer Institute
National Association of Conservation Districts
National Cattlemen's Beef Association
National Chicken Council
National Corn Growers Association
National Council of Farmer Cooperatives
National Pork Producers Council
National Turkey Federation
US Poultry & Egg Association

Cc: Administrator McCarthy, Assistant Administrator Stoner, Senator Pryor, Senator Inhofe, Senator Coburn, Senator Boozman, Representative Womack



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