

Congress of the United States
Washington, DC 20515

December 9, 2011

Administrator Lisa Jackson
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our concerns regarding upcoming steps in the Project for Water Quality Modeling and TMDL Development for the Illinois River Watershed in Arkansas and Oklahoma. Specifically, we request that you review the Project and ensure that all necessary resources are available to guarantee the validity of the Model.

Since 2000, the Illinois River Watershed has experienced rapid population growth. However, despite this development, “flow-adjusted monthly phosphorous loads have been significantly decreasing over time at the Illinois River, based upon data from 2002 through 2008.”¹ This has been possible because our communities in Arkansas and Oklahoma invested more than \$225 million over a decade to improve water quality. We have also reduced non-point source runoff through the implementation of nutrient management plans, volunteer efforts through non-profit groups like the Illinois River Watershed Partnership, and other efforts to put poultry litter and other potential nutrient sources to beneficial uses in other watersheds. We understand that the EPA has certain responsibilities in overseeing how Oklahoma’s water quality standard may affect upstream sources in Arkansas, once the standard has been reviewed and becomes fully effective, and we want to help the EPA exercise its responsibilities in a way that is based on sound science and in a way that is evenhanded toward the people of Arkansas and Oklahoma.

As you know, the Model that EPA is developing will likely be used as the basis for regulatory and non-regulatory decision making with regard to further nutrient reduction efforts in the watershed. We believe most stakeholders, including the EPA, sincerely wish to avoid the use of flawed modeling, which could lead to the development of a Total Maximum Daily Load (TMDL) based on unsound information and accordingly inflict unneeded and inappropriate control mandates. Therefore, we are writing to request that you take vital steps to ensure that the Model is scientifically robust.

First, in an effort to maximize transparency and openness and to ensure quality in the modeling and potential TMDL development process, we request you provide the necessary resources so that the contractor (Aqua Terra) can conduct adequate model calibration studies, sensitivity analyses, uncertainty analysis, and related Model evaluations. The EPA’s guidance document, titled *Guidance on the Development, Evaluation, and Application of Environmental Models*, makes clear that since this Model is likely to be the basis for determining the allocation of massive sums of public and private resources, the Model should meet the most rigorous level of evaluation that can realistically be performed.²

¹ Haggard, B.E. 2010. Phosphorus Concentrations, Loads and Sources at the Illinois River, Arkansas, 1997-2008. *Journal of Environmental Quality* 39:2113-2120.

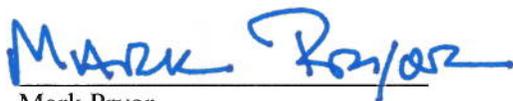
² EPA/100/K-09/003 | March 2009, accessed on October 31, 2011 at www.epa.gov/crem/library/cred_guidance_0309.pdf

Second, we appreciate statements from EPA officials at public meetings in Tahlequah, Oklahoma on January 6, 2011 and in Rogers, Arkansas on May 19, 2011 indicating that the Model will be made available to all interested stakeholders. We request that this be done before the Model is finalized and in such a way as to allow a formal process for, and sufficient time for, third parties to test the Model and to provide helpful feedback to the EPA and the EPA's contractor, Aqua Terra.

Third, models of complex systems, such as the Illinois River watershed, need to be thoroughly vetted with both internal and external peer review, as extensively outlined in the EPA's *Guidance on the Development, Evaluation, and Application of Environmental Models*. We believe internal and external peer reviews are absolutely vital components of this possible TMDL development process, and each should be fully executed. Please provide us with a report on the status of Project execution plans with regard to internal and external peer review.

Thank you for your attention to this letter. We expect to receive responses to the issues raised in this letter as soon as possible. Accordingly, we request that responses be provided on a rolling basis, if necessary, as they are prepared. Please do not hesitate to contact us with any questions or concerns you may have.

Sincerely,



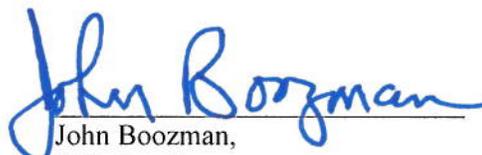
Mark Pryor,
U.S. Senator



Jim Inhofe,
U.S. Senator



Tom Coburn,
U.S. Senator



John Boozman,
U.S. Senator



Dan Boren,
Member of Congress



Steve Womack,
Member of Congress