UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

OCT 1 2009

Ms. Teresa Marks
Director
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Mr. J. D. Strong
Secretary
Office of the Secretary of the Environment
Post Office Box 1677
Oklahoma City, OK 73101-1677

Dear Ms. Marks and Secretary Strong:

Over the past several months, our agencies have focused considerable attention on nutrient concerns in the Illinois River watershed in northeast Oklahoma and northwest Arkansas. Without question, the present and future quality of the Illinois River, its tributaries, and the water bodies into which it flows, remain important shared priorities for both Oklahoma and Arkansas, as well as for the Environmental Protection Agency (EPA). While recent permitting activities involving the Northwest Arkansas Conservation Authority facility have brought heightened attention to our discussion of water quality concerns in the basin, these most recent discussions are essentially connected to those which yielded the 2003 "Statement of Joint Principles and Actions." Now, as in 2003, we face the challenge of determining how best to manage sources of nutrients in the watershed.

As we have recently been discussing, over the next 12 to 18 months, EPA will develop a scientifically robust model of the Illinois River watershed, incorporating all relevant segments and nutrient sources in both Arkansas and Oklahoma. EPA's purpose in this effort is to provide a technically sound basis upon which regulatory and non-regulatory decisions can be confidently based – decisions which will lead to reductions of nutrients from both point and non-point sources of nutrients in the watershed. In short, EPA will undertake to model the Illinois River watershed as the basis for a water quality restoration plan.

As we move forward with efforts to develop an Illinois River watershed model covering portions of Arkansas and Oklahoma, I request that you designate technical liaisons with whom EPA will coordinate closely as we work with our modeling contractor. To ensure that the model we develop will be as representative of the watershed as possible, EPA requests both States' assistance in providing all available relevant water quality data to Region 6.

We expect this modeling effort may lead to the development of one or more Total Maximum Daily Loads (TMDLs) for the Illinois Basin. EPA will take the lead in developing such TMDL(s), and we encourage active participation by both Oklahoma and Arkansas. Along with the modeling work we are now initiating, other factors may influence future TMDL decisions for the basin. Such factors include any resolution of ongoing litigation regarding activities which impact water quality in the Basin and Oklahoma's reevaluation of the phosphorus criterion for Scenic Rivers (pursuant to the 2003 "Statement of Joint Principles and Actions"). During the period of model development, EPA encourages both States to administratively continue permits for existing major facilities discharging in the Illinois River watershed.

We are moving forward now to contract the necessary model development work, and we plan soon to engage your technical staff in discussions of how they can effectively contribute to the TMDL development process. Thereafter, I would like to conduct a broader stakeholder meeting of the principals before the end of the year. As additional information becomes available, I will follow up with you on specific plans for such a meeting. Since each of us is sensitive to concerns about permits that will be due for reissuance over the next 12 to 18 months, I would propose we aim to have TMDL(s) established before June 2012. To facilitate completion of that goal, we look forward to receiving the Rogers-Springdale study in December 2009.

In summary, as we have been discussing with officials in both the Arkansas and Oklahoma Departments of Environmental Quality, EPA Region 6 will soon initiate development of a water quality model of the Illinois River watershed in northwest Arkansas and northeast Oklahoma. As the Region already has the necessary financial resources to undertake this project, we primarily request your assistance in providing available data and in designating technical liaisons with whom we may coordinate throughout the project. Should you have any comments or questions, we would welcome any opportunity to further clarify our modeling project and our approach to addressing nutrient issues in the Illinois River watershed. Please feel free to contact me at (214) 665-7101, or your staff may contact Claudia Hosch of my staff at (214) 665-7170.

Sincerely yours,

Miguel J. Flores
Acting Deputy Regional Administrator

cc: Mr. Steve Drown, Arkansas Department of Environmental Quality
Mr. Randy Young, Arkansas Natural Resources Commission
Mr. Jon Craig, Oklahoma Department of Environmental Quality
Mr. Duane Smith, Oklahoma Water Resources Board