

J.D. STRONG
SECRETARY OF ENVIRONMENT



BRAD HENRY
GOVERNOR

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MAY 16 2010

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SECRETARY OF ENVIRONMENT

May 3, 2010

Mr. Miguel Flores, Director
Water Quality Protection Division
USEPA Region 6
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

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RE: Illinois River/Lake Tenkiller TMDL Project

Dear Mr. Flores:

Over the last several years, considerable attention and discussion have been devoted to concerns over nutrient levels in Lake Tenkiller and the Illinois River watershed in both Arkansas and Oklahoma. Largely due to the interstate nature of these concerns and their likely solutions, EPA has recently undertaken an effort to develop a scientifically robust water quality model of the lake and watershed, which is expected to lead to the development of one or more TMDLs for waterbodies in the study area. Oklahoma has encouraged and supported your efforts, and we continue to do so. However, recent statements by EPA officials have raised troubling questions about the scope of this important effort.

In comments at public meetings in Ft. Smith, Arkansas and Tahlequah, Oklahoma and most recently during a meeting with Oklahoma DEQ managers, EPA has stated that the focus of this project will be on setting nutrient reduction targets necessary to achieve compliance with Oklahoma's criterion for phosphorus in Scenic Rivers. This would allow NPDES permits to be updated for dischargers in the watershed. While Lake Tenkiller would be included in the models, EPA has stated that no TMDLs or nutrient load reductions would be developed to address the impaired water quality standards in the lake itself. This approach does not comport with Oklahoma's understanding of the goals of this project, and we urge you in the strongest possible terms to reconsider any decision to narrow the scope of this effort. Ignoring the acknowledged impairments of Lake Tenkiller would be a serious mistake.

Our understanding of this project was that it would comprehensively address all outstanding nutrient issues in the watershed. While we understand the interest in the phosphorus standard for Scenic Rivers, the EPA-approved water quality standards for chlorophyll-a, phosphorus and dissolved oxygen that apply to Lake Tenkiller are also not attained. These impairments have been included on Oklahoma's 303(d) list for several cycles and are all directly related to elevated nutrient loads. Leaving these impairments unaddressed, despite having expended the time and resources to develop the necessary modeling tools, would be short-sighted at best and stakeholders in the watershed would still be faced with uncertainty about future requirements.



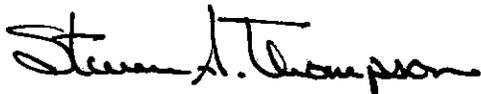
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We recognize your need for developing the necessary water quality-based requirements for permit issuance purposes, but leaving the lake impairments to be addressed at some unknown future time would not accomplish this end since additional reductions may be necessary. It would not be fair to dischargers in the watershed to develop nutrient reduction goals based on one set of water quality standards, then require additional reductions later after substantial expenditures for treatment improvements have been made. All stakeholders need to know what the ultimate requirements will be in order to prudently plan for the future.

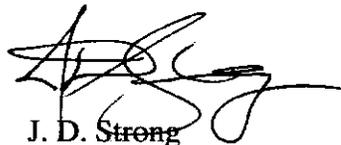
While we don't know what the new models will show, the preliminary efforts Oklahoma has conducted indicate that the dominant loading sources contributing to impairments in the rivers and the lake differ substantially. We firmly believe that a comprehensive approach addressing all sources and all nutrient impairments should be pursued for this watershed. Indeed, that is the basic intent of the TMDL program. We urge you to ensure that this project remains focused on addressing all nutrient impairments in the watershed, including Lake Tenkiller.

Thank you for your attention to this important water quality matter. If you would like to discuss this matter further, please contact us at the numbers below, or call Shellie Chard-McClary at (405) 702-8157.

Sincerely,



Steven A. Thompson, Executive Director
Oklahoma Department of Environmental Quality
(405) 702-7161



J. D. Strong
Oklahoma Secretary of Environment
Interim Executive Director, Oklahoma
Water Resources Board
(405) 530-8800