



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6

1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202 – 2733

Office of the Regional Administrator

May 2, 2013

Mr. Kevin Igli
Senior Vice President and Chief Environmental, Health and Safety Officer
Tyson Foods, Inc.
2200 Don Tyson Parkway
Springdale, Arkansas 72762-6999

Dear Mr. Igli:

Thank you for your February 26, 2013, letter requesting that the U.S. Environmental Protection Agency suspend its ongoing efforts to develop a Total Maximum Daily Load for the Illinois River Watershed in Arkansas and Oklahoma.

A key component of the “Second Statement of Joint Principles and Actions,” recently signed by state government officials in both Arkansas and Oklahoma, is a joint three-year stressor-response study of water quality in the Illinois River Watershed. The stated primary purpose of the joint study is “*to determine the total phosphorus threshold response level.*” As stated in your letter, the results of this study could reaffirm the current 0.037 mg/l phosphorus standard or support a higher or lower criterion for the Oklahoma portion of the Illinois River.

The EPA believes continuing the current work in the Illinois Basin is vital to the shared goal of improved water quality in the Illinois River and its upstream tributaries in northwest Arkansas. Given the time and resources required to achieve the current level of model development, the EPA believes completion of the modeling efforts and development of any TMDL(s) is likely to be a lengthy process. Therefore, we believe it is important to continue moving forward with the ongoing modeling and TMDL work. In the event that the prospective stressor-response study is completed and yields an alternative EPA approved phosphorus criterion, the EPA will consider replacing the current Scenic Rivers criterion (0.037 mg/l phosphorus) with the new value and reassess the results of modeled load reduction scenarios at that time.

It continues to be the EPA’s understanding that Oklahoma’s 0.037 mg/l phosphorus criterion remains in effect for Clean Water Act purposes. The new interstate agreement alone cannot amend Oklahoma’s water quality standards or suspend their implementation.

Thank you for sharing your concerns. For further communication of these issues and logistics of arranging a meeting in our Dallas office, please contact Mr. Eugene Thilsted, Special Policy Advisor – Agriculture, at (214) 665-2782. If you have other questions, please contact me at (214) 665-2100.

Sincerely,


Ron Curry
Regional Administrator