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August 1, 2011

Mr. Phillip Moershel
Oklahoma Water Resources Board (OWRB)
Water Quality Standards Section
3800 N. Classen
Oklahoma City, OK 73118

Dear Mr. Moershel:

While we share the goal of continued water quality improvements in the Illinois River, I am writing to express several of my concerns regarding the public policy development process that is occurring as the Oklahoma Water Resources Board (OWRB), in cooperation with the State of Arkansas, reevaluates the 0.037 mg/l criterion for total phosphorus. Thank you for the opportunity to provide comments.

As you know, the 2003 "Statement of Joint Principles and Actions," signed by the states of Arkansas and Oklahoma, states that "Oklahoma will reevaluate Oklahoma's .037 mg/l criterion for total phosphorus in Oklahoma's Scenic Rivers by 2012, based on the best scientific information available at that time, and with the full, timely inclusion of officials from the State of Arkansas representing both point and non point source dischargers." I appreciate efforts to make sure this process is fair and transparent.

First, I strongly encourage the OWRB to review scientific criticisms of the method that was initially used to develop the 0.037 mg/l criterion for total phosphorus. In developing the current, unattainable standard, the OWRB reviewed pristine streams (i.e. "relatively un-impacted basins") and arbitrarily chose to set its total phosphorus criterion at the high end (75th percentile) of this already pristine and exceptional collection of reference streams. During the reevaluation, a more scientifically-robust approach that directly associates the criterion with real-world conditions and desired outcomes (i.e. beneficial uses) should be used.

Second, I strongly encourage you to improve water quality monitoring throughout the Illinois River Watershed in Oklahoma. As you know, there have been significant, well-documented declines in the phosphorous loads in the Illinois River in Arkansas over the past decade. These declines have been tracked through water quality sampling efforts in Arkansas and are attributable to the significant and costly investments that Arkansas stakeholders made to improve water quality. Our cities have invested approximately \$225 million in efforts to improve water quality since 2000, and we have reduced non-point source runoff through the implementation of nutrient management plans and other efforts to put poultry litter to beneficial uses outside the Illinois River watershed.

Finally, I encourage you to take the position that if the U.S. Environmental Protection Agency (EPA) decides to pursue a Total Maximum Daily Load (TMDL) for phosphorus in the Illinois

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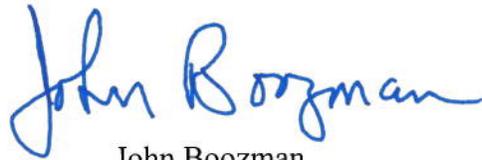
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River, the EPA should not do so until the completion of the reevaluation of the phosphorus standard. While the Illinois River Watershed Modeling Project may be completed prior to the finalized phosphorus standard revision, it would be inappropriate for the EPA to take further action in the middle of the criterion reevaluation process.

This letter does not comprehensively address the concerns and views I have regarding efforts to continue the significant water quality improvements we have seen in the Illinois River watershed; however, this letter does highlight several of the important issues we must take into consideration. I hope you will remain open to the sincere efforts of Arkansas stakeholders to play a meaningful role in developing a scientifically-robust, thorough, and transparent process that will enable the OWRB to arrive at a justifiable and attainable phosphorus standard for the Illinois River in Oklahoma.

Sincerely,



John Boozman,
U.S. Senator

CC:

Randy Young, Arkansas Natural Resources Commission

Teresa Marks, Arkansas Department of Environmental Quality