



Upper
Mississippi River
Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

September 8, 2008

Mr. Benjamin H. Grumbles, Assistant Administrator
Office of Water, U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 4101M
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

**RE: FY 2008 Gulf Hypoxia Operating Plan and Federal Strategy for Implementing
the Clean Water Act on the Mississippi River**

Dear Assistant Administrator Grumbles:

Congratulations on the completion of the Gulf Hypoxia Action Plan 2008 and the accompanying FY 2008 Operating Plan. The Upper Mississippi River Basin Association (UMRBA) appreciates the effort that the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force and your Office of Water have put into developing these important documents, and we believe they will provide a sound foundation for cooperative action among a range of public and private sector actors.

As you are aware, UMRBA is the Governor-established cooperative forum for interstate water resource planning and management on the Upper Mississippi River (UMR). Through UMRBA, our member states of Illinois, Iowa, Minnesota, Missouri, and Wisconsin have been actively engaged in improving coordination and implementation of the Clean Water Act (CWA) on the UMR. With our member states having been well represented on the Hypoxia Task Force, we are not seeking here to offer comprehensive perspectives on the Action Plan and Operating Plan. However, because it is so particularly germane to the work we are doing through our Water Quality Executive Committee and Water Quality Task Force, UMRBA would like to offer its perspective regarding one particular aspect of the Operating Plan — i.e., the element indicating that the United States Environmental Protection Agency (US EPA) will “analyze opportunities for a federal strategy to improve the effectiveness of Clean Water Act programs in the Mississippi Basin” by December 2008.

UMRBA applauds US EPA’s commitment to developing such a strategy. From our vantage point, being actively engaged with our five states, two US EPA regions, and other partners to improve UMR water quality, we believe strongly that a federal strategy to improve the Clean Water Act’s effectiveness on the Mississippi River should take the following into account:

- 1) the importance of state-led “local” water quality improvements to overall success,
- 2) the need to support and build upon complementary efforts at the interstate level, such as the collaboration already in place on the UMR through the UMRBA,
- 3) the cooperative relationship between US EPA and the states in successfully implementing the CWA, and
- 4) the ongoing work of the states through the hypoxia sub-basin teams, including the Upper Mississippi River Sub-basin Hypoxia Nutrient Committee.

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Since the passage of the CWA, state-led efforts to improve water quality at a “local” level using the Act’s provisions have been a primary mechanism through which nationwide advancements in water quality have been achieved. In the context of Gulf hypoxia, local water quality improvements are essential in supporting both the “Within Basin Goal” and, indirectly, the “Coastal Goal” expressed in the Action Plan. Additionally, the most effective method of building support for the overall improvement of the river’s water quality, and ultimately addressing the hypoxia issue, will be to demonstrate progress in improving the quality of local waters. It is therefore appropriate that US EPA strongly support states’ CWA programs as part of a federal strategy to improve the Act’s implementation on the river. In this way, progress can be made locally that will ultimately contribute to improvement in the river as a whole.

The states have also made progress in coordinating the implementation of the CWA on the Upper Mississippi River, using the UMRBA as forum for this collaboration. US EPA’s assistance to date with this work, through past grants and a planned intergovernmental personnel agreement, is appreciated by the UMRBA. The UMR states are now actively engaged in discussions of how the CWA should best be applied to the unique and diverse characteristics of the UMR. This includes examining how aquatic life use designations might be adjusted to better reflect specific large river habitats and whether biological indicators might be utilized to inform both CWA implementation and ecosystem restoration efforts on the river. In addition to providing a critical forum for the states to jointly address these issues of interstate relevance, this regional level progress provides an important link between state-specific activities and national goals such as the reduction of the hypoxic zone. Enhanced US EPA engagement in regional efforts such as those of the UMRBA is therefore a critical component of overall success, and should be acknowledged in the development of federal CWA implementation strategies.

The Action Plan establishes an important vision for an interwoven approach of federal, state, and local strategies to address hypoxia. Our hope is that efforts under the Operating Plan to develop a federal strategy to improve the CWA’s effectiveness will embody this cooperative spirit, and will specifically recognize the partnership between states and the US EPA in implementing the CWA. Clearly, a strong federal role is essential to improving water quality on the Mississippi River, but national-level goals and federal-level action will not succeed in isolation and must be integrated with complementary strategies at the state and interstate level, acknowledging the appropriate and historic role of the states as the lead implementers of the CWA and other water quality protection efforts.

In summary, the Upper Mississippi River Basin Association submits these comments in an effort to assist the US EPA in successfully developing a federal strategy to aid the implementation of the CWA on the Mississippi River. We understand that US EPA considers the current National Research Council (NRC) project, “The Mississippi River and the Clean Water Act: Scientific, Modeling, and Technical Aspects of Nutrient Pollutant Load Allocation and Implementation” as one of its primary mechanisms for executing this element of the Operating Plan. Therefore, we hope that the UMRBA’s perspectives will be communicated by the US EPA to the project’s panel, and we have taken the liberty of sharing a copy of this letter with Jeffrey Jacobs of the NRC staff.

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Also, please note that these observations are supplementary to, but are in no way a substitute for, comments that may be offered by any of UMRBA's member states individually, or input that these states may have had in developing the Operating Plan. Should you or your staff have any questions regarding this letter, Dave Hokanson or Barb Naramore of the UMRBA staff (651-224-2880) will be in the best position to assist you with your inquiry.

Thank you for your time and your consideration.

Sincerely,

A handwritten signature in black ink that reads "Martin Konrad". The signature is written in a cursive, flowing style.

Martin Konrad, Chair

cc: Craig E. Hooks, Director, Office of Wetlands, Oceans, and Watersheds, Office of Water
Timothy Henry, Associate Director, Water Division, Region 5
William A. Spratlin, Director, Wetlands, Watersheds, and Pesticides Division, Region 7
Jeffrey Jacobs, National Research Council Staff