



Upper
Mississippi River
Basin Association

ILLINOIS, IOWA, MINNESOTA, MISSOURI, WISCONSIN

December 13, 2007

Mr. Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building, Mail Code 1101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

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: UMRBA Response to National Research Council Report Regarding the Mississippi River and the Clean Water Act

Dear Administrator Johnson and Assistant Administrator Grumbles:

The recent National Research Council (NRC) report, "Mississippi River Water Quality and the Clean Water Act: Progress, Challenges, and Opportunities" has presented an excellent summary of the current environmental and institutional challenges to improving water quality on the Mississippi River. Moreover, the publication of the report provides a unique opportunity for catalyzing discussion and action to enhance the protection of the Mississippi River, America's Great River.

As the Governor-established cooperative forum for interstate water resource planning and management on the Upper Mississippi River, the Upper Mississippi Basin Association (UMRBA) offers you its reaction to the NRC report and comments on the report's implications for collaborative work to improve Upper Mississippi River (UMR) water quality. Specifically, the UMR states would like to emphasize that:

- Further improvement of the River's water quality will require a layered, interwoven approach of local, state, regional, and federal actions, and
- Federal support for the UMRBA's interstate efforts is critical to overall success both regionally and for the River as a whole.

UMRBA Concurs with Problem Identification Made in the NRC Report

The UMRBA believes that the NRC report has, in general, properly characterized the obstacles to continued improvement of the River's water quality, in terms of both environmental and institutional challenges. The report appropriately identifies non-point source pollution inputs of both nutrients and sediments as the primary ongoing water quality concern for the River. Other important water quality issues, such as legacy contaminants, pesticides, and pathogens are identified as well, although they are not a primary focus of the report. The report also appropriately identifies a number of institutional and programmatic issues impeding improvements in Mississippi River water quality, including multiple jurisdictions on the River with varying water quality standards, the lack of an overarching Clean Water Act-focused monitoring program, and the Clean Water Act's limited ability to address non-point source pollution.

UMRBA Envisions a "Layered" Approach to Addressing UMR Water Quality

While we generally concur with the report's identification of challenges facing Mississippi River water quality, the UMRBA would like to offer its perspective regarding potential solutions to these challenges. The NRC report portrays federal-level action, and United States Environmental Protection Agency (EPA) activities specifically, as the key to improvement of River water quality.

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This viewpoint is made apparent in recommendations such as those for EPA to: 1) develop a federal TMDL (or functional equivalent) for the Mississippi River and the northern Gulf of Mexico; 2) establish water quality criteria for the Mississippi River and the northern Gulf of Mexico; and 3) create a data-sharing system for the entire River. Although the report also discusses the importance of state and regional efforts, it is apparent that the federal role is viewed as predominant.

While we agree that a strong federal role is essential for success, the UMRBA states feel that the appropriate federal role needs to be implemented in the context of a comprehensive, cooperative, and layered approach involving local, state, regional, and federal responsibilities. This interwoven approach is one where tasks are appropriately scaled and assigned to entities at all levels, and where success is not overly reliant on EPA. EPA's most appropriate roles in this setting include: 1) addressing the nation-wide and international aspects of issues such as Gulf hypoxia; and 2) helping states and interstate agencies in addressing local and regional water quality problems.

UMRBA as the Leader in Coordinating UMR Water Quality Protection

Within a layered approach to improved River water quality, the UMRBA is the leading interstate, regional collaborative to assist the states in implementing the Clean Water Act on the UMR. As described in our December 2006 report, "Organizational Options for Interstate Water Quality Management on the Upper Mississippi River," the states are seeking to further enhance the UMRBA's role in this area. In an August 2, 2007 joint statement, the Governors of the five UMR states affirmed this intention, stating:

We are therefore supporting the coordination of water quality monitoring, assessment, and standards for the Upper Mississippi River by the States of Illinois, Iowa, Minnesota, Missouri, and Wisconsin and the Upper Mississippi River Basin Association (UMRBA). This approach will allow the Clean Water Act to be implemented on the Upper Mississippi River in a more coordinated and consistent fashion than has ever been possible previously.

This vision will take UMRBA beyond its currently successful, albeit modest, efforts to encourage communication among the states and EPA to a level of involvement where new tools will be created to aid states in more effectively and collaboratively protecting the UMR. An example of this type of work is the effort recently initiated by the states and UMRBA to explore and potentially refine the designated uses assigned to the UMR. It is UMRBA's view that this type of foundational, collaborative regional discussion is critical to UMR water quality improvements in the long run.

Ongoing EPA Contribution Needed to Support Continued Progress on the UMR

The NRC report applauds UMRBA's work to date and suggests that it may provide a model for collaboration on the Lower Mississippi River. While we certainly appreciate this praise and are proud of our accomplishments, our observation is that much work remains and that ongoing EPA support and engagement are needed in helping us accomplish our goals regarding water quality. Working through the UMRBA, our five states have been able to make significant initial gains in coordination and improved consistency in addressing UMR water quality. Funding for the UMRBA's current efforts is being provided by the states themselves, through association dues and voluntary "water quality assessment" payments. However, the states cannot be expected to shoulder these interstate responsibilities on their own.

In recent years, EPA Regions 5 and 7 provided grants to aid the initiation of UMRBA's water quality work, but these funds were limited and are no longer available. Similarly, EPA's Environmental Monitoring and Assessment Program-Great River Ecosystems (EMAP-GRE) project provided an important first step in piloting a sampling protocol for Clean Water Act

assessment monitoring on Great Rivers, including the UMR. But as a research and development project, EMAP-GRE is limited in its duration. While these EPA contributions have been essential and appreciated, it is clear that the tasks ahead will require a much more significant and ongoing investment of resources to be successful.

Overall, federal water quality investment in the UMR has paled in comparison to that provided to other nationally significant water bodies, such as the Chesapeake Bay and the Great Lakes. The UMR states ask that the EPA consider how it may best offer its ongoing support to the work of the UMRBA. We further suggest that a comparatively modest investment in the ongoing work of the UMRBA will be an efficient use of EPA resources, in that it would support an established and proven Governor-supported collaborative that is best positioned to lead cooperative efforts to improve water quality.

Even before the publication of the NRC report, the UMRBA had been seeking \$200,000 in EPA funds for FY 08 to initiate ongoing annual federal investment in UMR water quality work. Subsequent to the report, moving forward on this modest but essential initial investment seems even more appropriate as a first step toward annual federal support at a level commensurate to that provided to other interstate water quality management organizations.

Support of the UMRBA would certainly be an effective way for your agency to meet its obligation in Section 103(a) of the Clean Water Act to "...encourage cooperative activities by the States for the prevention, reduction and elimination of pollution..." and to answer the NRC report's recommendation that "the EPA should encourage and support the efforts of all 10 Mississippi River states to effect regional coordination on water quality monitoring and planning, and should facilitate better integration of state-level programs."

We would also add that improvement in UMR water quality can only help aid the overall improvement of water quality on the entirety of the Mississippi River. Moreover, improved UMR-specific collaboration can be a valuable precursor to River-wide collaboration.

Finally, we view the publication of the NRC report as a singular opportunity for the states, EPA, and interstate organizations such as the UMRBA to engage in productive conversations regarding the future of Mississippi River water quality protection. We invite you to share any thoughts you may have on this opportunity with the UMRBA. We look forward to continued collaboration with the EPA in our shared goal of protecting this nationally significant resource.

Please feel free to contact me at 573-751-4732 should you wish to discuss these ideas further. You may also contact Dave Hokanson or Holly Stoerker of the UMRBA staff at 651-224-2880 for further information.

Thank you for your time and your consideration.

Sincerely,



Michael D. Wells, Chair

cc: Ephraim King, Director, Office of Science and Technology, Office of Water
Craig E. Hooks, Director, Office of Wetlands, Oceans, and Watersheds, Office of Water
Mary A. Gade, Administrator, Region 5
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