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*Forging a partnership between farmers and consumers. \* Working together for Ohio's farmers.*

July 13, 2007

Ms. Katie McKibben  
Ohio EPA – Northwest District Office  
347 North Dunbridge Road  
Bowling Green, OH 43402-9398

Re: Review and Comment Beaver Creek and Grand Lake St. Marys TMDL

The Ohio Farm Bureau Federation (OFBF) would like to thank you for the opportunity to review and submit comments on the draft Total Maximum Daily Load (TMDL) for the Beaver Creek and Grand Lake St. Marys Watershed, Ohio.

OFBF is the largest voluntary nonprofit agricultural organization in the state of Ohio. Our members produce virtually every kind of agricultural commodity and as a result, OFBF is strongly interested in Ohio's TMDL program.

In an effort to ensure that Ohio agriculture is an active partner in watershed management activities, OFBF developed and launched the Agricultural Watershed Awareness and Resource Evaluation (AWARE) program. This program is designed to raise the comfort level of the agricultural community so that they will engage in watershed management discussions. Without the involvement of all watershed stakeholders, the TMDL program is destined for failure.

The voluntary implementation of management practices by Ohio's agricultural producers is resulting in many positive impacts on air, soil and water quality. We encourage our members to continue to be good stewards of our natural resources.

As per the published Public Notice, we have performed our review and our comments follow:

1. Appendix D

Table D-2 presents an excerpt from the unpublished 2002 Ohio EPA Wabash River Biological and Water Quality Report (BWQR). For the evaluated water bodies in the TMDL study area, the existing WWH aquatic life use designation was considered inappropriate by the Ohio EPA experts. In the BWQR study, the Ohio EPA aquatic biologists proposed that the aquatic life use designations be changed from WWH to either MWH or LRW. These recommendations were not incorporated into the development of the nutrient TMDLs discussed in this report as evidenced by the target values presented in Table 2-5 on page 9 of the document. Why were the recommendations of Ohio EPA's experts to assign the correct aquatic life use designations not factored into the TMDL study?

2. Table 2-5, page 9.  
The table presents the target values used to develop the nutrient TMDLs for the Beaver Creek and Grand Lake St. Marys watershed. These values are inappropriate based on the recommended aquatic life use designations in the Ohio EPA BWQR study (MWH or LRW not WWH). Review of tables 1 and 2 in the 1999 Ohio EPA Association Between Nutrients, Habitat, and the Aquatic Biota in Ohio Rivers and Streams report reveals that the target values used for total phosphorus TMDLs are from 1.5 to 4 times too low and the target values for nitrate nitrogen TMDLs are 1.6 times too low. What is the justification for basing the nutrient TMDL targets on aquatic life use designations that are deemed inappropriate by Ohio EPA experts?
3. Table 3-2, page 13.  
Station 605020 Beaver Creek at Meyer Road is located downstream of the uncontrolled outlet from Grand Lake St. Marys. It is not clear how the discharge volume and the nutrient load from Grand Lake St. Marys was incorporated into the development of the load duration curve and TMDL for this location. Please provide an explanation and insert the discussion into the document.
4. Page 12, paragraph 3.  
This section of the report discusses the weaknesses of using the load duration curve approach to develop TMDLs. As discussed, specific nonpoint sources of nutrients and pathogens could not be identified and source reductions quantified. With that being said, it is curious that the water quality improvement strategy presented in Section 8.0 of the document contains impairment cause/source specific details. It is clear that Ohio EPA has predetermined the causes, sources and solutions to the water quality impairments by the tone of the writing of Section 8 of the document. How can the improvement strategy (written by Ohio EPA) pinpoint specific causes and sources of impairment when the TMDL development process (conducted by Tetra Tech) could not? Please explain this apparent discrepancy.
5. Section 8.1.1, page 56, paragraph 1.  
The tone of the discussion regarding livestock production is opinionated and biased. The author of this section implies that all of the existing livestock operations are managed incorrectly and are pollutant sources. They go on to say that it will not be until each and everyone is issued a permit that a water quality improvement will be realized. These statements are condescending, argumentative and disrespectful to the very successful non-regulatory programs being conducted by ODNR-Division of Soil and Water Conservation, the local SWCDs and NRCS. Drop the last 3 sentences in paragraph 1 and all of paragraph 2 on page 56 from the document.
6. Section 8.1.2, page 57, paragraph 5.  
The author of this section presents a bias against agricultural drainage. Agricultural drainage and stream channelization was established in the TMDL study area for the purpose of removing excess water to allow agricultural fields to drain, increasing field accessibility and improving crop growth and yield. Arbitrarily placing water quality (habitat) constraints on a drainage system designed and maintained to

address the efficient transportation of excess water (a.k.a. the enemy of the state) is unrealistic. Delete the second sentence of this paragraph.

7. Section 8.1.3, page 61 paragraph 1.

The author of this section states in no undeniable terms that the nutrient and sediment loads to Beaver Creek and Grand Lake St. Marys tributaries are caused by specific identifiable pollutant sources. Sources that could not be specified during TMDL development. How can this be? If the pollutant sources are suspected sources the document should state that fact. Do not imply certainty when none exists.

8. Section 8.1.3, page 62, paragraph 2.

Once again, in the third sentence, a specific pollutant source is identified. If data are not available to specify pollutant sources during TMDL development, how can this statement be made? The sentence should be deleted from the document because data are not available to support this claim.

9. Appendix B: Bathtub Model, section 1.1.2, page 6.

In this section of the document, Tetra Tech acknowledges that an insufficient amount of total phosphorus data exists to adequately develop a total phosphorus load into Grand Lake St. Marys. To overcome this limitation, the total phosphorus load was estimated using phosphate values that were higher than the total phosphorus values, raising questions regarding the credibility of the modeling results. It is curious that Tetra Tech was able to develop a total phosphorus load duration TMDL for the same station locations that apparently did not have adequate data to develop a total phosphorus load in the Bathtub Model analysis. This raises many questions regarding the validity of the total phosphorus TMDL as well as the Bathtub Model results. Please explain this apparent contradiction in the utility of the available data.

Once again, thank you for the opportunity to provide comments and feel free to give Dr. Larry Antosch of our staff a call, at 614-246-8264, if you have any questions regarding these comments.

Sincerely,



John C. Fisher  
Executive Vice President

JCF/lma