



FORGING *a PARTNERSHIP* *between* FARMERS *and* CONSUMERS

November 14, 2014

Gina McCarthy
U.S. Environmental Protection Agency
EPA Docket Center
Enforcement and Compliance Docket
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Jo-Ellen Darcy
Assistant Secretary of the Army for Civil Works
108 Army Pentagon
Washington, DC 20310-0108

Attention: Docket ID No. EPA-HQ-OW-2011-0880 – Waters of the United States Proposed Rule

Dear Administrator McCarthy & Assistant Secretary Darcy:

The Ohio Farm Bureau Federation (OFBF) would like to thank you for the opportunity to review and submit comments on the U.S. Army Corps of Engineers' and the U.S. Environmental Protection Agency's (EPA) joint proposed rule - Definition of "Waters of the United States" under the Clean Water Act (CWA) - published in the Federal Register on April 21, 2014 (79 FR 22187).

OFBF is the largest voluntary nonprofit agricultural organization in the state of Ohio. Each year at the county and state level, our members participate in a comprehensive grassroots policy development process where issues important to them are identified, researched and discussed leading to the development of policies to address these issues. Over 340 delegates from all 88 Ohio counties meet annually to vote on and adopt the policy proposals. The adopted policies guide the organization as we provide legislative and regulatory oversight.

OFBF policies are based on the tenets of protecting private property rights and that environmental regulations be scientifically sound, based on credible data, practical, realistic and economically feasible. It is these areas which serve as the basis of our following comments.

States, not the Federal government, have the lead for advancing water quality through the CWA and more importantly through state-local-private sector partnerships. Section 101(b) of the CWA clearly states that, "it is the policy of the Congress to recognize, preserve, and protect the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation and enhancement) of land and water resources..."

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In Ohio, successful water quality management efforts have been developed and are being implemented by engaged stakeholders who have close relationships with state and local officials, not by Federally-prescribed directives. State and local officials have been left out of the drafting of the proposed rule, a rule which if implemented, will impede ongoing efforts to advance innovative, state-based water quality initiatives, such as Ohio's holistic watershed perspective in water resource management, the State of Ohio Nutrient Reduction Strategy, recently passed legislation (SB 150) to require state certification for agricultural fertilizer application, the Director's Agricultural Nutrients and Water Quality Working Group and on the ground edge of field research to discover and evaluate management measures that help reduce the off-site transport of nutrients.

Application of enhanced Federal oversight is duplicative and not necessary, given the definition of "waters of the state" within Ohio Revised Code 6111 and the protective chemical, physical and biological criteria provided to these waters under the Ohio Water Quality Standards. The watershed orientation of Ohio's water quality management programs applies corrective actions to any contributing source within the watershed regardless if they lie on classified or unclassified waters.

By the agency's own admission, it has been stated on numerous occasions that the proposed Federal regulation will only expand the scope of jurisdiction by approximately 3 percent. We estimate the Ohio stream miles subject to jurisdiction would increase from the current status of approximately 59,000 miles of digital mapped streams to an estimated 92,000 miles, an increase of approximately 33,000 miles or an increase of 56%. This scope difference alone would vastly increase the costs of the proposed regulation, the duplication of authorities and create confusion for farmers in these geographic areas.

The Federal government's proposed approach, and the content of the proposed rule, will seriously impair ongoing advancements in water quality in the State of Ohio. Many Ohio farmers would be forced to gain Federal permits not only to conduct the everyday actions of planting and harvesting a crop but to install water quality infrastructure projects. These unrealistic, costly and time-consuming requirements would discourage agricultural producers from undertaking the very projects that would improve water quality throughout the State. This concerns us because at this critical time in Ohio there are numerous important actions ongoing by farmers in partnership with universities, industry, conservation groups, state and local government to address our current water quality challenges.

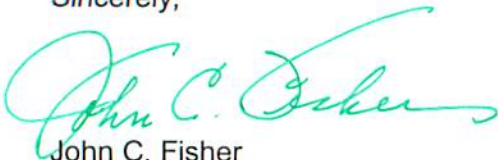
Ohio is an economically important and diverse state with strong manufacturing and agricultural industries. The recreational use of our waters has also contributed significantly to job creation and economic growth. Water resource management programs have been developed in Ohio to address the national CWA water quality objective, often referred to as the "fishable/swimmable" goal. Since the early 1970s, Ohio EPA has measured the quality of Ohio's water resources and worked with industries, local governments, and citizens to restore the quality of substandard waters. These programs administered at the state level have proven to be workable and

effective and have received cooperative participation from the agriculture, recreation and business sectors alike.

The proposed rule will impose significant barriers to the advancement of innovative, state and locally driven conservation and environmental practices that would actually advance the common goal of water quality. We request the proposed rule be withdrawn and that any future rulemaking be appropriately coordinated with States and relevant stakeholders. We agree that achieving clean water may require good, clear, well-designed regulations – unfortunately, the ones currently being proposed are not.

Once again, thank you for the opportunity to provide comments on the joint proposed rule.

Sincerely,



John C. Fisher
Executive Vice President

JCF/lma

Cc: Steve Hirsch, OFBF President
OFBF Board of Trustees
County Farm Bureau Presidents – Ohio's 88 counties
OFBF Cabinet