

Water Quality Update

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Oklahoma faces TMDL Citizen Lawsuit



Two Oklahoma environmentalists have given 30-day notice they intend to file suit seeking to have the EPA set pollution limits, or TMDLs, under the federal Clean Water Act.

Notice of the proposed suit was filed by Tulsa-based attorney Blake Champlin on behalf of Dr. Mark Hayes and Ed Brocksmith. Hayes, a Tulsa physician, and Brocksmith, a Northeastern State University faculty member, of Tahlequah are both members of the Oklahoma Scenic Rivers Commission, but the proposed action is on behalf of them as individuals.

"There are no TMDLs for scenic rivers and other high quality waters. We think this is the first step to protecting scenic rivers."

According to Champlin, Oklahoma has 580 impaired water segments, and to-date only "a handful of TMDLs" have been established. "Some of our outstanding waters have continued to degrade the last few years... There are no TMDLs for scenic rivers and other high-quality waters. We think this is a first step to protecting the scenic rivers."

Champlin, who notified the Oklahoma Water Resources Board, the Oklahoma Department of Environmental Quality and the Oklahoma Scenic Rivers Commission, said that the regulation of water in Oklahoma involves several agencies.

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TMDL-Total Maximum Daily Load

TMDLs are an integrated approach to water quality protection that consider both point and non-point sources of pollution.

TMDLs are required by the Clean Water Act for estimating the reduction in pollution necessary to meet water quality standards on an impaired waterbody and recommending control measures that will bring about this improvement.

A spokesman for the Department of Environmental Quality said the agency is attempting to set up a meeting between EPA, the Water Resources Board, and Champlin to see if an agreement can be worked out to avoid the actual filing of a lawsuit.

Litigation over these same issues has been filed in other states. In July, an environmental group in New Mexico filed a similar suit to force the state to more clearly define TMDLs for that state.

EPA recently notified all states of the need to submit a schedule to effect TMDL standards to the agency by October 1.

A decision on whether or not to file the lawsuit is not expected until after meetings between the parties and the state are concluded. Champlin said, "Our ultimate goal is to get an agreement from EPA with a schedule of compliance. It is now open ended with no deadlines. There should be deadlines and priorities to protect the outstanding water resources."

In the notification letter, Champlin stated, "The failure of the state of Oklahoma to promulgate TMDLs for 18 years is so deficient as to constitute a constructive submittal of no TMDLs which in turn triggers EPA's mandatory duty to develop TMDLs itself." ♦

-Adapted from *Texas & Southwest Environmental News*, Vol. 7(6) September, 1997

Deformed Frogs Prompt National Search for Cause

For the past several years deformed frogs have been turning up in several sections of the country. Now scientists are in the earliest stages of what many hope will be a national survey - a systematic, state by state and regional overview of the extent of the problem.

These frogs have extra legs, or no legs, fingers protruding from stomachs - some have an eye in the middle of their back. So far, there have been reports of unusually high numbers of deformed frogs in Minnesota, Vermont, Wisconsin, and Quebec, but the deformities have also been spotted in many other states around the country.

"In the U.S., deformed frogs have been most fully documented in the northeastern and Midwestern sections of the country" said Dr. Kathryn Converse, wildlife disease specialist for the National Wildlife Center of the U.S. Geological Survey's Biological Resource Division in Madison, Wisconsin. "Now investigation and sampling of frog populations is taking place in other regions, as well."

"We are trying to find out what is and is not known about these frogs," she said. "Not only scientists, but, more and more, ordinary people are finding deformed frogs, and we need a systematic sampling to determine the full extent of the problem."

There are a number of studies underway, said Converse, some linking these deformities to chemicals in the environment.

According to Martin Ouellet of McGill University in Montreal, the deformities are most strongly linked to pesticides. He and four other scientists have been studying deformed and normal frogs found in ponds in the St. Lawrence River Valley for the past four years.

Normally, less than one percent of frogs are deformed, and that's about what Ouellet found in frogs taken from pristine ponds. But in ponds where pesticides are used nearby, as many as 69 percent of the frogs were deformed, he said.

Many scientists believe the problem lies with a new generation of chemicals that mimic growth hormones called retinoids. Retinoids powerfully affect development, and if they are inside a growing animal

at the wrong place and at the wrong time, they can cause deformities.

Recent laboratory experiments have determined that a pesticide can mimic a retinoid and, conceivably, cause defects in frog development, said David Gardner, a molecular biologist from the University of California at Irvine.

Dr. Converse notes that "There are probably a number of factors involved [in the frog mutations]. Researchers are coming at this problem from a number of different perspectives-and that's good-but we also need to get a better handle on how to best investigate this problem."

Over the next several months, she says, the USGS will be coordinating several state and federal land surveys to determine the extent of frog deformities across the country, and to document the findings.

The USGS is setting up a national reporting center in South Dakota, which will have both an 800 number and a web site to allow the public to call in with information they have found. ♣



Adapted from *U.S. Water News*, August, 1997 Vol. 14(8)

Environmental Classroom Grants

The Department of Environmental Quality and the Environmental Quality Education Committee has announced the availability of classroom grants (made possible from the sale of environmental license tags). There will be 25 - \$500 classroom grants and 20 - \$200 field trip grants awarded.

The field trip grants are for high schools that wish to take field trips to Oklahoma industries to learn more about environmental careers, pollution prevention, etc. Any Oklahoma educator, 4-H club, Campfire, Boy Scout Group, etc. may apply.

Deadline for submission is October 31, 1997. Contact Suzie Shields at the ODEQ at 405/271-1400 for further details. ♣

-*Oklahoma Water Log*, Summer, 1997

POTENTIAL ITEMS OF INTEREST

To check out any of these items or for further information contact Tori Riggs at 405/744-5653.



Announcement:

Water Environment Federation - Preliminary Technical Program for the 70th Annual Conference and Exposition October 18-22, 1998 - Chicago

* CALL FOR PAPERS

Specialty Conference on Rangeland Management and Water Resources

SPONSORS: American Water Resources Association and the Society for Range Management

WHEN/WHERE: May 27-30 Reno, Nevada

VIDEO!

Using Physical Groundwater Flow Models for Demonstrations

This video provides demos of the Wisconsin and Iowa groundwater flow models. These models can be used to demonstrate groundwater contamination, processes and controls. Demos can be used with both adult and youth groups.

TIME: 42 minutes

*REPORT:

Changes in flow in the Beaver-North Canadian River Basin Upstream from Canton Lake, Western Oklahoma.

USGS Water Resources Investigations Report 96-4304.

LENGTH: 58 pages

If you need a copy of any articles, contact Tori Riggs at (405) 744-5653.

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Legislative Highlights:

Senate, House pass '98 USDA Funding Bills

In August, both the Senate and House finished action on their fiscal 1998 USDA appropriations bills.

The Senate bill provides a total of \$850.848 million for CSREES (Cooperative State Research and Extension Service)—down \$58 million from FY97. The Extension allocation is \$423.22 million—down nearly \$3 million. The House bill is even more parsimonious, \$836.333 million overall and \$415.11 for Extension.

Many Extension line items are unchanged from their FY97 levels in both bills. Among these are support for 1890 (Traditionally Black) and 1994 (Native American) institutions, EFNEP, sustainable agriculture, rural development centers, and Indian Reservation Extension Programs. Pest Management also remained level at \$10.783 million even though the Administration had proposed a 50 percent increase.

Extension Water Quality programs did not fair so well. Both House and Senate bills followed the Administration's proposal of \$9.061 million, a cut of \$1.6 million from FY97. ♦

New Bill May Affect Haying and Grazing of CRP Lands

A new bill – the Agricultural Research, Extension, and Education Reform Act of 1997- introduced by Senate Agriculture Committee Chair Richard Lugar (R-IN), marks the beginning of another attempt to reform the often criticized emergency haying and grazing provisions of the Conservation Reserve Program (CRP). A simple attempt, sponsored by Senator Tom Daschle (D-SD), failed in the 104th Congress.

The bill's principle purpose is to reauthorize agricultural research and extension programs, an item left open in the 1996 Farm Bill. Section 503, however, would amend the Secretary of Agriculture's currently very broad authority to permit emergency haying and grazing of CRP lands.

The new bill would allow not more than 1/3 of a contract holders CRP land to be harvested or grazed in any one year, or more than once in a 3-year period. The contract holder would also agree to a payment reduction (offset) commensurate with the value of the crop residue that is harvested or grazed. Other conditions could also be included to ensure that the harvesting or grazing is consistent with the purpose of CRP. The projected savings from the offset would be used to fund the bill's research activities.

The Senate Agriculture Committee approved the bill with a provision that, during the August recess, it can be revised and clarified to obtain broad enough support to ensure its passage. ♦

-Adapted from *The District Leader* August, 1997