

ORGANIZATIONS

September x, 2023

Dear Administrator Shore,

We, as groups who care deeply about the Great Lakes, are writing to urge you to reject Ohio's Total Maximum Daily Load (TMDL) for Lake Erie. Simply put, the state's plan will not stop the toxic algal outbreaks that have been plaguing the lake for more than a decade.

Lake Erie is a regional treasure. It is the source of drinking water for 12 million people and provides outstanding opportunities for boating, fishing, swimming and other recreation. Unfortunately, pollution is fueling toxic algal outbreaks in Western Lake Erie that threaten wildlife and human health.

Dissolved reactive phosphorus (DRP) is the main pollutant causing toxic algae in the Lake. DRP mainly comes from agriculture, particularly large industrial livestock operations in the Maumee River watershed that spray millions of gallons of untreated animal waste (combined feces, urine and other sources) onto fields as "fertilizer" well beyond crop need. These fields are laced with subsurface tile drains, which convey the DRP into ditches and streams, ultimately flowing into the Maumee and Lake Erie.

After years of litigation, Ohio has been forced to develop the TMDL plan now at Region 5 for review. This plan is deficient under the Clean Water Act for the following reasons:

- 1) fails to set a specific target for reducing DRP, the key pollutant driving the toxic algae;
- 2) fails to assign enforceable pollution reductions for industrial livestock operations or address the over-application of animal waste on tiled fields;
- 3) does not include an adequate margin of safety to ensure the plan will end toxic algal blooms in the Lake; and
- 4) relies on the same voluntary measures that have failed to fix the problem for more than a decade.

Because of these failings, the U.S. Environmental Protection Agency (EPA) must reject Ohio's flawed TMDL and demand a new plan that will truly protect Lake Erie and the millions who depend on it.

We know that the EPA and Region 5 care deeply about the Great Lakes and the important role the Clean Water Act plays in protecting them. Just last fall, Administrator Regan came to the Cuyahoga River to celebrate the Clean Water Act's 50th anniversary. Ensuring an effective cleanup plan is vital both the Lake Erie and the millions who depend on it and the integrity of the Clean Water Act itself.

Sincerely

Environmental Law & Policy Center
Environment America

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