



MARCY KAPTUR

9TH DISTRICT, OHIO

September 7, 2023

The Honorable Debra Shore
Regional Administrator
Environmental Protection Agency Region 5
Ralph H. Metcalfe Federal Building
77 West Jackson Blvd.
Chicago, Illinois 60604

Dear Regional Administrator Shore:

Thank you again for your recent visit to Swartz Farm in Perrysburg, Ohio, to observe firsthand how farmers in the 9th Congressional District are investing in conservation practices to improve soil and water quality in the Western Lake Erie Basin. In the wake of the water crisis in August 2014 that left 1 million Americans in the basin without drinking water for multiple days, there has been admirable mobilization and investment with one goal: to restore the health of Western Lake Erie and the Maumee River watershed. I greatly appreciate the time and attention you continue to devote to tackling the challenges that impair the health of this vast, unique, and precious watershed—the largest in the Great Lakes.

As part of our continuing discussion on the health of the Western Lake Erie Basin, I write to you today regarding the final Maumee Watershed Nutrient Total Maximum Daily Load decision document (Maumee TMDL), submitted by the Ohio Environmental Protection Agency (OEPA) for your review on June 30, 2023. When properly developed and implemented, TMDLs can be powerful and effective tools to restore impaired and threatened waters. Unfortunately, many environmental scientists, water quality advocates, and public officials at the regional, state, and local levels are concerned that the Maumee TMDL developed by OEPA will not alleviate the harmful algal blooms (HAB) that continue to plague Western Lake Erie with increasing frequency, duration, and severity.

In particular, I understand that the most significant concern with OEPA's Maumee TMDL is that it declines to set discrete targets for dissolved reactive phosphorus (DRP). There appears to be broad consensus that DRP is the primary form of phosphorus driving HAB in Western Lake Erie, and that it must be reduced to remove beneficial use impairments. Because DRP represents a relatively small fraction of the total phosphorus (TP) in the watershed, experts are concerned that even significant reductions in TP may have little to no effect on DRP concentrations.

Recognizing the critical need to reduce DRP in order to achieve water quality goals in Western Lake Erie, the binational Great Lakes Water Quality Agreement includes individual targets for both TP and DRP in the Maumee River. Yet, OEPA's Maumee TMDL relies wholly on TP reductions to meet water quality standards in Western Lake Erie.

Will the Maumee TMDL be effective without specific targets for DRP? My constituents and I are relying on you and the experts in Region 5's Water Division to address this and other questions raised in public comments on OEPA's Maumee TMDL. It is imperative that we fully use every tool available to address Western Lake Erie's water quality impairments and prevent another water crisis from occurring. Accordingly, I encourage you to use the full authority granted to the U.S. EPA under the Clean Water Act to ensure that a TMDL is established for the Maumee Basin that will allow Western Lake Erie to meet applicable water quality standards.

Further, as it stands today, the City of Toledo's residents remain vulnerable to another water crisis, relying as we do on a single, shallow water intake in the lake for freshwater. I respectfully request your agency's advice on how the City can access federal cross-agency support and funding to plan and install a deeper, secondary water intake to limit the risk of contamination while efforts to lift water quality impairments in Western Lake Erie continue.

Thank you in advance for your consideration of these concerns consistent with U.S. EPA's regulations and procedures.

Sincerely,

A handwritten signature in cursive script that reads "Marcy Kaptur".

Marcy Kaptur
Member of Congress