



June 29, 2007

RE: SAB Hypoxia Advisory Panel Public Draft Report (May 24, 2007)

Dear Members of the EPA Science Advisory Board:

On behalf of the Sierra Club's 1.3 million members and supporters, I write to thank the Science Advisory Board (SAB) Hypoxia Advisory Panel for its May 24, 2007, draft report. The report is very encouraging in that, for the first time, it points toward solutions policymakers should adopt to address this problem. It also makes clear that, while additional research, monitoring and assessment are needed to resolve uncertainties, significant action should be taken now. The need for more research should not delay putting policies in place to solve the problem. We commend the report for stressing the urgent need for action.

We agree with the overall goal of reducing the hypoxic zone to 5,000 km² and support the following recommendations outlined in the report to achieve this goal:

- Establishing a nitrogen reduction target of 45% and a phosphorus target of 40%.
- Re-structuring current agricultural support payments to reward conservation.
- Re-structuring support payments to reduce or eliminate the economic incentive for corn-soybeans and create incentives for perennial crops.
- Creating incentives for ecologically sustainable perennial grass or tree-based cellulosic ethanol technologies.
- Requiring upgrades in sewage treatment plants to achieve total nitrogen concentrations of 3mg/L and total phosphorus concentrations of .3 mg/L and requiring nutrient limits on major sewage treatment plant permit renewals and selected industrial facilities.
- Retiring or retrofitting old coal-fired powerplants.
- Extending the current summertime NOx standards to a year-round requirement.
- Adopting emissions standards and mileage requirements for sport utility vehicles, heavy trucks and buses.

We also agree with the report's observations about the daunting scale of the economic factors which have brought about the hypoxic zone. Countervailing incentives of a greater size will be essential to changing the *status quo*. Given the economic forces which have created this problem, it is unrealistic to think that voluntary programs alone would be capable of creating the kinds of changes that this report demonstrates are needed.

The report presents a sobering view of the water quality impacts that may occur if we experience the large expansion of corn-based ethanol that some have predicted. While there are more promising sources of biomass on the horizon, a significant increase in corn ethanol production in the near-term is all but a certainty.

The coming corn ethanol explosion makes it all the more important for the EPA to expedite the establishment of water quality standards for nitrogen and phosphorus. These standards were originally to have been in place in 2003, but four years later, there has been little progress. According to a May 25, 2007, memorandum from Benjamin H. Grumbles, "Nutrient Pollution and Numeric Water Quality Standards," only five state and territories have approved criteria for all parameters for rivers and streams. Meanwhile, eight states are just starting the process and 34 are collecting data. Many of the states collecting data and perhaps years away from establishing criteria – including Iowa, Illinois, Minnesota and Ohio – are in the Mississippi River basin and are experiencing significant growth in ethanol production.

It is high time for the EPA to take action if the states are incapable of doing so. If the states do not adopt standards to protect their waters and the Gulf of Mexico by the end of 2007, then the EPA should establish standards for these states based on its 2000 criteria. We hope that the SAB will emphasize the importance of establishing water quality standards for nitrogen and phosphorus in its final report, in addition to its other recommendations.

Sierra Club believes that the solutions proposed in this report provide the basis for making important progress to limit the Gulf's dead zone.

Sincerely,



Ed Hopkins

Director, Environmental Quality Program