

Public Comments
on the U.S. Commission on Ocean Policy's Preliminary Report

Topic Area: Clean water/water monitoring

Comments Submitted By:

- Carl Lindstrom, GreenWare, Inc.
- Kathleen DeLeuw, Santa Barbara, California
- Pauline Blocker, Save Our Sealife.Org, Inc.
- Peter Maier
- Bob Stallman, American Farm Bureau Federation
- Chris Barry, Baltimore Maryland
- Adam Krantz, Association of Metropolitan Sewerage Agencies
- Tim Williams, Water Environment Federation
- Henry Pate, Port Orange, Florida
- Lisa Fairchild, St. Petersburg, Florida
- Doug Daigle , Carlton Dufrechou, Albert Ettinger, Susan Heathcote, Randy Kouri, Mark Muller, Cynthia Sarthou, and Nancy Stoner of the Mississippi Riverwise Partnership
- James N. Galloway and William Keene, Charlottesville, Virginia
- Rick Robinson, Iowa Farm Bureau Federation
- Chester L. Arnold, Jr., University of Connecticut
- Janie Anderson
- Glen Walker
- Anne Sullivan, Fairfax, Virginia
- Chris Martinez
- Randall M. Lance, Wellborn, Florida
- Andrew M. Cohen
- Sandra Rose, Penn Laird, Virginia
- Cameron M. Colson, CAMERONCOLSON
- Helen Franklin
- Stephanie Towers, Dallas, Texas
- Steve Minsel, Elkhart, Indiana
- Priscilla M. Brooks, Ph.D.

Comment Submitted by Carl Lindstrom, GreenWare, Inc.

July 13, 2004

My name is Carl Lindstrom, former environmental attaché to the Swedish Embassy, Washington. DC
President of GreenWare Inc., an environmental engineering company based in Cambridge, Massachusetts

The current EPA policy on sludge disposal, allows for sewage treatment sludge to be distributed on farmland as if to say that sewage sludge can be an acceptable fertilizer only based on some rudimentary "sanitizing". As has been shown in Sweden, the heavy metal content in sewage sludge, does not primarily come from industrial discharge but from a steady addition from within the water distribution and sewer collection network itself (around 70%). This shows that the prevailing policy of sewage treatment in large distribution and collections systems is a dead end as far as sustainable recycling is concerned.

Obviously we are not going to replace sewer systems with source separating- and treatment systems very soon. However it is crucial to start sending signals to industry and our communities that sewage systems are not ultimately going to be part of a sustainable future.

That systems that separate and treat plant nutrients from toilet and food wastes should be given favorable conditions to develop and be applied to the extent that they fulfill community standards for sanitation and that the effect of such a policy-direction is desirable.

- It would slowly and steadily cut down on nutrient discharge to estuaries and oceans (90% of nitrogen, 50% of phosphorous and 60% of potassium comes from toilet wastes
- It would over time save huge amounts of clean drinking water (30-40% of our drinking water is used to flush toilets and transport organic wastes).
- Sewage treatment could over time focus more on detoxification of the residues from sewage treatment as the volumes and content would move away from organic treatment to become society's "kidneys".
- The source separated organic end-product would be considerably easier to treat on site and more importantly, be more acceptable as a fertilizer as it does not have to deal with the additions of society's technical waste (from outside in or from inside the sewer circuit itself.)
- As the plant nutrients from human waste can start to be available for recycling, less chemical fertilizer will be needed in agriculture, resulting in less run-off from the sum total of agriculture and sewage to our estuaries and oceans as theoretically this combined addition to the environment can be cut in half. Source separated human waste and animal waste can again theoretically and over time replace all uses of chemical fertilizer. Sending such signals would give industry and communities time to develop and replace at the end of useful life-cycles, the technology that now is the greatest threat to ocean areas throughout the planet.

Carl Lindstrom

Comment Submitted by Kathleen DeLeuw, Santa Barbara California

June 9, 2004

Dear Commissioners,

I am currently a Master's student, pursuing a graduate degree in Environmental Science and Management at the Donald Bren School at the University of California, Santa Barbara, specializing in Coastal Marine Resources Management. I would like to comment on your recommendations for increasing the focus on nonpoint sources of pollution, in Chapter 14 of the Preliminary Report.

I applaud your recommendation for the establishment of a National Ocean Council to represent all agencies with ocean-related responsibilities, and emphasize the necessity for this Council to enhance interagency collaboration.^{1[1]} The diversity and inadequate coordination of policies regarding nonpoint source pollution has inhibited the effectiveness of individual programs.

As you suggested in Recommendation 14-8, the National Ocean Council should align federal nonpoint pollution programs and goals, and establish a national goal of nonpoint source pollution reduction.^{2[2]} The National Ocean Council can address recommendations regarding the coordination of the USDA, EPA and NOAA (Recommendation 14-7), as well as the amendments to the Clean Water Act (Recommendations 14-9 and 14-10).^{3[3]}

While the recommendations you have made are vital for water quality improvements, I would also like you to include specific actions that federal agencies can implement for immediate reductions in nonpoint source pollution. I am sure you are aware of the Pew Commission's report entitled "America's Living Oceans." The Pew Commission recommends management strategies similar to those you have recommended, and provides direct actions for pollution law revision to focus on watershed-based nonpoint source pollution reduction. These actions include establishing a baseline for best management practices within the Clean Water Act, establishing ambient water quality standards for nitrogen and other nutrients, and requiring implementation of best management practices as a condition for federal agricultural subsidies.^{4[4]}

In addition to these changes, I also suggest that you address the following issues:

1. **Impervious Surfaces.** Your report acknowledges that "aquatic ecosystem health becomes seriously impaired when more than 10 percent of the watershed is covered by impervious surfaces. Impervious surfaces cover 25-60 percent of the area in medium-density residential areas, and can exceed 90 percent in strip malls or other commercial sites."^{5[5]} However, no recommendation addresses this problem or the strategies that

could be used to abate the effects of impervious surfaces, such as using gravel driveways, sand or pebble sidewalks, vegetated filter strips, and detention basins.

2. Over-irrigation. While excessive fertilizer application significantly contributes to NPS pollution of marine waters through nutrient contamination, over-irrigating crops exacerbate this problem by washing nutrients out of the root zone and into receiving water bodies.^{6[6]} While you encourage reduction of nutrients to reduce polluted runoff from agriculture, you do not mention an overall reduction in water-use despite the fact that irrigation is a recognized in your report as a contributor to polluted coastal waters.^{7[7]} A combination of irrigation and fertilizer reduction could greatly improve water quality in watersheds and coastal waters by diminishing nutrient transport from agricultural activities.

3. Federal Subsidies. In your final report, you should address current price support programs in the agriculture industry regarded as environmentally harmful, as they relate to water quality issues. Subsidies on sugarcane production, for example, have afforded sugarcane farmers the luxury of excessive water, fertilizer, and pesticide application to maximize production.^{8[8]} Participants in agriculture subsidy programs are given financial incentives to maximize their yields, encouraging them to increase production through chemical and fertilizer use.

A Competitive Enterprise Institute study in six states with considerable quantities of subsidized crops revealed a significant correlation between subsidies and chemical use, as well as between subsidies and fertilizer use.^{9[9]} This study also shows that “a fifty percent reduction in subsidies would decrease per acre chemical use by an estimated 17 percent and fertilizer use by an estimated 14 percent. The complete elimination of subsidies could result in a 35 percent reduction in chemical use per acre and a 29 percent reduction in fertilizer use per acre.”^{10[10]} This pesticide and fertilizer reduction, combined with reductions in irrigation, could significantly abate water pollution problems from agricultural runoff.

Thank you for allowing me the opportunity to comment on your Preliminary Report.

Sincerely,

Kathleen DeLeuw
Master's Student, Bren School of Environmental Science and Management,
University of California, Santa Barbara

Comment Submitted by Peter Maier

June 6, 2004

Commission Ocean Policy reports on oceans and US coastal waters.

Dear Mr. Cronkite:

When Westerners visit third world countries and witness local population use the outdoors as their restroom, they are appalled, but when they are back home and use their own bathroom, they flush their toilets and have no idea what is happening to what was flushed down.

They probably realize that it flushes down a sewer and ends up in a sewage treatment plant, where it is treated before discharged into open waters. This of course is correct, but what they do not know is how well their sewage is treated before it is discharged.

Having worked in this engineering field for thirty years, I can frankly tell you that it is mostly treated to prevent odors and limitation of any increased visual turbidity. Most of the 'waste' in sewage however remains and will impact the receiving water body. From a pure 'environmental impact' ecological point of view, dumping human waste on land, as in most 'undeveloped' countries, is actual less damaging to our environment as what the Western World is doing, which results in the nutrient enrichment of our waterways and oceans.

Many will claim that our sewage is properly treated and if you only use your eyes for visual pollution and your nose for any excessive odors, they are right, but when you perform the proper analytical testing, the picture is very bad, since most of the real harmful pollution is not removed and still is disposed of in open waters. This especially becomes noticeable for nutrients, causing excessive algae growth, responsible for red tides, destruction of coral reefs, dead zones, as they now occur over 8000 square miles in the Gulf of Mexico.

All this caused by the application of a pollution test, developed in 1920 in England, but incorrectly applied when EPA implemented the Clean Water Act in 1973. As used EPA not only ignores 40% of the pollution caused by fecal waste, but all the pollution caused by urine and protein waste. While claiming it is demanding 85% treatment (secondary treatment) EPA only demands 85% of the 40% the test measures, hence only 35% treatment.

Fortunately for EPA and the environmental industrial complex, people consider this issue too complicated and nobody seems to care.

A few members of Congress have questioned the EPA on this issue, but EPA has successfully down-played its impact and threatened that demanding better treatment would require more money. EPA conveniently omit to tell the members that even EPA's own data shows that much better sewage treatment (95% of both carbonaceous and nitrogenous waste) was not only possible, but actually would be less expensive.

So what else is new in Washington or with our news media?

Regards,

Peter Maier, PhD, PE

Comment Submitted by Pauline Blocker, Save Our Sealife.Org, Inc.

May 2, 2004

Governor Jeb Bush:

The United States Commission on Ocean Policy's report, and the Pew Oceans Commission study of July 2003 have given you a truly unique opportunity to make lasting improvements in how you can help protect Florida and the nation's coastal and ocean ecosystems.

Speaking for 45,000 supporters of Save Our Sealife. Org.,Inc, in Florida, we ask you, Governor Bush, for the sake of our oceans and the life they sustain now and for future generations, to take this opportunity to fulfill your responsibility and urge the Commission to adopt stronger recommendations and the necessity of improving coastal and ocean ecosystem protection in their final report to Congress and the President. **The deadline for your comments is May 21, 2004.**

Save Our Sealife supporters have been sending certified letters and e-mails to you for over two years to ask that you to immediately halt the Florida Department of Environmental Protection (DEP) from continuing to dump partially treated industrial waste, the byproduct of phosphate fertilizer production into the Gulf of Mexico and Tampa Bay since 2001.

Al though this certainly is not new information to you, as documentation will indicate, it gives us another opportunity plead the immediate halt of dumping partially treated toxic industrial waste--phosphogypsum into our waters! Documents indicated these dispersions are harmful to marine and human life and contains over 60 toxins which do NOT MEET MARINE SURFACE WATER STANDARDS BECAUSE THERE ARE NO STANDARDS FOR THESE POLLUTANTS. Additionally, several of these elements such as Cadmium Copper, Nickel, Lead, Ammonia and Nitrogen test over current marine standards. Of course, water salinity and temperature affect these and others so they can vary accordingly. Further, high concentrations of these substances i.e. Nickel etc. have long-term health affects to humans since many are carcinogenic and harm marine life as well.

The information in this e-mail like all previous correspondence with you, has been obtained in documents received under the US. FOIA and Florida Statutes 119 et seq. so DEP officials are well aware of the consequences of the their actions. However, neither you nor the DEP representatives have chosen to respond to our pleas. It is also noteworthy that the U.S. Environmental Protection Agency (EPA) has supplied numerous viable options to the DEP for such dispersions of toxins in our waters, but the U.S. EPA also has also been ignored.

For these reasons, we therefore request that you send us a copy of your response to the Commission within a timely manner. We are looking forward to your response so that our membership may finally have the opportunity to hear from their Governor that he is not going to continue to ignore the health of our children as in the past, but shall instead make them a priority. Their future depends upon your immediate action.

Sincerely,

Pauline Blocker, President
Save Our Sealife.Org, Inc.
Placida, FL

Comments Submitted by Bob Stallman, American Farm Bureau Federation



AMERICAN FARM BUREAU FEDERATION®

600 Maryland Avenue S.W. • Suite 800 • Washington, DC • 20024 • (202)406-3600 • fax (202)406-3604 • www.fb.org

June 4, 2004

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, DC 20036

To Whom It May Concern:

The American Farm Bureau Federation is a general farm organization with a membership of more than 5.5 million from all 50 states and Puerto Rico. The preliminary report of the U.S. Commission on Ocean Policy calls our attention to the critical role that our coastal and ocean resources play in our national economic and environmental future. We are pleased to offer these comments reflecting the role that agriculture occupies in the use and protection of the national resources of our coastal waters and oceans.

AGRICULTURAL CONSERVATION PROGRAMS

Farmers and ranchers have, since the 1930's, implemented soil and water conservation with the technical and financial assistance of the federal government through the U.S. Department of Agriculture. Agriculture strongly supports these voluntary, incentive-based programs that work with farmers to provide environmental benefits while enhancing the farm and ranch business. Farmers will resist attempts to reshape successful conservations programs to mimic environmental regulatory programs that were never designed for the economic, land and weather dependent needs of agricultural production.

Farm Bureau was a strong advocate for increased conservation funding and technical assistance in the 2002 farm bill. We continue to strongly support conservation incentives as a means to improve net farm income, enhance economic opportunity, preserve the rights of property owners and improve the nation's environment. Increased regulatory costs on all levels – federal, state and local – are placing a heavy burden on individual farmers and ranchers as well as distorting the traditional structure of our industry. Farmers and ranchers understand the importance of protecting the environment. Our livelihoods depend on it. However, the expenses incurred to comply are taking a heavy toll on farm incomes and forcing farmers and ranchers to spread the cost of increased regulation over more units of production. The consequence is the inability of small and medium-sized family farms to compete in a highly charged regulatory environment.

There is little doubt that we have made great strides in improving our environment over the last three decades. By nearly every measure, our environment and natural resources are in better condition than any other time in our lives. As the demand for environmental enhancements increase it is important that we examine the public policy that we have at our disposal and determine whether they are appropriate. The command-and-control nature of many of the first-generation environmental statutes were for the problems of the 1960's and 1970's. The programs continue to be very controversial and adversarial in nature and compliance is expensive.

Bridging the gap between where we are now and where we want to be in the future requires an expanded public investment in agriculture. In addition to building on the gains of the last three decades, the public now desires open space, wildlife habitat, scenic vistas, diverse landscapes and recreational activities. These are clearly more ephemeral policy goals that require a more delicate and site-specific policy approach.

Farm Bureau policy supports:

- Improving the environment through expanded incentives to encourage voluntary soil conservation, water and air quality programs, and advanced technological and biotechnological procedures that are based on sound science and are economically feasible;
- Rural economic development to improve the environment and quality of rural life;
- Voluntary conservation programs that provide direct payments and comply with the green box World Trade Organization (WTO) requirements; and
- Providing willing producers incentives to adopt and continue conservation practices that address air and water quality, soil erosion and wildlife habitat.

Conservation Security Program (CSP)

During the farm bill debate Farm Bureau was a strong supporter of a new type of conservation incentive program. We believe agricultural producers must receive assistance to help defray the cost of ongoing environmental improvements and regulations. The Conservation Security Program (CSP) will assist farmers in achieving environmental goals and reward us for improved environmental performance. CSP should be available to all producers and it should be funded and implemented as a nationwide program.

CSP provides producers additional conservation options for adopting and continuing conservation practices to address air and water quality, soil erosion and wildlife habitat. The program was designed to allow each participant the opportunity to meet his or her objectives while also achieving the goals of the program. Participants should be given the opportunity and flexibility to develop a management plan that provides environmental benefits without land retirements or easements. Practices covered under CSP could range from accepted good farming practices already implemented, to the establishment of a comprehensive environmental management plan.

Environmental Quality Incentives Program (EQIP)

Farm Bureau strongly supports EQIP and the improvements to the program made by Congress in the 2002 farm bill. We believe EQIP should be available to all crop and livestock producers and provide compliance assistance with implementation of federal, state and local environmental laws. This technical and cost-share assistance program is widely accepted by farmers and ranchers for its use of effective best management practices to improve agricultural operations and environmental protection.

Conservation Reserve Program (CRP)

The CRP is a time-tested program that works well overall and has been very popular with farmers and ranchers. Farm Bureau supports CRP because it provides incentives for reducing soil erosion, the enhancement of water and soil quality and additional wildlife habitat. Additionally, it recognizes the inherent value of private property and provides a steady income to participants who enroll in the program

Wetlands Reserve Program (WRP)

Farm Bureau supports WRP because it provides incentives for farmers and ranchers to restore and protect wetlands and allows individuals to be compensated for the inability to use their land as they wish. President Bush recently noted the role that incentive-based programs such as the WRP played in achieving the goal of “no-net loss” of wetlands, and specifically lauded the response of farmers and ranchers to such approaches. We strongly agree that incentive-based programs are far preferable to regulatory control approaches.

Recommendations

We strongly disagree with recommendation 14-3. The CAFO rule issued in 2003 by EPA was the product of a long rulemaking process. Farm Bureau is still not pleased with the outcome, believing that the agency exceeded their authority under the Clean Water Act in several areas, which are currently the subject of litigation.

Recommendation 14-7 shows a misunderstanding of the purposes and authorities behind USDA conservation programs and EPA regulatory programs. Conservation programs funding and technical assistance go directly to individual farmers and ranchers. EPA programs are administered by state agencies. Conservation programs are voluntary, incentive based, locally oriented and supported by farmers. Regulatory programs authorized through EPA and operated by the states are none of these things.

TRANSPORTATION

The preliminary report recognizes the importance of the use of waterways to our nation. Farm Bureau strongly supports the use of our waterways for the efficient transportation of agricultural and other commodities. In this globally competitive economy inland waterway, coastal and ocean transportation are essential for our nations agricultural products to remain competitive in world markets. We believe that the Army Corps of Engineers is performing their mission ably in keeping a large system of waterways and ports operating for navigation, flood control, irrigation recreation, power generation and environmental protection. The issue is proper funding of these missions, not in changing

agency authorities. Farm Bureau is strongly supporting the Upper Mississippi/Illinois River lock expansion and improvement project to allow the inland waterway system to continue to serve our economy in the 21st century.

COASTAL WATERS

American Farm Bureau was a very interested observer and commenter to the deliberations of the Mississippi River/Gulf of Mexico Task Force. The hypoxic zone in the Gulf of Mexico develops seasonally as the result of many different factors. The Task Force focused upon a few of these factors but others were not addressed. While the effect of nitrogen from agricultural lands was a main focus, the impacts of phosphorus from point sources were not fully considered. More research needs to be done in this area before final conclusions are made and proscriptive actions are authorized. Agriculture believes that the operation of the conservation programs in the Mississippi River valley will continue to improve agricultural water quality protection. A hypoxic condition that depends upon the interactions of rainfall, snowmelt, river control structures, point source loadings and the weather cannot be improved by single solutions.

LAND USE

The commission must recognize in its policy recommendations the primary role of state and local governments in land use decisions and the resentment and opposition of landowners municipalities and state and local governments to the use of federal environmental laws to affect local land uses. A partnership approach that works to improve conditions locally will yield national benefits.

Thank you for the opportunity to offer these comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Stallman', with a long horizontal flourish extending to the right.

Bob Stallman
President

BS:ds/mw

***Comment Submitted by Chris Barry,
U.S. Coast Guard Engineering Logistics Center***

June 4, 2004

Although prevention is always a better policy than cure, cure sometimes helps.

As regards nutrient pollution, one palliative measure may be artificial aeration. This would use buoys with wind or wave powered compressors that would pump air below the surface down a hose connected to their mooring line. The injection of air deep into the water could alleviate some of the effects of nutrient pollution, reduce the current dead zones, and allow other processes to operate to further remove nutrients and other forms of pollution. The amount of air required is not actually that large, and it seems within the realm of feasibility, based on my simple calculations. Such a scheme is currently being experimented with here in the Chesapeake, and of course, it is common in inland ponds. It may even be possible to retrofit existing navigation aids, offshore oil platforms or other platforms of opportunity, thereby lowering the costs of such a scheme. It might also be combined with offshore wind or other power generation schemes.

Very respectfully

Chris Barry, P.E. (WA, CA)
Boat Engineering Branch ELC-024
U.S. Coast Guard Engineering Logistics Center
Baltimore MD

***Comments Submitted by Adam Krantz,
Association of Metropolitan Sewerage Agencies***

June 4, 2004

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

**RE: AMSA COMMENTS ON U.S. COMMISSION ON OCEAN POLICY
PRELIMINARY REPORT**

Dear Sir or Madam:

The Association of Metropolitan Sewerage Agencies (AMSA) is pleased to provide comments on the U.S. Commission on Ocean Policy's Preliminary Report (the Report). AMSA agrees with many of the recommended policies outlined in the Report, including the need for a national water quality monitoring network, a more focused federal effort to control nonpoint sources of pollution, and the need for long-term federal funding to overcome the infrastructure funding gap, including consideration of a trust fund as a funding mechanism. AMSA believes these are among a variety of significant areas of mutual interest where the Association and the Commission can work together to achieve these common goals.

AMSA, however, has one fundamental concern with the Report — Recommendation 14-1, which calls on the U.S. Environmental Protection Agency (EPA) and states to require advanced nutrient removal for wastewater treatment plant discharges into nutrient-impaired waters. A one-size-fits-all technological approach to nutrient removal: 1) is an ineffective method to deal with nutrient impairment, 2) is counter to EPA's approach to nutrient control, and 3) ignores the need for state/local flexibility in setting and implementing nutrient criteria that account for widely varying ecological conditions.

To achieve meaningful water quality improvements, nutrient removal standards and requirements must be based on more than an assumed connection between a nutrient impairment and a discharge to that impaired water. Simply stated, imposing an extremely expensive technology requirement on publicly owned treatment works (POTW) based solely on the existence of an impairment, without first deciphering the varying contributors to the impairment, will only divert needed money away from programs that have the potential to more effectively eliminate the impairment.

AMSA's more than 300 POTW members are public servants dedicated to protecting the environmental and public health of over 150 million Americans and to carrying out the important objectives of the Clean Water Act. AMSA's members share the Commission's goal of wanting to improve the health of the nation's waterways, including its coastal waters, and to seeing an end to nutrient impairment. AMSA is not against advanced nutrient removal at POTWs. In fact, many AMSA members are leading the way in their watersheds by installing equipment that will achieve best available technology levels of nutrient removal. These POTWs, however, have participated in broader watershed

discussions that have identified POTWs as a source of nutrient impairment and have identified goals for reduction. AMSA simply does not want the Commission to recommend a national program that will ultimately hinder state and municipal abilities to achieve real water quality improvements at the watershed level.

Flexibility in Nutrient Removal Planning, Implementation

As written, the Commission's Recommendation 14-1 states, "The U.S. Environmental Protection Agency (EPA) and states should require advanced nutrient removal for wastewater treatment plant discharges into nutrient-impaired waters." There are numerous reasons why this recommendation should be altered to allow current efforts by the states to develop meaningful, site-specific nutrient criteria to continue.

Municipalities, states and the federal government, namely EPA, have all concluded that nutrient impairment is a complex issue requiring state and local flexibility. The same concentrations of nutrients can have widely disparate impacts based on a water's depth, the amount of sunlight the water receives, and other site-specific factors, making a one-size-fits-all technology standard inappropriate in the context of nutrients. Also, there is an excellent discussion in the Commission's Report discussing how nutrient, and other, impairments are often caused largely by nonpoint sources. The report also discusses, correctly, how these pollution contributions must be addressed on a watershed basis to realistically address water quality, including nutrient impairment, issues. The focus on mandatory technology requirements ignores the multi-media nature of nutrient impairment (automobiles, air deposition, construction sites, stormwater and agricultural runoff, etc.) and focuses too narrowly on the easiest targets — POTWs — but not on the often most significant polluters — nonpoint sources.

AMSA believes that Recommendation 14-1 should be amended to underscore the need for a multi-media, watershed-based approach to nutrient removal and reaffirm current state efforts to develop meaningful nutrient criteria to protect the designated uses of their respective waterbodies. Without first establishing these standards, states will have no effective or equitable way of establishing nutrient reduction goals.

A mandated technological approach is also counter to the innovative methods of nutrient removal that states and municipalities are considering and developing. One example of such innovations include constructed wetlands, which are effective at removing nutrients and have a number of added benefits including habitat restoration, and an inherent aesthetic value. EPA has also recently announced its wetlands initiative, seeking to create, improve and protect 3,000,000 acres of wetlands over the next five years. Innovative approaches to nutrient-removal would be virtually eliminated by the expense of complying with an across-the-board policy based on the Commission's Recommendation 14-1.

Perhaps most importantly, however, is the fact that EPA has itself recognized the need to leave the development of site-specific nutrient-removal plans up to the states. States are required to submit these plans to EPA by the end of this year (2004). EPA must approve the plans and determine whether the state-proposed water quality standards are sufficient to protect designated uses. Recommendation 14-1 runs counter to EPA's current policy and to the collective wisdom of municipalities, states and the federal government, which have spent years and significant funds to understand nutrient-impairment issues.

Given these concerns, AMSA hopes that Recommendation 14-1 will be changed to reflect this collective wisdom and to reflect a flexible approach that allows states and the POTW community to determine the most effective means to reduce nutrient pollution on a watershed by watershed basis.

AMSA, Commission Should Work Together on Areas of Agreement

AMSA's review of the Commission Report indicates that there are many areas of mutual agreement, all of which, unfortunately, could not be mentioned in these comments. While the Commission has the luxury of focusing on coastal waters, AMSA's members must look at the water quality of all the nation's waterways. AMSA does believe, however, that numerous recommendations in the Report are applicable to all waterways on a national basis and looks forward to working with the Commission on these issues.

Monitoring

AMSA agrees with the Commission's Recommendations 15-1 and 15-3 that the appropriate federal agencies, including EPA, the U.S. Geological Survey (USGS) and the National Oceanic and Atmospheric Administration, must work together to develop a national water quality monitoring network that contains clearly defined goals, standard techniques and routine reviews of data obtained. AMSA has been working closely in coalition with other national and regional stakeholders to ensure full funding for key programs, such as USGS's National Water Quality Assessment program. AMSA also agrees that without both full funding and full interagency coordination, it remains a practical impossibility to appropriately assess the current state of the nation's waters, keep up with new and emerging contaminants, making it unnecessarily difficult to prioritize water quality projects.

Nonpoint Sources

AMSA also fully agrees with the Commission's assessment that, similar to the need for increased interagency coordination on monitoring, a cooperative effort is needed to address nonpoint sources. AMSA also agrees that if states fail to address nonpoint pollution, there should be a federal regulatory mechanism allowing the federal government to step in and ensure nonpoint pollution controls (Recommendation 14-10). The Report correctly points out that state agencies and legislatures must put teeth into nonpoint source pollution control measures.

According to EPA, nonpoint sources are responsible for the majority of impaired waters in the U.S. So long as we ignore this fact, the nation's waters, including coastal waters, will not be sufficiently improved. While AMSA agrees that incentives and/or disincentives (Recommendation 14-9) can be helpful and supports such programs, to ultimately address nonpoint sources, a federal program with teeth will ultimately need to be developed (Recommendation 14-10). In the absence of such a federal program, however, there is nothing stopping states from acting responsibly on this issue on their own. While the Report touches on the need for increased state action (page 165, 169), AMSA believes this discussion can be strengthened.

Infrastructure Funding

AMSA on its own, and as a co-founder of the Water Infrastructure Network, a coalition of nearly 50 labor, municipal, environmental, engineering and industry groups, has worked consistently over the past several years to educate the public, policymakers and key stakeholders on the wastewater infrastructure funding gap. AMSA appreciates the Report's insertion of a discussion on this issue and views increased SRF funding (Recommendation 14-4) as a positive step toward a long-term solution.

AMSA believes that to overcome the long-term infrastructure funding gap, the federal government must make a long-term recommitment to clean water funding and AMSA believes a dedicated trust fund for clean water is a viable option. As such, AMSA was intrigued by the Report's call for the Ocean Policy Trust Fund and believes there is a common interest in educating the public and policymakers on the need for dedicated funding for the nation's waterways. AMSA looks forward to exploring these ideas further with the Commission.

Sincerely,



Adam Krantz
Managing Director, Government & Public Affairs
Association of Metropolitan Sewerage Agencies
1816 Jefferson Place, N.W.
Washington, D.C. 20036-2505
Phone: (202) 833-4651
Fax: (202) 833-4657
Email: akrantz@amsa-cleanwater.org
Internet: www.amsa-cleanwater.org

Comment by Tim Williams, Water Environment Federation



June 4, 2004

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

RE: Preliminary Report of the U.S. Commission on Ocean Policy

The Water Environment Federation (“WEF”) respectfully submits the following comments on the above referenced preliminary report. Founded in 1928, the Water Environment Federation (WEF) is a not-for-profit technical and educational organization with members from varied disciplines who work toward the WEF vision of preservation and enhancement of the global water environment. The WEF network includes more than 30,000 water quality professionals and specialists from around the world.

WEF commends the Ocean Commission for producing a comprehensive and thorough report on the condition of our nation’s coastal waters and oceans. The report covers a wide range of topics and identifies issues that need attention, spanning from scientific needs to recommendations on national policy and government structure. WEF supports the creation of a new framework for ocean policy and agrees that the current fragmented approach to managing the nation’s oceans and coastal waters is not effective. WEF supports the Guiding Principles used by the Commission, specifically the emphasis on ecosystem-based management, the need for and use of the best available science and technology, and adaptive management to allow for continual improvements.

WEF has been a long time advocate for the use of sound science in the environmental decision making process, and we support the prominent place this issue has been given by the Ocean Commission. As the Commission has observed, basic and applied research contribute to our understanding of the Earth’s environment and support more effective decision making on issues as varied as maintaining ecosystem health and management of maritime operations. We also agree with the Commission’s conclusion that resources for research will be better utilized if there is a national strategy to coordinate and integrate the investment in public and private research. A renewed commitment to research is needed to meet the goals outlined by the Commission.

WEF also agrees with the Commission’s emphasis on the role of states. A major part of WEF’s focus is wastewater management, thus WEF specifically endorses state involvement in the development of a comprehensive plan for upgrading the nation’s aging water and wastewater infrastructure (14-4). In addition, WEF notes that state and local governments provide major investments in pollution control activities, public health

protection, and water resources management and must be key participants in this ocean initiative.

Watershed Management and Nonpoint Source Pollution

WEF is an advocate for and supporter of the watershed approach and agrees that coastal and watershed management must be linked. Managing nonpoint source pollution is critical to improving our nation's waters, both inland and coastal, and is an important part of managing water quality at the watershed level. WEF supports the following recommendations that articulate how to strengthen both nonpoint source control and watershed management as a tool to improve water quality:

- Congress should amend federal laws to provide better financial, technical, and institutional support for watershed initiatives (9-4).
- The National Ocean Council (NOC) should establish the reduction of nonpoint source pollution in all impaired coastal watersheds as a national goal and set specific, measurable objectives (14-8).
- The NOC and regional ocean councils should strengthen the ability of collaborative watershed groups to address nonpoint source pollution problems by providing adequate technical, institutional, and financial support (14-13).
- EPA and states should experiment with tradable credits for nutrients and sediments for reducing water pollution (14-5).
- USDA should align its conservation programs and funding with others aimed at reducing nonpoint source pollution, such as those of EPA and NOAA (14-7).

National Monitoring Network

WEF supports recommendations 15-1 and 15-2 regarding the establishment of a national water quality monitoring network and agrees that while many agencies are engaged in monitoring work, their activities should be better coordinated.

Coordination and Information Systems

WEF also agrees with the importance of the following recommendations:

- Improve regional coordination (4-11)
- Development of an interagency task force to modernize the national environmental data archiving, assimilation, modeling, and distribution system (28-6)
- EPA and states should modernize the NPDES information management system and develop an effective monitoring program (14-6)

Report Structure

The report provides a comprehensive and impressive set of recommendations across the political and technical spectrum covered by the discussion. Individually, many of these recommendations will be supported by stakeholders knowledgeable about these matters; however, just as the report observed that attention to ocean issues was fragmented across many agencies and organizations, WEF found the report difficult to integrate across topics. While the report provides specific, high level actions to implement its goals, it does not identify an existing champion to move forward with these actions. WEF strongly recommends that the Commission identify a champion to organize and integrate the recommendations into an action plan, and to identify specific agencies and groups responsible for its implementation.

The Report provides a bold vision for a renewed commitment to the Earth's ocean resources. WEF would like to see this vision realized, but without concrete next steps it is likely that no one will step forward to ensure that we reach for the benefits of that vision.

If you have any questions regarding these comments, please contact Sharon Thomas, WEF Manager of Regulatory Affairs, at 703-684-2423 or stthomas@wef.org.

Sincerely,

Tim Williams
Managing Director
Government and Public Affairs

Comment Submitted by Henry Pate, Port Orange, Florida

June 4, 2004

To the Ocean Commission:

Please note that comments herein reflect my personal opinions only.

What our coastal waters need is active instream management. This would entail widening our focus to include the use of flow devices and artificial reefs in the water management toolbox, but at a scale that has never been considered before. The dirty secret of southern estuaries is that large areas go anoxic during summer, which by the sediment record used to support benthic life year-around just 30-40 years ago. In the Daytona Beach area you have to go 7-10 feet down before adult-sized clam shells can be found. The water column remains oxic, but there is not enough flow to satisfy the sediment oxygen demand during the summer, so the bottom 'dies'. One solution is to provide flow mechanically.

This has been done at Wilson Bay, North Carolina on a small scale. The next step in this process should be to explore the enhancement of flow on a very-large scale, for example by using a ship (with a ~5-10,000 HP powerplant) to try to increase/decrease flow through an ocean inlet or in the Dead Zone off Louisiana.

In the artificial reef area, a Federal program is needed to place reefs (esp. Reefballs) within estuaries and nearshore, along every exposed shoreline and seawall. Areas where the bottom dies would also benefit, as it would allow shellfish to attach in the water column where there is at least enough oxygen for survival.

Henry Pate
Research Scientist
Port Orange, FL

Comment Submitted by Lisa Fairchild, St. Petersburg, Florida

May 28, 2004

Public Comments: U.S Commission on Ocean Policy Preliminary Report

As a citizen and a student, I welcome the opportunity to submit comments on the Preliminary Report to the U.S. Commission Of Ocean Policy. Such a report is long overdue and is instrumental to bringing the importance of the ocean and its resources to the attention of the president, governors, policymakers, and the public. My comments will focus on Ch 14: Addressing Coastal Water Pollution.

Overall, the recommendations made in this chapter are comprehensive and address many of the complexities of this issue. However, I feel that some of the recommendations require additional elaboration to ensure that the objectives of the recommendations are fully expressed and understood.

Recommendation 14-7

- This recommendation should also encourage a shift away from agricultural subsidies to agricultural incentives for good land-management, agricultural practices, and stewardship.
 - Subsidies discourage crop rotation because only certain crops, corn and soybeans are subsidized. These crops are associated with high losses of Nitrogen, much of which ends up in the water.¹¹
- Assistance should be provided to farmers that practice good stewardship on a day-day basis, not just those farmers making a big change in behavior.

Recommendation 14-8

- If enforcement is left up to the states, compliance may be extremely variable because states may be reluctant to enforce pollution reduction regulations that significantly impact their economies.
 - For TMDLs to be effective states must cooperate.
- For this reason, there must be adequate enforcement and cooperation at the federal level.

Recommendation 14-10

- The use of disincentives needs to be stressed. Point source reduction for pollutants is mandated; however, non-point source reduction for the same pollutant is often voluntary and rewarded. The inclusion of disincentives implies mandatory compliance.
- Requires cooperation and coordination of federal agencies (USDA, EPA, NOAA) for adequate enforcement.

In conclusion, the recommendations included in this report are a major step in the right direction. The report focuses on both the scientific and political aspects of the ocean, which is necessary to make progress. Once again, I would like to thank the Commission for this opportunity to make comments, and commend them for the time they have dedicated to this endeavor and the comprehensive recommendations that they have developed.

Lisa Fairchild

¹¹ M. Burkhart and D James, "Agricultural-Nitrogen Contributions to Hypoxia in the Gulf of Mexico," *J. Environ. Qual.* 28 (1999): 850-859

Comment Submitted by Doug Daigle , Carlton Dufrechou, Albert Ettinger, Susan Heathcote, Randy Kouri, Mark Muller, Cynthia Sarthou, and Nancy Stoner of the Mississippi Riverwise Partnership

**Mississippi Riverwise Partnership
P.O. Box 4268
New Orleans, La. 70178**

May 20, 2004

U.S. Commission on Ocean Policy

We are submitting the following comments on the Governor's Draft of the Preliminary Report of the U.S. Commission on Ocean Policy on behalf of the undersigned members of the Mississippi Riverwise Partnership, a coalition of groups dedicated to improving water quality in the Mississippi River Basin and alleviating the problem of hypoxia in the Gulf of Mexico, and the Clean Water Network, a coalition of more than 1000 groups nationwide working to protect our nation's water resources.

We find ourselves in strong agreement with a number of statements in the Preliminary Report, such as the following declaration in the Executive Summary (p.xii):

“To be effective, U.S. ocean policy should be grounded in an understanding of ecosystems, and our management approach should be able to account for and address the complex interrelationships among the ocean, land, air, and all living creatures, including humans, and consider the interactions among multiple activities that affect entire systems.”

We also support the broad goals of the proposed New Ocean Policy Framework (p.xii):

- Improve federal leadership and coordination;
- Strengthen federal agency structure to enable effective implementation of national ocean policy and enhance the ability of agencies to address links among ocean, land, and air;
- Enhance opportunities for state, territorial, tribal, and local entities to develop regional goals and priorities, improve responses to regional issues, and improve coordination.

These goals are similar to recommendations made by our organizations in response to the hypoxia issue, and to the principles articulated in the *Action Plan for Reducing, Mitigating, and Controlling Hypoxia in the Northern Gulf of Mexico* (2001). The *Action Plan* represents an important recent example of upstream states in a large watershed reaching agreement on addressing a downstream problem manifested in the ocean.

While we commend the prominence given to the hypoxia problem at several points in the report, and to the Mississippi River-Gulf of Mexico relationship in the map on p. 166, we feel that the *Action Plan* deserves more attention as a specific policy tool that provides a significant precedent for the kind of actions that the report recommends. This is particularly true for the recommendations in Chapter 9 (Linking Coastal and Watershed

Management), Chapter 5 (Advancing a Regional Approach), where “efforts to address the growing hypoxic zone in the Gulf of Mexico” receives a brief mention on p. 57), and Chapter 14 (Addressing Coastal Water Pollution.)

The failure of the federal government to fully fund and implement the *Action Plan* in the years following its completion in 2001 demonstrates a lack of political will that will also hinder the adoption of the broader recommendations for an accelerated system of ocean governance. We would like to see full implementation of the *Action Plan* included as one of the recommendations of the Ocean Commission report along with substantially increased funding for water infrastructure needs, including contaminated stormwater, failing septic systems, sewer system overflows, etc.

On related issues, we commend the importance given to the problem of nutrient pollution, in particular that resulting from nitrogen loading in waterways and estuaries. The references to the 2000 National Research Council report and the recent paper on over-enrichment of the coastal zone by Rabalais and Nixon (p.157) strengthen the Commission’s conclusion that “without concerted, coordinated, and sustained action to reduce nitrogen sources, nutrient pollution will be a continuing problem in the nation’s coastal waters.” We support the Commission’s recommendation that biological nutrient removal be required for sewage treatment plants that discharge into nutrient-impaired waters, but would support a stronger recommendation on setting water quality standards for nutrients as well. Now that EPA has set water quality criteria for both nitrogen and phosphorous for most types of water bodies, states need to promptly set water quality standards based on those criteria. Prompt implementation of the total maximum daily load program (the Clean Water Act’s watershed cleanup program) will assist in sharing the burden of load reductions necessary to meet those standards, both locally and in downstream waterways.

We concur with the Commission’s emphasis on conservation programs run by the U.S. Department of Agriculture on pages 164-165 as key tools in addressing non-point source pollution. We support the recommendation (14-7) that “the USDA should align its conservation programs and funding aimed at reducing non-point source pollution, such as those of the U.S. Environmental Protection Agency and the National Oceanic and Atmospheric Administration.” The Commission’s suggestion that USDA funding be linked with good stewardship principles and implementation of best management practices is an excellent concept that we urge be strengthened in the final report.

At the same time, we question the recommendation (14-9) that Congress move NOAA’s enforceable non-point source program, created under Section 6217 of the Coastal Zone Act Reauthorization Amendments, to become part of EPA’s incentive-based 319 program. The advantages of such a move should be more adequately explained. We do support the call in the same recommendation for more funding for states to implement programs, a need that reaches across the board for all the report’s proposals.

The call for greater coordination between federal and state programs, and for a greater degree of regional initiative in ocean governance, is acutely felt in the Mississippi River Basin and active delta. The Mississippi River meets the Gulf of Mexico in a dynamic but highly managed river delta system that is vital for fisheries, commerce, hurricane protection, and freshwater input to the Gulf. There are ambitious plans for restoration of the Upper Mississippi River Basin and of Louisiana’s deltaic wetlands. Both of these efforts need to be coordinated with each other, as well as with the Hypoxia *Action Plan*.

We support the report's call for an effective National Water Quality Monitoring Network. This recommendation will have to overcome a recent trend in Congress of annual attempts to reduce funding for monitoring programs administered by the U.S. Geological Survey. We support as well the call for a National Strategy for Increasing Scientific Knowledge, and for increasing our understanding of the effects of climate change on ocean systems (p.306). A number of recent studies have highlighted the potential for significant effects of climate change on the Mississippi River-Gulf of Mexico connection (such as the report "Confronting Climate Change in the Gulf Coast Region" released by the Ecological Society of America and the Union of Concerned Scientists in 2001.)

Finally, we commend the Ocean Commission's emphasis on the urgency of the need for more effective ocean management and protection, and on the need to build public awareness and support for making this a national priority.

Sincerely,

Doug Daigle
Lower River Program Director
Mississippi River Basin Director
New Orleans, LA

Carlton Dufrechou
Executive Director
Lake Pontchartrain Basin Foundation
New Orleans, LA

Albert Ettinger
Senior Staff Attorney
Environmental Law & Policy Center
Chicago, IL

Susan Heathcote
Research Director
Iowa Environmental Council
Des Moines, IA

Randy Kouri
President
Mississippi Corridor Neighborhood Coalition
Minneapolis, MN

Mark Muller
Dir., Environment & Agriculture Program
Institute for Agriculture & Trade Policy
Minneapolis, MN

Cynthia Sarthou
Executive Director
Gulf Restoration Network
New Orleans, LA

Nancy Stoner
Director, Clean Water Project
Natural Resources Defense Council
Washington, DC

***Comment Submitted by James N. Galloway and William Keene,
Charlottesville, Virginia***

May 20, 2004

We are pleased to have the opportunity to comment on the recently released Preliminary Report of the U. S. Commission on Ocean Policy.

The surface ocean and overlying atmosphere are integrally coupled both chemically and physically and together regulate important earth systems including climate. Recognizing the inherent limitations imposed by focused disciplinary research, the International Geosphere-Biosphere Program recently initiated the Surface Ocean Lower Atmosphere Study (SOLAS) to support interdisciplinary investigations of chemical and physical processes in this large, dynamic, and critically important region of earth's biosphere. Under the auspices of SOLAS, major research efforts have been mounted in many countries including numerous projects funded by the U.S. National Science Foundation. Many important aspects of Ocean science cannot be understood or reliably predicted in the absence of corresponding information regarding the overlying atmosphere. For example, primary production in ocean waters over large areas of earth's surface and the corresponding emissions of climate-relevant compounds to the overlying atmosphere are limited by the deposition of nutrients from the atmosphere to the ocean surface. Consequently, the international scientific community considers it absolutely essential that coordinated atmospheric investigations be included as an integral component of future Ocean science research.

Based on the above, we believe that the preliminary report does not go far enough in recognizing the critical importance of atmospheric measurements in marine regions. In the general area of atmospheric deposition (mentioned above) there are three major regions in which measurement should be made to advance understanding:

1. The coastal area because it receives significant input of toxics and nutrients that impact the health of coastal oceans.
2. The open ocean downwind of areas of high population and/or industrial activity because it also can receive significant input of toxics and nutrients due to long range transport of materials emitted to the continental atmosphere.
3. Coastal and open ocean regions in remote regions of the world because they serve as baselines to understand the degree that human activities have increased atmospheric deposition of harmful substances.

Key measurements of atmospheric deposition are straight forward, can be made at relatively modest cost, and there exist several locations for the three areas mentioned above where past programs have made measurements and thus serve as a benchmark with which to make new measurements.

Sincerely,

James N. Galloway
Professor
University of Virginia
Charlottesville VA
jng@virginia.edu

William Keene
Research Professor
University of Virginia
Charlottesville VA
wck@virginia.edu

Comment Submitted by Rick Robinson, Iowa Farm Bureau Federation



IOWA FARM BUREAU FEDERATION

5400 University Avenue, West Des Moines, Iowa 50266-5997 / (515) 225-5400

September 17, 2004

Public Comment on Preliminary Report
U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

To Whom It May Concern:

The Iowa Farm Bureau Federation (IFBF), the state's largest general farm organization with more than 152,000 member families, thanks you for the opportunity to comment of the U.S. Commission on Ocean Policy Preliminary Report.

Farm Bureau policy supports voluntary incentive-based approaches based on sound scientific information, technical assistance to landowners and site-specific flexibility. Farm Bureau also supports state and federal legislation, regulation and policies that encourage locally designed and implemented solutions to water quality problems.

Farm Bureau has also voiced its concern in the past about the EPA pursuing greater regulatory control over non-point source pollution. For example, the impaired waters list and federal TMDL program brings non-point sources, including agriculture, into a regulatory framework, which Farm Bureau believes is beyond the authority of the Clean Water Act. Farm Bureau does not support similar federal or state policies with respect to nonpoint source pollution issues.

Nevertheless, Iowa farmers recognize the need to protect water quality. We can work in a voluntary fashion to address these issues, but time and money is a limiting factor. That is why Iowa needs federal policies and state programs in which the public has confidence and that can be used as a guide for local prioritization of limited soil conservation and water quality protection funds. The public and regulatory agencies must be patient partners in these efforts.

In that regard, the IFBF has concerns about the recommendation for establishment, within the Executive Office of the President, of a National Ocean Council or other high-level advisory body to be appointed by the President. If this person was to be an advocate for voluntary incentive-based approaches for agriculture based on sound scientific information, technical assistance to landowners and site-specific flexibility, and would also support state and federal legislation,

regulation and policies that encourage locally designed and implemented solutions to water quality problems, the IFBF would be supportive. In addition, this advisory body must be committed to working closely with the U.S. Secretary of Agriculture and the respective state Secretaries of Agriculture to accomplish the same goals.

At the same time, we do have concerns about the resources necessary to accomplish this objective. Clearly, federal and state resources to address the nonpoint source issues that affect our nation's oceans are greatly limited relative to the issues already identified. It would be counter-productive to have these limited resources further encumbered by another high-level advisory body that might duplicate the efforts and resources of USDA, or compete with its funding needs. For example, Iowa farmers last year applied for but did not receive more than \$100 million in federal and state cost-share funds to address a variety of nonpoint sources pollution issues. This is an example of work already identified by Iowa farmers, but funds are not available. We would not want this backlog of work to grow because USDA funding was cut in favor of a high-level advisory board that does not appreciate the complexities of agriculture's nonpoint source challenges.

More specifically, recommendation 14-3 contains several sweeping recommendations with little basis or demonstration of knowledge of the regulatory environment or agriculture. The preliminary report makes the assumption that unless they are subject to more stringent regulation, all animal feeding operations pollute. This assumption is false and is not supportable. It does a disservice to the tens of thousands of livestock farmers in our state, many of which are regulated, who operate their farms in an environmentally responsible manner. The recommendation that the states should be more stringent than the federal regulations presumes that the federal regulations are not stringent enough, and presumes inaccurately that states aren't already regulating more stringently than federal regulations in many areas. The statements made in the report are not accurately applied across the board, and especially in Iowa.

The report also recommends funding research to take the nutrients out of manure. Unlike the situations in some states on the east coast that lack fertile cropland, Iowa uses its manure as fertilizer for its crops and is required by Iowa law to limit applications to agronomic crop uptake rates to minimize the potential of water pollution impacts. It would be contrary to sustainable agricultural principles to require elimination of nutrients in manure as recommended. Organic fertilizer should be preferred and utilized rather than transformed into a waste by taking out its nutrients. In fact, the recommendation seems to be inconsistent by recommending removal of nutrients but at the same time suggesting improved best management practices be developed. If nutrients are removed, there will be no need for best management practices as animal feeding operations will then have to treat it as a discharge waste.

In addition, the IFBF consulted with various experts on the preliminary recommendations. One of those experts, Derek Winstanley, Chief of the Illinois State Water Survey in Champaign, Illinois, notes that on page 166 of the report there is information on the Impact of Farm Nutrients on the Marine Environment. This draws on the CENR hypoxia assessment reports that focus almost exclusively on nitrogen and identify farms in Iowa, Illinois, Indiana Ohio and Minnesota as being the "main contributor's to the Gulf's dead zone."

The Action Plan of the Mississippi River/Gulf of Mexico Task Force calls for a 30 percent reduction in the load of nitrogen carried by the Mississippi and Atchafalaya Rivers to the Gulf in order to reduce the size of the hypoxic zone in the northern Gulf of Mexico. Recent reconsideration of nutrient data in a non-published report by scientists in U.S. EPA Region 4 and other scientific institutions, Winstanley and others here in Iowa note, shows that there are indeed large amounts of nitrogen in the lower Mississippi River and the coastal zone in the northern Gulf of Mexico, and that *phosphorus* is the limiting nutrient in spring and early summer, not nitrogen.

It is necessary to clearly identify excess and limiting nutrients in order to establish scientifically sound policy and management strategies. Resource managers often control a limiting nutrient rather than an excess nutrient in order to reduce eutrophication and hypoxia in an efficient and cost-effective manner. However, the CENR reports fail to incorporate a straightforward and unambiguous analysis of nutrient ratios and do not conclude that phosphorus is a limiting nutrient.

Because of these deficiencies in the CENR reports and the Action Plan of the Mississippi River/Gulf of Mexico Task Force recommending control of nitrogen loads, it appears that the farming community and others may have been lead up a non-productive path of nitrogen control. It now appears from the recent analyses that controlling phosphorus loads by a relatively small amount is likely to provide a scientifically sound basis for setting sound policies and management strategies for reducing the size of the hypoxic zone in the Gulf. Preliminary data indicate that point sources could be major contributors to phosphorus loads.

Before any recommendations of the U.S. Commission on Ocean Policy are finalized, the commission must acknowledge these recent findings, and incorporate recommendations that are consistent with a process that investigates these new findings and any future changes in scientific understanding of the issues. It is recommended that any federal body associated with oceans use a as basis for setting scientifically sound ocean policy conduct a thorough and more rigorous and independent assessment of the causes and control of hypoxia in the northern Gulf of Mexico.

Thank you for the opportunity to comment. We look forward to further dialogue with you on these important issues.

Sincerely,

A handwritten signature in black ink that reads "Rick Robinson". The signature is written in a cursive, flowing style.

Rick Robinson
Director, Environmental Affairs

Comment Submitted by Anne Sullivan, Fairfax, Virginia

May 19, 2004

Would like the assurance that the Federalism and Implementation working groups policies will include preventive measures for ocean pollution from dam removal. Such as removing polluted sediments from behind the dam before blasting out the dam or having and deploying an effective means to mop up the pollutants to protect the ecosystem. Edna Francisco's "Tales of the Undamned: Removing barriers doesn't automatically restore river health" Science News, 4/10/04, gives a more detailed description of the unanticipated problem.

D. Fahrenthold, "Pollution Kills a Third of Bay Grasses: 2003 Saw Largest Drop in 20 Years of Surveys", in Sect B of 5/10/04 Washington Post cited a joint report from the Chesapeake Bay Program and the US EPA as noting that almost a third of the underwater grasses in Chesapeake Bay died during 2003--unable to survive as pollution blocked out the sunlight. According to the report, heavy rainfall was the main contributor, washing in pollutants which triggered massive algal bloom and tons of dirt. Were there small dams up stream from the Chesapeake broken up, which might have contributed to the Bay Grass Decline (interface with research groups)? If so, it seems like this fits under the controlling ocean pollution umbrella. Seems like an interface issue with EPA, too.

Hopefully, your policy will encompass/allow implementing procedures for prevention of pollution due to dam removal or subsequent cleanup of resultant pollution from dam removal. (It seems like the former might be more cost effective.) I wrote this because I read Ben Harders's article, "Sea Change: Ocean reports urges new policies", this week in 4/24/04 Science News. Ben noted in his article that your commission is accepting public feedback on the preliminary report through May 21.

V/R

Anne Sullivan
Fairfax, Virginia

Comment Submitted by Chester L. Arnold, Jr., University of Connecticut

May 17, 2004

U.S. Commission on Ocean Policy
1120 20th Street, NW
Suite 200 North
Washington, D.C. 20036

Dear Commission Members,

I complement you on your excellent report. It clearly shows the time, effort and thoughtful debate that you put into it.

I am the Associate Director of the University of Connecticut Center for Land use Education and Research, and the co-founder of the "Nonpoint Education for Municipal Officials" (NEMO) program mentioned in the section referenced below (many thanks). I have two very specific comments on this section which can be easily addressed, if my suggestions meet with your approval.

Chapter 14: Addressing Coastal Water Pollution
Section: Thinking About Land Use, page 170

Comment 1, Second paragraph: I would like to suggest that a sentence be added on the National NEMO Network, to ensure that the reader is not left with the impression that NEMO is solely a Connecticut program. There are now 34 NEMO Network programs in 32 states adapted after our work in Connecticut (which began in 1991). NOAA, EPA and USDA each fund some of the projects, and have also provided modest funds to help UConn coordinate the network; there are literally hundreds of partners involved at the state, regional and local levels.

I suggest that a sentence be added between the third and fourth sentences, which might read something like:

...and the U.S. Fish and Wildlife Service. ***The National NEMO Network, comprised of educational efforts adapted from the Connecticut original, now numbers 34 projects in 32 states.*** While this program has had...

Comment 2, Recommendation 14-11. I suggest that the sentence naming the U.S. EPA as the major implementer of this recommendation should be expanded to specifically include other agencies. For one, this would bring the recommendation language in line with the preceding paragraph on NEMO, which mentions NOAA, USDA and NASA. More important, since land use is controlled almost completely at the local level, **no** federal agency has a high level of expertise in, or comfort with, educating local land use officials – or ready-made programs and line offices focused on local land use issues. Tremendous progress has been made on this front, however, and my hope is that the Commission Report will galvanize many federal entities to increase their efforts to help educate local officials. My concern is that by naming one "lead" agency, others (like NOAA, which has made great strides in the past 5 years) will fail to get the acknowledgement and encouragement that they need to continue their nascent efforts with regard to this issue.

My suggestion is that the second sentence be modified to read:

“The U.S. Environmental Protection Agency, **NOAA, USDA and NASA** and other appropriate entities should increase outreach programs that provide local land use decision makers with the knowledge and tools needed to make sound land use decisions that protect coastal water quality.”

Thank you for considering my comments, and again, congrats on an excellent report.

Regards,

Chet
Chester L. Arnold, Jr.
Associate Director
Center for Land use Education and Research
Cooperative Extension System
University of Connecticut
tel:(860) 345-4511 fax:(860) 345-3357
CLEAR WWW Site: <http://clear.uconn.edu>
NEMO WWW Site: <http://nemo.uconn.edu>
RESAC WWW Site: <http://resac.uconn.edu>

Comment Submitted by Janie Anderson

May 12, 2004

Voluntary participation is ineffective; only effective regulation succeeds (e.g., effecting ELIMINATION of water pollutant discharges as required in the Clean Water Act by 1985, NOW)

Comment Submitted by Chris Martinez

May 3, 2004

Commissioners,

I have a concern about Class V injection wells. In Florida, we have ASR (Aquifer Storage and Recovery) wells. As a surfer, having unpolluted oceans is very important to me and my fellow surfers. One of the EPA requirements for these injection wells is to test the drinking water and surface water. These requirements seems to leave out the ocean water. Are there any tests in place to make sure that the seepage from the injection wells doesn't make its way into the ocean?

Thank you for your time.

Chris Martinez

Comment Submitted by Dr. Randall M. Lance, Wellborn, FL

April 29, 2004

To The Ocean Commission,

I have always considered rivers, coastal waters and the oceans as public property as well as my own personal property. Polluting "my" waters is akin to a neighbor throwing his garbage over my fence. Conveniently using our oceans as an open sewer means that someone did not take the time, effort or expense of proper disposal or recycling.

In our mindless race to overpopulate the planet many profit at the expense of the oceans and the wet "fields" from which come our food are already contaminated with the refuse of industry and human and animal wastes. Mercury, pesticides and ecosystem killing nutrients are now seen as problems too expensive to correct. If one looks ahead one hundred years the oceans will be dead as will human civilization and who will profit? We will have done ourselves in from the side effects of better living through chemistry.

If one looks at the big picture using the State of Florida as a fast growing example one sees the entire nutrient cycle ignored besides aesthetics. The sewage of nearly 17 million people is dumped in the sea either directly through huge pipes or slowly through concentrated spray fields and septic systems. Garbage is simply piled in leaky pyramids to rival the scale of Giza. Then for agriculture and for no better reason than lush lawns huge amounts of soluble chemical fertilizers are spread on the land. Animal manures and carbonaceous yard wastes are poorly recycled. All the nitrates, phosphates and iron compounds are destroying our waters and associated mercury, pesticides, pharmaceuticals contaminate surviving sea life. Even beachgoers are sickened by red tide toxins, many fishermen have contracted flesh eating bacteria and some seafood items contain deadly saxotoxin. All this from the sea that until recent times was clean, healing and the source of the finest foods.

I have been a fisherman and diver all my life and an organic farmer/gardener for over twenty five years before and after studying chemistry and biology at UF. I've never stopped studying and experimenting and my focus of late has been our total disregard for the nutrient cycle. I make the following recommendations to the Ocean Commission with the understanding that pollution credit trading and max-load concepts are illigical considering we have long surpassed max-loads on our oceans as evident from their decline.

1. Stop use of all soluble chemical fertilizers by homeowners. There are alternatives which don't leach. Many apply excessive nitrogen which increases pest problems then requiring further chemical insult. Iron compounds need to be

studied for leaching as iron puts the red in red tide. All lawn chemicals need to be reviewed for their persistence and leaching.

2. Agricultural inputs need to transition to non-leaching forms globally. Export of American Chem/Agribusiness is exporting dangerous technologies to other countries many of which have no environmental constraints. Ex. The states drained by the Mississippi lose a vast quantity of fertilizer only to destroy the Gulf of Mexico hundreds of miles away. BMP's stopping only 30-40% of chemical nutrient escape into rivers and oceans is not effective enough to help the problem and focus needs to move towards safe inputs.

3. The long term solution to saving our oceans or even our groundwater for drinking is to consider nutrient recycling. Every bit of garbage, sewage and animal manures can be recycled into non-leaching, highly effective fertilizer composed of lasting large colloidal particles through composting and co-composting. I have used composts of sewage, garbage and animal manures and all were safe and very effective and longlasting. Given the magnitude of the planet's human population I see no alternative to sustaining life as we know it.

I have offered this same information to individuals through organic method teaching, to the public through dozens of newspaper articles, to government and environmental agencies for over twenty five years falling mostly on deaf ears. I thank the Ocean Commission for validating the problems. I hope the solutions are forthcoming since time for action is here and most further research only wastes time.

In an era where most people are totally disconnected from nature, their environment and food production/gathering a giant warning bell needs to issue forth through cable and video game to wake them from their virtual dream. Water, food and shelter are dead serious necessities that can no longer be taken for granted and those still in charge of their faculties need to lead the effort to correct some dead serious and long standing problems. It does bring hope to see the world's finest minds involved in this endeavor.

Sincerely,

Dr. Randall M. Lance
Wellborn, Florida

Comment Submitted by Glen Walker

April 27, 2004

After reading a lengthy article pertaining to the lack of genuine concern for the oceans, waterways, lakes and rivers of the United States I've decided to act.

I'm sending this message to express my concerns about the current administrations dismal record relating to the environment, especially how they are allowing the EPA's rules and laws to be disregarded, altered and ignored by so many polluters. Unless these rules and laws are enforced and strengthened, we will undo generations of effort to clean-up and keep clean our abundance of drinkable and useable water.

Legislation is currently pending which will help in these areas but it will require the actions of concerned citizens like myself to let the politicians know how important this issue is to all Americans, Canadians and even those who live in Latin, South, and Central America.

The U.S. is one of the biggest polluters in the World, we consume 1/6 th of the World's energy and we are responsible for setting an example for the rest of the World to follow. We only have a short span of time to correct these pollution problems that plague our planet, if we balk at the opportunities to correct and protect the environment now, future generations will not be able to undo the damage in time to insure they enjoy safe and drinkable water. I have not even touched on the environmental damage to wetlands, marine life, and the fact an area the size of New Hampshire and Vermont is egologically dead off the coast of Louisiana due to the pollutants that dump into the Mississippi basin every year. The problems are endless, but it is up to our Congress and the current Administration to correct these matters, not look for ways to ignore or subvert them. I hope this letter helps to express one citizen's concerns and I would appreciate any feedback to this letter you feel is appropriate.

Thank You
Glen Walker

Comment Submitted by Andrew M. Cohen

April 24, 2004

Dear Folks,

The Bush Administration seems caught in a bind of its own making. They have made it a crime to harm a fetus in the act of committing another crime, an act which the president signed with a great flourish a few weeks ago. On the other hand, The EPA, even under this administration, cannot hide the fact that its own governance of mercury pollution is causing deep detriment to literally hundreds of thousands of unborn infants every year.

Seems to me as a citizen that the act of polluting with mercury is a practice that needs to be stopped, with scrubbers and 'expensive' equipment that the power industry is loathe to purchase. That makes them guilty of harming fetuses in the act of dirtying up our environment. They may be able to argue that the levels of pollution are adjusted so as to make their dirtying of it technically not a crime, but I for one doubt it. I think they should be hounded on the matter, and y'all are in a much better position to do it than I am as a lone citizen.

Your scientists know as well as I do-better, since they study it for a living- that mercury concentrates up the food chain. Spewing into the air in the creation of soot from power plants, it enters into the oceans via the hydrologic cycle, and is there ingested by any number of critters, finally to end up in the seafood case at the supermarket, or in a can of tuna. The EPA's own estimate- the Bush administration's EPA to boot, one not noted for its vigorous enforcement of existing regs- recently estimated that up to six hundred thousand unborn babies a year are affected by the mercury so concentrated. Even with laws protecting government employees from prosecution, I fail to see how a lawsuit cast on the basis that the administration's allowing one agency to violate laws enacted on behalf of another could not but cause embarrassment to the enactors.

If you agree with this line of reasoning, I would be obliged if someone in the office would get back to me.

Thinking quite seriously of instituting such a class action lawsuit myself, I am

Andrew M. Cohen
one steamed citizen

Comment Submitted by Sandra Rose, Penn Laird, Virginia

April 24, 2004

Dear Commissioners:

Speaking of oceans, it seems an appropriate expression to tell you that I feel like I am drowning in environmental problems. The commensurate emotional stress of feeling so helpless in the face of so much inaction and downright denial of environmental emergencies leaves me profoundly unhopeful for a safe and healthy future.

Living in the Shenandoah Valley, I am aware on a daily basis of the massive contribution our agriculture makes to the destruction of our water as a life -source. The small, seemingly insignificant, stream behind my house has just been labeled a highly polluted waterway by our DEQ. Frankly, I didn't really need them to tell me that since I already suspected it. Nonetheless, I found it shocking.

Now you are confirming what many of us have known at gut level but didn't want to hear confirmed by good science. Since you have done so, what are you going to help us do to rectify the problem? Why can't NASA be refocused toward Earth? Why do the "big guys" like industrial farms, oil companies, power companies, etc. get to continue polluting with apparent gay abandon? I frankly think that if voluntary pollution cleanup works for industry and big money then I can look for the sun to rise in the West.

There isn't an area of ocean or river that I have seen in my lifetime that I can imagine to be clean enough to safely swim in. Having lived in Florida and gone in the water off Key Biscayne where feces floated by me from a nearby marina with luxury yachts, I vowed never to get in the ocean again. I have also seen what ocean liners do with their waste when they think no one is looking at night.

Finally, may I say that, attention to the cleanliness and viability of our oceans is of utmost importance and not to be separated from the rest of our environmental quests for improvement. It seems primitive that human beings are content to live in their own waste and that of the animals they raise . Because of our insatiable demand for meat and wasteful commerce, we generate manure and refuse that we can't dispose of except to see it eventually appear in our drinking and bath water. If that isn't a crisis, there is no such thing.

Thank you for considering my remarks,
Sandra Rose
Penn Laird, VA

Comment Submitted by Cameron M. Colson, CAMERONCOLSON

Wednesday April 21, 2004
Contact Cameron M. Colson
Sunnyvale California

National committee report on oceans reveals desperate situation pointing to homeland security gap (SEWERS).

How valuable is a beach that you cannot go into it's waters?

This is the question regarding the value of assets like-land holdings when the value is based directly on location. Beach closures and unhealthy waters represent poverty. It also reflects on a national issue of pride. And pollution gets there from where and how? Today's report: Answer; Storm Drains and land-use.

What are we offering the world as a nation. A system? A way of introducing change when a system has failed. If we as a nation could give this gift of knowledge to the world, we can offer the failure of our system of land-use management that has become mediocre and archaic. Listen World, Learn from the USA, the result of failed land-use management is the devaluation of our nations national resources like clean enjoyable water without repercussions to later health and skin afflictions.

Keyword 'STORM'

returns 60 occurrences clipped from desktop report on Ocean committee report.

We as a nation have been asked to react by the committee of this report, I am responding with a solvency mechanism. Not only is the storm drainage system at risk from terror attack but it has been proven to be unknowingly by most, a harbinger of poisonous, corrosive, and explosive gasses and home of disease breeding vectors like mosquito borne WEST NILE VIRUS.

I am resolved to an undeniable fact. The fact is that the storm sewer system as a gravity fed system is not properly engineered to provide the necessary gap when torrents of water overwhelm the drainage system. It is also uncontendable that drainage systems mostly are designed to allow size of tunnel to gap the waters oncoming flow. Industrial reports have shown that system efficiency does not always go according to calculations. This is especially true of older systems that are bound by growth beyond system upstream design. Overload a problem for any system, This is true of both systems, separate storm sewers and municipally treated sewers. Example The city of San Jose has a most alarming situation, the water pollution control plant issued an RFP. The SCOPE of the solicitation to re-line /repair the incoming effluent channel . This project review to vendors gave a back door intro to pending crisis, a technical difficulty to successfully complete the re-lining and repair of the incoming effluent channel needed a solution. The issue was a needed diversion method due to the fact that the flow could only be reduced, "not completely able to turn off"; as stated by city engineers responsible for the project oversight. I was floored to the implications of this, and pretty much the whole group of vendors was flabbergasted there is not a valve to turn off the 42 inch pipe's) feeding the treatment plant. A possible solution being considered was only a partial relining, this was suggested by city officials to re-line and repair eroding channel from top of the channel to the top of the water level at its lowest.

I end that thought to identify that the majority of high risk “storm system inlets” are without control as required.

The storm drain inlet system typically drains to creek, bay, ocean; untreated.

The drain inlet system is at risk for use to attack, sabotage, and accidentally pollute or poison waters.

The drain inlet system is mostly unmonitored.

The drain inlet system is vulnerable to overloading.

The drain inlet system represent a critical infrastructure at risk of “weaponization” for ‘Soils Liquefaction”.

The drain inlet system needs a controllable gap system to vent and or collect gasses.

The drain inlet's needs a means of control by measure and system to manage the conveyance that feeds it.

The drain inlet system should conform to this national management standard to mandate cleaning conveyances prior to rainy season.

The drain inlet system needs to be connected to the emergency system.

First responders, municipal workers, police, fire, and city officials, and business’s operators need a working knowledge of this Standardized National Drainage System Control.

The drain inlet system is a utility in need of a fair and reasonable means to regulate fees for use /abuse.

The drain system utility should not be allowed to regulate itself.

All municipal codification on this critical infrastructure should reflect a new national standard on this system and eliminate redundancy of departments and overlapping operations and enforcement on regulatory compliance for land use delinquency.

The drain inlet system inlet grate should be considered the dividing line of control, effluent irregardless of makeup is lost to owner or controller of lost liquid or materials unless drain inlet is owners or certified custodian of system maintenance, so being charged with ownership and or authority in these matters.

I am resolved that water used to clean surfaces is the most effective and visibly noticeable method for controlling surface cleanliness.

I am resolved that daily regular cleaning of surfaces with water as allowed and prescribed within controllability of effluent discharge prohibitions regulating water uses is achievable;

I am resolved to contend that industrial washing, pressure washing, uhp, /hp, steam

cleaning, chemical application or surfactant use, water-blasting are legally allowable uses of water.

I am resolved that similar usage and re-useage of reclaimed water introduces a new category of multimedia pollution prevention claiming to reduce the re-suspending of particle matter susceptible to vehicle travel wind erosion and airborne transport that is deleterious to human respiratory and eye health along with preventing poor water quality.

I am resolved that the solution to resolve all the above is through an alternate land-use methodology requiring the reuse of water to equate to the means of control on the flow of any open conveyance leading to a separate municipal drainage system.

I am resolved to specify specific instruction for compliance with regulations requiring a measurability factor as a requirement for a site specific storm water pollution prevention plan is a result, met by protocol.

I am resolved better quality of water, air and life is achieved by a protocol for land use including a patented *drain inlet system* flow control mechanism .

I am resolved protocol is novel, using water to mobilize and condense surface pollutants in a controlled manner, (not unlike the sales pitch of the vacuum cleaner man with his bag of debris from the carpet) claims to be the alternate method to satisfy the requirement of “prove it”. By recovering, screening, and maximizing the beneficial use of water through reuse mandated by an alternate land-use methodology, water and land are controlled to maximum extent practicable. I am resolved the protocol satisfies additional requirements for controlling flow exceedences in drain system and metering use of drainage system.

I am resolved that this land use methodology is concurrent with other regulatory principals and is a reflection to the intent of the clean water act and guiding principals embraced by all groups of interest concerned with the health of our air, waters, forests, and land.

I am resolved not to argue that there is a better way as allowed and defined by the California State Water Resource Control Board to allow a third party solution.

I am resolved that I posses all the rights afforded to intellectual and patent protections granted and pending to present an alternate third party solution as a national standard for protection of the public trust governing land uses and drainage system protection.

My name is Cameron M. Colson president
CAMERONCOLSON, a CALIFORNIA Corporation DbA. CAMCO (SM)
Sunnyvale California

Comment Submitted by Helen Franklin

April 24, 2004

The State has never asserted its jurisdictional authority and due to the federal funding it receives on associated programs, it is unlikely they will assert it now. When the CZM and the EPA wrote the nonpoint source guidelines, they indicated that it was not meant to regulate nonpoint pollution by rule, but NMFS jumped ahead and wrote the 4(d) rule (1999) regulating all nonpoint source pollution to the hilt. Lack of funding has delayed implementation and enforcement, but this will probably enable them to finally implement the rule.

Oregon jumped ahead of all other states on regulation of nonpoint sources exceeding the federal intent by leaps and bounds. We spent years writing Agriculture Water Quality Management Plans as well as securing the grant funding for implementation.

As many of us have argued on Oregon's plan, there are no provisions in the rules to gauge or account for naturally occurring nonpoint sources on sediment, nitrate loading and bacteria. It would be interesting to see how they came to these conclusions and if the same methodology of data collection is consistent with the lack of science DEQ currently uses to reach the same (inaccurate) conclusions about water quality in Oregon.

Helen Franklin

Comment Submitted by Stephanie Towers

April 21, 2004

Dear U. S. Ocean Commission,

My name is Stephanie. Upon flying out of Dallas, Texas it was very noted from the window of my plane that an oil well with NO OIL RIG was unleashing uncontrolled oil into what ever waters bay it is called upon heading towards route Cancun, Mexico that American Airlines flies. I have and been told a million times that I have eagle eye vision. Anyway, what do you know about it and why is it just filling the waters ? It's ring was very good size and from the altitude it's probably bigger that I'm saying.

Please let me know.

Thanks

STEPHANIE

Comment Submitted by Steve Minsel, Elkhart, Indiana

April 20, 2004

Submitted by: Steve Minsel
Affiliation: Concerned United States Citizen
Elkhart, Indiana

The shores of the United States and the area falling into United States water should be the focus of how we should protect this valuable resource. It seems that States who boarder the Atlantic; Pacific; and Gulf of Mexico have the ultimate responsibility of "guarding" our seashores since they benefit the most from all the financial dividends generated from being "on the WATER ! These "water-front" State Governments have been reaping huge financial profits created by resorts ; commercial fishing ; land development ; etc etc. Therefore, the waterfront States should "BEAR THE BURDEN" of maintaining the prestine nature of our shores.....not other U.S. Citizens ! It is the "right thing to do".

Steve Minsel
Non-SeaShore Resident

Comment Submitted by Priscilla M. Brooks, Ph.D.

June 4, 2004

The Honorable James D. Watkins
Admiral, U.S. Navy (Retired)
Chairman, U.S. Commission on Ocean Policy
1120 20th Street, N.W., Suite 200 North
Washington, D.C. 20036

Dear Admiral Watkins and Members of the U.S. Commission on Ocean Policy:

On behalf of the Conservation Law Foundation (CLF) I am sending you an addendum to our comments sent on June 4, 2004 regarding the Commission's *Preliminary Report*. We would like to touch upon the serious environmental hazards posed by once-through cooling processes at power stations on our oceans and waterways, and the failure of EPA to issue appropriate permits for these facilities on a timely basis. This issue was not addressed by the Commission in its *Preliminary Report* – an omission that we hope the Commission will address in its final report to the President.

The permitting history of the Brayton Point Station, a coal-fired power plant on Mt. Hope Bay located in Somerset, Massachusetts, is a striking example of EPA's failure to act promptly. While the company's permit actually expired in 1998, a final permit was not issued until October of 2003. Currently, the plant's owner is appealing a more stringent permit issued by EPA. In the meantime, the plant continues to take in nearly one billion of gallons of day, and discharges the water, heated up to 95 degrees into the Bay. Both the excessive intake, which results in the impingement and entrainment of thousands of aquatic organisms, and the heated discharge have devastated Mt. Hope Bay. Similarly, Massachusetts' Pilgrim Nuclear Power Station's permit expired in 1996, and EPA has not yet issued even a draft permit. Meanwhile, Pilgrim continues to draw in almost 500 million gallons per day, and discharge water heated up to 100 degrees into Cape Cod Bay. The Seabrook Nuclear Power Station in New Hampshire is yet another example of a facility wrecking havoc on the marine environment by employing once-through cooling. Given the harmful impacts of once-through cooling systems, it is critical that EPA both meets statutory deadlines and issues appropriately stringent permits for such plants.