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23 MR. CARLIN: Thank you very much, sir.  
24 Mr. Robinson from the Save the Illinois River.  
25 Kurt Robinson, correct?

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1 MR. ROBINSON: Right.

2 MR. CARLIN: And where are you from?

3 MR. ROBINSON: I'm from Muskogee,  
4 Oklahoma. Thank you very much for inviting us to  
5 speak and caring about what we have to say. I'm  
6 Kurt Robinson. I'm the president of Save the  
7 Illinois River and that is also known as STIR, the  
8 acronym S-T-I-R. Ed Brocksmith's letter preceded  
9 me. You may have that in front of you. I'm not  
10 going to read the letter to you, but I want to make  
11 a couple corrections for the record.

12 In his statement he says about the  
13 Arkansas management plans that they aren't in  
14 effect, but they are in effect and that's just  
15 happened recently. He also mentions a statistic in  
16 the body of his letter where he talks about 60  
17 percent of the nutrient impairment in the river.  
18 What he means by that is 60 percent of the  
19 non-point.

20 STIR is the only nonprofit organization  
21 chartered specifically for protection and  
22 preservation of the Illinois River, Flint Creek and  
23 Barren Fork Creek and Lake Tenkiller. It is made  
24 up primarily of stakeholders, concerned citizens  
25 that are concerned about water quality, fishermen

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1 and recreationists in northeastern Oklahoma.

2 STIR was formed in the 1980s as a group  
3 that opposed the Fayetteville, Arkansas's permit to  
4 -- the EPA permit to discharge into the Illinois  
5 River basin and that case went all the way to the  
6 Supreme Court. Fayetteville won the decision, but  
7 there was an important ruling that came out of  
8 that and that is that upstream states must meet  
9 water quality standards of downstream states. So  
10 that's who we are.

11 The Illinois River starts south and west of  
12 here and travels northward into a large poultry  
13 farming area. Literally hundreds of poultry  
14 feeding operations are there and then it turns west  
15 and enters Oklahoma just south of Siloam Springs  
16 and to a lesser degree there's still a significant  
17 poultry presence there in northeastern Oklahoma.  
18 It flows approximately 30 miles to the south and  
19 forms Lake Tenkiller.

20 The economic impact of the Illinois River  
21 and Lake Tenkiller is approximately two million  
22 visitors and \$30 million per year and the esthetic  
23 value of these assets and the quality of life, you  
24 can't put a number on that. It also is the source  
25 for 22 communities' drinking water.

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1 Now, a short chain of events that leads us  
2 to this hearing today, that leads STIR to this  
3 hearing, is in 1970 Oklahoma declared the Illinois  
4 River and its tributaries, Flint Creek and Barren  
5 Fork Creek, state scenic rivers and it afforded  
6 them the protective laws by that act. In 1998, the  
7 federal Clean Water Action Plan directed the states  
8 to reach a numeric criteria for nutrients and  
9 Oklahoma followed up with and adopted a .037  
10 milligrams per liter total phosphorus content in its  
11 scenic rivers and that is to be established by  
12 2012. The U.S. EPA approved that limit in 2003.

13 The next event that happened was the  
14 state of Oklahoma negotiated with the poultry  
15 industry for approximately three years. Those  
16 negotiations failed and Oklahoma filed suit against  
17 the poultry companies for polluting the Illinois  
18 River watershed with excess poultry waste. So the  
19 problem, the problem is that we've got runoff  
20 bringing phosphorous to the Illinois River and also  
21 bacteria. We've got millions of birds in the basin  
22 and we've got hundreds of thousands of tons of  
23 poultry litter that we're putting on the ground. So  
24 what has happened over the many years is that we  
25 have developed a nutrient surplus in the soil. The

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1 state of Arkansas declared that by state law this  
2 was a nutrient surplus area and scientific studies  
3 have been done that have found that there is an  
4 elevated phosphorus content in the soils in the  
5 Illinois River basin.

6 So after, you know, after years and years  
7 of applying the litter as fertilizer, and now we  
8 know that we have the surplus, at some point it  
9 stops being fertilization and it starts becoming  
10 what one might think of as disposal. Now, the  
11 USGS has been testing the water in the Illinois  
12 River for quite a while, many years, and the  
13 recent, the most recent numbers from the USGS  
14 indicates that the phosphorus level at the state  
15 line is roughly ten times the state limit for  
16 phosphorus that was the .037. And Tenkiller  
17 Lake, the loading to Tenkiller Lake is

18 approximately from the period of 2000 to 2004 a  
19 half a million pounds per year, so we're killing  
20 Lake Tenkiller.

21 Not only phosphorus, but bacteria has  
22 also been found to be a problem in the river. Dr.  
23 Riley Needham, a Ph.D. scientist with Phillips  
24 Petroleum, did some studies in this area in 2005  
25 and his conclusions were that the source of the

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1 phosphorus and the bacteria, the major source,  
2 was non-point, upstream from Watts, Oklahoma,  
3 which is just over the state line, and that the  
4 bacteria and the phosphorus were coming from the  
5 same source. Some of the bacteria -- the bacteria  
6 that he measured were fecal coliform, E. coli, and  
7 fecal Streptococcus and they were found to be  
8 above the standard most of the time.

9 So what do we do about all this? That's  
10 why we're here. For one thing, the corporations  
11 can take responsibility and, for instance, and that  
12 doesn't mean just the poultry industries in  
13 Arkansas but hog industries, cattle industry,  
14 wherever the CAFO's are presenting the pollution  
15 problem. They can take a page out of the book of  
16 the Oklahoma oil industry and that is in 1994 they  
17 established the OERB. That is the Oklahoma  
18 Energy and Resources Board. That was to create  
19 an administration that would self-tax the industry  
20 and they would take that money and they would  
21 solve pollution problems, restore oil sites, so on  
22 and so forth. Since 1994 the OERB has raised \$60  
23 million and restored 7,000 oil sites.

24 Another thing you can do is tax credits at  
25 the state level, possibly at the federal level. And I

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1 want to take this opportunity to congratulate a bill  
2 that's going on right now in Arkansas and that is  
3 House Bill 1318 by representatives Sullivan,  
4 Petrus and Thyer. This is good legislation. It  
5 creates tax credits for buyers and sellers of the  
6 litter in the basin. So if you take the litter out of  
7 the basin, you get a tax credit and the buyer of  
8 that also does, so those are -- I have a couple  
9 other remedies that I could -- I have on my -- I see  
10 I'm out of time, if somebody wants to ask me about  
11 them.

12 MR. CARLIN: Well, my first question  
13 then will be what are two other possible remedies  
14 that you might share with us today?

15 MR. ROBINSON: Thank you, Mr. Carlin.

16 Besides tax credits, I think that treatment  
17 facilities onsite is something we need to be looking  
18 at in the future and we need federal programs that  
19 will grant money to research for that. It may --  
20 this may be going on now, I don't know. An onsite  
21 facility that would treat the waste -- as these  
22 CAFO's get bigger and bigger and as time goes on  
23 and the land conditions get smaller and smaller,  
24 we're going to have a big problem and onsite  
25 treating of the waste is, I think, the future of this

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1 deal.

2 Federal setbacks right now could be done;  
3 that is, right now we have sensitive watersheds all  
4 over the country and we need federal setbacks for  
5 establishing new CAFO's.

6 And lastly, since you asked, nutrient  
7 credits which is kind of a controversial but it's a  
8 program that's going on in the Chesapeake Bay  
9 area and that is, for instance, let me just give you  
10 an example. In theory if Fayetteville, Arkansas  
11 needed to be at 1 milligram per liter at the end of  
12 their pipe, phosphorus, and let's say that they're  
13 making -- that they're getting 1.25. Well, in a  
14 basin like what we've got where we've got the  
15 major problem is non-point and then you've got  
16 point sources that are under the gun, in a  
17 situation like that, these tax credits -- these  
18 nutrient credits would allow them to make a deal  
19 with a farmer and haul X amount of tons of poultry  
20 litter out of the basin, you know, in turn -- in a  
21 trade-off of either being fined or spending millions  
22 to bring that down from 1 milligram to 1.25 or vice  
23 versa.

24 MR. CARLIN: Would you go through that  
25 just a little more and make sure we understand?

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1 Maybe some of the members here do, but --

2 MR. ROBINSON: The nutrient credits?

3 MR. CARLIN: Yes. You were saying the  
4 city of Fayetteville as your example --

5 MR. ROBINSON: As an example, yeah.

6 MR. CARLIN: -- could pay one of the  
7 chicken farmers, subsidize them so they could ship

8 --

9 MR. ROBINSON: Right.

10 MR. CARLIN: --some of their manure.

11 MR. ROBINSON: Yeah, well, sure. Let's  
12 say that Fayetteville was under the gun to meet a  
13 requirement by law and there would be some

14 application in that law that would allow them to  
15 put that off for a period of time and that would  
16 keep them from spending millions and millions of  
17 dollars to get from 1.25 to 1 milligram and at the  
18 same time they, you know, whatever that trade-off  
19 would be would all have to be worked out, but they  
20 could buy tons of chicken litter that's in the  
21 basin, in a sensitive basin, and haul it out.

22 MR. CARLIN: Alan?

23 MR. ROBINSON: That's an idea.

24 MR. CARLIN: Good, thank you.

25 MR. GOLDBERG: In following up on the

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1 previous question, do you know of any historical  
2 data on the amounts of arsenic in the river?

3 MR. ROBINSON: No. No, I do not. I  
4 have -- I do not believe that that has been  
5 measured. Now, there -- they might -- that I know  
6 of, it's not been measured.

7 MR. CARLIN: Just one last thought. To  
8 sum up, I'm assuming I'm hearing correctly that  
9 you're not saying the fact that we have large  
10 numbers of poultry in the area is a problem, it's  
11 the manure that's the problem?

12 MR. ROBINSON: Absolutely.

13 MR. CARLIN: And the concentration of  
14 that?

15 MR. ROBINSON: It's what you're doing  
16 with the manure.

17 MR. CARLIN: Yeah, and so if you dealt  
18 with that, that would address your concern?

19 MR. ROBINSON: Absolutely, yes.

20 MR. CARLIN: John?

21 MR. HATCH: I'm interested in who is the  
22 STIR membership, are you scientists, are you  
23 citizens, just who?

24 MR. ROBINSON: STIR has many -- we're  
25 a grass-roots organization made up of primarily

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1 local northeastern Oklahoma people, although we  
2 have members all over Oklahoma, some in  
3 Arkansas. We're just everyday citizens, walks of  
4 all life, doctors, lawyers, fishermen. You name it,  
5 if you're concerned about clean water in  
6 northeastern Oklahoma, you're probably a STIR  
7 member.

8 MR. CARLIN: Very good, thank you.

9 MR. ROBINSON: Thanks a lot.