

Correction: The story originally misnamed the Oklahoma Conservation Coalition and has been corrected. Environmental groups reacted to a cooperative agreement announced last week between Oklahoma and Arkansas on Illinois River water quality with a consistent thread in their statements â€” disappointment. Save The Illinois River, the Sierra Club and the Oklahoma Conservation Coalition issued a joint statement on the agreement shortly after it was issued saying the document, â€œclearly falls short of the pollution controls needed to comply with applicable water quality standards in Oklahoma.â€• But a leading architect of the Memorandum of Agreement that names state officials and environmental and agriculture departments of both states said the nature of such an agreement is compromise, and that this MOA embodies that spirit while setting a direction and installing timelines. â€œI like where we came out,â€• said Oklahoma Secretary of Energy and Environment Michael Teague. In June, Teague was quoted in the Tulsa World saying he believed an agreement would be penned within a few weeks to finally put to rest the long conflict between the states over pollution sources that have degraded water quality along the border, particularly in the Illinois River and Lake Tenkiller. â€œWhile it took a lot longer than I anticipated or hoped, the time spent made sure everyone was listened to,â€• he said. â€œNot everything that everyone wanted is in the agreement but there is a structure that will move us forward.â€• The agreement, signed by Teague, Oklahoma Secretary of Agriculture Jim Reese, the Arkansas Department of Environmental Quality and the Arkansas Natural Resources Commission, â€œcharts a path forward on science-based regulatory actions and permitting, and that jointly commits the parties to collaborative efforts in developing a watershed improvement plan,â€• according to a state news release. The deal also includes a commitment to making data about water quality improvements more readily available, most likely an online portal designed and managed by a third party that will be designed for transparency and public involvement, Teague said. â€œAs with almost every environmental issue, most issues involving compromise, one side is saying â€˜youâ€™re killing me, itâ€™s too hard,â€™ but the other says, â€˜youâ€™re killing me, itâ€™s not hard enough,â€™â€• Teague said. From

the not-hard-enough standpoint are longtime environmental advocates Ed Brocksmith of Save the Illinois River and Ron Suttles of the Oklahoma Conservation Coalition. Both men complimented Teague's outreach to involve them and members of the Sierra Club in the process, but expressed disappointment in the results. "We were brought into the process late, but Secretary Teague did bring us in and let us see an agreement that had been hammered out and we pointed out problems that he was surprised to see weren't caught," Suttles said. "To his credit, he took our concerns and presented them and got pushback from Arkansas, but we were able to point out some problems." Teague, Brocksmith and Suttles have different views on what truly was accomplished. The highlight, Teague said, is the agreement "absolutely puts a pin" in the 0.037 ppm phosphorous level in the river. A level that was determined many years ago, studied and confirmed as appropriate and agreed upon by the U.S. Environmental Protection Agency earlier this year. It also sets a level of .2 ppm on releases for new municipal water treatment plants, a level Teague believes will encourage construction of plants that meet or beat a .1 ppm level to build in flexibility. The question is what to do next, he said. "If you look at what we've agree to, there is a series of tasks and timelines that say to the state agencies, 'OK, get to work,'" Teague said. That's not necessarily so, according to Brocksmith. The water quality standards required for improvements are well known and should be enforced. "If Oklahoma had the courage, it could enforce the .037 standard at the state line today, but it wants to avoid doing that and work on a cooperative agreement," he said. "I think that shows we don't have a strong commitment to Oklahoma's scenic rivers and that we're willing to pay lip service but not to take the steps necessary and be forceful in showing our intent to protect the river (and Lake Tenkiller). This is another study, more committees, more bureaucracy, and yet another set of watershed management plans when both states already have watershed management plans. I say doggone it,

letâ€™s defend it!â€• A TMDL, or Total Maximum Daily Load, model is what is needed Suttles said. That model, often used by the EPA on federal clean waters, sets a maximum load for pollutants released into a body of water and then divides that total among pollution sources and regulates accordingly. Teague said that authority is not available to the states and that the EPA, so far, has declined to commit to that exercise on Oklahomaâ€™s scenic rivers, which are state-designated. â€œA TMDL is a definitive, clean, clear process for everyone involved,â€• Suttles said. He added that frameworks set by the EPA exist and that Oklahoma and Arkansas agencies are equipped to mirror that often-used model. â€œBut the MOA approach was the chosen direction set by leadership,â€• he said. â€œLetâ€™s all be a little more flexible. The problem with flexibility is it doesnâ€™t set clear goals for everybody. Itâ€™s still a fuzzy situation ... It extends the amount of time weâ€™ll take to deal with the problems and not face them.â€• Still, Teague expressed confidence in the MOA and the ability of agencies to â€œget to workâ€• and work through the legislature to set standards and regulations to enforce pollution guidelines and it puts in place a steering committee that will involve the agencies as well as interested parties and the EPA and the Cherokee Nation. â€œThose structures should be there for a long time and it puts people in the same room talking to each other regularly,â€• he said. â€œWe need to be talking to them all the time, so weâ€™re not in a situation where the only time weâ€™re talking about the Illinois River is in a courtroom in front of someone in a black robe.â€• Suttles and Brocks Smith arenâ€™t ruling out â€œblack robes,â€• either, particularly with the current state administration on the way out and a new lineup of administrators likely to come with a new governor next year. â€œI think we just have to wait, again, and see what happens with the new administration,â€• Brocks Smith said. â€œWe have been dealing with well-intended people but they are all lame ducks. The proof of what Oklahomaâ€™s intent is going to be will

come from (Gov.-elect Kevin) Stitt and his new cabinet. Weâ€™ll see if Oklahoma has

the fire in its belly that STIR has and much of the rest of

the people in Oklahoma have for clean water. I hope that fire is down

there and we can stoke it.â€• kelly.bostian @tulsaworld.com Twitter: @KellyBostian Kelly Bostian 918-581-8357 kelly

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