



January 31, 2022

Via email [gee.randy@epa.gov](mailto:gee.randy@epa.gov)

Re: SAFETEA – Proposed Withdrawal and Reconsideration

To Whom It May Concern,

These comments are submitted on behalf of Oklahoma Farm Bureau (OKFB), Oklahoma's largest agricultural organization with about 83,000 member-families. As a general farm organization, we represent members involved in every segment of agricultural production with operations of all sizes. OKFB is affiliated with a local Farm Bureau in each of Oklahoma's 77 counties. We appreciate the opportunity to comment on this important issue.

OKFB members are often indirectly affected by every program listed in former EPA Administrator Andrew Wheeler's October 1, 2020, letter to Governor Kevin Stitt regarding the Approval of State of Oklahoma Request Under Section 10211(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act of 2005. They are specifically affected by several programs in Administrator Wheeler's letter.

**CAA: State Implementation Plan (SIP).** Farmers and ranchers are concerned about how controlled burns affect Oklahoma's air quality. We have worked cooperatively with the Oklahoma Department of Environmental Quality (ODEQ) on this issue.

**CWA: National Pollutant Discharge Elimination System Programs Authorized by the Oklahoma Department of Agriculture, Food and Forestry.** There are several Concentrated Animal Feeding Operations (CAFO) in Oklahoma. Prior to Oklahoma earning delegation, OKFB worked with EPA Region 6 on a CAFO General Permit. Our perception was that through no fault of their own, Region 6 lacked the staff to properly implement the program. It took ODAFF several years to receive delegation. Oklahoma was required to meet certain legal standards and a level of financial support to implement the program. This included personnel to review permits and nutrient management plans, perform necessary legal actions, inspect CAFOs in the field, manage communications with the regulated community, and maintain publicly available records. ODAFF continues to meet the standards required to implement the CAFO program and is more efficient than ever.

**CWA: Water Quality Standards and Implementation.** OKFB has been closely involved in the development of water quality standards in Oklahoma in cooperation with the Oklahoma Water Resources Board (OWRB). As required by state statute, every agency that has jurisdiction over some aspect of water quality must have a WQS Implementation Plan. The OWRB adopted a special WQS for

scenic rivers in Oklahoma, including the Illinois River. OKFB has been supportive of the efforts of the Oklahoma Conservation Commission, often in cooperation with our federal partners, in working with farmers and ranchers on voluntary conservation measures and best management practices to prevent and reduce nonpoint source runoff in the watershed. The Illinois River has particularly benefitted from conservation measures in the Oklahoma watershed with phosphorus reductions improving water quality. It is important to our organization that WQS be based upon objective criteria, credible data, and sound science.

**SWDA: Public Drinking Water Systems Program.** Many OKFB members serve on the boards of their rural and municipal water systems. They are familiar with the increasing costs to build and maintain systems' infrastructure, as well as to treat the water to ever stricter standards. Rural and municipal water systems are regulated by ODEQ. When systems require upgrades to come into compliance with ODEQ requirements, they often turn to the Clean Water State Revolving fund at the OWRB for assistance. Our members know well the cost to water consumers as well as the benefits to communities and those in rural Oklahoma.

**FIFRA: State Pesticide Certification and Training Plan.** ODAFF administers this program and is preparing to implement the new requirements regarding closed book testing for private pesticide applicators. ODAFF offers a continuing education certification program in lieu of compulsory license renewals. The goal of the pesticide certification and training plan is to educate farmers and ranchers about the safest ways to apply pesticides. Certified applicators know how to apply pesticides as labeled, avoid drift and runoff, and protect things outside the application area.

In the Notice of Proposed Withdrawal and Reconsideration of October 1, 2020, SAFETEA Decision and Opportunity for Comment, it stated:

From August 25, 2020, to September 14, 2020, EPA held expedited tribal consultation meetings on the State's request to EPA. During and following these meeting EPA received numerous comments from tribes opposing the State's request. Among other things, tribal commentators expressed concerns regarding the impact of any approval of the State's request on tribal sovereign interests in their Indian country lands, questioned aspects of the State's prior administration of environmental regulatory programs in the affected areas of Indian country, and urged EPA to conduct additional review of the State's programs and consider appropriate oversight of those programs to address tribal interests prior to any approval of the State's request under SAFETEA.

If there are problems with how Oklahoma environmental agencies are implementing EPA delegated programs, OKFB would like to know. It is a matter of interest to all Oklahomans if environmental programs are not administered properly. We would like to see any problems or issues addressed publicly with the agencies, and if they are not resolved, through the legislature.

OKFB has confidence in Oklahoma's agencies to regulate in their areas of environmental jurisdiction. OKFB members are concerned about possible tribal assertions of regulatory authority over non-tribal members on the many things on which they are regulated under EPA delegated programs. Our organization would be opposed to unnecessary, additional layers of environmental regulations imposed upon them.

We appreciate the opportunity to comment on this proposal. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink that reads "Marla R. Peek". The signature is written in a cursive, flowing style.

Marla R. Peek  
Sr. Director of Regulatory Affairs  
Director, Oklahoma Farm Bureau Legal Foundation

cc: OKFB Board of Directors  
Attorney General John O'Connor  
Secretary of Agriculture Blayne Arthur  
Secretary of Energy and Environment Ken Wagner  
Scott Thompson, Executive Director of Department of Environmental Quality  
Julie Cunningham, Executive Director, Oklahoma Water Resources Board  
Dana Murphy, Corporation Commissioner  
Bob Anthony, Corporation Commissioner  
Todd Hiatt, Corporation Commissioner