

## **EPA, Florida Agree to Limit Fertilizer, Animal Waste in State Waters**

**TALLAHASSEE, Florida**, November 17, 2009 (ENS) - In a decision with national relevance, a federal judge in Tallahassee Monday approved a consent decree that requires the U.S. Environmental Protection Agency to set legal limits on excess nutrients that trigger harmful algae blooms in Florida waters.

The EPA agreed to establish numeric water quality criteria for Florida' lakes and flowing waters by January 14, 2010. The agency has until January 14, 2011, to establish numeric water quality criteria for Florida's coastal and estuarine waters. The consent decree allows the state to set numeric criteria before these dates as long as they are approved by the EPA.

The ruling comes in response to a lawsuit brought by five environmental groups seeking to compel the federal government to set water quality standards for nutrients such as nitrogen and phosphorus in public waters.

In July 2008, the public interest law firm Earthjustice filed suit on behalf of the Florida Wildlife Federation, the Conservancy of Southwest Florida, the Environmental Confederation of Southwest Florida, St. John's Riverkeeper, and the Sierra Club.

The suit challenged an unacceptable decade-long delay by the state and federal governments in setting limits for nutrient pollution.

Speaking from the bench Monday after hearing oral arguments in the case, U.S. District Judge Robert Hinkle said the delay was a matter of serious concern.

In August, the U.S. EPA signed a consent decree, agreeing to set legal limits for nutrients in Florida waters.

But Florida Agriculture Commissioner Charles Bronson and the Florida Department of Agriculture and Consumer Services filed a motion to intervene in the case on the polluters' side.

In his approval of the consent decree, Judge Hinkle rejected the arguments made by polluters who sought to delay cleanup and get out of complying with the Clean Water Act.

Groups that tried to derail the settlement include: the Florida Farm Bureau Federation, the Florida Pulp and Paper Association, four of the state's five water management districts, sewage plant operators, Southeast Milk, Inc., Florida Citrus Mutual Inc., the Florida Fruit and Vegetable Association, the Florida Stormwater Association, the Florida Cattleman's Association and the Florida Engineering Society.

Earthjustice Attorney David Guest called the polluters' position "shameful."

"There are toxic algae blooms all over the state, water treatment plants closing due to nutrient poisoning, and yet Bronson directs the state to work for the polluters and against the people," he said.

Today's action has nationwide implications, says Guest. Currently, Florida and most other states have

only vague limits regulating nutrient pollution. The U.S. EPA will now begin the process of imposing quantifiable and enforceable water quality standards to tackle nutrient pollution.

Virtually every state and territory is impacted by nutrient-related degradation of waterways, the EPA says. All but one state and two territories have Clean Water Act listed impairments for nutrient pollution. States have listed over 10,000 nutrient and nutrient-related impairments. Fifteen states have more than 200 nutrient-related listings each. For these reasons, EPA Regions have identified nutrient pollution reduction as a priority for the federal agency.

"Numeric nutrient water quality standards will drive water quality assessments and watershed protection management," the EPA says.

"The first step is to have numeric nutrient criteria in place to enable action," the agency says. "EPA is committing itself to support development of numeric nutrient criteria, and to use EPA's tools and metrics to help states, territories, and authorized tribes adopt numeric nutrient standards more quickly."

In Florida, that process can now begin and not a moment too soon for the environmental groups.

A 2008 report by the Florida Department of Environmental Protection concluded that half of Florida rivers and more than half the state's lakes had poor water quality.

Every time it rains, nutrients such as phosphorous and nitrogen poison Florida's waters as they run off agricultural operations, fertilized landscapes, and septic systems.

Frank Jackalone of the Sierra Club said, "Florida is one step closer to having the tools it needs to adequately address the threats that nutrient pollution pose to our quality of life and our tourist economy."

The U.S. EPA is well aware of the dangers of nutrient pollution not only in Florida but across the country. On its website, the agency says, "High nitrogen and phosphorus loadings, or nutrient pollution, result in harmful algal blooms, reduced spawning grounds and nursery habitats, fish kills, oxygen-starved hypoxic or dead zones, and public health concerns related to impaired drinking water sources and increased exposure to toxic microbes such as cyanobacteria."

"Nutrient problems can exhibit themselves locally or much further downstream leading to degraded estuaries, lakes and reservoirs, and to hypoxic zones where fish and aquatic life can no longer survive," the agency says.

Nutrient pollution fuels the explosive growth of invasive water plants like hydrilla, which now clogs springs, rivers and lakes across Florida.

The EPA says nitrogen and phosphorus pollution result from:

- Overusing fertilizer - both residential and agricultural usage
- Rainfall flowing over cropland, animal feeding operations and pastures, picking up animal waste and depositing it in water bodies
- Rainfall flowing over urban and suburban areas where stormwater management is not required,

such as parking lots, lawns, rooftops, and roads

- Discharge of nitrogen and phosphorus from wastewater treatment plants
- Overflow from septic systems

Excesses have been linked to higher amounts of chemicals that make people sick. Florida's St. Johns River has been under a health advisory due to a toxic blue green algae bloom. In 2005, a similar bloom shut down all boat traffic on the river.

"Asking for clean water is not a stretch," said St. Johns Riverkeeper Neil Armingeon. "There are algae blooms even today in the St. Johns River. Moving forward quickly is imperative."

Lake Okeechobee, a South Florida drinking water source, is now subject to almost year-round blue-green algae blooms due to nutrient pollution.

When people drink water with excess nutrients, when they touch it, or inhale vapors from it, rashes, skin and eye irritation, allergic reactions, gastrointestinal upset, serious illness, and even death can result.

In June 2008, a water treatment plant serving 30,000 Florida residents was shut down after a toxic blue-green algae bloom on the Caloosahatchee River threatened the plant's water supply.

"The long-lasting and worsening pollution of our lakes, rivers, beaches and springs hurts Florida's economy and needs to end," said Manley Fuller, president of the Florida Wildlife Federation. "This day has been a long time coming."

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