

Editorial: Lake O wins key court fight

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Finally, a voice of reason amid the struggle to clean up Lake Okeechobee. U.S. District Judge Cecilia M. Altonaga ruled recently that the South Florida Water Management District has been violating the federal Clean Water Act by failing to obtain permits to backpump water — from canals south of the lake — into the massive body of water.

For those who care deeply about the condition (polluted) and future (questionable) of America's third-largest fresh-water lake, there's a lot to like in Altonaga's 107-page decision.

First, the judge ruled the water management district — against its objections — needs a permit to pump water into the lake. He has scheduled future proceedings to address possible remedies to the problem.

Second, the judge observed — and affirmed — the direct correlation between the backpumping of canals and the quality of water in Lake O.

"In the absence of an extraordinary event," wrote Altonaga, "backpumping is the primary means by which pollutants from one body of water (the canals) enter another, distinct body of water (the lake)."

It stands to reason, then, that reducing the amount of water dumped in the lake — as well as the level of pollutants in the water — would have a positive effect on water quality.

Third, Altonaga upheld an argument long advanced by environmentalists: that the "unambiguous" intent of the Clean Water Act was and is to reduce pollutants in U.S. waters.

Both the water management district and the Environmental Protection Agency have attempted to circumvent the clear intent of the Clean Water Act: the former by arguing it (the district) was only the conduit, not the source, of the polluted water; the latter by proposing a rule change to the Clean Water Act that would

exempt governments from having to obtain permits to move water from one location to another.

Not surprisingly, neither the water management district nor the EPA was pleased with Altonaga's decision.

Environmentalists — and all those who care deeply about the future of Lake Okeechobee — feel differently. They interpret the ruling as an important first step toward cleaning up Lake O.

And, given the potential implications of Altonaga's decision, their interpretation is right on the mark.