

Environmentalists and state argue over Lake Okeechobee pollution

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MIAMI (AP) -- Polluted water being pumped into Lake Okeechobee is contaminating drinking water and poisoning the second-largest freshwater lake in the contiguous United States, environmentalist lawyers argued in court Thursday.

State water managers say the water already is polluted and that it must go into the lake to prevent floods.

The federal lawsuit contends that the South Florida Water Management District should have to get pumping permits under the U.S. Clean Water Act. That could force the district to clean or divert the polluted water and cost money and time. The plaintiffs want the district to halt discharges until it gets a permit.

"The water being pumped is creating toxic byproducts and a public health threat to consumers of water around the lake," attorney David Guest said in closing arguments for the Florida Wildlife Federation. The suit was filed by the federation, Friends of the Everglades and others.

District officials maintain that the water contains pollutants from sugar farms and communities and they shouldn't be required to obtain the permits that typically govern industrial sources.

"There are immediate needs for flood control," district board member Nicholas Gutierrez Jr. said outside court. "Hurricane season is right around the corner. We have to have the ability to move water fast without having to apply for permits."

For three decades, the district has pumped water from farms into the lake to control water levels and to maintain water supply during times of drought. The discharge is contaminated with chemicals and runoff that choke the life from the 730-square-mile lake.

"We're not saying Lake Okeechobee is a pristine pond," Gutierrez said. "It does need to be cleaned and we are spending hundreds of millions of dollars to clean it, but that's not going to happen overnight."

Plaintiffs argue the polluted water not only contributes to toxic algae blooms in the lake that kill fish but also creates cancer-causing compounds that could sicken residents.

The case comes down to an interpretation of the Clean Water Act.

The plaintiffs claim that Lake Okeechobee and the district's canals are two separate bodies of water, and that under the act, the district must obtain permits to discharge polluted water into the lake.

The district, joined by the U.S. Environmental Protection Agency and U.S. Sugar Corp., says the canals simply take water to and from the lake, making it all the same water body.

"We are simply managing these waters," district attorney Jim Nutt said. "It is simply the moving of these waters from one place to another."

Nutt likened it to transferring money from a checking account to a savings account.

Other plaintiffs include the Fishermen Against the Destruction of the Environment and the Miccosukee Tribe of Indians, who live in the Everglades south of the lake where all the water eventually flows.

The trial before U.S. District Judge Cecilia M. Altonaga began in January. Closing arguments will continue April 19.

Last year, Gov. Jeb Bush announced a \$200 million cleanup plan for the lake, in part to reduce the discharges of tainted water into streams and estuaries.

A ruling against the district will cost precious time and money that could be used elsewhere in the \$10.5 billion Everglades restoration project, the largest such environmental effort in the world, water managers said.

An adverse ruling could also have negative effects across the country, specifically in the West where water is taken from the Colorado River and channeled through miles of aqueducts for consumption in cities throughout California.