

# Follow law, restore lake

Orlando Sun-Sentinel

By David Guest

Posted January 22, 2007

South Florida's water pollution problems will not be solved until state, regional and federal officials stop trying to create exemptions for polluters and start honestly enforcing the law.

The South Florida Water Management District is using tax dollars to argue that it is outside the reach of the Clean Water Act, one of the most effective and popular environmental laws in the U.S., and Big Sugar supports this claim.

In a recent Associated Press article, the water management district argues that if it has to get permits to regulate the contaminants in the water it pumps into Lake Okeechobee, every flood control system in the nation would have to shut down and the entire Everglades Restoration project would be jeopardized. Big Sugar also made this inflammatory claim.

The water management district and U.S. Sugar presented identical stories to a federal judge in Miami in a three-month trial. The federal court found that none of it was true. Instead, the court found that permits under the Clean Water Act are a practical and flexible tool for solving water pollution problems while still providing for flood control and adequate water supplies.

The court also found that the Everglades restoration project would not be impeded by requiring pollution permits for Lake Okeechobee pumps. Indeed, the restoration would not be needed at all if the district and the Florida Department of Environmental Protection had complied with pollution laws over the past 30 years.

The water management district's executive director claims that the district shouldn't need permits because the district does not create the pollutants its pumps convey into Lake Okeechobee. Yet her legal staff lost this precise argument in a unanimous U.S. Supreme Court decision less than three years ago. Just because the district doesn't like the law doesn't mean it doesn't have to comply. Tax dollars should be used for cleanup, not for reprising bad arguments.

The district, United States Sugar, and the U.S. Environmental Protection Agency claim that they need either a rule or an amendment to the Clean Water Act to "eliminate

confusion" about whether pumping dirty water into clean lakes or rivers requires a permit. This "confusion" exists only in the minds of those that disagree with the federal court rulings.

There are good reasons not to exempt water managers from the Clean Water Act. Pumping of polluted water by the district and other Clean Water Act violations have left the lake so contaminated that cities that depend on it for drinking water are seeking \$54 million to get drinking water from underground aquifers. And that's cheap. In Southern California, one water management district is in the process of spending \$856 million to deal with fertilizers, animal wastes and toxic algae that were pumped into a huge drinking water reservoir system.

Rather than follow the law, EPA has decided that a better approach would be to create some new exemptions for water managers at the expense of everyone who lives near, drinks from, or recreates on waters like Lake Okeechobee. That's not what this country intended when it passed the Clean Water Act in 1972, and it's not what people's tax dollars ought to be used for.

*David Guest is an attorney with Earthjustice.*