

# Opinions strong over TMDLs

By Pete Gawda, Okeechobee News

Mark Twain said it was difference of opinion that makes horse races. Using that analogy, there could have been quite a horse race at the Okeechobee County Civic Center Wednesday morning.

The hall was filled with people of differing opinions. The occasion was a public meeting held by the Environmental Protection Agency (EPA), a federal agency, to gather public comments on proposed Total Maximum Daily Loads (TMDLs) of nitrogen and phosphorous for Lake Okeechobee tributaries.

As the result of a 1998 consent decree that came about from a lawsuit brought against the EPA by EarthJustice, EPA is imposing the TMDLs. EarthJustice is a non-profit environmental law firm dedicated to protecting the environment.

The Florida Department of Environmental Protection (FDEP) has already placed TMDLs on Lake Okeechobee under provisions of the Lake Okeechobee Protection Plan (LOPP). But as of now, there are no TMDLs for the tributaries.

The proposed TMDLs would affect a nine-county area that comprises about one-tenth of the state's size.

About half of the land affected is in agricultural use.

After state and federal officials explained their positions, engineers, dairymen, ranchers and environmentalists voiced their opinions and asked questions.

Generally, environmentalists favored lower numbers for TMDLs, while agricultural interests favored higher TMDLs.

Drew Bartlett of the EPA explained his organization's process for setting TMDLs. He said the question is how much of a contaminant can enter a body of water and still allow that body of water to meet water quality standards.

Their goal is to not alter the population of native flora and fauna in a body of water.

The agency is concerned with how much nitrogen or phosphorous can be allowed into a body of water, while still maintaining water quality.

Another factor to be considered is how the nutrients impact dissolved oxygen. An abundance of phosphorous, which lowers the amount of, dissolved oxygen in the water column, and causes a high concentration of aquatic vegetation.

Mr. Bartlett's agency used three different mathematical formulas for arriving at TMDLS. They then took an average of the three results and added a margin of safety to come up with the proposed TMDL.

He assured the audience that the proposed TMDLs are designed for the tributaries and also designed to be consistent with the TMDLS of downstream bodies of water.

Once TMDLS are set they are implemented through the state planning process, which includes permitting and regional projects.

FDEP's Frank Nearhoof said the situation is very complex.

"We're looking for public input and we have a plan," he said. "It's a nationwide problem we're wrestling with. Our goal is not to establish something overly protective."

He said that TMDLS must be practical and site specific.

The next speaker was Dr. Susan Gray, deputy director of the watershed department for South Florida Water Management District (SFWMD). She said her organization was trying to find the most efficient plan to improve the lake.

"We will need to do a number of things to meet the goals of the Lake Okeechobee Protection Plan," she said.

Rich Budell, of the Florida Department of Agriculture and Consumer Services, said his organization is working closely with landowners. They are implementing best management practices (BMPs) that are specific to individual properties. His organization works with SFWMD and other agencies.

"It isn't going to be a simple answer," he said "It's not going to be a fast answer."

Jerry Brooks of FDEP said that each water body responds differently to nutrient loads.

"We're committed to protecting the tributaries," he assured the crowd. "We've got to get the numbers right."

"This is not a small problem," stated David Guest Earth Justice. "We're so far off the mark its unbelievable."

Blake Guillory, a registered professional engineer representing the state's professional engineers and the Florida Stormwater Association, supported the state's TMDL process.

"The dairy industry in the Okeechobee basin has cooperated with every requirement," said dairyman Woody Larson.

In fact, he said property owners have invested millions of dollars on compliance.

He mentioned the decline of dairies in the county in recent years. His family milked 10,000 cows in 1986 and now they are down to 3,000.

Mr. Larson contended that setting tributary TMDLs at this point sends the wrong message to ranchers and dairymen who have been cooperating with environmental regulations.

He was afraid unreachable standards would be set.

"Look at what has been done in the past," he implored of the government officials. "We've done a lot."

A differing opinion was offered by Joette Lorian, a representative of the Miccosukee Indians.

"Many of you are victims of the state's failure to deal with the problem," she said. "We need to find a way to all work together to solve the problem."

Mike Milicevic spoke for the ranchers.

He said that man except Fisheating Creek has changed most tributaries in the basin.

"We have a changed system that we are trying to put back in a native state," he said. "I don't know if this is possible."

He urged officials to work with agriculture interests to keep the land open and green. He stated that it would be easier to work with agricultural interests to clean up the environment than to work with urban interests.

"It's already too late, the lake is a mess," warned Paul Gary of the Audubon Society.

He stated that the proposed TMDLs are too high to meet the Lake Okeechobee TMDLs.

"Whatever goal is set for the tributaries must be compatible to the lake," he stated. "Right now, I don't think you have a compatible TMDL."

However, he said there was no quick fix.

"No matter what number we set, it's going to take a long time," he said. "We've got to have the right numbers. Hopefully, we can set numbers that are compatible to all our needs."

Dairyman Bob Butler asked for a show of hands of those in the audience who were involved full time in agriculture. A large percentage of the crowd responded by raising their hands.

Mr. Brown said if the TMDL numbers were too low they would scare off landowners. He said that dairymen and ranchers could not pass on the cost of compliance with TMDLs.

Tom Hall of the Florida Farm Bureau spoke in favor of FDEP's environmental standards.

"When will we see improvements in water quality?" asked Karen Bickford, an employee of Lee County.

She said her county receives runoff from the Kissimmee basin that is hurting commercial fishing and tourism.

"It takes a combination of efforts," stated Phil Parsons of the Florida Sugar Cane League, Inc. "The problem is fairly clear. The private industry runoff must be compatible with the regional system."

He urged adoption of a regional plan.

"You can't enact a TMDL without understanding its impacts," he said.

Bill Berman of Davie Dairy called for financial help for dairymen to comply with environmental standards.

"Make sure the numbers are realistic and achievable," said Tommy Perry, city engineer of Clewiston.