

*****EARTHJUSTICE NEWS RELEASE*****

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**Judge Approves Historic EPA Settlement: EPA and Florida Must Set Limits on
Fertilizer and Animal Waste Pollution in State Waters
*Polluters' Arguments Rejected in Favor of the Environment***

TALLAHASSEE – A federal judge in Tallahassee today approved a historic consent decree which requires the U.S. Environmental Protection Agency to set legal limits for the widespread nutrient poisoning that triggers harmful algae blooms in Florida waters.

The change in federal policy comes 13 months after five environmental groups filed a major lawsuit to compel the federal government to set strict limits on nutrient poisoning in public waters.

Nutrients like phosphorous and nitrogen poison Florida's waters every time it rains; running off agricultural operations, fertilized landscapes, and septic systems. The poison runoff triggers slimy algae outbreaks which foul Florida's beaches, lakes, rivers, and springs more each year, threatening public health, closing swimming areas, and even shutting down a southwest Florida drinking water plant.

Ruling from the bench, U.S. District Judge Robert Hinkle rejected arguments made by polluters who sought to delay cleanup and get out of complying with the Clean Water Act. Florida Agriculture Commissioner Charles Bronson, the Florida Pulp and Paper Association, four of the state's five water management districts, sewage plant operators, the Florida Farm Bureau, and others tried to derail the settlement.

Today's action has nationwide implications. 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, using data collected by the Florida DEP.

“The Clean Water Act is strong medicine,” said Earthjustice attorney David Guest. “The EPA can now get on with the work of setting standards that will clean up our waters. We're hoping to see safe drinking water, clear springs, lakes and rivers again.”

A 2008 DEP report concluded that half of the state's rivers and more than half of its lakes had poor water quality. The problem is compounded when nutrient-poisoned waters are used as drinking water sources. Disinfectants like chlorine and chloramine can react with the dissolved organic compounds, contaminating drinking water with harmful chemical byproducts.

Exposure to these blue-green algae toxins – when people drink the water, touch it, or inhale vapors from it - can cause rashes, skin and eye irritation, allergic reactions, gastrointestinal upset, serious illness, and even death. 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 Florida Wildlife Federation president Manley Fuller. “This day has been a long time coming.”

“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.”

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

The public interest law firm Earthjustice filed the suit in the Northern District of Florida 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 in July 2008. The suit challenged an unacceptable decade-long delay by the state and federal governments in setting limits for nutrient pollution. Speaking from the bench today, Judge Hinkle said the delay was a matter of serious concern.

The EPA originally gave Florida a 2004 deadline to set limits for nutrient pollution, which the state failed to meet. The EPA was then supposed to set limits itself, but failed to do so. Under the administration of President George W. Bush, the EPA let the states off the hook by allowing them to formulate plans without deadlines for action.

The dire state of Florida's polluted waters made the delay unacceptable and dangerous, so the five groups sued.

Florida's current narrative standard says: *“In no case shall nutrient concentrations of a body of water be altered so as to cause an imbalance in natural populations of aquatic flora and fauna.”*

Clearly, nutrient poisoning is altering water bodies all over Florida. As Earthjustice noted in a letter it sent to the EPA:

“Potentially toxigenic cyanobacteria have been found statewide, including river and stream systems such as the St. Johns River in the Northeast Region and the Caloosahatchee River in the Southwest Region. In the Southeast Region, toxin levels in the St. Lucie River and estuary during an algae bloom in 2005 were 300 times above suggested drinking water limits and 60 times above suggested recreational limits. Warning signs had to be posted by local health authorities warning visitors and residents not to come into contact with the water. Lake Okeechobee, which is categorized under state regulations as a drinking water source, is now subject to almost year-round blue-green algae blooms as a result of nutrient pollution.”

The St. Johns River has been under a health advisory due to a toxigenic blue green algae bloom. In 2005, a similar bloom shut down all boat traffic on the river.

Tampa Bay has suffered an outbreak this year of *Pyrodinium bahamense*, and *Takayama tuberculata* has sullied waters around San Marco Island.

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

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