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Total Clips: 6

Headline	Date	Outlet	Reporter
EDITORIAL: A vote for U.S. Sugar deal: Special master says it's right move at right time	09/07/2010	Palm Beach Post	
Court Enforced EPA Action Aims to Restore Everglades	09/06/2010	Epoch Times	Conan Milner
EPA Calls for Speeding Up Everglades Water Cleanup	09/04/2010	Sun Sentinel - Deerfield Beach Bureau	Reid, Andy
EPA Gives Florida New Everglades Cleanup Priorities	09/04/2010	Miami Herald, The	Morgan, Curtis
EPA Complies with Court Decision and Directs Florida to Restore Water Quality in the Everglades	09/03/2010	EPA	
NEWS RELEASE: EPA Complies with Court Decision and Directs Florida to Restore Water Quality in the Everglades	09/03/2010	U.S. Environmental Protection Agency	

EDITORIAL: A vote for U.S. Sugar deal: Special master says it's right move at right time

09/07/2010
Palm Beach Post

[Return to Top](#)

Critics of the deal to buy U.S. Sugar's land received a rebuke last week - a sharply worded report that will guide a federal judge's decisions in how he should protect the Everglades.

John Barkett, special master for U.S. District Judge Federico Moreno, found that water managers were correct to halt construction of a 16,000-acre reservoir in western Palm Beach County, even though they had spent about \$280 million on the first phase of construction. The reservoir wouldn't help water quality, he concluded, and building it now would mean missing the opportunity presented by buying U.S. Sugar's land.

"It would be both disappointing and surprising if the state and the United States did not figure out a way to assist the district in truly re-creating the River of Grass," Mr. Barkett wrote. "Everglades? Or Neverglades? At some point, political and business leaders have to implement their commitment to save this Florida and United States ecological treasure; promises just won't do anymore."

Critics had attacked the South Florida Water Management District for dropping the reservoir, even though its location - given the U.S. Sugar purchase - is best suited for conversion into a shallow-water marsh known as a stormwater treatment area. Such marshes cleanse water, so it can meet strict pollution standards before entering the Everglades. The district stopped before a point of no return, and argued that the work just as easily could lay the groundwork for a treatment area.

Because of declining tax revenue, the water district has reduced its purchase of U.S. Sugar land to \$197 million for 27,000 acres. Those two properties are meant to help with water treatment, not water storage. U.S. Sugar competitor Florida Crystals, the Miccosukee Tribe and politicians seeking to capitalize on voter discontent, argue that the U.S. Sugar purchase wastes money and stops progress on ongoing projects. Mr. Barkett disagrees: "The question presented is whether the district is allowed to change its mind on a remedial approach. The answer is a qualified 'yes.'" It's the right recommendation to Judge Moreno.

Court Enforced EPA Action Aims to Restore Everglades

09/06/2010

Epoch Times

Conan Milner

[Return to Top](#)

The U.S. Environmental Protection Agency (EPA) has given Florida specific measures to restore water quality to protect the Everglades. The action complies with an amended determination set by U.S. District Judge Alan S. Gold in April ordering the agency to give Florida comprehensive instructions to improve environmental conditions by Sept. 3.

For years, the EPA has faced pressure from environmental groups to take pollution in the Everglades more seriously. Friends of the Everglades and the Miccosukee Tribe sued the agency in 2004 for not taking a more active role in protecting this unique ecosystem.

In accordance with Gold's ruling, the EPA told the state that clean water standards for phosphorus are not being met in all areas of the Everglades. The agency called for further reductions in phosphorus pollution specifically in the area south of Lake Okeechobee.

According to the EPA, although phosphorus is a naturally-occurring nutrient, "in excess it can cause chemical and biological changes that degrade natural systems, such as wetlands, lakes, and coastal areas." Runoff from farms north of the Everglades has been blamed as the largest source of the excess phosphorus. The agency says it will soon amend existing discharge limits to conform to Gold's decision.

The EPA has also said another 42,000 acres of marsh treatment systems should be added to the 60,000 acres already in place. The South Florida Water Management District plans to purchase land from the U.S. Sugar Corporation to be used for the expansion.

"With this action, EPA is complying with the law and acknowledging that we must do more together to restore clean water to the Everglades. The state of Florida and the South Florida Water Management District have done much good work already and we hope to build on that by meeting both the substance and the spirit of Judge Gold's decision with this plan, and to achieve clean water standards as soon as possible," said Stan Meiburg, acting regional administrator for EPA's southeastern region in a statement.

However, these actions are just the beginning in a series of steps the EPA and the state of Florida must take to meet

the requirements set by Gold, who has scheduled a hearing for Oct. 7 to evaluate the progress of his amended determination.

EPA Calls for Speeding Up Everglades Water Cleanup

09/04/2010

Sun Sentinel - Deerfield Beach Bureau

Reid, Andy

The agency also supports Crist's U.S. Sugar land deal

[Return to Top](#)

The U.S. Environmental Protection Agency on Friday called for stepping up South Florida water pollution rules and gave its endorsement to Gov. Charlie Crist's Everglades restoration land deal with U.S. Sugar Corp.

The EPA issued a new plan for reviving stalled phosphorus cleanup requirements. The action came in response to a blistering ruling by a federal judge, who in April scolded the state and the federal government for "glacial slowness" in meeting water pollution standards considered vital to Everglades restoration.

The EPA's plan calls for speeding up the timetable for enforcing already overdue standards for the levels of polluting phosphorus in stormwater headed to the Everglades.

According to the EPA, the state needs to create another 42,000 acres of stormwater treatment areas — to add to the more than 50,000 acres of manmade filter marshes that use aquatic plants to absorb phosphorus and other pollutants.

A combination of the U.S. Sugar land and property already owned by the state could be used to add the needed treatment areas, according to the EPA.

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24/7 Water Removal and Repair Insurance Billing. Broward/Palm Bch RestorationXperts.netThe EPA also called for the state to consider enacting more "source controls," meaning more pollution cleanup or water management requirements on the farmland that produces much of the polluting phosphorus that threatens the Everglades.

"With this action, EPA is complying with the law and acknowledging that we must do more together to restore clean water to the Everglades," Stan Meiburg, Acting Regional Administrator for the EPA's southeastern region said a statement released Friday.

The EPA plans to defend its proposal at an Oct. 7 hearing before U.S. District Judge Alan Gold.

The South Florida Water Management District cited the EPA's plan as vindication for the U.S. Sugar deal backed by Crist. The deal calls for paying U.S. Sugar \$197 million to buy 26,800 acres of farmland that could be used to store and treat stormwater needed to replenish the Everglades.

"We are pleased that the EPA's [plan] recognizes that the District's initial purchase of U.S. Sugar lands will aid in complying with federal water quality requirements," district officials said in a statement released Friday.

Opponents to the U.S. Sugar land deal, led by the Miccosukee Tribe and U.S. Sugar competitor Florida Crystals, argue that the land deal costs South Florida taxpayers too much and will lead to delays in Everglades restoration by eating up money needed for other environmental projects.

The Miccosukee and Florida Crystals are waging a legal battle to try to derail the land deal. A ruling is still pending from the Florida Supreme Court over a challenge to the U.S. Sugar deal.

Environmental groups have largely supported the U.S. Sugar land purchase as a chance to acquire strategically located farmland long off limits to restoration.

Everglades Foundation CEO Kirk Fordham called Friday's EPA announcement "an emphatic declaration that U.S. Sugar land is central to Everglades restoration."

Judge Gold in April blamed the EPA and Florida Department of Environmental Protection for failing to heed his 2008 ruling that directed the agencies to enforce water cleanup standards once intended to take effect in 2006.

If the U.S. Sugar deal survives legal challenges, the water management district and U.S. Sugar plan to close on the transaction on Oct. 11.

EPA Gives Florida New Everglades Cleanup Priorities

09/04/2010

[Return to Top](#)

Miami Herald, The
Morgan, Curtis

Federal environmental regulators on Friday laid out a detailed blueprint for how Florida can finally live up to its repeatedly postponed pledge to clean up pollution flowing into the Everglades.

The plan, which a Miami federal judge demanded from the U.S. Environmental Protection Agency, calls for a more than 70 percent expansion of the state's existing network of reservoirs and pollution treatment marshes -- 42,000 acres of new projects that would cost taxpayers billions of dollars. It also endorses Gov. Charlie Crist's controversial land deal with the U.S. Sugar Corp. as part of the solution.

But the proposal would again push back deadlines to meet a standard for phosphorus, a fertilizer ingredient that flows from farms, ranches and yards and can poison native marsh plants. The long-expired 2006 state deadline for supplying the Glades the pristine water it needs would lag -- pushed back to as much a decade from now.

Kirk Fordham, chief executive officer of the Everglades Foundation, said the proposal, which U.S. District Judge Alan Gold must approve, made a clear case that cleanup was falling short.

"The technical experts at the federal government and the courts are all banging on the table, saying the state needs to get off its duff," he said.

Fordham called the plan an "emphatic declaration" for the U.S. Sugar land purchase, a deal championed by many environmental groups but bitterly opposed by rival growers and the Miccosukee Tribe. Last month, the South Florida Water Management District approved the latest version of the thrice-shrunk deal. The deal, scheduled to close next month, would pay the company \$197 million for 26,000 acres of citrus groves and fields that plans call for eventually converting to reservoirs and pollution cleaning marshes.

Stan Meiburg, the EPA's acting southeastern regional administrator, credited the district and Florida Department of Environmental Protection with making progress but also acknowledged "that we must do more together to restore clean water to the Everglades."

HARSH RULING

Gold was not so diplomatic in a blistering ruling he issued in April. Gold argued state lawmakers had crafted "incomprehensible" rules that opened loopholes effectively pushing back a 2006 deadline by a decade. In an initial ruling in 2008, Gold also found the EPA erred in approving the watered-down standards.

In April, the judge threatened to fine the EPA and DEP if they didn't work out an enforceable plan. He also ordered the chiefs of both agencies to appear in his court in next month.

The 57-page document spells out the steps to improve water quality but also shows that the state's \$1 billion-plus investment in sprawling marshes hasn't halted the decline of the Everglades. In just one of many measures, it notes that in the 10 years between 1995 and 2005, the expanse of soil with damaging levels of phosphorus increased by 106,000 acres, or 50 percent.

NO APPROVAL YET

The EPA had been working with state agencies on the plan but neither the DEP or district has formally approved it.

Amy Graham, a spokeswoman for the DEP, said the lengthy plan was under review. Water managers, in a statement, said they were encouraged by the "apparent flexibility" of a plan that would allow more water storage and give the

state up to 60 days to propose alternative solutions.

They also were pleased that the federal agency had noted how the U.S. Sugar deal would help the state comply with tougher standards.

INCREASING SUPPORT

The land deal got more legal support earlier this week, when a advisor to U.S. District Judge Federico Moreno, who is overseeing another Everglades cleanup case, issued a report supporting the land buy as part of an expanded cleanup effort.

If the purchase goes through, the district would own most of the land it needs for the cleanup expansion -- aside from 7,600 acres near the Loxahatchee Wildlife National Refuge, site of two past water quality violations. Land in the more well-developed area would be expensive, particularly for an agency already struggling with budget cuts from declining property tax revenues.

The Gold case was originally filed by the Miccosukee Tribe and Friends of the Everglades, an environmental group. The tribe, along with Florida Crystals, U.S. Sugar's chief rival, have also been the fiercest critics of the land buy, arguing it would leave the district with no money for building projects and delay restoration by decades.

Sonia O'Donnell, the tribe's attorney, did not respond to an e-mail nor a phone message asking for comment.

EPA Complies with Court Decision and Directs Florida to Restore Water Quality in the Everglades

[Return to Top](#)

09/03/2010

EPA

EPA

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(ATLANTA – Sept. 3, 2010) – The U.S. Environmental Protection Agency (EPA) directed the state of Florida to take specific measures to restore water quality to levels that protect the Everglades. This action, known as an “Amended Determination,” complies with a decision by Judge Alan Gold of the U.S. District Court – Southern District of Florida following lawsuits by the Miccosukee Tribe of Indians and the Friends of the Everglades.

The District Court’s April 14 decision directed EPA to give clear and comprehensive instructions to Florida by September 3, 2010.

“With this action, EPA is complying with the law and acknowledging that we must do more together to restore clean water to the Everglades,” said Stan Meiburg, Acting Regional Administrator for EPA's southeastern region. “The State of Florida and the South Florida Water Management District have done much good work already and we hope to build on that by meeting both the substance and the spirit of Judge Gold’s decision with this plan, and to achieve clean water standards as soon as possible.”

As required by the court's decision, EPA has notified Florida that clean water standards for phosphorus are not being achieved in all parts of the Everglades and that further reductions of phosphorus pollution are needed in the area south of Lake Okeechobee. Phosphorus is a naturally-occurring nutrient that, in excess, causes chemical and biological changes that degrade natural systems, such as wetlands, lakes and coastal areas. Excess phosphorus is being released into the Everglades as runoff primarily from farms to the north.

EPA has identified a comprehensive set of actions and milestones needed to meet clean water standards in the Everglades including a significant expansion of marsh treatment areas that decrease phosphorus levels in the runoff water before it is released to the Everglades. There are currently about 60,000 acres of these marsh treatment systems already in place or under construction. EPA's actions call for another 42,000 acres of treatment area. EPA believes that this expansion can largely be accommodated using existing land currently in State ownership, together with additional land the South Florida Water Management District recently agreed to purchase from the U.S. Sugar Corporation.

The Amended Determination spells out several actions which the State of Florida and the District will need to take, with the first deadlines coming in the next 60 days. An important short-term action is to amend existing permits for the discharges to the Everglades so they conform to Judge Gold's decision and incorporate discharge limits in the amended determination. Longer term actions include conducting environmental assessments, preparing engineering designs, and constructing new marsh treatment areas. The determination includes a detailed set of milestones for completing these tasks as soon as possible. Judge Gold has scheduled a hearing for October 7 on the amended determination.

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[Return to Top](#)

09/03/2010

U.S. Environmental Protection Agency

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