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Lawsuit: Dairies allowed to pollute

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Endless tons of manure at Florida dairies are polluting springs, rivers and groundwater, and state officials are letting the dairies get away with it, environmentalists charged in a lawsuit filed Monday.

The lawsuit, filed in circuit court in Tallahassee, says the state Department of Environmental Protection is violating the federal Clean Water Act by allowing more than 30 big dairies to operate without permits.

The environmentalists say permits would allow DEP to reign in pollutants from those dairies, including the algae-boosting nitrates that are tainting springs in North Central Florida.

Big dairies are "destroying our waterways, contaminating drinking water and threatening public health," said Melanie Flynn, a lawyer with the Natural Resources Defense Council, a national environmental group. "My clients are merely asking DEP to do its job."

The suit lists three Florida environmental groups — ManaSota 88, the Conservation Alliance of St. Lucie County and the Gilchrist County-based Save Our Suwannee — as plaintiffs, along with Tallahassee activist Linda Young.

DEP officials said they are moving toward permitting many dairies listed in the lawsuit. They also say they are striving to reduce nitrates through other efforts that don't include permits.

In Suwannee and Lafayette counties — an area called the Middle Suwannee Basin — they have been convincing farms, dairies and chicken houses to voluntarily adopt "best management practices"

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aimed at minimizing polluted runoff.

"Our work in the Middle Suwannee Basin is considered a national model," DEP Secretary David Struhs said. "I wish every dollar we are now going to be forced to waste fighting with so-called environmentalists could instead be spent cleaning the water."

Officials with Sunshine State Milk Producers, a dairy industry group, could not be reached for comment.

The lawsuit criticizes DEP efforts to regulate the biggest dairies — those with 700 or more mature cows. It lists more than 30 big dairies without permits, including a dozen in North Central Florida.

The suit says the dairies are routinely violating pollution standards, doing environmental harm to springs and streams and contaminating drinking water. Many of the dairies are older and do not have pollution monitoring equipment.

The suit says DEP must permit those dairies to comply with federal pollution laws.

DEP officials say 67 of the state's 240 dairies are in the big-dairy category. About 30 are permitted, most near Lake Okeechobee, where dairies have been linked to pollution in Florida's largest lake.

Jerry Brooks, a DEP administrator who helps oversee dairy permitting, said DEP is working to get the rest in line.

In 1999, the agency began inspecting large dairies to determine if they were violating pollution laws — a process Brooks said was OK'd by the U.S. Environmental Protection Agency. The plan is to inspect every large dairy by 2004.

So far, 24 have been inspected. Two were found to be illegally discharging waste into streams; 18 showed potential for illegal discharges. Brooks said those dairies likely will have to get permits.

He said DEP is developing a "consent agreement" that it can use to move dairies into compliance. The agreement will outline steps dairies must take while they move toward permanent solutions such as concrete-lined lagoons to hold waste.

At many dairies, manure waste is stored in holes in the ground and later sprayed on nearby fields. Nitrates are naturally occurring elements found in the waste.

Young said consent agreements are "designed to protect polluters." She also said efforts to curb nitrates in the Middle Suwannee area fall short.

Dairies have been under fire in North Florida, especially in Gilchrist County, which is second only to Okeechobee County in density of dairy cows.

A single dairy can produce as much sewage as a small town. Environmentalists say the 30-plus unpermitted dairies produce as much waste as a city of 1 million people.

Dairies are among the prime suspects for high levels of nitrates in area springs and elevated nitrates in the Suwannee and Santa Fe rivers.

Officials believe nitrates are percolating through the soil, then moving through underground passages into springs.

Levels in some springs exceed the nitrate drinking-water standard of 10 parts per million, which is set to protect human health.

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