

Toxic rule-changing

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Gov. Bush's administration apparently is circumventing growth management laws and trying to change clean-water rules to aid polluters.

After the Legislature failed this year to approve new, streamlined rules for development that the governor wanted, his administration ordered the state's land-planning agency to cut in half by January the number of developments it reviews, according to a report in The St. Petersburg Times. The Bush administration already has cut development reviews in the Keys, which had been designated an area of critical state concern, by 82 percent.

Department of Community Affairs reviews provide a check on local decisions, which developers disproportionately can influence. Some small counties have no planning staffs, so a state review gives residents a place to challenge an unwanted development. Under Gov. Bush, the DCA is delegating reviews to local governments and to regional planning councils, advisory groups with no enforcement power. Chipping away at the state's regulatory powers increases the chance of bad local decisions, the kind that lead to sprawl development that paves over water storage areas while raising the demand for water.

Elsewhere, environmental groups are challenging a new Florida Department of Environmental Protection rule on "impaired" waters. The rule would set scientific standards for listing polluted waterways and specify the pollution limits for them.

During a three-week hearing, environmentalists charged that industries the rule would affect helped to draft it in the hope that they could avoid investing millions in pollution-control equipment. A recent state list showed more than 1,300 portions of waterways that are polluted, but under the new rule, just 566 are listed. Only waters on the list are under pollution limits, which regulate the amount of toxins a waterway can accept and still be considered healthy. Industries and farms dump mercury, phosphoric acid, ammonia and other pollutants in state waterways, putting Florida industries and sewer plants in the top 10 nationwide for violation of the federal Clean Water Act, The Tampa Tribune reported. In 1999, they dumped 2.5 million pounds of toxic chemicals.

Administrative Judge Stuart Lemer soon will decide whether to strike all or parts of the **DEP's** proposed rule. Linda Young of the Clean Water Network, which has led the challenge, correctly will ask that Judge Lemer scrap the rule. The federal law protects Florida's waters far better than

the state's proposed changes, **and** DEP seems more inclined to ease the way for polluters rather than protect the environment.