

PERMIT

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pipeline and other plant improvements required under the proposed state permit are needed to clean up the Fenholloway River.

Currently, the Buckeye plant, which grinds up pine trees to produce cellulose that is used in a variety of products, discharges 44 million gallons of water into the Fenholloway daily.

Sullivan's brief order,

called a minute order, states that the Clean Water Act imposes upon the EPA a mandatory duty to exercise jurisdiction over the Buckeye mill permit. He also said the dispute is properly within the jurisdiction of the District Court in Washington, D.C.

Sullivan was ruling only that he has jurisdiction in the case and that he needs more information before moving forward, said Jill Johnson, a DEP spokeswoman in Jacksonville.

"That does not mean (EPA officials) are automatically getting the permit,"

Johnson said.

Bookbinder said the only issue before the court was whether the EPA was responsible for issuing the permit. And he said the judge resolved that issue by ruling that the EPA was responsible.

The Sierra Club filed a lawsuit in January 2005 stating that responsibility for issuing the permit had passed from the state to the EPA. The permitting responsibility was the federal government's, the Sierra Club said, because Florida had not submitted a

new proposed permit within 30 days of an EPA hearing held on April 24, 2004.

EPA held the hearing as required by law after objecting to a proposed state permit in 1998. EPA modified its objections to the permit in January 2005, and DEP submitted a proposed new permit the next month.

The judge's order said the EPA has until March 31 to file a response to the lawsuit.

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