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Court Upholds Ruling On Dairy Permits

3 ENVIRONMENTAL GROUPS FILED SUIT OVER POLLUTION

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TAMPA — Large dairies, responsible for contaminating rivers and groundwater in Florida, will have to obtain state pollution permits because of a court ruling Wednesday.

Last year, Leon County District Judge L. Ralph Smith ordered the Florida Department of Environmental Protection to make dairies with 700 or more cows obtain discharge permits. On Wednesday, the 1st District Court of Appeal upheld that decision, made in a lawsuit filed by three environmental groups.

If dairies are issued permits, they would have to sink wells that would be monitored for groundwater contamination.

"Florida has run out of excuses," said Nancy Stoner, of the Natural Resources Defense Council. "It needs to do its job and control the pollution from these dairies."

DEP officials would not comment on the decision. The agency issued a statement saying that all the state's large dairies have applied for permits ahead of a federal deadline in 2006.

Florida has relied on voluntary agreements with coalitions of dairies such as the Suwannee River Basin Partnership. Large and small dairies in the partnership agreed to adopt management practices that reduce pollution.

Those voluntary policies aren't always effective because the state doesn't monitor the farms for compliance, said Svenn Lindsfold, president of Save Our Suwannee, one of the groups that filed the lawsuit. The others were ManaSota-88 and the Conservation Alliance of St. Lucie County.

"It was a voluntary program, and they worked mightily to get people signed up, but they discovered in many cases where these best management practices were installed, the operators were not doing things correctly," Lindsfold said.

Lindsfold said some newer dairies in the Suwannee basin have gotten permits. In some cases, monitoring wells at these dairies showed that nitrates from cattle waste had percolated into groundwater.

Art Darling, director of Sunshine State Milk Producers, said he is worried the decision might force smaller dairies to get permits.

"If it goes into those smaller-sized dairies needing permits, it will probably mean that additional dairies go out of business," Darling said.

Because the appeals court affirmed Smith's decision without an opinion, the state can't appeal the case to the Florida Supreme Court, according to David Guest, a lawyer for Earthjustice.

The DEP's statement does not address whether the agency will pursue the case further.

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