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EPA sued over plans to give Florida authority over managing wetlands, waterways

By [Rebecca Beitsch](#) - 01/14/21 03:32 PM EST [74](#)

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Environmentalists are challenging in court an Environmental Protection Agency (EPA) plan to return jurisdiction over some waterways to the state of Florida.

The grant from EPA gives Florida the authority to issue permits under Section 404 of the Clean Water Act, which regulates “fill for development” before building highways and other infrastructure such as dams and levees.

EPA Administrator [Andrew Wheeler](#) called the move a road map for other states who want to take over responsibility for issuing permits under the Clean Water Act.

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“Florida has a wealth of aquatic resources. And they care about their resources at least as much, and I would say probably more so, than the federal government. There's no reason why they shouldn't be running their own program,” he said in December.

But environmentalists argue the state’s poor record managing its water resources indicates the opposite.

“This reckless scheme violates several of our bedrock laws, including the Endangered Species Act and the Clean Water Act, and lets developers avoid the National Environmental Policy Act, also known as ‘the people’s environmental law,’” Tania Galloni, Earthjustice managing attorney for Florida, said in a release.

“EPA is lowering the bar to allow a state, for the first time, to run the federal wetlands program without meeting federal standards. Developers have called this the ‘holy grail’ because it would make it easier, faster and cheaper for them to get permits for big projects with less oversight and accountability for environmental impacts,” Galloni continued.

Reached for comment, the EPA said it would not comment on the pending litigation.

Florida is not just home to the Everglades, swamps, wetlands and beaches, but a network of more than 1,000 springs — which the state suspects may be the largest concentration of springs in the world.

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Critics fear lax oversight from the state could allow development to encroach on natural areas and pollute waterways that are home to species ranging from manatees to mullet.

“For decades, Florida has failed miserably under the Clean Water Act to protect our estuaries, local communities and economy from harmful algae blooms. For the Trump administration to now hand over wetlands oversight to the same underfunded, under-staffed state regulators adds

insult to injury,” Jason Totoiu, a senior attorney at the Center for Biological Diversity, said in a release.

Florida lawmakers, however, were elated to take over the responsibility.

“Nobody loves Florida more than Floridians. Now this puts Floridians — talented, qualified Floridians — in the driver's seat,” said Rep. [Mario Diaz-Balart](#) (R) at an EPA press event in December.

“Leaders in Florida will be the ones making these decisions, making sure they adhere to all federal laws and regulations as well,” he added.