
IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA
TO THE HONORABLE JUDGES OF THE COURT

We, Grand Jurors of the State of Florida, lawfully selected, empaneled and sworn, inquiring in and for Escambia County, for a special term, do respectfully present this report.

Report of the Special Grand Jury
on
Air and Water Quality

The Chief Judge of the First Judicial Circuit of the State of Florida empaneled this Special Grand Jury, at the request of the State Attorney who found it in the public interest: (1) to inquire into factors that are affecting, or that are likely to affect, the area's air and water quality; and (2) to assess the efforts of regulators in protecting, maintaining, and improving the area's air and water quality. Accordingly, this Special Grand Jury, in and for Escambia County, Florida, has inquired into these matters concerning the area's air and water quality and submits this report as directed by the Order of the Circuit Court.

Since we were empaneled, we have taken testimony, reviewed documents, and carefully weighed and considered the totality of all the information presented to us. This involved taking the sworn testimony of more than one hundred witnesses, including scientists, engineers, biologists, chemists, economists, businessmen, government officials, and citizens; reviewing hundreds of maps, diagrams, studies, reports, and records; and weighing and evaluating conflicting information, and the interests, of those involved.

For reasons more fully set forth below, we find that although efforts to improve the degraded conditions of the surface waters have succeeded somewhat, the surface water quality, in general, is degraded and will likely remain so. The causes are various, but degradation is the result primarily of discharges by industry (especially the pulp and paper mill and chemical factories), sewage treatment plants, and stormwater runoff.

our area for many years. We hope that our work will help our fellow citizens and our leaders to make wise decisions.

X Recommendations

Based on the foregoing, we, Grand Jurors of the State of Florida, inquiring in and for Escambia County, Florida, recommend:

- A. No new, expanded, or relocated discharges of industrial or domestic wastewater to area surface waters be permitted;
- B. Existing sources of industrial wastewater that discharge into surface waters be required to comply with applicable statutes and rules within reasonable time limitations, or be subject to proportionate sanctions;
- C. The Department of Environmental Protection act forthwith on long pending applications for emission/discharge permits;
- D. Existing sources of domestic wastewater that discharge into surface waters, especially ECUA's Main Street plant, be required to provide tertiary treatment;
- E. State and/or local governments, together with utilities act to abate septic tank problems;
- F. The electric generating plant install control technology to further reduce NO_x and SO₂;
- G. State and/or local government monitoring of estuarine systems be expanded to include sampling, testing and analysis of ambient water quality, sediment and biota;
- H. State and/or local government monitoring of ambient air quality be expanded;
- I. Federal and/or state regulators calculate the total maximum daily loads (TMDLs) for area waters that are now listed as impaired;
- J. An independent review be conducted of the Department of Environmental Protection proposal to reclassify watersheds, in upper Escambia Bay, lower Escambia River, and upper Perdido Bay, as no longer impaired;

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- K. Local air and water pollution control programs, adapted to local needs and conditions, be established;
- L. Regulators evaluate the relative effects of various types of area pollution, including analysis of atmospheric deposition and stormwater runoff as sources;
- M. Local governments update and implement stormwater drainage plans;
- N. Funding be increased for the Northwest Florida Water Management District;
- O. State government extend forthwith Environmental Resource Program ("ERP") to northwest Florida;
- P. Protection be provided by local government officials and regulators against construction in wetlands and other environmentally sensitive lands;
- Q. Stormwater utilities be considered and, where appropriate, be established for the various drainage basins;
- R. Adequate staffing, funding and facilities be provided for regional and local planning councils;
- S. The Escambia County Land Development Code provisions be revised to conform to the requirements of the local, regional and state comprehensive plans;
- T. The University of West Florida and Pensacola Junior College be involved, integrally, as part of the environmental efforts in the area, especially in monitoring, assessing and evaluating the estuarine systems and the factors affecting them;
- U. The University of West Florida's science programs that contribute to study or research of the area's estuarine systems, especially the Institute of Coastal and Estuarine Research, be supported by state and local government and the community;
- V. Counties acquire environmentally sensitive lands for protection and preservation;
- W. Communications between regulators and elected public officials and/or persons acting on their behalf, relating to permitting, compliance or enforcement

actions, be reported, in writing, to offices of the regulators and made available as a public record;

X. State law be amended to provide that dereliction of duty by a public officer be punishable as a crime;

Y. A new director for the Northwest District of the Department of Environmental Protection be appointed;

Z. The voting public become informed about issues relating to the environment and become knowledgeable about the positions of elected officials on environmental issues; and

AA. The Office of the State Attorney continue to investigate the failure of regulators to enforce environmental laws.

SO SAY WE ALL

Dated this 10 day of June, 1999


Foreman

Clerk