

Eleven environmental groups have asked the U.S. Environmental Protection Agency to withdraw the state's authorization to administer the federal Clean Water Act.

EPA has the authority to issue permits and penalties for water discharges in the state but has delegated that authority to the Louisiana Department of Environmental Quality, just as it does across the country.

EPA Region 6 spokesman David Bary said the agency has never withdrawn delegated authority from any state. He said EPA's inspector general and the Louisiana legislative auditor are just beginning a performance audit of DEQ and one of the items to be reviewed will be delegation of authority.

"We will have to wait to read the report and see what it recommends," Bary said.

In a prepared response handed out as the petition was handed in, DEQ said that while it "believes that current surveillance activities at the state are strong, the agency does agree that improvements can be made." Many of the allegations in the petition had been made previously by one of the complainants, the Louisiana Environmental Action Network, in a two-page flier that also is posted on LEAN's Web site.

DEQ Secretary Dale Givens said his agency responds to several thousand complaints and spills, many of which involve discharges to the water. In addition, it inspects several thousand potential sources of water pollution. Major facilities get the priority, Givens said in the statement.

DEQ "is not keeping our water healthy for swimming and fishing," said Mary Lee Orr, executive director of Louisiana Environmental Action Network, one of the 11 groups.

Albertha Hasten of White Castle, president of LEAN, said that before the state took over the water program, "at least when you called EPA, they came out." She said the governor has not been a responsible steward of the state's natural resources.

"Industry comes first, the people come second," said Oneil Couvillion of Concerned Citizens of Livingston Parish.

The petition was written by student attorney Punam Parikh of the Tulane Environmental Law Clinic. State residents "are suffering from all kinds of discharges" and DEQ faces "a backlog of expired permits. ... The Clean Water Act requirements are not being met." Much of the criticism cited in the petition comes from an audit of the water program conducted last year by the Louisiana legislative auditor.

DEQ disputed almost every point raised in the petition.

The groups claim that 34 percent of the major and significant minor facilities have not been inspected since the state took over administration of the Clean Water Act in 1996. DEQ said it has inspected all facilities, most of them every year, and that auditor's report was inaccurate because of the way the auditors counted the inspections.

The groups claim 10 percent of the minor facilities have never been inspected. But DEQ contends there are about 6,400 facilities in the state, ranging from major dischargers to occasional tricklers.

"Water quality monitoring, inspection of major facilities and responding to spills and complaints are our top three priorities," DEQ said. The agency would like to inspect one-third of the minor dischargers each year, but has "accepted that low priority inspections may not get conducted as often as we would like."

The groups say there is no evidence DEQ reviewed self-reported Discharge Monitoring Reports from minor facilities, "leaving these polluters largely unregulated." The agency said that statement is misleading, but that the reports "are not immediately reviewed for compliance with permit limits. They are however logged into a

tracking database and placed in the company file."

The groups point out that Alabama has 8,000 minor sources and "at least takes the time to manually review all self-monitoring reports for all minor permits."

The petition said there is no evidence of enforcement actions for 373 violations in 1998 and 1999. DEQ countered by saying a review of that finding showed 235 of the 373 either were not violations, were subject to on-going investigations or "were handled in some manner other than formal enforcement actions. Many of the remaining violations appear as though they would not rise to the level of required formal enforcement action."

Givens and Gov. Mike Foster have both said they are more interested in compliance than in issuing penalties. DEQ often works with companies to get them into compliance rather than fining them.

Groups signing the petition include: Louisiana Audubon Council, Gulf Coast Restoration Network, Association of Community Organizations for Reform Now, Lake Pontchartrain Basin Foundation, CFACT (a Tangipahoa Parish clean water group), Lake Maurepas Society, Concerned Citizens of Livingston Parish, St. John Citizens for Environmental Justice, Louisiana Communities United, Concerned Citizens of Iberville, and Louisiana Environmental Action Network.

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