

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA**

FLORIDA WILDLIFE FEDERATION, INC.,  
SIERRA CLUB, INC., CONSERVANCY  
OF SOUTHWEST FLORIDA, INC.,  
ENVIRONMENTAL CONFEDERATION OF  
SOUTHWEST FLORIDA, INC., and  
ST. JOHNS RIVERKEEPER, INC.,

Plaintiffs,

v.

Case No.: 4:08-cv-00324-RH-WCS

LISA JACKSON, Administrator  
of the United States Environmental  
Protection Agency, and the  
UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY,

Defendants.

FLORIDA PULP AND PAPER  
ASSOCIATION ENVIRONMENTAL  
AFFAIRS, INC., the FLORIDA FARM  
BUREAU FEDERATION, SOUTHEAST  
MILK, INC., FLORIDA CITRUS MUTUAL,  
INC., FLORIDA FRUIT AND VEGETABLE  
ASSOCIATION, AMERICAN FARM  
BUREAU FEDERATION, FLORIDA  
STORMWATER ASSOCIATION, FLORIDA  
CATTLEMAN'S ASSOCIATION, and  
FLORIDA ENGINEERING SOCIETY,

Intervenor-Defendants

and

SOUTH FLORIDA WATER  
MANAGEMENT DISTRICT,

Intervenor-Defendant.

---

**DECLARATION OF JAMES SARTORI**

I, James Sartori, declare as follows:

1. My name is James Sartori; I reside at 3100 North Riverside Drive, Indiatlantic, Florida 32903. For over 30 years I have been engaged in the practice of agriculture in Florida and in other states. Presently I own two farms in Florida, one in Brevard County, the other in Highlands County. The Brevard County farm originally consisted of approximately 10,000 acres. Parts of it were sold to the St. Johns River Water Management District over ten years ago. Now this farm consists of 6,000 acres. I have installed at great expense, an elaborate water management system on this farm over the years which includes large reservoirs and canals, the purpose of which is to control the discharge of water off site and to reduce the potential of discharging nutrients off site. This farm discharges into the St. Johns River. Over the last 10 years it has never been alleged that discharges from this farm have caused any water quality problems in the St. Johns River. During the 30 odd years I have owned this farm, I have grown or raised soybeans, corn, potatoes, and other crops, and I have operated a dairy. Presently this is a working farm which produces commercially valuable produce and employs 10 fulltime employees. Considering the purchase price of this farm and the improvements I have made, I have spent in approximately \$10 million on this farm.

2. The farm I own in Highlands County consists of 8,700 acres. I have owned this parcel since 1987. Over the years I and/or tenants have raised vegetables,

sod, caladiums, cattle and other agricultural products on this site. An extensive drainage and irrigation system exists on this parcel. This system is part of a drainage district which eventually drains into the Kissimmee River. Similar to the Brevard County farm, no agency, state, or federal has ever alleged that discharges from this farm have contained excessive nutrients which have caused any adverse environmental impacts. Over the years my Highlands County ranch has been the subject of extensive inspection by the DEP, SFWMD, and EPA. No water quality issues have ever been raised by any of these agencies.

3. The agricultural products I have raised on the above described farms can be raised or grown in many states of the US and in Mexico and Canada. In addition to these two farms in Florida I won farms in Missouri, Iowa, Nebraska, and Texas.

4. It has recently come to my attention that the Florida DEP and the EPA are in the process of adopting numeric standards for the discharge of nutrients, which I believe are measured as consisting of nitrogen and phosphorous. These substances naturally occur in the soils and atmosphere and are important constituents of fertilizers, which are essential and necessary for farming. The farms I own in Florida are typical of many in the state. Millions of acres of farms in Florida are similar to the ones I own.

5. The prospect of having to comply with a numeric pollution control standard for nitrogen and phosphorous causes me great concern. If the standard is set at a low level, it may be impossible for my farms to comply, as there is always some nitrogen and phosphorous present in agricultural discharges. The only way I am aware to reduce potential discharges of nutrients from farms such as mine is to reduce or eliminate the use of fertilizers, and to build large retention ponds. Either or both of these options could

have catastrophic impacts on Florida farmers. All significant agricultural operations use fertilizers; fertilizers are expensive. All farmers try to use no more fertilizer than needed by the crop.

6. Should the adoption of a numeric nutrient standard force farmers to use less fertilizer, agricultural production will be reduced. Florida farmers could become less competitive with farmers in other states and in Mexico and Canada. If the standard is sufficiently low, successful farming will be impossible. If a farmer is required to install retention ponds farming will become more expensive and less productive. Again this could put farmers out of business.

7. I understand EPA is proposing to settle this litigation by agreeing to commit to adopt numeric discharge standards for nutrients and that these proposed standards will only apply to Florida. If this court approves this settlement, Florida agriculture will be in peril. As I have stated above, the products of Florida farms can be and are produced elsewhere. If the costs of agriculture in state are raised Florida farmers will not be competitive and can suffer severe economic losses.

8. This has occurred before to Florida farmers. When the US entered into the NAFTA treaty the import of Mexican tomatoes caused many large Florida tomato farmers to shut down their operations, as they were no longer competitive.

9. I strongly urge this court to act in a cautious manner when it considers whether to accept this settlement proposal. The damage it could cause to the State of Florida is clearly apparent to me. The parties who will be directly affected by such a settlement should be allowed a voice and an opportunity to inform the court of the total consequences of this proposal.

I declare under penalty of perjury that the foregoing is true and correct and is based on my personal knowledge.

Date: October \_\_\_\_\_, 2009.

---

JAMES SARTORI