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Tidings The Newsletter of the Friends of Perdido Bay

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Thank You for Your Support

We have heard a few comments that Friends of Perdido Bay is nothing more than a few malcontents who can't accept a good project when we are presented with one (the IP wetland project). Well, believe me, if we thought IP's wetland project were good, we would be the first to step up and promote it. However, we do not believe it is good, and we will discuss those reasons below. The problem is - not too many people have the expertise or the time to understand the 200 + pages of permit documents and thousands of pages of technical information involved in the wetlands permit project. Our members trust us to evaluate the permit and determine if it is good for Perdido Bay and keep tabs on DEP which has the habit of making "minor permit revisions" with no public notification. DEP has rules but when convenient, those rules are not followed. Friends of Perdido Bay has tried to follow and report to our members the arbitrariness of our government.

So we want to thank you for your support and hope you continue to support us. Friends of Perdido Bay may have to ask for donations once again to go to a hearing and fight the second IP permit. But right now it may be too early to start raising money. Unless this project is changed, we intend to fight the second IP permit .

Sharpen Pencils and Write Letters

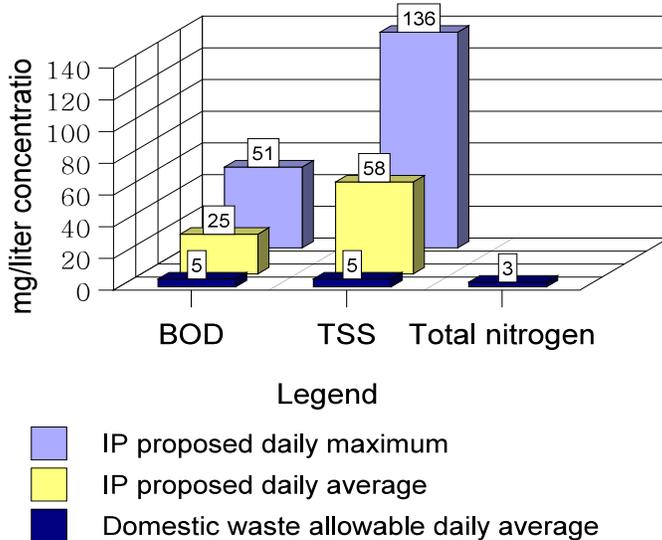
The Florida DEP has scheduled a public hearing on the draft IP permit and Consent Order for Tuesday May 13 from 6 to 9 PM at the UWF Main Stage Theater Building. There will be an information session about the permit before the public hearing from 4 to 5:30 PM. We intend to set up a display to present our side of the story during the information session. You may also send written comments about the permit until May 20, 2008. Send the written comments to **Bill Evans, FDEP Northwest District, 160 Governmental Center, Pensacola, FL 32502.** When writing a letter, reference the draft permit number FL0002526-008-IW1S/NR and draft Consent Order 08-0358.

We expect the public hearing to be an IP “dog and pony show”. There will be the usual Pensacola and Alabama politicians there to support the permit. Very few have even seen the permit. Fewer still understand the technical details involved so they don’t know what they are talking about. Then there will be the Chambers of Commerces from several communities who will also support the permit because they always rubber stamp everything industry and business propose no matter how bad. This is why Escambia County ranks eighth in the list of the most polluted counties in the U.S. And then the IP employees will be there and be very supportive of the project. It is their jobs for which they are fighting and I do not blame them for trying to help the company. After all, the workers are being blackmailed into supporting this project. And I almost forgot, the few people living on Escambia Bay who would like to make sure the effluent is not piped to their bay (even though it is four miles closer) will also support the wetlands project. Included in the “not-in-my-backyard group” is Mike Papantonio and company. So if you come to the meeting to speak against the project be prepared to be severely outnumbered. Writing letters may be a better way to comment on this project without doing a lot of driving out to UWF. Friends of Perdido Bay objected to the location of the hearing but the site had been already chosen.

Here are some of the reasons we believe this is bad project (chose any of these or make up reasons for your letter). The wetlands project for which the permit is being issued is essentially the same project as the previous project which had been turned down by an administrative law judge. IP and DEP have decreased the size of the area being flooded to protect some pitcher plants that has been found on the site. IP’s rationale is that pitcher plants will not be able to live in IP’s nutrient rich effluent. My question is what will live in IP’s nutrient rich water except maybe cattails? So now instead of 1,600 acres being flooded, there are going to be 1,400 acres flooded with about 250 acres of water 6 feet deep. However there was some discussion in the supporting documents which indicated that the berms which held the water back may be lowered to allow less flooding and faster travel to Perdido Bay.

IP’s effluent is very dirty and needs to be cleaned-up before it can be applied to wetlands. Florida has already develop a rule for allowing domestic wastewater to be applied to wetlands. The rule is 62-611 Florida Administrative Code and this rule was developed to allow sewage treatment plants to discharge to wetlands without harming the wetland. Based on scientific studies, Florida’s rule sets levels

Domestic vs IP limits in wetland



of pollutants in domestic wastewater which are allowed to be discharged to wetlands. These levels are: 5 mg/l for carbonaceous Biological Oxygen Demand (BOD); 5 mg/l Total Suspended Solids (TSS); 3 mg/l Total Nitrogen (TN); 2.0 mg/l ammonia (one source of nitrogen); and 1 mg/l Total phosphorus. How do the limits in IP’s proposed permit compare with the allowed domestic limits? IP wants to discharge an effluent which contains 25 mg/l BOD, and 58 mg/l TSS on the average. The daily maximum discharge allowed for IP is 51 mg/l BOD and 136 mg/l TSS. There is no limit on Total nitrogen in IP’s proposed limit although we have measured the

concentration as 7 mg/l in past testing. The phosphorus concentration of IP's effluent will fall within the domestic guidelines. We have put the table in so that you can easily see how much greater the concentrations of IP's proposed limits are when compared to limits allowed for domestic wastes. How can the DEP propose allowing IP to discharge an effluent which contains 10 x's more TSS and 5 x's more BOD than allowed for domestic waste and say IP's effluent is not going to harm the wetland plants and animals?

The wetland is too small to have any significant treatment of IP's wastes. Originally the U.S. Fish and Wildlife Service opposed this project because they said, among several objections, that the land was not large enough to accommodate the large flow (23.5 million gallons per day). They calculated that for domestic wastewater there should be at least 110 acres per million gallons of wastewater for a total of 4400 acres (pipeline is designed for 40 MGD), and the wastewater should be limited to concentrations for domestic effluent (given above). The proposed permit allows putting IP's effluent on only 1400 acres. Fish and Wildlife's objections were squelched. Further more according to DEP's rules for wetland application (62-611.400 (1) F.A.C.), the minimum retention time of reclaimed water should be no less than 14 days. IP estimates that their effluent will be retained on the property for approximately 3 days and maybe less if the berms are lowered. The natural hydroperiod (periods of wet and dry) of the wetland is supposed to be maintained and the average hydraulic loading of domestic wastewater to wetlands is not supposed to exceed two inches per week. Again, because of the small area, IP's effluent will virtually flood the whole area constantly (i.e., there will be no periods of dryness).

IP built pilot wetland treatment ponds in 1992. These pilot ponds showed how their effluent harms diversity. Of 480 trees which were planted in wetland cells in 1992 only 12 survived until 1997. Cattails had taken over the wetland cells and basically crowded out all other plants. The lack of diversity in plants was mirrored in the wetland animals. Cattails will die, especially in the winter, and all this 1,400 acres of dying cattails will slough off into Eleven mile Creek, Perdido Bay, and small tidal lakes called Tee and Wicker Lakes. IP is now proposing to burn the vegetation to manage it. So now they add air pollution to the water pollution.

IP has presented no evidence to show that they will not adversely impact the flora and fauna of the wetland including the tidal lakes of Tee and Wicker Lakes. IP presented no data on the biology of Tee and Wicker Lakes at the first hearing. The administrative law judge pointed out that baseline information about the biological community of Tee and Wicker Lakes was needed. However I can not see how baseline information of biology in the lakes is going to show that when 70% of the effluent is directed into these lakes, the lakes will not be harmed. Right now the small lakes receive a small amount of paper mill effluent indirectly from Eleven mile Creek. Dr. Livingston has submitted another 300+ page report, but no assurances of what will happen in Tee and Wicker Lakes once paper mill effluent is applied is available. My question is: if IP can not stay in Eleven mile Creek because they are harming the wildlife in the creek, how are they not going to harm the wildlife in smaller creeks in the wetland tract?

Dr. Livingston's new report which came out in December 2007 does acknowledge that the IP effluent was having an adverse impact on Upper Perdido Bay. So, obviously IP can not deny that at their current point of discharge in Eleven mile Creek they are impacting Perdido Bay (at least the Upper bay). IP is not proposing to reduce their discharge of pollutants over current levels. Rather the pollutants are going to be increased. How is DEP allowing more pollutants to be discharged? The rationale is found in the fact sheets to the permit, where DEP says that IP's discharge limits are no longer limited by the flow of Eleven mile Creek. What about the flow of the smaller streams in the wetlands? DEP's answer - What streams? IP denies there are any streams. DEP biologists disagree

These are some of our objections to the wetland application which you can use to write your letters. One big question mark remains - Will IP or ECUA ever build the 10-mile pipeline to the wetlands if the project is approved? ECUA got a loan almost 5 years ago to build the pipeline (remember the public-private partnership bally-hooed) from Florida's state revolving loan fund. However, I am sure that the cost of the project has gone up.

So Dishonest

Industries have exerted all their lobbying skills to make the environmental rules as complex and technical as they possibly can. Testing which requires special equipment, computer modeling, highly specialized experts, and risk assessment have all been pushed by big business to eliminate anyone other than the biggest and richest from the environmental arena. Even state environmental agencies don't have the expertise to evaluate the data required by the environmental rules. Because of this, state agencies go along with the industries' data and conclusions.

An example of this regulatory hocus-pocus has come to light in the second application which IP submitted for the wetland project. Two of the state standards which the paper mill has never been able to meet in Eleven mile Creek and also Perdido Bay are the transparency and turbidity standards. Both standards are related in that both standards deal with the amount of light which is able to penetrate through the water due to the color and clarity (or lack of) of the water. Paper mill effluent decreases transparency and increases turbidity of the water due to the very dark color and also the large amount of solids discharged. For compliance, both transparency and turbidity standards require comparison with a "natural background" water body.

To prove "compliance" with these standards for the second permit application, IP hired a modeling company, Hydroqual, to do a model of transparency of the water with no paper mill effluent and with paper mill effluent applied to the wetland. The results of the modeling showed very small effects with the paper mill effluent when compared to "background conditions". Any surprises here? To get to this conclusion several very false assumptions had to be made. One assumption was that "background" was Perdido Bay and Eleven mile Creek in 1990. As I remember, Perdido Bay and Eleven mile Creek had paper mill effluent in 1990. Can "background" be a stream which is not meeting state standards because of paper mill effluent? Another false assumption of the model was that **none** of the 10,000 pounds per day of solids discharged by the paper mill would enter Eleven mile Creek or Perdido Bay. What would happen to these solids? They would all be captured in the 1,400 acre flooded wetland. Another false assumption of the model was that color was the only component of paper mill effluent which decreased light penetration. How about all those solids? Again solids were ignored. DEP accepted this bogus report, false assumptions and all. It is going to be fun in court.

Membership and Renewals

Tidings is published six times a year by Friends of Perdido Bay and is mailed to members. To keep up with the latest news of happenings on Perdido Bay, become a member or renew your membership. For present members, your date for renewal is printed on your mailing label.

Membership is \$10.00 per **year per voting member**. To join or renew, fill out the coupon to the right and mail with your check to the address on the front.

Friends is a not-for-profit corporation and all contributions are tax-deductible. Funds received are all used for projects to improve Perdido Bay. No money is paid to the Board of Directors, all of whom volunteer their time and effort.

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