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Tidings The Newsletter of the Friends of Perdido Bay

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www.friendsofperdidobay.com

You're Not Confused, We are

The last newsletter you received was dated August 2008. Actually it should have been October 2008. Sometimes we just don't catch the obvious mistakes. We mailed the "October" newsletter the first week in November. Some of our members did not receive their copy for nearly one month which would have made delivery the first week in December. Why it took some of the newsletters nearly a month to reach local folks in the area is a mystery. When we checked on the U.S. Postal rules governing bulk mail, there appears to be no time limit for the postal service to deliver bulk mail. The postal service can hold bulk mail for an indefinite period of time. So hopefully this news letter will reach you before the New Year.

Have a wonderful holiday season

Fund-Raising Auction Postponed to a Latter Date

Due to the problems we had in getting the word out to our members and the public in general, the auction had to be postponed. We did have music on November 23rd at the Flora-Bama thanks to Joe Trapp, but not enough people showed up to really have a successful auction. We have some great things to auction off - dinners at local restaurants, art, fish prints by Guy Harvey, beauty treatments, fishing rods, rounds of golf, in-shell pecans, and even a tattoo. Our auctioneer said that in order to get the value out of the donated items, more people have to be present for the auction. So we have decided to hold the auction in the Spring when we can get better advanced advertizing. We tried to get the local papers to publish the date of the auction, but for some reason had no luck getting the auction publicized. We will try again in the Spring.

Administrative Hearing Dates Set

The administrative hearing for Friends of Perdido Bay's challenge to the IP permit which would allow discharge to wetlands along Perdido Bay has been scheduled for January 14, 15, and 16, 2009 in Tallahassee and January 20, 21, 22, and 23 in Pensacola at the local DEP office. The hearing will start at 9:00. If you want to attend the hearing in Pensacola you will have to check in with the local DEP office on the third floor and the receptionist will check you in and direct you to

the hearing room. We had hoped to get the entire hearing scheduled in Pensacola, but according to the hearing officer, he was unable to find a suitable location in Pensacola for the first three days.

During the first three days, IP will be presenting their witnesses. Then it will be DEP's turn and then our turn. Rebuttal witnesses will come at the end. Based on the fact that the first hearing in 2006 took eleven days, I suspect this hearing will be equally as long. This means that the hearing will not finish in January.

DEP and IP are trying to narrow the issues which can be presented in this case. At this late date, we are still arguing over what issues may be presented at the hearing. IP only wants to litigate the issue of whether or not their effluent will adversely impact the wetlands. How are they planning on doing this? That is a good question. So far the only evidence that we have seen is identification of plant communities in the wetland area. For the sensitive plant communities such as pitcher plant communities, IP is either trying to avoid them or is going to mitigate by putting about a thousand acres of adjoining property into a conservation easement. Of the 1,300 acres which are going to be flooded with paper mill effluent, 139 areas are considered sensitive species. DEP knows this community will be adversely impacted (i.e. wiped out) by paper mill effluent. The remaining 1200 acres of pines and not-so-sensitive plants are also going to be impacted. So there doesn't appear at this time, to be much assurance that the effluent will not impact the wetland fauna and flora.

The issue of impact of IP's effluent on Perdido Bay, the tidal lakes of Tee and Wicker Lakes and the small permanent streams in the wetlands are issues which IP and DEP would like to avoid. The state rule which IP is trying to use to get this permit gives the discharger an exemption from meeting any state standards in wetlands as long as there is no significant adverse impact to the fauna and flora of the wetlands. As we discovered in depositions last week, streams and tidal lakes are not considered wetlands. According to the Clean Water Act, standards must be met in these bodies of water. (Friends of Perdido Bay has challenged aspects of the state rule.)

In order for this wetland scenario to work, there can be no flowing streams in the Rainwater Tract. But there are. There is a creek, which is very visible on aerial photographs called Wicker Creek. It flows into Wicker Lake which is one of the freshwater lakes on the Rainwater Tract. In 2005, DEP biologists surveyed this creek and reported that IP's logging and earthmoving activities had impaired the flow in the creek. IP is supposed to have a permit for this type of activity. They did not. This was reported to the Corps of Engineers who along with DEP chose to ignore the violation. The report on this creek was put on the DEP website as part of the Total Maximum Daily Load (TMDL) determinations for this area. Soon, however, DEP biologists were ordered to remove the report from the website. DEP higher-ups had decided to call this stream a "fire-break", and try and erase any record of this stream. There was a fire in this area. We all saw the fire as it burned very close to Hurst Hammock. But fire-breaks are not twisting and sinuous. DEP's attempt to hide this stream is not going to work.

I am sure the hearing will produce additional surprises. The fact that DEP has allowed IP to come back and re-litigate this permit once they lost the first time is very suspect. If we lose, it will certainly be grounds for appeal. But we don't intend to lose.

How Could It Get to This?

One of the documents which we have reviewed for this hearing is the final report on Perdido Bay submitted by Dr. Robert Livingston in December 2007. Dr. Livingston was the paper mill consultant who has been doing biological studies for the paper mill on Perdido Bay since 1988. Notice the past tense. According to Linda Young, Dr. Livingston was fired by IP because they did not like his last report. Here is an excerpt from his last report:

"By fall 2003, major parts of the Perdido Bay system appeared to have been damaged by diverse anthropogenic disturbances. Annual trends of the numbers of organisms in the Perdido

Bay system were significantly lower during 2002-2003 than levels taken over the previous sampling period. Infauna, invertebrate and fish numbers and species richness in various parts of the bay plummeted to levels never seen before in the 16-year sampling period. There was an almost total collapse of numbers of trophic units during 2002-2003. In some ways, the biological impacts were subtle; there were no fish kills or obvious signs of plankton blooms. The bay simply slipped away without any observations by local residents or state and federal agencies.”

Anthropogenic means “caused by man”. When Dr. Livingston was contacted about his comments in the report, he pretty much stuck to his old story. He said the paper mill was putting in too many nutrients which were causing blooms of toxic algae which were killing life in the bay. There are loopholes in this story. First, the level of nutrients put into the bay by the paper mill has declined. So instead of getting worse, the bay should be getting better. Second, if there were toxic algae blooms, you would expect to see fish kills. We haven’t seen fish kills. So, there is something else which is killing life in the bay. Perdido River has not changed, so it has to be coming from another major source - the paper mill.

I keep asking myself, how can this happen? We have state and federal environmental agencies, we have good laws, but we do not have enforcement. Where are the lawyers who can take this information and turn it into lawsuits and make money? Politics obviously plays a large part. Recently, there have been some rumblings from the state of Alabama. It is about time. Alabama has allowed one of its most valuable natural resources to be used as a paper mill wastewater treatment pond for too long. It is also time we all, individually, contact the EPA. Obviously, Florida is not going to do anything about this problem. The EPA Address is: EPA-Region 4; Environmental Accountability Division; Atlanta Federal Center; 61 Forsyth Street, SW; Atlanta, GA 30303-8960. The phone number is: 404-562-8327. There is something very wrong here and someone should start to take notice.

Those Pipes

Every time we see pipes laying along a roadway, we begin to get calls from our members. For the past several months, 24" steel pipes have been laying along Blue Angel Parkway. Is IP sending part of their effluent to Bayou Marcus Wastewater Treatment Plant? No. According to Emerald Coast Utilities Authority, water is being brought to the southwest part of Escambia County from the an area to the north near Nine Mile Road. ECUA said they are using steel pipe to carry the water. It is hard to get water wells permitted south of Lillian Highway because of the danger of saltwater intrusion. During construction of the water line this Fall, workers ruptured a sewer line in the vicinity of 8-Mile Creek. Some of the sewerage flowed into Upper Perdido Bay. To ECUA’s credit, they called the authorities and a warning was issued.

ECUA’s spokesman also said that ECUA is going to begin the planning to open up the southern portion of their wetland along Blue Angel Parkway and Lillian Highway. The amount of sewage going into Bayou Marcus is now about 6 million gallons per day and the treatment plant is permit for 8.2. This wetland project still appears to be a operating smoothly. This is one wetland project which Friends of Perdido Bay supported. There is a huge difference between ECUA’s wetland application and IP’s proposed project. ECUA is discharging an effluent which contains 5 mg/liter BOD and 5 mg/l Total Suspended Solids. IP wants to discharge an effluent which contains 25 mg/l BOD and 58 mg/l Solids. ECUA is required to filter their effluent through sand filters to remove the solids and some of the BOD. When we suggested that IP do the same, IP told us it was just too expensive. What if we just don’t feel like subsidizing the paper mill any more?

Protection is Flawed

Recently the World Health Organization announced that cancer was going to overtake heart disease as the number one cause of death in the world. Much of this increase is due to increasing rates of smoking in China and India. But, there are many other causes of cancer besides smoking. Cancer is an insidious disease because it does not appear instantly after exposure to cancer causing agents. Proving cause and effect in cancer deaths is difficult. The chemical industry knows this only too well. Twenty years may be required for cancer to develop after exposure and then an individual may be exposed to multiple cancer causing agents. Epidemiological studies are necessary to “prove” that exposure to certain things causes cancer. Even epidemiological studies can be flawed because it is so difficult to sort out other factors which may affect results such as age, race, sex, etc. But the EPA knows many of the cancer -causing chemicals. What is sometimes difficult to determine is what levels of these chemicals are safe. The EPA uses risk factors to determine safe levels - 1 in a million people will get cancer or 1 in 10,000 people will get cancer if exposed, etc.

For many years, Escambia County has been ranked “first” among the counties in Florida for toxic air emissions. Escambia County also has an elevated level of illness. In 2002, the U.S. Congress commissioned a study to investigate if a connection exists between air toxics and health problems in Escambia and Santa Rosa Counties. A coalition of local and national health officials, and UWF and Georgia Tech were involved in this study. The study is known as the PERCH study and a report came out in December 2007. You can find this study on line.

The study looked at 3 air pollutants: ground-level ozone, fine particulate matter, and toxic air chemicals. The study compared data in Escambia and Santa Rosa County with health and air quality data from other “similar” counties in Florida. Several of the key findings are summarized. Fine particulate matter likely represents the greatest risk to human health related to air quality in the Pensacola region. Much of this fine particulate matter was associated with sulfate; the highest concentrations are associated with northerly flow. Organic carbon was also found to contribute to fine particulate matter. Forest fires, coal and gasoline combustion were possible sources of fine particulate matter. Pensacola’s fine particulate matter was different from those found in larger cities. Larger cities with more autos have nitrate associated with particulate matter, whereas in the Pensacola area, sulfate is the predominate source of particulate matter. According to the study, some of the sulfate particulate matter can come from other states.

As far as toxic air pollutants, three areas in Santa Rosa County and one area in Escambia County were identified as having a possible elevated risk of cancer. The area in Escambia County where an elevated risk of cancer is present is in Cantonment around the IP mill. I know this must be true because Champion personal told me the paper mill was putting out large amounts of dioxin while they were bleaching. EPA must have also known this. But nobody did anything . This is a case of politics over human health.

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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