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Tidings The Newsletter of the Friends of Perdido Bay

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www.friendsofperdidobay.com

PUBLIC HEARING ON ECUA'S PLAN TO INCREASE SEWAGE IN PERDIDO BAY

In last month's newsletter, we told you about Emerald Coast Utilities Authority's (ECUA) attempt to increase the wastewater they discharge into wetlands surrounding Perdido Bay. They want to go from 8.2 million gallons per day (MGD) to 10 million gallons per day. We believe that this is just too much. Wetland disposal works well if the wetlands are not overloaded with effluent. This wetland was engineered to take a maximum of 8.2 MGD and this amount should not be exceeded. Florida also has rules governing the amount of wastewater which can be applied to wetlands. One of the requirements in the rule (Rule 62-611.350 (1)) says that "hydraulic rates shall be designed to minimize alteration of the natural hydroperiod and, for wetlands used for treatment, to maximize their assimilative capacity. The annual average hydraulic loading shall not exceed two inches per week, except in hydrologically altered wetlands....." ECUA's increase allows them to discharge 3" per week. This increase appears to be a violation of the above rule. Studies done by the engineering firm CDM, indicate that this increased discharge will add additional nutrients to Perdido Bay, unless the nutrient concentration of the effluent is lowered. ECUA is claiming that they are going to lower the nutrient concentration so as not to increase nutrients in the bay. Our question is "for how long?" IP's consultant, Dr. Livingston has indicated that the Bayou Marcus sewage treatment plant is already enriching the bay. Remember Perdido Bay is impaired with too many nutrients already. We don't need any more. We need less.

Come to the public meeting on this proposed increase on March 2, 2010 at the DEP Building 160 West Government Street, Pensacola, FL, in a room on the ground floor, beginning at 6:00 PM.

A public hearing on ECUA's proposed increase from 8.2 MGD to 10 MGD at the Bayou Marcus Treatment Plant will be held **March 2, 2010 at the DEP building, 160 W. Government St., Pensacola, FL, ground floor, beginning at 6:00 PM**

Did we also mention that homeowners who live in the low lying areas surrounding the ECUA wetlands, namely Ramsey Beach and Bay Forest, will very likely be most affected by this increase due to increased probability of flooding?

The timing of the proposed increase is a little suspect as well. Because Perdido Bay has been officially declared “impaired” due to too many nutrients by Florida, the DEP will be doing a study to determine where nutrients must be reduced. This study will be done in 2012. So it appears that ECUA is trying to hurry and increase their discharges before the nutrient study is done. Also as reported in last month’s newsletter, the EPA will be proposing new nutrients standards for estuaries and near shore Gulf waters in 2011. Could ECUA be trying to increase their discharges before the new standards come into effect? Maybe. But as things stand now, no discharger should be allowed to increase their discharges into Perdido Bay. Certainly the pressure due to growth is not a factor in why ECUA should be seeking an increase.

JUDGE RULES AGAINST US IN IP PERMIT CASE

Since October, we have been waiting for an administrative law judge’s decision about whether or not to grant a permit for IP’s proposed discharge to wetlands. On January 27, 2010, the administrative law judge decided, after hearing nearly the same evidence as in the first hearing, that the DEP should grant the permit to IP for discharging to wetlands. Remember in the first hearing in 2006, the same administrative law judge recommended denying the issuance of the permit. The decision by the judge was not unexpected, since politics play such a big role in the paper mill’s existence. Basically the reason the judge changed his mind at this hearing was he ignored the evidence we presented. In making his decision, the judge only considered IP’s evidence. He said our evidence was “collateral estoppel” that is the issues we raised had already been decided. Our contention is that all issues had already been decided and the judge’s ruling from the first hearing should stand. We have sent our objections with this ruling to Florida’s DEP who will now issue the final order. If the final order upholds the decision to allow this permit to go into effect, we will appeal the final order to the First District Court of Appeals as we consider the judge’s decision to be extremely biased and unfair.

The more I look at IP’s plan to go to a wetland discharge, the more I understand why IP likes this plan. For starters, they don’t think they are going to have to meet water quality standards in the wetlands, ever. A “Consent Order” issued along with the permit allows IP to violate standards in the wetlands for nine years and then apply for alternative standards. Second, currently IP has two polishing ponds in which their solids settle out. Periodically these ponds have to be dredged and the material taken to a landfill. This is costly and messy. In the proposed plan, IP is going to take these ponds out of service. The new settling ponds will be Tee and Wicker Lakes and Perdido Bay. No dredging necessary. Furthermore, the ECUA is using public funds to build the 10 mile pipeline to the wetlands. IP will be “renting” their share of the pipeline from ECUA and it is doubtful that ECUA will ever make any use of the pipe they are paying to build. Another plus for IP is that people will not be able to “see” the nastiness of their effluent. There will not be an open stream where the dark color and pollution is visible and can be measured. Instead the effluent will dribble out along miles of shoreline, unobserved for the most part.

This public-private partnership is certainly not going to benefit the public on Perdido Bay. This pipeline will be designed to carry 37.5 million gallons a day of effluent into the Perdido Watershed from Cantonment. Even if IP goes out of business, this pipeline could continue to

carry 37.5 million gallons a day of effluent into our watershed. The pipeline will not be pulled up once it has been laid. It will just be waiting there for some new company to use it to get rid of their waste. I have heard all types of rumors about what effluent will be brought to our bay. It is rumored that some of Solutia's effluent will be piped over here. Perdido Bay certainly does not need this assault.

THE FUTURE OF THE IP MILL IN CANTONMENT

While Friends of Perdido Bay does not have a crystal ball and can not see into the future, we think eventually the mill in Cantonment Florida will be shut down. Unfortunately, the future of papermaking in the U.S. does not look too bright. IP was able to make money last year, in part, because they got a huge tax rebate from making "black liquor mixed with diesel fuel", not paper. Black liquor is what remains after cooking wood chips in sodium hydroxide and sulfur. Paper companies recycle the salts contained in the black liquor by burning off the organic material in the black liquor and reconstituting the salts. IP got a tax rebate of approximately \$1.6 billion last year. This will definitely help your bottom line. In the fourth quarter of 2009, IP lost money in spite of the fact that they got a \$469 million tax rebate. The tax rebate is supposed to end at the beginning of 2010. Stock analysts have said that, due to IP's purchase of Weyerhaeuser liner board mills, IP is carrying a huge debt. With an economy which is not growing as robustly as hoped, there is an oversupply of linearboard. This all adds up to rough times in the papermaking business, although there are some exceptions. The IP mill in Cantonment has some new equipment but some very old equipment as well. If the Cantonment mill were being built today, it would never be allowed to discharge into Perdido Bay. Perdido Bay is a very small bay which only flushes well when it rains hard and is flushed out by the Perdido River.

The mill has never been able to legally get a permit for their present location and discharge site. The last permit which they got, after an administrative hearing, was a *temporary* operating permit issued in 1989 for 5 years. Before 1989, the paper company and the regulators would go into a back room and come out with a permit. I remember at the administrative hearing held in 1988, Bob Kriegel, who was then head of the Pensacola office of the DEP, pretended that he did not know that the paper mill was causing violations to the dissolved oxygen and ammonia in Elevenmile Creek. He testified that he had just discovered this problem when the EPA came down and did studies on Elevenmile Creek. This was an outright lie. The DEP records were full of recorded dissolved oxygen violations even before the EPA took oxygen values in 1988.

Perdido Bay residents should certainly know the limitations of their environmental agencies. Environmental agencies are not going to shut down a company like IP. They are not even going to fine them. The regulators will just let them operate and find some way to try and legally justify the operation. Currently Florida DEP is claiming that IP is operating on a temporary permit which was administratively continued in 1994. OK. But we hope to make the message clear to IP, please do not invest any more money in this mill, unless of course you are really going to clean up or go to a closed loop. There is a mill in Australia, similar to the one in Cantonment, which has nearly gone to closed loop. So since the environmental agencies are not going to do the job, IP with help from the slow economy, may make the decision that this mill is not worth the trouble. Until then, we will resist any attempt to give IP a permit to pollute Perdido Bay.

IF YOU SAY IT ENOUGH TIMES, DOES IT BECOME TRUE?

Dr. Robert Livingston, based on his 18-year study of Perdido Bay, has said repeatedly that the paper mill’s effluent has destroyed life in Perdido Bay. The Livingston story goes like this: due to the high levels of nitrogen and phosphorus entering Perdido Bay from the paper mill, blooms of toxic algae have occurred and have killed life in the bay. But there are some obvious holes in the Livingston story. In spite of the fact that the paper mill has reduced its discharges of nitrogen and phosphorus into the bay since 2004, the bay continues to decline. Livingston’s answer: the bay has lost its “resiliency” and can no longer handle any form of pollution. Another unanswered hole: these blooms of toxic algae were not accompanied by an increase in chlorophyll, which normally occurs when algae bloom. Livingston’s answer: the bloom is caused by a toxic organisms which does not contain chlorophyll. This toxic organism eats other algae. Another problem with Livingston’s hypothesis: if there were blooms of toxic algae which were so devastating to Perdido Bay, why weren’t these blooms obvious to the public in the form of fish kills? Livingston’s answer: for some reason the kills were not obvious to the public. Another problem: If too many nutrients stimulated toxic algae, what happened to the grassbeds in upper Perdido Bay and the huge amounts of drift algae we used to see at our beaches? Livingston’s answer: a spill of chlorine from the Bayou Marcus sewage treatment plant in 2002 wiped all other plants out (but not the toxic algae). Well, the sum of the Livingston hypothesis is that it doesn’t add up. It doesn’t pass the smell test either. So what really did happen to life in the bay? Did Livingston make up the story about toxic algae or were there actually toxic algae in the bay but in concentrations too low to cause fish kills? I really don’t know.

My interpretation of what caused life to decline in the bay begins with the mill’s conversion from using elemental chlorine for bleaching to using chlorine dioxide in 1995. Chlorine dioxide is generated at the mill using chlorate. We were able to measure both chlorate and chlorine dioxide at the mouth of Elevenmile Creek in 1998. Chlorate is a potent herbicide. Grassbeds which were growing in Perdido Bay at that time, showed deformed chloroplasts and the microalgae which grew on the beer cans and pilings of Perdido Bay began to disappear. In 2000, IP took over operation of the mill. They turned down the aerators in their ponds to save money. With less treatment in their ponds, even more harmful products were released which killed life in the bay. In 2002, the mill reported a spill of 60,000 pounds of sodium chlorate into their treatment ponds. This undoubtedly got into the bay and finished off what ever was left. The conversion to brown paper in 2007 should have produced some improvement however the mill still makes bleached pulp. With the continual cutting of costs at the paper mill, the effluent is not treated properly. It is not toxic algae but toxic chemicals coming from the mill which have destroyed the bay.

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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