

**Friends of Perdido Bay**

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## **Tidings**    **The Newsletter of the Friends of Perdido Bay**

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**[www.friendsofperdidobay.com](http://www.friendsofperdidobay.com)**

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### **Hello to our new members and thank you to our old (existing) members**

Our drive to get new members was successful. We hope all new members enjoy our newsletters and help us with our fight to get our bay cleaned up. It still looks pretty dead even though every now and then someone will catch a fish, but not many. It certainly isn't like it used to be. And please, all members who remember how plentiful Perdido Bay used to be, do not forget those memories. I think that is the plan. If our oceans and bays stay dead long enough, any memory of how our waters should be full of life will be forgotten.

And thank you to our many existing members (not old) for your faithful commitment to Friends of Perdido Bay and to our bay. If the plan was to wait for us to disappear, it has failed.

### **A Toxic Legacy**

A year ago, Upper Perdido Bay got its first Florida Boat Ramp. There is a boat ramp over in Lillian Alabama but boat ramps on the Florida side of Perdido Bay were scarce. There used to be a boat ramp over at Hurst Hammock but that closed many years ago. People who wanted to go bass fishing up the Perdido River had to use the boat ramp at the 98 bridge which was meant for only small trucks and boats. The new boat ramp access at 10808 Lillian Highway is beautiful. It sits on 40 acres and has 62 car trailer

spaces, 22 spaces for just cars and nice restrooms and picnic areas. There are two camp sites to support the Perdido River Kayaking trail and lots of big beautiful pine trees. The boat ramp had been planned for a long time.

In 2013, the Escambia County Commission bought the 40-acre site which had been a failed development. They spent over \$1 Million of local sales tax option money on the property. That property was just down the beach from my property and was a beautiful (but low) piece. I used to walk down there a lot. The folks on Herron Bayou were a little bit worried about boat wakes and erosion of their properties from increased boat traffic, but the county imposed a no wake zone to stem the criticism. The development of the boat ramp took a long time. I am not sure why. But in 2017, a rather sinister piece of information emerged from the studies for the boat ramp. This information was never reported in the media, and I am sure our County Commissioner at the time, Jeff Bergosh, was certainly not going to tell anyone. But one of our members who sits on the County Marine Commission alerted me to this information and I put a “freedom of information request “ into Escambia County.

Escambia County had to get permits for the site and do soil testing. The County also had to dredge a channel out into Perdido Bay because the bay was very shallow just off Herron Bayou. The soil testing sites were both in Herron and just off Herron Bayou in Perdido Bay. The results of the soils test must have alarmed Escambia officials. The date of the soils test was October 17, 2017. When I saw the results the county had provided to me in 2023, I was alarmed but not surprised. Friends of Perdido Bay had been testing the sludges (soils) in Perdido Bay for years and finding similar results. Matter of fact, we had been presenting our data to the commissioners and declaring that Perdido Bay was a Superfund site. But the commissioners eyes seemed to glaze over and ignore the problem. I used to talk with Commissioner Bergosh and he told me International Paper would just leave for Mexico. I guessed he thought it was better that they stayed here and polluted our bay. It was jobs.

The results of the County’s soils testing showed that at all but one or two of the fourteen sites which the county tested, the concentrations of arsenic, chromium, selenium, silver and mercury exceeded the direct exposure residential limits and a few sites exceeded the direct exposure commercial limits (these are set higher). They did not test for dioxin. One site had high amounts of benzo-pyrene. The extremely high levels of heavy metals

must have given the project some bad marks and maybe the commissioners were having second thoughts about developing a boat ramp.

The engineers who were working on the project must have suggested testing to find out if the soils would release these heavy metals. So they did a test where they put the soils in water and shook them up. Then they let the soils settle and test the water to see if they could find any presence of heavy metals in the water. Fortunately for the project, the heavy metals remained with the soils and did not leach into the water. The DEP must have given the project a green light after the county was able to demonstrate the heavy metals would not pose a health risk to the water. However just where the County put these contaminated, dredges soils is a big question. I had asked the county to provide this information, but they did not. I have since heard that the county may have collected the soils while dredging, but them in bags and buried the toxic soils at the site. There is a big open area just west of the parking lot. We hope they are not leaking back into the bay.

Just where these toxic sediments came from is clear. As Dr. Livingston, the paper mill consultant, said back in the 1990's, there is only one major discharger in our bay, the papermill. The papermill may not be responsible for all the heavy metals, but it is responsible for most of them. After all, the environmental agencies have allowed International Paper to discharge up to 10,000 pounds a day (dry weight) of TSS into our bay or into the wetland surrounding the bay and then our bay, for years. This level of discharge is legal and permitted by the Clean Water Act so IP can't be easily sued for the damages these TSS cause. The level of TSS allowed is based on production at the mill. This is one of the dirty little secrets about the Clean Water Act. It allows permits to be issued which can cause harm. I am sure in the recent cuts to EPA's budget, the issuance of "permits to pollute" was not cut.

You might ask what is TSS and what is in TSS. TSS stands for Total Suspended Solids. TSS is measured by filtering a liter of water, drying the stuff on the filter and weighing the filter and the stuff. It is an easy measurement. You multiply the dry weight of the "stuff" by the volume of water released to find total amount. What is TSS composed of? We have asked the papermill people that question many times. Their answer – "Not sure". Apparently the environmental agencies have not asked that question or are afraid to find the answer to that question. But we can assume that TSS has a lot of organic material in it as well as some heavy metals. Friends of

Perdido Bay deployed sediment traps in the early 2000 and measured dioxin and heavy metals in the collected sediments.

The paper industry has always pretended that these TSS evaporate (all 10,000 pounds a day). In the early 1990's, one of the papermill consultants did modeling for oxygen in Perdido Bay. The paper industry always pretended that this TSS did not contribute to the low dissolved oxygen for which Perdido Bay was famous. The paper mill consultant ignored the TSS settling out in the bay. No problem. But it is a problem and a severe problem especially since these TSS contain dioxin and heavy metals. Friends of Perdido Bay has measured this dioxin time and time again.

The class action lawsuit which was filed in 2000 and dismissed with prejudice in 2006, was all about relieving the paper mill from damages caused by their TSS and the toxic material which were in the TSS. "G. There is no claim for contamination by Defendant on any of the shoreline properties above the mean high water line owned by any putative class member. H. There is no claim for damages arising out of any claimed deposits or contamination on any of the shoreline properties above the mean high water line owned by any putative class member." This statement in Parentheses came from the Stipulation which was filed in 2006 by attorneys for both sides. The problem for the papermill is that hurricanes stir up the sediments on the bottom of Perdido Bay and wash this sediment onto our properties . Yuk! This is what happened in Hurricane Ivan and Sally. Friends of Perdido Bay clearly documented these contaminated sediments on property owners' property after Hurricane Ivan in 2004. After Hurricane Ivan we went around and collected Perdido Bay muck from at least 6 or 7 properties. This muck was very contaminated with dioxin and arsenic (See our website) which had to have come from the only industrial discharger on Perdido Bay. And by the way, IP is permitted to discharge dioxin. These attorneys were obviously corrupt and have contributed to the damages cause by the papermill. One of those attorneys was Robert Kennedy, Jr. who is currently our Secretary of 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 \$30.00 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.

New

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Renewal

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