



Friends of Perdido Bay

ADDRESS SERVICE REQUESTED

38 S. Blue Angel Parkway
PMB 350
Pensacola, FL 32506
850-377-4264

Tidings The Newsletter of the Friends of Perdido Bay

June 2024

Volume 37 Number 3

Jackie Lane-editor

www.friendsofperdidobay.com

Thank you for your support

Even though our bay is still polluted, at times very polluted, you have remained faithful to the vision. The vision is a bay with abundant fish and wildlife, of shrimp, clams and maybe even oysters. Over the years our bay has been killed by effluent from a paper mill which should have closed years ago and maybe also by a domestic wastewater treatment plant which should never have been allowed to expand as much as it has. In 1983, the Bayou Marcus (then called Avondale) Wastewater Treatment Plant was under a Consent Decree from the DER and Escambia County to close. In those days it was only discharging 0.5 million gallons of effluent a day (MGD). In the early 1980's, planners had the sense to realize that this domestic wastewater treatment plant discharged into a part of Perdido Bay which was poorly flushed and did not get much dilution. Yet, the state environmental agency allowed that wastewater treatment plant to expand to 10 MGD. The rationale was that Bayou Marcus was discharging into wetlands and the wetlands would remove the nutrients. Maybe a little, but not nearly as much as a 20-fold increase in discharge rates would absorb. Or maybe the regulators were hoping that the herbicidal discharges from the paper mill would help suppress any algal blooms. That was a more likely scenario. At any rate, our environmental agencies should have stopped both the huge discharges from the paper mill as well as increased discharge from Bayou Marcus.

Speaking about vision, I recently spoke to an EPA representative who wants you to forget all visions of an environment before 2012. EPA wants to reset all past baseline environmental data to no earlier than 2012. EPA doesn't want to go back to a time before 2012 and our environment was clean. Well, forget that approach. I will definitely go back to a time before the papermill. If I can find the 1955 picture of the old 98 bridge over Perdido Bay, I will publish that picture. In that picture, the bridge, which was a lot lower, was lined end to end with fishermen fishing for speckled trout. Fishing was that good. We can only maintain our vision and work for that end. **Thank you for your help.**

Robert Kennedy and Conspiracy

Robert Kennedy Jr. is running as a third-party candidate who has espoused conspiracy theories about certain topics. Robert Kennedy should be very familiar with conspiracies. He was involved in one

here on Perdido Bay. I believe that he along with other attorneys were involved in a conspiracy to keep the paper mill open and keep its pollution in Perdido Bay. Here is the story as best as I can remember it.

I first saw Robert Kennedy Jr. when he came to Pensacola to give a talk at Skoplos Restaurant in 1999. At the time, the paper mill was owned by Champion International, and they were discharging to Elevenmile Creek and could not get a permit. The pollution was gross. Champion had converted to chlorine dioxide from elemental chlorine beginning in 1994, but that conversion didn't really save them. At the time, my husband and I were working with Champion. Champion had told us that, when they converted the mill to 100% chlorine dioxide, their problems would be solved. But alas it didn't happen. Champion was still causing low dissolved oxygen in Elevenmile Creek, and the creek was still full of coliform bacteria which washed out of their treatment ponds when it rained. Champion had gone around the country to other paper companies promoting the switch from chlorine bleaching to bleaching with chlorine dioxide. The EPA, in 1998, adopted chlorine dioxide as the new bleaching standard.

About the only thing I could see which had changed with conversion to chlorine dioxide bleaching, was the research I was doing at my beach. For years, I had been doing experiments with the little snails which lived in the bay, and they ate periphyton, little one celled alga which grow on hard surfaces. I had published a scientific paper in 1991 on the effect of quality and quantity of periphyton on the feeding rate of the little olive snail. In 1994 the periphyton wouldn't grow any more. I was alarmed. I wrote to all the environmental agencies about the inability to grow periphyton, but I was ignored.

With funds from the settlement of the class action lawsuit filed in 1992, I was able to test the waters of Elevenmile Creek for chlorine dioxide and chlorate. Chlorate is a potent herbicide which is a byproduct of chlorine dioxide generation. On two dates in November 1995, I tested both the papermill outfall into the creek and the mouth of the creek. To my amazement, chlorine dioxide was present at a concentration of about ½ the amount, which is used to disinfect drinking water, i.e., 0.4 mg/l, and so was chlorate on both dates and at the beginning of the creek and at the end. Chlorine dioxide appeared to be remarkably stable. These test results are on our website. The presence of chlorine dioxide and chlorate in Elevenmile Creek didn't seem to do anything for Champion. But it did kill the periphyton growing on my glass plates. The racks holding the glass plates were located at my beach which is in the upper bay. The racks holding the glass plates were destroyed in Hurricane Ivan in 2004 but the posts are still in the sand today.

In 2000, Champion sold (or maybe merged with) the papermill to International Paper without ever having obtained a valid permit. In 1998, prior to the sale, a single attorney, Steve Medina, began talking about filing a legal action suit against the Florida DEP to try and get them to fine Champion for all the violations of their permit. He had been working with Linda Young, who ran an environmental newsletter called the *Pro Earth Times* and another Perdido Bay citizen, Ester Johnson, to get a complaint filed. I learned later that the *Pro Earth Times* had been funded by George Soros. I didn't really trust Steve Medina, whom I was afraid would "intentionally lose" and all Champion's violations would become "res judicata" and be forgiven. So, I filed a Motion to Intervene in Steve Medina's action. I wanted to have a say.

In 2000, Steve Medina's and Ester Johnson's action mushroomed into a much bigger thing – a Class Action Lawsuit. Many big attorneys got involved, including Mike Papantonio of the Levin Law Firm, Lawrence Keefe of Anchors, Foster and Grimsley (he later became an appellate judge and works with Governor DeSantis) and Robert Kennedy, Jr. of Kennedy & Madonna. When I went to hear Robert Kennedy in 1999, I figured that he had been asked to come to Pensacola by Mike Papantonio. They were friends. At the time, Champion had not decided where they were going to put their effluent. It was either Escambia Bay or Perdido Bay and the DEP was suggesting Escambia Bay. Robert Kennedy's talk at Scoplos Restaurant was pretty non-committal- "protect your backyard". Champion then held a meeting with citizens in the Milton area about moving their effluent to Escambia Bay. There was a big outcry and Champion decided to stay in Perdido Bay.

But what about the violations they were causing? Chlorine dioxide didn't really help like Champion thought it would. International Paper inherited the mill and the problems. But maybe International Paper also bought the promises of certain people of whom we were unaware. The class action lawsuit filed in 2000 had "International Paper AKA Champion International" as the Defendants. Although International Paper owned the mill, somehow Champion was still involved. AKA means "known as".

The class action lawsuit Case # 2000-CA-494 languished for several years in legal mumbo jumbo. The judge had to assign a special master to go through papers which International Paper claimed were privileged, etc. But the issue of pollution of Perdido Bay was getting addressed by Jeb Bush and David Struhs. They were proposing that IP get out of Perdido Bay and go to a wetland. The first permit for this plan was issued in 2006. Also at the same time, IP had decided to spend \$40 million to convert the mill from 100% bleached paper to linerboard. Prior to converting to linerboard, the future of the mill was in doubt. White paper which Champion had made was not selling, and IP was losing money prior to the conversion to linear board. But the cost to convert was steep and there may have been other mills which may have been more suitable to convert. Perhaps the impetus to invest in the Pensacola mill came from promises of attorneys to have a favorable outcome of the class action lawsuit. We don't know. IP's decision may have been influenced by the tree growers of North Florida who definitely had "skin in the game". At the time, the politically powerful St. Joe Company owned thousands of acres of trees which they sold to IP for pulp wood.

In early 2006, IP decided to convert the mill from making 350,000 tons per year of bleached paper to 500,000 tons per year of linerboard. Maybe the decision came with promises from attorneys to "protect IP from the potential lawsuits from their discharges to Perdido Bay". This is only conjecture on my part. But what we do know is that the class action lawsuit sprang back to life in 2006.

On September 16, 2004, Perdido Bay was hit by the powerful Category 3 Hurricane, Ivan. It destroyed and flooded Perdido Bay residents' homes. After the storm passed, a layer of muck lay on residents' properties and homes. Friends of Perdido Bay went around to residents' properties, documenting the muck and taking samples for dioxin and heavy metals. Prior to 2004, we had found only traces of dioxin in the bottom sediments of Perdido Bay, although the Fish and Wildlife Service did find dioxin in the sediments of the lower bay. The muck from residents' properties which we had analyzed after Hurricane Ivan, contained high levels of dioxin, arsenic and other metals. It was frightening and we knew the source - IP's papermill. This data is on our website on the left side under dioxin sampling.

On June 12, 2006, a document was filed in the "Class Action Lawsuit". It was called a "Stipulation for Class Certification Hearing". A copy of this document is on our website. Although I was listed as having been served the document, I never remembered having received a copy. At the time, Friends of Perdido Bay, my husband and I were preoccupied trying to fight the upcoming permit to go to a wetland. Basically what the Stipulation said was that there were no common damages. The damages were individual, and no class existed. The Stipulation which both Plaintiff and Defense attorneys had to agree to, was appealed and also upheld. The Class Action lawsuit was dismissed with prejudice, which meant the issues could not be brought up again. The stipulation went on to say that "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." It was a complete whitewash of the paper mill's damages to our properties and basically gave the papermill immunity from further lawsuit. IP could operate without having to worry about future lawsuits. And they did.

IP got out of Elevenmile Creek and began discharging to a wetland. The wetland was not built as originally planned and did little to alleviate the pollution into Perdido Bay. As a result, IP still cannot get a real permit.

In 2018, the pH of Perdido Bay began going up. I was finally able to determine why the pH was going up; IP was dumping their wastes from carbon sequestration into Elevenmile Creek. IP has two power boilers to generate electricity for the mill. They use "wet alkali scrubbers" i.e. sodium hydroxide,

to capture the carbon dioxide from these boilers. This liquid waste from the power boilers which contain barium, arsenic and other combustion products are dumped into Elevemile Creek. DEP says IP has to discharge these liquid wastes into the creek because, if IP discharged these carbon sequestration wastes through their legal discharge point in the wetlands, IP would violate their pH limits. That is nonsense. This liquid mixture of sodium hydroxide + carbon dioxide = sodium bicarbonate + combustion products flows down the creek into Perdido Bay. As this mixture goes down the creek, it encounters small acid streams. The carbon dioxide, which is an acid, disassociates itself from the sodium hydroxide and bubbles off into the air. The water becomes more and more basic. The pH of the waters of Perdido Bay should be similar to the slightly acidic waters of Perdido River, i.e. <7. However, because of this sodium hydroxide, the pH of Perdido Bay is usually greater than 8. It is all a matter of chemistry.

This increased alkalinity and the fact that chlorine dioxide does not encounter contaminants such as ammonium compounds, allows chlorine dioxide to break down into oxygen and chlorate. These are two perfect chemicals for the paper industry. Oxygen adds oxygen to the water which would otherwise be depleted by the heavy oxygen consuming wastes discharged by the paper industry. Chlorate helps to prevent algal blooms which would be caused by plant nutrients added by paper mill wastes. Perfect!

I am sure many other people are aware of this conspiracy, but nothing is being said. Very sad and this injustice is not only killing Perdido Bay, but many other bays as well.

Maybe you shouldn't swim!

Friends of Perdido Bay tests the waters of Upper Perdido Bay for bacteria. In April, the certified lab we use reported to us that total coliform bacteria were very high in Upper Perdido Bay near Lillian Highway. The total coliform count was >2100/100 ml. This is unsatisfactory for swimming. We don't know the source of these bacteria. Perhaps the Pensacola Perdido Bay Estuarine Program, which just got a grant to analyze the source of bacterial contamination in the Pensacola Watershed, will include Perdido Bay as well. But in April 2024, the bacterial count was too high!

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

Renewal

Amt Enclosed \$ _____

Name

Address

Phone () _____

email