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Tidings

The Newsletter of the Friends of Perdido Bay

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www.friendsofperdidobay.com

THANK YOU FOR THE CONTRIBUTIONS

Our request for contributions to cover the costs of the administrative hearing brought many of you to send in donations. Thank you. We are still running a debt however, so if you should have a little extra money which you need to donate to a charity, Friends of Perdido Bay is a 501 (c) (3) which means you can deduct the donation from your 2009 taxes.

We try and provide a receipt for donations over \$250.00. If you have made a donation of \$250 and over and have not received a receipt, please contact us and tell us how much you donated in 2009. We will gladly provide you with a receipt. Thank you.

THANK YOU FOR YOUR LETTERS AND COMMENTS

Many of you send little comments with your renewals and donations. We enjoy receiving them. One comment we received concerned my article "High Expectations". I suppose I gave the impression that Republicans were not for the environment. I apologize. Just for the record, I am a registered Republican and our Board of Directors has representatives of both parties and beyond. Politics is certainly a part of our problem on Perdido Bay, but it is MONEY more than anything which has allowed this problem to persist as long as it has. I believe that big business and the monied interests have excessive influence in both parties. There are so many conflicting interests with so much money, nothing seems to get accomplished. The environment is just one area where stalemate and decline have set in. Real protection of the environment is a liability to both parties - Perdido Bay is the victim.

TOO BIG TO FOLLOW RULES

Pensacola News Journal ran a series of articles on the environment. It was an ambitious, but necessary, expose of an area with a big pollution problem. Escambia County, Florida is ranked 13th (from the 2007 National Toxic Inventory) in the most polluted counties in the U.S.. The health of Escambia County residents is not good in many aspects. There are high rates of certain cancers, high child mortality rates, etc.

In its coverage of Escambia County's pollution, the News Journal wrote a "Snapshot" of the IP controversy. I thought the article summarized, pretty well, IP's position. IP's position basically is that they are going to spend \$60 million to make improvements to their wastewater treatment system which will improve the effluent. They are going to run this improved effluent through a wetland which is further going to improve the quality of the effluent. They still will not meet Florida's water quality standards in the wetlands, but after nine years, IP can apply for alternative (lowered) standards in the wetlands which IP believes are more appropriate. The News Journal article goes on to point out the ultimate reality: "The state would be reluctant to shut down a major employer. And IP is reluctant to spend more money than it will have to under the current plan". I believe this pretty much hits the nail on the head.

Friends of Perdido Bay's position is that the promised improvements in IP's effluent are not reflected in the limits which are in the proposed permit. (Compliance is measured before the effluent enters the wetlands) These same limits for BOD (oxygen consuming material) and Total Suspended Solids which supposedly have been in force for the past 25 years are the same limits which are in the proposed permit. We have obviously seen very little improvement in Perdido Bay (matter of fact it is much worse). IP's effluent has for some time had levels of ammonia meeting levels in the proposed permit. So why aren't we seeing an improvement by now? Polishing the effluent in the wetlands may work for a short time. But the minute we get a heavy rainfall, much of the material which has settled out in the wetlands or in Tee and Wicker Lakes will be washed into the bay. In addition, when you add 1,300 pounds per day of nitrogen to a wetland you are going to get a lot of new plant growth due to the addition of the fertilizer. This new plant growth is going to die, decay and be washed into Perdido Bay. As a result there will be increased oxygen consumption not only from IP's BOD but also from the decaying plant material stimulated by the added fertilizer. This is not a good future!

Implicit in the News Journal article is the question: why are we bothering to challenge this permit, if the state is not going to shut down the paper mill? It has been obvious to us who live on Perdido Bay that Florida has been allowing IP to do whatever it wants, which is make money. So why should we bother? To begin with, it is wrong. There are rules which IP is supposed to be following which they are obviously not following. If you were a small business and decided to flaunt the rules, the environmental agencies would shut you down in a heart beat. But apparently IP is "Too Big to Follow Rules". This is not right. When large amounts of public taxes are spent to protect the environment, there should be no exceptions.

Years ago, Friends of Perdido Bay proposed a solution which some paper mills have installed - constructed wetlands. This is a controlled situation where wetlands are engineered to remove a certain amount of pollutants. The permit limits and compliance point are after the effluent leaves the wetlands, not before as in the current case. The wetlands must be maintained to achieve these limits. The wetland project which IP is proposing has very little control and no assurances that any permit limits will be met at the end of the wetlands. These are just a few of the many uncertainties in the permit.

Another of the uncertainties is what will happen to the 10-mile long pipeline, if IP decides to shut down or the mill is sold. Once the pipeline is built, it will not be taken out. The pipeline is designed to carry 37.5 million gallons of effluent a day. Knowing what we know about Florida's enforcement of environmental regulations, allowing this much effluent to enter Perdido Bay from some unforeseen source is scary.

LEGAL BATTLE IS MOVING ALONG

The last day of the hearing on Friends of Perdido Bay's challenge to IP's proposed wetland permit was July 21, 2009. The transcripts of the hearing - all 1669 pages - were filed on September 1.

We are now writing our "Proposed Recommended Orders which are due October 12, 2009. Proposed Recommended Orders are summaries of evidence which were presented during the hearing which supports our side of the argument. We think the evidence shows that IP's effluent is definitely going to harm the wetlands including Tee and Wicker Lakes. This should be enough to block them from getting the permit. The judge reads our proposed recommended orders and then writes his Recommended Order. After the judge issues a Recommended Order, the Florida DEP has 90 days to issue a Final Order. Generally the state DEP will not change a Recommended Order unless there are clear errors in the Judges's interpretation of the rules. But, it will be at least five months before a final decision is made. And then, whoever loses is sure to appeal. IP's appeal on the first decision which they lost in September 7, 2007 is still pending before the First District Court of Appeals. And so it goes. You can follow the legal proceedings on the state of Florida's DOAH website. Go to our webpage and there is a link to the DOAH web site.

FOLLOWING THE SEWAGE

Many people may think that our sole objective is to go after the paper mill. Not true. Friends of Perdido Bay was formed in 1988 and we have had many causes. One of which involved getting the land development regulations in Escambia County Florida to be more protective of the environment. Another cause was supporting the Bayou Marcus Sewage Treatment Plant which disposes of its effluent in wetlands surrounding Perdido Bay. Yes, there are some wetland treatment systems which are good or were at the time we supported them.

The Bayou Marcus Reclamation Facility (that is short for sewage treatment plant) is currently permitted for 8.2 million gallons a day (MGD). For the past five years or so, approximately 4.2 million gallons a day was being discharged into wetlands surrounding Perdido Bay. The Bayou Marcus Facility was treating all the sewage from Perdido Key and areas close to the plant. There was also about 2.5 MGD coming from the closed Cantonment Sewage Treatment Plant at Kingsfield Road which had been opened to take wastes pumped from septic tanks and sewage in the Cantonment area. They were discharging this 4.2 MGD onto approximately 500 acres of wetland. A second area of approximately 400 acres of wetlands, behind the northwest corner of Blue Angel and Lillian Highway, remains unused.

On July 30 of this year, about 2 million gallons of sewage was added from the Naval Air Station, Pensacola. The Navy was under a Consent Order from DEP to get out of Pensacola Bay. In the press release which ECUA put out announcing this event, ECUA said that with the disposal of the effluent going to Bayou Marcus Treatment Plant "effluent disposal into local waters ceased immediately". Effluent which is sent to Bayou Marcus does not evaporate. It goes into Perdido Bay. Furthermore, this may be a "win-win" for Pensacola Bay, but adding more effluent with nutrients is not a "win-win" for Perdido Bay.

The new source of effluent from the Navy now brings the total effluent sent to Bayou Marcus to about 7 million gallons. It is time to open up the second section of the wetland and start looking for a new location to handle any growth which is planned for Perdido Key. Going above the permitted 8.2 million gallons a day should not be allowed. Florida has a rule which only allows so much tertiary treated domestic effluent to be disposed of in wetlands. ECUA has nearly reached that limit. ECUA has indicated that they are planning to open the second section of the wetland in the third quarter of 2010, but the date is very flexible.

In the meantime, ECUA is planning on sending effluent here and there. There is a lift station being built to pipe effluent from the new Central Wastewater Reclamation Facility (CWRF) up to the IP mill. It is designed for 11 MGD. IP is supposed to get 0 to 6 MGD and the

other MGD's left over are supposed to go to a spray field somewhere. The lift station at Kingsfield Road which currently pumps effluent to the Bayou Marcus is going to be upgraded and that sewage is going to the new CWRP. How much net increase in domestic sewage is coming to the Perdido Watershed is hard to say. The new CWRP is replacing the aging Pensacola Treatment Plant and that sewage is being piped to the CWRP. Gulf Power is going to use the effluent from the CWRP as cooling water, but not all the effluent will evaporate in the process. Maybe what is left over is part of the 11 MGD mentioned above. All I know is that there is a lot of pumping and that is expensive.

IT DOESN'T ADD UP

Dr. Robert Livingston, who used to be a consultant for the paper mill, wrote his final report on Perdido Bay in December 2007. In that report he summarized his 18 years of research on Perdido Bay. He found that over the entire 18 year period, the health of Perdido Bay declined, at times precipitously. He blamed it on the toxic algae blooms which were caused by release of ammonia and phosphate from the paper mill. However over the last three years of his study, the paper mill had achieved the limits for ammonia and phosphate which he had set as permit limits. The question we asked Dr. Livingston in court (he testified for IP at the administrative hearing) was - If the mill has achieved those limits that he had recommended why hadn't Perdido Bay improved? He gave two reasons. Bayou Marcus Treatment plant was a new source adding nutrients to Perdido Bay and the bay had lost its resilience due to these toxic algae blooms. Do I believe either of these explanations? NO. I have experienced toxic algae blooms - lots of dead fish, stinging eyes, etc. Nothing like that happened on Perdido Bay. It was a large and continuous decline. We had lots of algae in the 1990's, but nothing that would signal a toxic algae bloom. I believe Dr. Livingston used the toxic algae bloom theory to explain away the effects of the new bleaching agent, chlorate, on Perdido Bay. We tested for chlorate once in Elevenmile Creek and found it to be present. Chlorate is a potent herbicide which can be toxic. Effects of chlorate can be minimized if sufficient treatment is used in the treatment ponds. But keeping those aerators running full blast in the treatment ponds is expensive. Like Dr. Livingston said in his final report, if the mill curtails its nutrients and the bay doesn't improve, then it was something else which killed the bay. It was something else.

<p>Membership and Renewals</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p><input type="checkbox"/> New</p> <p><input type="checkbox"/> Renewal</p> <p>Amt. Enclosed\$ _____</p> <p>_____</p> <p>Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>_____</p> <p>Phone (_____) _____</p> <p>e-mail _____</p>
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