

Petition for Administrative Hearing

COMES NOW, Jacqueline M. Lane, pursuant to Florida Statutes 120.569 and 120.57 and hereby requests a hearing on Consent Order 19-1453.

Per required information:

A. My name is Jacqueline M. Lane; my address is 10738 Lillian Hwy., Pensacola, FL 32506.

My telephone number is: 850-453-5488 (home); 850-377-4274 (Cell)

No representative.

B. I have lived on Perdido Bay for 45 years at the above address. This bay has been grossly polluted by the paper mill in Cantonment Florida, now owned by International Paper. This bay used to be a recreational body of water where swimming was possible and fishing was enjoyable. Today, this type of recreation is hazardous. For all these years, the Department of Environmental Regulation and now Department of Environmental Protection (DEP) has had regulatory jurisdiction. These agencies were supposed to protect and enhance life in the bay. This has not been done. The paper mill in Cantonment Florida owned by Champion, when I filed the first Petition for Relief (1986), and then by International Paper has never been able to meet state and federal standards. They have always operated on permits with Consent Orders. After the Consent Orders and permits expired, the paper mill was supposed to be able to meet state standards. This has never happened but the state keeps allowing this pollution to continue. The state has been negligent.

C. I received notice of this Consent Order from Brandy Smith on April 29, 2020 through an

email.

D. The issues of material fact disputed by the Petitioner: The toxicity which has been associated with International Paper's effluent continuously since 2012 and intermittently before that, is not likely to be caused by reclaimed water from Emerald Coast Utilities Authority as stated in the Consent Order. Rather the toxicity is caused by the resin acids and other chemicals contained in the IP effluent. This melange of chemicals requires aeration to become less toxic. This is a well-known fact in paper mill pollution control. Since 2012, the paper mill has reduced their aeration significantly. They have tried all types of theories to explain the toxicity of the effluent, i.e. copper, but the obvious one, aeration, has been ignored. Since 2012, IP has been engaged in a toxicity evaluation control plan, with no success. IP is obviously ignoring the real problem, aeration in their treatment ponds because it would add additional expense to their operation. Instead they are killing life in Perdido Bay. The Florida DEP has proposed giving IP two more years to study the wrong problem. This is just more stalling and allowing them to operate while poisoning the bay.

In addition, the Florida DEP has given pH and specific conductance limits to IP in this Consent Order which are completely illegal. The pH standard for freshwaters in this area is found in 62-302.530(52)(c) F.A.C. Because the natural background of the area fresh water is less than 6, the pH of any discharger should not be over 7. Yet in the Consent Order, there is a wide range of pH allowed (5.0 - 8.5). The specific conductance limit allowed in the Consent Order is also a violation of state standards.

E. The specific fact which this Consent Order violates is found in Florida Statute §403.151. This Consent Order allows continual violation of Florida Statutes and rules. F.S. § 403.151 requires compliance with Florida rules and this has never happened. This Consent Order continues to allow violations. The first Consent Order issued to Champion International (CO 87-1398) required that at the expiration of the Consent Order in 1994, the paper mill in Cantonment Florida had to comply with all applicable standards and rules. That did not happen. The next Consent Order issued was 08-0358. Page 5 of this Consent Order under Modifications to the Facility, “8. Pursuant to Section 403.088 (2)(e) and (f), F.S., this Consent Order establishes a schedule of corrective actions for achieving compliance with all permit conditions and applicable water quality standards”. Unfortunately, here we are in May 2020 and the paper mill is still not in compliance with very little chance of coming into compliance. This present Consent Order simply allows more time for more destruction of the bay.

The Florida Constitution requires that the state “conserve and protect” its natural resources. Article II, Section 7 (a) states “*It shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise for the conservation and protection of natural resources.*” . The issuance of yet another Consent Order which allows the further destruction of Perdido Bay is UNCONSTITUTIONAL.

F. The Statutes which are being violated by issuance of this Consent Order are: §376.041, §376.021(2) and §376.021 (6), §403.021 (2), § 403.021 (5), §403.021 (6), §403.073, § 403.087, §403.087 (5), §403.088(1), § 403.0882(b)1. , §403.088 2 (d) and (e) and §403.161 (1).

G. Wherefore, this Petitioner, Jacqueline M. Lane, respectfully requests that this Consent Order 19-1453, be withdrawn and International Paper be fined for **NEVER** complying with Florida law.

Respectfully submitted by electronic mail to Agency Clerk @dep.state.fl.us on this 17<sup>th</sup> day of May 2020.

A handwritten signature in black ink that reads "Jacqueline M. Lane". The signature is written in a cursive, flowing style.

Jacqueline M. Lane