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# Tidings

The Newsletter of the Friends of Perdido Bay

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Jackie Lane -Editor

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

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## **Going Strong in 2011**

We are looking forward to a new year and many “events” which are on-going or sure to pop up. We have been blessed by you, our core of supporters. You continue to pay your dues and a little extra which allows us to operate. As of today (February 7, 2011) we have about \$3,600 in our treasury. Thank you for all the support. This allows us to send out the newsletter, keep up the website and perhaps pay for some testing. We are all volunteers in this group and will reap our golden parachutes either in heaven (which we hope is not too soon) or in our enjoyment of a clean environment. We do this for the future - our children and our grandchildren. If you would like to contribute to this non-profit driven organization, please do so. We can not guarantee dividends but its worth trying.

## **Polluted by Decree**

Every time the government enacts a new program, I always have high hopes that the program will help limit pollution or at least close some of the loopholes in the pollution laws and help clean-up an environment. But every time I am disappointed because the final outcome is far from satisfactory.

The latest disappointment is the Total Maximum Daily Load for Elevenmile Creek. As we all know, Elevenmile Creek is grossly polluted with paper mill effluent from International Paper. The creek has not met Florida’s water quality standards for dissolved oxygen, biological oxygen demand, unionized ammonia, nutrients, fecal coliform, and turbidity ever since the paper mill started dumping into the creek which was 1941. The creek also smells bad and is very dark because of the discharges from the paper mill. The locals call this creek - stink creek. But Elevenmile Creek has not always been stinky and grossly polluted. Before the paper mill decided to dump into the creek in 1941, it was a crystal clear, ground-water fed creek with white sand bottom. It had no problem meeting Florida’s water quality standards. There are not many people left who remember

Elevenmile Creek as it was before the paper mill. At the first hearing on IP's permit, we had Mr. Zelius, testify about how his family used to have picnics along the banks of the creek and how it was crystal clear with white sand in the 1930's. Jim Lane remembered the creek before the paper mill. He said that there used to be a nice restaurant on the creek with a porch which overlooked the creek. That closed soon after the paper mill started up. In the 1950's, the paper mill then owned by St. Regis, was able to obtain permanent pollution easements from the landowners along the creek for very low amounts of money.

In 1986, several people (including myself) crossed over Elevenmile Creek on the Interstate and noticed that it was crystal clear. At that time we learned that then-owner, Champion, was filling up their big treatment pond and was not discharging into Elevenmile Creek. This was the last time I saw Elevenmile Creek without the paper mill effluent and as it truly should be - crystal clear and beautiful. In the mid-1990's, Champion said that they were going to have a total mill shut down. I went up to look at the creek, but it was not clear like it had been in 1986. I figured that Champion did not want people to ever see Elevenmile Creek like it really should be without the paper mill effluent. I thought that they were probably pumping water out of the ground and running it through their ponds so that their would be some pollution.

Fast forward to the present. Last fall EPA did a Total Maximum Daily Load calculation for dissolved oxygen in Elevenmile Creek. Total Maximum Daily Load is the amount of pollution that a body of water can take while still meeting state standards. EPA determined that Elevenmile Creek would **never** attain the state of Florida's minimum dissolved oxygen level of 5 milligrams/liter even if the paper mill was NOT discharging into the creek. This is total nonsense. When questioned about this finding, EPA said that they had based their determination on information from the paper mill's consultant Tom Gallagher, who falsely determined that even without the paper mill, Elevenmile Creek would not attain state standards. When I pointed out that Eleven mile Creek was currently meeting the minimum state standard and that Elevenmile Creek would be a beautiful clear stream without the paper mill effluent, it was ignored. EPA has decreed that Elevenmile Creek is polluted even without paper mill effluent. Please do not confuse them with anymore data.

Do I believe that Elevenmile Creek will be crystal clear once IP directs their discharges to the wetlands? No. IP will still be discharging their storm water into the creek. That storm water still contains pollutants which will always make the creek turbid and maybe dark. Industry has worked very hard to make people believe that it is not industry's pollution which is causing environmental problems in our world. Once industry stops discharging into a body of water, there must be some other source of pollution to take its place so that the body of water never gets better. If Perdido Bay were to get cleaned up, it would be a body of water lost forever to a potential discharger.

### **Winter's Clear Water**

In the winter, the water in Perdido Bay is usually clear. Yes, during times of heavy rainfall or windy weather, the water gets churned up and murky. But for the most part, the water becomes very clear in the winter. Why isn't it like that in the summer? Biological activity. Usually when the water temperature drops below 65°F or 20°C, the biological activity in the water becomes very low. The bacteria do not reproduce, the

one-celled plants and animals do not grow and the water is clear. The level of turbidity in the water can be used to determine the level of bacteria. Perdido Bay, if it were not polluted by wastes from the paper mill would be nearly as clear in the summer as it is in the winter. The organic material which is added to the water from the paper mill is broken down by bacteria. Bacteria use this organic material as a source of food. Perdido Bay is a polishing and settling pond for the paper mill which causes the bay to be turbid when the temperature of the water rises above 65° F.

It is interesting to note that because the paper mill uses “biological treatment”, in the winter, the limits for the discharge are more lax than in the summer. When I first saw the more lax limits for the winter months, I assumed that was because the environment could take more pollution in the winter. But really, the environment is not the reason the limits are more lax. It is because biological treatment does not work as well in winter months, hence the polluter is allowed to have more lax limits.

### **Update on IP’s Discharge Permit**

In the second attempt to get a permit to discharge to wetlands, a state administrative hearing officer ruled in favor of IP. Florida DEP agreed with the state hearing officer and issued the permit four days after their ruling. We appealed the ruling within the 30 days required but failed to request a stay of the permit. IP recently began to build the pipeline to the wetlands. This is an ongoing project which you can see from the interstate.

Because the paper mill had dragged their feet for so many years, we assumed that they would continue stalling until the appeals process was complete. **The appellate court still has not ruled on the merits of our appeal.** We think our chances of winning the appeal are very good. But because the pipeline is being built at a rapid pace, the pipeline may be finished before the appeals court makes a decision. We are still trying to stop the construction of the pipeline. We filed two requests for a stay of the permit, one to DEP and one to the appellate court, both of which were denied. IP’s responses to our motions for a stay of the permit indicate that the pipeline will not be torn out once it is built. IP indicated that if IP does not use the pipeline, then some other entity could use it - like ECUA. This is a big problem. Having a pipeline in the ground with the potential of carrying 37 million gallons a day into the Perdido watershed without any clear indication of how the pipeline will be used is very dangerous. We will continue to try and get the construction stopped.

### **A Change in the Product**

\_\_\_\_\_ Just after Christmas we noticed a legal notice in the news paper announcing that IP was applying for a new air permit. It is through the air permit that their production limits are set. IP is proposing to change the type of paper they make and change their production limits. They are planning Phase 1 presently. In Phase 1, IP intends to shut down one of their two production lines - production line B, which makes bleached fluff pulp. This line had a production of 500 air-dried tons per day of pulp. The other production line, A, will continue to operate and increase its production capacity in the future. Production line A is currently producing 1412 air dried tons of unbleached pulp per day which goes to make brown linear board. IP wants to increase the production capacity of production line B to 1902 tons of unbleached pulp per day.

You may look at this and say, “IP will no longer be bleaching paper”. This will not be correct because IP is modifying their big paper machine (#5) to produce white-top cardboard instead of just brown cardboard. This white top means that there will still be some bleaching. Several years ago, IP got the U.S. Postal Service contract to make their priority boxes and I suspect that this is what is going to be made at this mill. No wonder IP used lobbying money to help out the postal service last spring.

The result of the change in production affects their air discharges slightly. Only two air parameters, nitrous oxide (which causes smog) and particulate matter less than 10 microns will increase over the current air permit. Other air parameters will decrease slightly. The amounts of air pollution which IP discharges is still huge. IP is a major discharger of pollutants into the air and the closer you are to the mill, the more you are affected. The amounts of the major air pollutants which IP discharges are (all units are in tons/year): carbon monoxide - 109.7; nitrous oxide - 57.4; particulate matter - 90.1; sulfide - 9.6; volatile organic carbon (these compounds cause cancer) - 217.3; hydrogen sulfide - 1.9; and total reduced sulfur (the smell) - 7.3. These are huge amounts of pollutants which no doubt cause health problems, however this is all legal according to the current clean air act.

The EPA is currently trying to change their air rules to make them more stringent. The EPA is trying to pass new air standards called “Maximum Achievable Control Technology (MACT) for Boilers” (power boilers). As you can imagine, the EPA is getting inundated with comments from the polluters to lighten up. Politicians are being contacted to oppose the new rules. Concerns about job loss and the recent recession are being cited to water down the new rules. And so it goes. It becomes more and more difficult for the environmental agencies to pass meaningful rules to protect our health and the environment.

**No Public hearing yet on the Blackwater Development.**

Every month the public hearing on the Blackwater River development has been postponed to the next month.

<p><b>Membership and Renewals</b></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>	<div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="width: 40%;"> <input type="checkbox"/> New  <input type="checkbox"/> Renewal         </div> <div style="width: 50%;">           Amt. Enclosed \$ _____         </div> </div> <hr/> <p>Name</p> <hr/> <p>Address</p> <hr/> <p>Phone (      ) _____</p> <p>e-mail _____</p>
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