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# Tidings

The Newsletter of the Friends of Perdido Bay

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Jackie Lane -Editor

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## **YOU HAVE SPOKEN**

Our request for donations so that Friends of Perdido Bay can do a one-time study of the bottom life and bottom sediments at two stations in Upper Perdido Bay has had an overwhelming response. This is impressive. Donations large and small poured in. **THANK YOU!** We have signed the contract with the biological consultant and they will do the testing in April. This testing is critical because it looks to me like International Paper will have a very hard time refuting scientific evidence which shows the bottom of Perdido Bay is very degraded. And since IP is the only major discharger into Perdido Bay, they are responsible for this degradation. Hopefully they understand this and will shut the mill down. I don't think we have much chance of getting our government to shut them down. IP is a big corporation with lots of pull. Hopefully IP will stop trying to get a permit to pollute Perdido Bay and leave.

We are not the only ones hoping they leave. Several people who live in the Elevenmile Creek watershed are also hoping IP leaves. Those people who live in the subdivisions along Elevenmile Creek, have been flooded at least twice because of the massive amounts of water which IP accumulates on their site in Cantonment. The flow at the headwaters of Elevenmile Creek is just a trickle. But IP pumps 30 million gallons of water a day out of the ground and then accepts another 8 million gallons of water from the ECUA's Central Wastewater Treatment Plant. The acres and acres of open ponds which they have at the mill, accumulate water very fast. One of their drainage studies showed that their discharge will go over 50 million gallons per day with less than a 2" rainfall. With a 33" rainfall, as we had in Hurricane Sally, the amount of water overwhelms the creek and the subdivisions which are built along the creek. It would help if there were a few swamps to hold this water, but the drop in elevation is just to steep. Several people have sold their properties to FEMA but many are hoping for a miracle. That miracle may be closing of the mill. And if they do shut down, we hope IP does it responsibly and cleans up.

## **A GIANT HAS DIED**

Recently a long time advocate for the environment and board member of Friends of Perdido Bay has died. J.D. Brown died peacefully (not from COVID) at 100 years old. J.D. was also a member of the Bream Fisherman's Association and gave them wise council as well. He had wonderful insight into environmental problems. He once told me that governmental environmental agencies have no historical memories. The personnel turnover at the environmental agencies is too frequent and the knowledge which these personnel had, just disappears. The studies which were done in the past, and which may still be relevant, are being continuously lost. This is so true. It is frustrating.

J.D. and other members of the Bream Fisherman realized the value of data. For years, a group of these men (mostly) would go out every month and collect water samples from the tributaries which go into Perdido and Escambia Bays. It was that group which got Elevenmile Creek reclassified to a Class III waterbody (swimable and fishable) from an industrial creek (Class V). Bream Fisherman are also the group which got the Perdido River classified as a "Florida Outstanding Water". This probably saved the Perdido River from being used as a discharge river by the papermill in Cantonment. We have a lot to thank J,D, Brown, Ernie Rivers, Carole Hixon and other members of the Bream Fisherman. Thank you.

## **THE PLAN**

The Fenholloway River over in Perry, Florida is no longer a sewer for paper mill effluent, as it had once was. The current owners of the papermill in Perry, Georgia-Pacific, have finally completed their 13.5 mile pipeline to the Gulf of Mexico. Poor Gulf of Mexico! This project was permitted in 2013 and finally completed recently. The Fenholloway River and Elevenmile Creek were the two most polluted streams in Florida. Both streams had high concentrations of papermill effluent with hardly any dilution. Both streams had the same phenomena of female mosquito fish showing male characteristics supposedly from phyto hormones in pine trees. Both streams were dead (or nearly dead) and full of dioxin. Fish which were caught at the mouth of the Fenholloway had high concentrations of dioxin. The environmental activists over in Perry who were trying to clean up the river, used to cook up these dioxin laden fish and take them to meetings. The County commissioners in Taylor County (Perry, FL) were advocates for the paper mill same as in Escambia County.

The mill in Perry Florida is probably in a better position than the paper mill here in Cantonment. The paper mill in Cantonment never got to bigger body of water (the Gulf of Mexico), like the mill in Perry. The paper industry obviously saw the need for the discharges to be on bigger bodies of water where there was plenty of dilution. The Cantonment mill was just too far from the Gulf of Mexico and too nasty for our beautiful white beaches to go to the Gulf. The larger body of water closer to the mill in Cantonment would have been Escambia Bay. Escambia Bay is just "over-the hill" from the mill - maybe three or four miles, but the people in Escambia Bay did not want the mill there. In 1999, Mike Papantonio got on TV and had commercials saying they didn't want IP's toxic effluent in Escambia Bay. So it stayed in the Perdido Bay watershed.

I have often wondered who was behind Mike Papantonio? It could have been the chemical companies and Gulf Power who didn't want the bay which they polluted, Escambia Bay, any more polluted. No one else was invited to the party over there. I am sure that allowing IP to go into Escambia Bay would have upset the arrangement the chemical companies had over in Escambia Bay. Santa Rosa county also didn't want IP; perhaps to protect the chemical companies in Santa Rosa county and their polluting discharges. The 1999 Grand Jury Report which pointed out how IP was the biggest polluter in the area and the terrible job DEP was doing to protect Perdido Bay, was commissioned by Curtis Golden who was a resident of Santa Rosa County. The only place left to pollute was Perdido Bay. So I am sure there was a plan developed by multiple people to help IP stay in Perdido Bay.. We were not involved in the early planning to get out of the creek. The Navy may have been one of the entities involved. This may have been in the early 1990's.

In 1992, the DEP hired an ex-Navy diver and engineer, Bill Evans, as their industrial wastewater permitting engineer. Over the years, I interacted with Bill a lot; sending him our data, etc. One time, I asked Bill what he considered his job was. He responded, "To give IP a permit". He didn't have much luck in that department. Recently for the Consent Order challenge, I deposed Bill. I asked him how he thought the plan to go to the wetlands was going to help IP get a permit. He didn't exactly answer my question, but he said that it was the most environmentally acceptable plan. I knew then that the paper mill had probably wanted to go either directly to Perdido Bay with a pipeline or into lower Elevenmile Creek where there was more dilution. Champion had often threatened to do just that. The DEP has held them back so far, much to their credit. But there are signs in the current Consent Order, which indicate that IP now wants to go into lower Elevenmile Creek where they can get more dilution, variances, mixing zones and maybe closer to a permit. There should be no complaint from landowners on the other side of the creek. St Regis owns the land on the other side of the Elevenmile Creek. Of course this would be a disaster for Perdido Bay. At least the wetlands took out some of the nutrients, but not the toxics.

### **CONSENT ORDER STATUS**

The administrative law judge issued a Recommended Order in which he did not agree with my argument that the Florida DEP had abused its discretion in issuing the Consent Order. This is **only** the first step. The Recommended Order goes to the Secretary of DEP who issues a Final Order. If the Secretary of DEP agrees with the Recommended Order, he will issue a Final Order. If that Final Order up holds the Recommended Order and recommends issuing the Consent Order then I can appeal the ruling to the First District Court of Appeals. The DEP has stated that they will issue the Final Order on or before March 16.

I will summarize the issues with the Consent Order. First, the judge limited the issues for the hearing to toxicity. My argument was, IP knows what is causing the toxicity. It is the sludges in the effluent, all 8,000 to 16,000 pounds per day. One of IP's consultants clearly stated this in a 2019 report. The cure was beefing up their sludge removal process. But IP does not want to add polymers or increase the holding time of the effluent. It is much cheaper to just dump it in the bay. To cure their toxicity problem, IP wants to go back into lower Elevenmile Creek through a ditch which already exists. There, IP can get variances or mixing zones and not have to use 100% effluent in the toxicity tests but some lesser concentration of their effluent.

The second problem with the Consent Order is it contains many more issues than just the toxicity of the effluent. It contains limits for water quality standards which IP is unable to meet in the wetlands. But the limits have no numerical values, only a requirement that they “Report” the values. This is basically no limit. And perhaps the worst problem with the Consent Order is that it does not require IP to come into compliance with standards in Perdido Bay at its termination (January 1,2022). It only requires IP to continue monitoring the wetlands. So basically the Consent Order allows IP to continue operating while looking for a different way to get around the standards it can not meet and there are many.

**MORE DIOXIN**

One morning this January, I looked out at the bay and noticed the tide was very low. The water had receded sufficiently so that a muddy, mucky area was showing. The bottom of the bay has increasingly become more mucky, replacing what was once hard sandy bottom. I took a sample and sent it for dioxin and metals testing. The results came back last week. The total dioxin/furan levels were very high - 6000 pg/g. Some of these dioxins/furans are toxic and will cause cancer. The toxicity equivalents of the sample were between 11.6 and 9.47 pg/g. The range depends on the method which is chosen to calculate the toxicity. If you compare these results to Florida’s residential soils’s cleanup target of 7.0 pg/g toxicity equivalents and NOAA’s apparent effects threshold of 3.6 pg/g, you can see how high these results are. I must say though, that the results of dioxin levels in January 2021 muck are lower than the dioxin levels of Perdido muck 1995 which were 25 pg/g. The heavy metals which were found in the 2021 muck were arsenic (12 mg/Kg), barium (24 mg/Kg), chromium (34 mg/Kg), lead (24 mg/Kg) and mercury ( 0.23 mg/Kg). These nasty contaminants are part of the solids which IP dumps into the environment and Perdido Bay. They are not being removed by the wetlands and represent how IP is externalizing costs and dumping it on us. This must stop. This is degrading our properties.

You can see these studies on our website homepage.

<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 \$20.00 per <b>year per voting member</b>. 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;"> <input type="checkbox"/> New             <input type="checkbox"/> Renewal           </div> <p style="text-align: right;">Amt. Enclosed \$ _____</p> <p>_____</p> <p>Name</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>Phone ( _____ ) _____</p> <p>e-mail _____</p>
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