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Tidings The Newsletter of the Friends of Perdido Bay

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Thank You and Welcome to Our New Members

We have gotten many new members and want to thank you for joining. But we also want to thank our old members for your years of loyalty to Friends of Perdido Bay. Friends of Perdido Bay was founded in 1988 as a off-shoot from the Perdido Bay Environmental Association (PBEA). In 1986, several members of PBEA, including myself, had challenged a permit which the Florida DEP (it was DER in those days) wanted to give to the paper mill in Cantonment, Florida. Although we were new to regulatory challenges and environmental rules, once we looked at the permit, it wasn't hard to figure out that the limits DEP was allowing, were going to harm our bay. Ten thousand pounds a day of oxygen-consuming solids, 5,000 pounds a day of BOD (biological oxygen demand) and even worse, thousand of pounds of chlorinated compounds were definitely going to harm us and our bay. We had allies in the three biologists who worked at the Pensacola office of DEP. For years, those biologists had come out and tested Elevenmile Creek and Perdido Bay. They wrote reports documenting the damage the paper mill was doing to Perdido Bay. Their reports were ignored. We figured we had won our case already. Champion should have shut down then. But they had already spent millions of dollars upgrading the mill which was badly deteriorated from a bad bet by the old owners of the mill - St. Regis. St. Regis had bet on making strong, brown paper bags for grocery stores. Unfortunately, brown paper bags lost out to plastic bags. It was unfortunate.

Once we challenged the permit and had gotten the biologists testimony, Champion stepped in . They had hired the old Secretary of DEP or DER under Bob Graham, Vicky Tschinkel, as their consultant. (She is the one who had given the O.K. to spend the money to upgrade). Champion and Ms. Tschinkel put together a plan to study Elevenmile Creek and Perdido Bay for three years if we would hold off on our challenge to their permit. Champion would pay for the 3-year study. Dr. Robert Livingston, a noted researcher from Florida State would do the study. The proposal split the Perdido Bay Environmental Association into two camps - those who wanted to take Champion's offer of a study and those who wanted to go to an administrative hearing on the permit at that time. Friends of Perdido Bay was the group

who wanted to work with Champion and take the study. We incorporated in 1988 and some of our old original board members are still alive and members. Many are no longer alive.

Those who did not want to take the study, decided to go to the hearing. Salvos to them. Joanne Allen, Ester Johnson are a few, but they are dead. As the hearing date approached in 1988, DER withdrew the permit and replaced the permit with a **Temporary Operating Permit** and a **Consent Order**. This replacement of a permit with a temporary permit and Consent Order was an admission by the regulatory agency that Perdido Bay Environmental Association was right. The regulatory agency could not defend the permit. Members of Perdido Bay Environmental Association went to a hearing and lost. The judge ruled that the paper mill needed more time to figure out what to do. A temporary operating permit and Consent Order was issued to Champion in 1989, set to expire in 1994. Champion was supposed to "come into compliance with all state standards by 1994". **It never did and neither has IP.**

Champion sold the mill in 2000 to International Paper. The major stock holders in Champion, Warren Buffet and Lawrence Tisch, got their money back with interest. And IP took over. IP decided to build a wetland treatment system based on Dr. Livingston's analysis that too many nutrients were causing toxic algae blooms which killed the bay. (This was all B.S. and will be all told in another news letter). IP (according to them) spent 100 Million on a wetland treatment system and got out of Elevenmile Creek. But alas, it didn't work either. The wetland did remove nutrients. But Friends of Perdido Bay's studies in 2019 and 2021 showed Perdido Bay was as dead as ever. Something else is causing the bay to be dead. It ain't nutrients or blooms of toxic algae.

IP and all their allies sold the Florida DEP on the idea that it was nutrients. Of course, it doesn't take much to sell the regulators on any hair-brained plan, especially if you are a paper company. Just show them any data from some consultant and start pumping money into the political system - both local and national. After all, no one wants to lose jobs. No matter how many people you are killing with your emissions or jobs you are killing with your emissions. You can always come up with a plan to keep operating. The regulatory agencies will always believe you, no matter what, especially if David Struhs is the Secretary of DEP.

Back in 2002 when IP decided to use the wetland plan, they invited me up to travel with them and their consultant over the proposed wetland property. Their Vice-President for the Environment also was on this trip. I can't remember his name. He was very nice. (It wasn't David Struhs who was Sec. of DEP and then became IP's Vice President for the Environment.) After the ride over all the roads, the trip ended with a little talk under a shade tree. The Vice President asked me what I thought of the plan. I told him I didn't know. We had been very critical of Dr. Livingston's idea that it was toxic algae which was killing life in Perdido Bay. We saw no sign of toxic algae blooms other than the blooms Dr. Livingston mentioned in his report. However Friends of Perdido Bay was in favor of using wetlands to help reduce nutrients. So based on a bumpy ride around a piece of property, I certainly couldn't say this was the answer. That was not the answer IP wanted. The Vice-President started shouting at me and I started shouting back. It was the only time I can remember actually confronting a company directly for its damage. So, IP can not blame me, for giving them the O.K. to spend 100 Million to build a wetland which didn't correct Perdido Bay's problems.

Friends of Perdido Bay did get their chance to go to hearings on IP's permits. In April 2005, Friends of Perdido Bay challenged IP's permit to build and go to a wetland. In August 2007, after Friends of Perdido Bay had spent over \$100,000 on legal fees, a judge ruled in our

favor. But IP turned around and submitted another revised permit application, which again Friends of Perdido Bay challenged (after spending over \$40,000 of our own money). We lost this hearing and the DEP issued a permit with a Consent Order in March 2010. The Consent Order which expired in 2019, four years after the permit, ordered IP to be in compliance with all Florida's rules and standards. **Again this didn't happen. Thirty-two years out of compliance and counting.** IP is still not in compliance and it doesn't look like it ever will be in compliance. So what is IP asking for now? Another permit with a Consent Order!! This is not a joke. Perdido Bay is a lost resources because of IP's pollution. Write Governor DeSantis (The Honorable Ron DeSantis, 400 S. Monroe St., Tallahassee, FL 32399) and tell him we want an investigation into why the pollution of Perdido Bay has continued so long and who misled IP into believing the wetland plan would correct the problems in Perdido Bay.

IP's New Plan

According to the latest Consent Order which went into effect in 2020, IP was supposed to submit a new plan to the DEP by March 31, 2022. They did. IP has followed its time lines pretty closely. What IP is proposing now is - building a new berm south of the last berm in the wetlands and using this location as their discharge point into the saltier water (sometimes) of Upper Perdido Bay. Per IP's Corrective Action Plan (which is on our website), they will meet the numeric nutrient criteria in Upper Perdido Bay and most of the water quality criteria. No mention in the Corrective Action Plan of meeting the criteria of Class III waters which is "swimable and fishable with a healthy and well balanced population of fish and wildlife". IP also wants to incorporate the wetland as a permanent part of their treatment system which I assume, includes Tee and Wicker Lakes. These lakes belong to the public but IP probably will want to shut them off. **Any public objection to the taking of public property for private use?** While IP's plan mentions a discharge into marine waters, there is no mention of exactly where the compliance point will be. Compliance points are usually flumes with electronic equipment and monitors. Where IP will put water grabs and monitoring equipment in the swampy area north of Wicker Lake is hard to say.

Correction

Recently I was contacted by Jane Caffrey from the University of West Florida who told me a statement in the June 2022 Newsletter was **not correct**. According to Dr. Caffrey, the UWF researches did **not** conclude that "The paper mill's discharges killed the oyster fishery in upper Perdido Bay". Rather Dr. Caffrey said that there was an old map (on our website) depicting oysters in Upper Perdido Bay and a few anecdotal reports from individuals which said oysters existed in Upper Perdido Bay. She said this was not enough concrete evidence to say that an oyster fishery existed in Upper Perdido Bay. She said that extreme fluctuations in salinity could also account for lack of oysters. More study was needed.

The information about the historical presence of oysters in Upper Perdido Bay came from the May 3, 2022 presentation by the UWF researchers. There was no written report, only a verbal presentation. The meeting was videotaped by John Singley of 850 videos and posted to Facebook. The address for the video is: <https://fb.watch/ePTf3U3qi8/> You can watch the video and see what was presented. Maybe UWF is rethinking their interpretation of the data.

In spite of what UWF thinks its historical research found, I think there should be oysters present in Upper Perdido Bay. Oysters do well in almost freshwater as well as salt water. Oysters are estuarine animals and can easily tolerate fluctuating salinities. When I first asked the question "Why are oysters not present in Upper Perdido Bay?". I was told "No hard

substrates to settle on.” . This was nonsense. My father-in-law built cement groins out into the water about 40 years ago in Upper Perdido Bay. No oysters on those groins. The pilings of the Lillian Bridge - no oysters. The seaplane ramps at Bronson Field - no oysters. Another estuarine animal which lived in the shallow, sandy bottom of Upper Perdido Bay, the clam, *Rangia* has disappeared within the last 20 years. I know this clam because I did extensive research on this clam with published papers. Recently barnacles barely appear to be settling in Upper Perdido Bay (maybe that is a good thing). But it has become obvious to me - **the water is toxic to larval forms of life.** This is not a problem with the polluted bottom with its paper mill sludges full of dioxins and heavy metals. Friends of Perdido Bay has documented this mess and the data is on the website. Rather, the problem with lack of life is due to **toxicity in the water, especially to larval forms of life.**

I have done simple experiments to document that larval forms of life are not able to exist in Upper Perdido Bay. Recently we found a laboratory which does an EPA approved test on oyster larvae toxicity. We are going to have some tests of Upper Perdido Bay water tested. We are also having that same laboratory run algal toxicity tests. Years ago, when we had that same laboratory run tests on Elevenmile Creek water (with papermill effluent), they found the water was toxic to algae, i.e. herbicidal. So again, your dues and donations, make this testing by certified labs possible. We don't have to rely on our government, or the local county, or DEP, or the local university to find the answer. We do the research ourselves. The EPA is also beginning to do these oyster toxicity tests. A hopeful sign.

No Answer

Friends of Perdido Bay sent out questionnaires to the three candidates in the District 2 Escambia County Commission Race. The primary will be August 23 and whoever wins the primary will be the next Commissioner for District 2 in Escambia County. There were only three questions - “1. Do you think Perdido Bay is polluted? 2. What is causing the pollution of Perdido Bay? 3. If you answered Yes to #1, what should be done to correct the pollution?” Response from the three candidates - nothing. No candidate bothered to answer. This is alarming. Our politicians are afraid to say anything against the polluting industries. But they will say plenty about polluting septic tanks. We can't expect help from the politicians. They are afraid they will lose if they say anything about “industrial” pollution. And they probably will. The political system is rigged.

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