

# River Watch

Newsletter of the Stewards of the St. Johns River, Inc. <http://www.stewardsonline.org>

Fall 2002

## *Our Mission:*

*To restore, preserve and protect the waters of the St. Johns River and its tributaries for current and future generations.*



## DEP Permits River Pipe

Judge Don Alexander of Tallahassee upheld the opinion of the Department of Environmental Protection that Georgia-Pacific will be allowed to build a 4 mile, 48 inch discharge pipeline, over the objections of three environmental groups, including the Stewards.

In the next nine years, a pipe like the one pictured, could be spewing out 60 million gallons per day (22 billion gallons per year) of effluent from the Georgia-Pacific paper mill in Palatka into the St. Johns River. It will go unnoticed at first - silently creating a dead zone in a river that is supposedly protected by a series of Florida laws from the 1980's called the

Antidegradation Laws. One of those laws prohibits the discharge of wastes without treatment necessary to protect the beneficial use of water for the propagation of wildlife, fish and other aquatic life.

Scientists have found that Rice Creek, after 50 years of receiving paper mill effluent, has female fish who are so mutated from dioxin in mill discharge that they have grown male sex organs. Sampling done by Georgia-Pacific for the DEP shows that dioxin contamination in various fish species caught in and around Rice Creek is so high, that one expert says a health advisory should have been issued not to eat the fish.

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# DEP Permits River Pipe

Both public opinion and common sense have long been against the pipeline proposal. The Florida Times Union wrote in April 1998, "Why should industry—in this case Georgia Pacific—be allowed to treat the St. Johns river and its tributaries like a sewer in the first place? Instead of spending \$21 million to build a pipeline, G.P. should be spending money to find ways to completely clean up it's effluent. Pay attention. It's your river...not Georgia-Pacific's."

Again in February 2002, a Times Union article stated, "It would be ridiculous to give G.P. its pipeline permit now. The company should first try

to clean up its waste without having a convenient escape hatch already in place in case the effort fails. With an easy way out, there is not much incentive to succeed."

G.P. has been operating for the past six years on an expired permit and will not have to meet any water quality standards for another 11 years. No ecosystem studies are required until after the pipeline is built.

There are approximately 700 operating paper mills in the U.S and most have to use surface water and treat it appropriately as their source of influent water. Often treated waste water is returned to the surface water in better condition than the influent. It can be done here in Florida.

Georgia-Pacific has the resources to clean up their effluent and make the improvements required by law, without a pipeline. According to their website, the G.P. sales in 2000 totaled over \$22 billion. With consumer brands such as Brawny, Quilted Northern and Dixie, G.P. is becoming the world's leading manufacturer of tissue products.



Sparkle® is one of the tissue products manufactured at the Palatka, FL. mill.

Surely, they can find a better solution to pollution than dilution.

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## RiverWatch

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RiverWatch is a publication by the Stewards of the St. Johns River, Inc., a not-for-profit corporation dedicated to serving as a voice for the St. Johns River and its tributaries since 1990. The newsletter is published quarterly.

We welcome comments from our readers. Please share our message with your friends. Invite them to become a Steward.

**NEWSPAPER  
STAFF  
Carol Matthews  
Donald Loop**

Member of River Network  
National Environmental Group



by Carol Matthews,  
Chairperson

# DEP files motion to sue Stewards, later withdraws

The Department of Environmental Protection (DEP) should be protecting our river. It's their middle name. But, they have been so "client-friendly" to Georgia-Pacific, that DEP attorneys filed a motion requesting that the plaintiffs in the administrative hearing (the Stewards included) pay for legal fees. DEP defended GP, citing the "frivolous" nature of our challenge to the permit application for a pipeline to dump paper mill effluent into the St. Johns River. When corporations file suits like this against citizens groups they are called Strategic Lawsuits Against Public Participation or SLAPP suits. Now a government agency is using these tactics against citizen groups!

We don't think pollution of our river is frivolous, and neither does the Antidegradation Legislation of Florida's Administrative Code and the Clean Water Act, that was also ignored. Later the DEP withdrew its motion, citing that it might delay their permit, but the message was clear: If you participate in environmental issues and disagree with the DEP, you risk a lawsuit.

For years the Times-Union supported our efforts, even winning our annual "Friend of the River Award." But in a critical editorial this past summer, they said, "For nine years, Georgia-Pacific has been trying to improve the water quality in the St. Johns River. So far, its efforts have been stymied by special interests." Of course the Stewards are a special interest group; it is our mission statement and why we exist. We are much less clear about G.P.'s efforts "in trying to improve water quality." In fact, the mill has had an expired permit for six of the those nine years and is currently in violation of numerous water quality standards. If the mill were meeting water quality standards, they could continue to dump into Rice

Creek as they have done for the past 50 years and wouldn't need a pipeline permit. They have polluted the creek to the point that even they can't use it as a corporate dump-site. The "improvements" the mill promises are process changes that are required by the Cluster Rule of the Clean Water Act and will not bankrupt the company or cause any employees to lose their jobs. They are required with or without a pipeline, and do not have to be installed for another seven years.

Additionally, in the last 20 minutes of the final day of the Florida State legislative session, Senator Jim King attached an anti-citizen participation amendment to the Everglades Bill. King assumed that neither the legislature, nor the Governor, would veto that important bill. However, we think they ignored the Florida constitution's rule that prevents unrelated amendments from being attached to legislation and 103 other environmental groups agree.

Since 1990, the Stewards have sought to protect, preserve and restore the St. Johns River, which sounds like a model-citizen's activity. Who doesn't love our river? We are stakeholders on every river initiative. We have numerous local awards for our participation.

Yet recently, we have been called environmental extremists and obstructionist. Why? Because we exercised our right to free speech. We sought to use our voice for the river, and we don't think the President of the State Senate should be sponsoring bills that tell citizens that we don't want to hear from you. These are important issues for the 3 million people live and work along our river.

DEP, Florida Times-Union and even a fisherman like Senator King, profess to having an environmental conscience, but like the Everglades it seems to be a mile wide but only a few inches deep. Perhaps in this legislative sessions, they will right some wrongs.

by Don Loop

Brad Russell, P.E. Environmental Engineer, like many other JEA employees has no trouble quoting JEA's motto, "Building Community." He says, "JEA believes in building the community and a quality environment is a major element." The JEA Environmental Group under the leadership of Susan N. Hughes, P.E. Vice President of Environmental Services, and Jackie L. Bennett, Director of Assessment and Permitting, are making good on this commitment to our community. All are active participants in local water quality meetings with local agencies and stakeholders (citizens).

When JEA assumed the responsibility for Jacksonville's regional wastewater treatment facilities and many of the smaller package plants, there were frequent and significant violations of discharge standards into the St. Johns River. Since taking over the operation of the water and sewer division from the Department of Public Utilities in June 1997, JEA has spent well over a hundred million dollars for improvement to those facilities. Coupled with operational improvements, this has resulted in a dramatic improvement in the number of permit violations incurred by the treatment plants.

This improved compliance with permit requirements directly improves the quality of the water discharged from the wastewater treatment plants to the St. Johns River.

The capital improvement program included both replacing many aging pieces of equipment and upgrading the treatment capabilities to include additional, newer technologies for pollutant removal. An improved aeration system was installed at the Buckman plant, greatly improving the biological processes that typically remove 90% of the pollutant load. Arlington East and



District II have also had substantial improvements to their biological treatment process. A new technology utilizing ultraviolet rays for disinfection of the final effluent replaced the old chlorination technology at the Buckman, District II, Southwest and Mandarin facilities, thereby reducing the amount of chlorinated organic by-products in the river.

Biological nutrients have been identified as the major "stress" of the River. In a paper on river water quality, James R. Maher, P.E with the Department of Environmental Protection, Northeast District stated, "Specific areas of the river remain highly stressed, particularly in the tributaries. Nutrient concentrations exceed healthy levels in parts of the river. Certain areas have poor biological diversity and low species density. Our goal should be to restore the river to a level of quality that supports these benefits and maintains a healthy ecosystem to pass on to future generations"

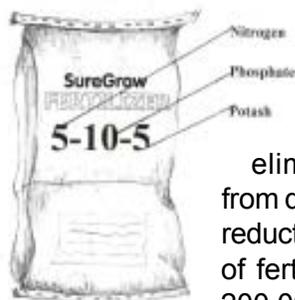
A 1998 St. Johns River Management study indicated that discharge of nutrients from waste treatment plants contributes to degradation of the

*JEA is the eighth largest municipal utility in the United States providing electricity, water and waste water service to more than 600,000 accounts in Northeast Florida.*

river quality. While significant contributions of nutrients from a variety of upstream and non-point sources will also need to be reduced, all significant sources should share responsibility for the river's health.

JEA has developed a Strategic Initiative, that states in part, "As one of many nutrient discharges, we will do our part to improve the St. Johns River by reducing the pounds per year of nitrogen discharged from our wastewater plants by a least 50% as compared to 1999 levels. They will achieve this through aggressive improvements in wastewater treatment technology at JEA plants and through implementation of waste water reuse"

The following planned modifications and others, to be completed by 2007, will decrease the total nitrogen discharged to the river by 2,730 pounds per day (almost 500 tons per year).



By comparison, a typical bag of lawn fertilizer might contain five pounds of total nitrogen. By eliminating 2,730 lbs/day from discharges to the river, the reduction would equal 546 bags of fertilizer each day or about 200,000 bags a year!

Modifications to the biological treatment process at the Southwest District facility are nearing completion. Reduction of nitrogen loads to the river will be 25 tons per year and eventually 50 tons per year. JEA has minimized the total nitrogen discharged at the Buckman through operational modifications and is developing plans for state of art technology in biological nutrient removal. This goal will bring a reduction in total nitrogen load of more than 230 tons per year.

A related part of the Strategic Initiative is the reuse of this nutrient-laden water for irrigation purposes, as an alternative to river discharge. District II Wastewater Treatment Facility already irrigates trees with treated wastewater at JEA's 20-acre tree farm. JEA sends one million gallons of treated wastewater per day to the Northside Generating Station, helping to achieve a goal of 10% reduction in use of fresh water from the Floridan Aquifer.



Reuse of reclaimed water from the Mandarin facility at area golf courses is planned to begin this year and by next year from the Arlington East plant. JEA is also expanding the availability of reuse from the Julington Creek plant. All of this reuse will result in a significant reduction to nutrients to the river.

The goal for reuse is to provide 10 million gallons per day to customers by 2007. This also results in a reduction of nutrients to the river of more than 180 tons per year. JEA continues to regionalize wastewater treatment by purchasing and phasing out smaller, less efficient package plants and diverting effluent to larger regional plants. A second effort is the extension of sewer service to areas of the city identified by the Duval County Health Department as chronic septic tank failure areas.

In summary, JEA should be commended for the proactive approach to reducing pollutants to the river and their strong commitment to improving the St. Johns River and its tributaries.

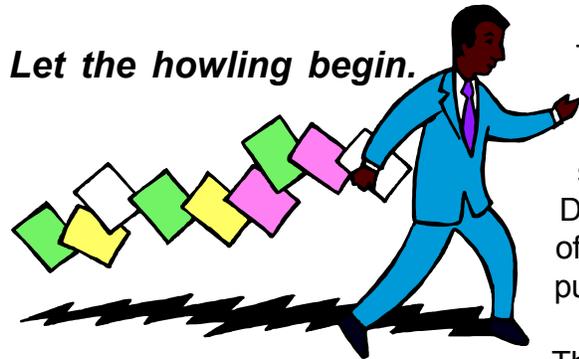
Our Stewards' Executive Director, Don Loop is a retired executive from the waste water treatment industry.



Donald M. Loop

# DEP Seeks to Delist Impaired Waters

by Jan Hollingsworth, Tampa Tribute  
July 16, 2002, used with permission



*Let the howling begin.*

The last time state regulators sought public comment on a proposal to determine the future of many of the state's lakes, rivers and bays, shortly after David Struhs took over the Florida Department of Environmental Protection, agency officials beat a hasty retreat after 30 days of vigorous public outcry.

That plan, floated in the summer of 1999, sought to unceremoniously drop more than 200 creeks, lakes, rivers and bays from a federal list of 712 polluted Florida waterways that were subject to special protection under the Clean Water Act. The new plan scraps more than **600** water bodies.

DEP officials claim that "What this list represents is our initial implementation of a long-term watershed-oriented program that is going to take us toward restoring waters statewide," DEP water administrator Jerry Brooks said. The list includes the first of five groups of watersheds to be assessed during five years for possible inclusion on future rosters, Brooks said. All waterways not on the first list - meaning most of the polluted waters in the state - will be moved off the so-called "impaired waters" list and onto a "planning list."

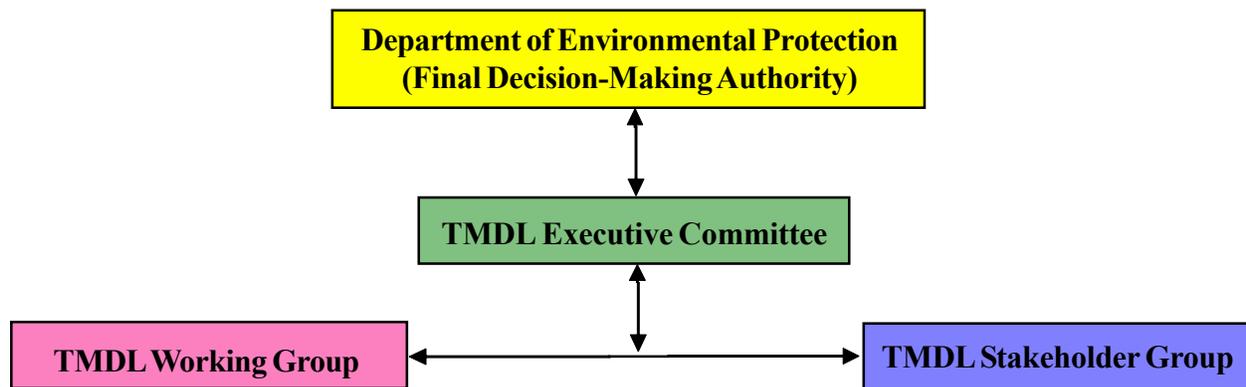
Critics say the strategy amounts to a "de facto delisting" that violates federal law. "They can't do that," said attorney Jim Stuhltrager of the Mid-Atlantic Environmental Law Center in Delaware. "Waters have to stay on that list until someone comes forward with evidence that they meet water quality standards now." A state administrative law judge recently decided the DEP's new impaired waters rules were acceptable. The Clean Water Network and other groups that lost the state challenge will move to federal court.

Stuhltrager, their attorney, has put the U.S. Environmental Protection Agency on notice that he plans to sue the agency for improperly allowing Florida to change its water quality standards. "This has a real-world impact," he said. "If you're a group that wants to get a grant to help clean up an impaired waterway, those waters have no status now."

No one disputes that making the state's waters safe for fishing and swimming is a monumental task, requiring vast volumes of scientific data. Once a waterway is deemed impaired, the next step is to set limits on pollution allowed. This has important implications for industries that will be subject to strict regulations. The state's chemical and power companies have supported the state's efforts to reduce the number of listed water bodies.

Nutrients are a serious problem and there is more than ample evidence that some water bodies that have failed to make the list fail to meet state and federal standards for mercury and other pollutants.

## Lower St. Johns River Basin TMDL Structure Formed



For the last four years, the Florida Statutes and Administrative Codes have stated that nutrients are a major source of pollution in the River. The Department of Environmental Protection agrees and has found that excessive nutrients constitute one of the most severe water quality problems facing the state.

As part of the requirements of the Clean Water Act, states must establish a “magic number” called the TMDL (total maximum daily load) that will establish the maximum amount of a pollutant that a water body can assimilate without exceeding water quality standards. The primary focus of the TMDL process will be nutrient reduction. Nutrients, primarily nitrogen and phosphates, are causing the majority of “stress” in the River. Nitrogen loads are currently 2.4 times the natural background level and total phosphorous (TP) loads are 6 times the natural background level that would exist without wastewater discharges. This over-fertilized condition causes an abundance of algae growth. The

excessive algae blooms effects the transparency of the water and prevents the sunlight needed by the river grasses. As the excess algae dies, the dead algae sinks to the bottom and decomposes in a process that removes even more oxygen from the water. Without enough oxygen, some aquatic species must leave the area and those species that can’t leave, generally die.

An Executive Committee was formed in July 2002 with a membership consisting of executive level stakeholder representatives from industry, development, agriculture, forestry, regional planning, elected officials, and the environmental community within the lower basin. Once the final TMDL model is completed (scheduled for December 2002), the Executive Committee will make recommendations for allocating pollution loadings to individual pollution contributors to the Department of Environmental Regulation which retains the final decision-making authority. This TMDL Executive Committee will make recommendations for the

DEP to take action to restrict permits in certain areas in order to reduce nutrient discharge.

The Lower St. Johns River Basin Implementation Structure also provides for two additional important groups (see chart). Those groups are the TMDL Working Group and the TMDL Stakeholder Group. The TMDL Working Group is composed of technical staff from the Florida Department of Environmental Protection, St. Johns River Management District, and the U.S. Army Corps of Engineers. The primary function of this group is the completion of the necessary technical work to develop TMDLs.

This information will be transmitted to the TMDL Executive Committee and the TMDL Stakeholders Group. The TMDL Stakeholders Group began meeting monthly in 2002 and it is open to the public with no predetermined membership. This group offers consensus driven advice to the TMDL Working Group.

*YES! I want to join the Stewards of the St. Johns River and serve as a "voice for the river". Enclosed is my tax-deductible contribution of:*

- |                                        |                                         |                                       |
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## **RiverWatch Hotline**

### **800-338-7757**

**For all communication, such as reporting spilled fuel, sewage discharge, illegal dumping or any hazards. A Steward will provide information, or direct your call to the proper authority and follow up. Please call to volunteer or request meeting times and dates.**

**STEWARDS OF THE ST. JOHNS RIVER, INC.**  
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