

State Takes Milestone Step Toward Final Closure of the Former Piney Point Facility

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~ Conceptual closure plan lays framework for ensuring the site's potential threat to the environment and surrounding community is eliminated permanently ~

TALLAHASSEE, Fla. – The Florida Department of Environmental Protection (DEP) announces the issuance of an [order](#) approving the [conceptual closure plan](#) for the former Piney Point facility that was prepared at the direction of the site's court-appointed receiver. Last year, Governor Ron DeSantis directed the development of a long-term closure plan to ensure that the potential threat to the environment and surrounding community is eliminated permanently. This responsibility was assumed by the court-appointed receiver upon his appointment in August 2021.

"Nearly one year ago, in order to prevent a catastrophic collapse of the NGS-South compartment at the site, DEP issued an emergency final order requiring that HRK Holdings, LLC take immediate action and implement all necessary steps to ensure the integrity of the stack system and its lined impoundments and prevent an uncontrolled discharge," **said DEP Secretary Shawn Hamilton.** "Today, as a result of ongoing efforts on the part of DEP, Manatee County and the court-appointed receiver, we are in a significantly better place than we were then, and this approval marks a key milestone in ensuring this is the last chapter in the long history of Piney Point."

On April 3, 2021, Governor DeSantis declared a local state of emergency that allowed the state and local officials to act quickly by ensuring access to resources for response and recovery. The threat of an immediate catastrophic collapse of the NGS-South compartment was abated, and the prior emergency discharges ceased on April 9, 2021.

Since that time, DEP has maintained stringent regulatory oversight of ongoing activities at the site, including work by the court-appointed receiver that has

focused on advancing water management, on-site repairs and cleanup work, site maintenance and long-term preparations for closure. To date, these actions have included:

- Performing geotechnical work to evaluate site conditions and prepare for the ultimate closure of Piney Point.
- Continuing various on-site water management activities, including the removal of water, as provided below, which is critical to site closure.
 - Trucking and piping of water to nearby wastewater facilities.
 - Using an integrated system of floating spray nozzles to mist water in the lined NGS-North compartment to accelerate evaporation. A secondary evaporation system was installed at the site to aid in water removal efforts.
- Implementing innovative technology to treat water onsite in order to reduce nutrients.
- Repairing the east wall of the NGS-South compartment to stop the concentrated seepage and leaking of pond water in April 2021.
- Repairing the liner tear on the south end of the NGS-South compartment that had caused the seepage discovered in January 2022.
- Issuing the permit to Manatee County for its planned underground injection control well for Piney Point to eliminate the water onsite and enable the ultimate closure of the facility once and for all.

DEP has also worked to ensure that HRK is held accountable. On Aug. 5, 2021, DEP filed a complaint in the 12th Judicial Circuit Court in Manatee County initiating enforcement action against HRK. This action enforces compliance with the state's environmental laws and all of HRK's existing authorizations, orders and agreements with the department. HRK did not timely file a responsive pleading with the court and, as a result, DEP filed a motion for entry of clerk's default on Oct. 4, 2021. The clerk for the 12th Judicial Circuit Court in Manatee County subsequently entered a default against HRK on Oct. 12, 2021. DEP is seeking the maximum allowable penalties and recovery of costs and damages under existing laws and regulations and will continue to pursue all avenues to ensure accountability.

The receiver's approved plan addresses the environmental protection requirements for the closure work. It includes a timeline and strategy for continued water management at the site that is essential to eliminate the current process water from the reservoir areas, as well as details on construction of a closed system that protects both ground waters and surface waters in the area. The closure plan outlines a phased approach to closure and puts the facility's anticipated date for final completion of closure by December 2024, with interim dates for closure of each of the reservoirs as water is eliminated from the site. DEP will continue to work with the receiver to ensure that progress toward closure is done as expeditiously as possible.

Once all water is removed from the reservoir areas, the stacks will receive fill material and new liners as needed, and a 2-foot-thick soil and vegetative cover system that will be sloped to ensure runoff of clean, non-contact rainwater into the existing stormwater

management system. "Notches" will be incorporated into the walls of the reservoirs so that the reservoir areas, once closed, will no longer build up water and will only function to provide stormwater management and control stormwater discharge rates. This closure design will be integrated into the site's existing stormwater management system.

DEP will continue its stringent regulatory oversight of the facility during construction activities. The order requires the receiver to submit monthly progress reports and detailed closure design plans for approval by the department to ensure compliance and continued progress.

More information on the site status and ongoing response activities can be found on [ProtectingFloridaTogether.gov/PineyPointUpdate](https://protectingfloridatogether.gov/PineyPointUpdate).

About the Florida Department of Environmental Protection

The Florida Department of Environmental Protection is the state's principal environmental agency, created to protect, conserve and manage Florida's environment and natural resources. The department enforces federal and state environmental laws, protects Florida's air and water quality, cleans up pollution, regulates solid waste management, promotes pollution prevention and acquires environmentally sensitive lands for preservation. The agency also maintains a statewide system of parks, trails and aquatic preserves. Visit the department's website at [FloridaDEP.gov](https://floridadep.gov).

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