



# Protecting **FLORIDA** Together

## Piney Point Update

**Agency on Bay Management | Piney Point Closure Update | December 2022**

**Chief Science Officer Dr. Mark Rains, DEP Program Management Director John Coates, Court-Appointed Receiver Herb Donica**

# PINEY POINT

## SITE HISTORY



### 1965

Manatee County announced agreements establishing Port Manatee and the planned industrial plant for the Borden Chemical Company who first constructed the Piney Point gypstack.

### 1980-1988

Site ownership changes Amax Phosphate, Inc., FCS Energy, Inc., and Consolidated Minerals, Inc.

### 1988

Royster Phosphates, Inc. acquires site.

### 1991-1993

Royster Phosphate, Inc. subsequent bankruptcy reorganizations and acquisitions by Fertilizer Development Corp. ultimately form Mulberry Corporation, Inc., and its subsidiary companies.

1960 - 1999

### 2001

Mulberry Corporation filed for bankruptcy and abandoned the site. Receiver appointed for site.

### 2006

Bankruptcy trustee sells Piney Point Phosphates, Inc. property to HRK Holdings, LLC.

### 2007

HRK entered an agreement with the Manatee County Port Authority to use lined reservoir compartments at Piney Point for storage of dredge material and clarification of dredge return water to Port Manatee.

2000 - 2009

### 2010

Combined receiver and DEP contractors safely remove over 2.3 billion gallons of process water and complete prior closure construction at Piney Point.

### 2011

Port Manatee Berth 12 dredging project and failure of NGS-S lined reservoir compartment at Piney Point.

### 2012-2017

HRK Holdings, LLC files for bankruptcy reorganization period following 2011 failure of the NGS-S.

2010 - 2020

# PINEY POINT

## SITE HISTORY



### 2014

DEP pursues enforcement and issues a Consent Order against HRK requiring them to develop a water management plan to remove the process water from the site no later than February 2019 and to post adequate financial assurance for the long-term care of the site.

### 2014-2020

HRK Holdings, LLC continues to operate and maintain the site under the requirements of department regulations, providing environmental inspections, monitoring and reporting. However, HRK has not been able to provide sufficient financial assurance for the required long-term care and water management needs at the site.

2010 - 2020

### March 25, 2021

HRK notified DEP of an increase in conductivity and water volume collecting in its onsite collection system, indicating a possible liner tear and leak.

### March 29, 2021

DEP issued an Emergency Final Order requiring that HRK 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.

### March 30, 2021

HRK initiated emergency untreated discharges to Tampa Bay in order to keep the integrity of the stack system.

2021 - PRESENT

### April 3, 2021

Governor DeSantis declared a local state of emergency which allowed DEP, Manatee County and other response partners to act quickly to ensure access to resources for response and to abate the threat from the site.

### April 9, 2021

Emergency discharge stopped. Repairs, ongoing water management, site cleanup work, monitoring of water onsite and in the bay.

### Aug. 25, 2021

Receiver appointed.

# PINEY POINT

## FORMER PINEY POINT PHOSPHATE FACILITY CLOSURE



Following the department's request, on **Aug. 25, 2021**, a judge issued an order appointing a receiver to serve as an independent third-party to oversee management and closure of the former Piney Point phosphate facility.

### DEP RESPONSIBILITIES

Regulatory oversight.

Coordination of funding.

### RECEIVER RESPONSIBILITIES

The court-appointed receiver is responsible for overseeing closure of the site.

The court-appointed receiver manages the day-to-day site activities.

# PINEY POINT

## CURRENT SITE CONDITIONS



### CURRENT CONDITIONS

Overall, site conditions remain stable.

- All repair items completed and holding.
- Water treatment continues.
- Piping of water to the North Regional Water Reclamation Facility resumed Thursday, Sept. 2, 2021, and is ongoing.
- Spray evaporation also continues.
- Current rainfall runoff capacity at the site is approximately 25 inches.

### INVENTORY

POND	WATER VOLUME (Millions of Gallons)
NGS-N	189
NGS-S	264
OGS-N	36
LPWS	16
<b>TOTAL</b>	<b>505</b>

# **PINEY POINT**

## **CONCEPTUAL CLOSURE PLAN**



**March 30, 2022**

**DEP issued an order approving the conceptual closure plan for the former Piney Point facility.**

**June 8, 2022**

**DEP approved the Detailed Closure Design Report for the closure of the first area, the OGS-S compartment.**

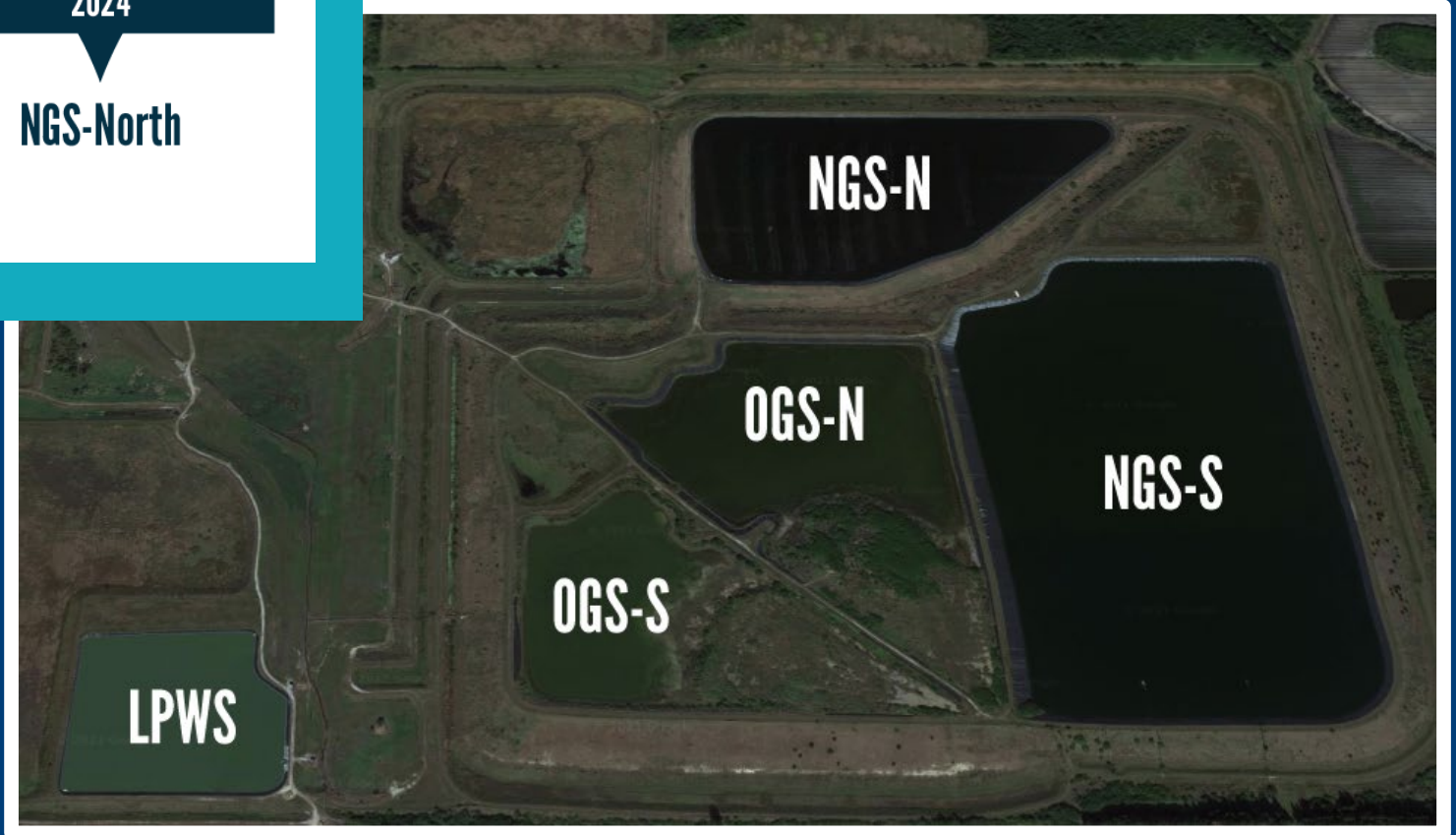
## **PLAN OVERVIEW**

**The closure plan outlines a phased approach to closure with includes:**

- **Environmental protection requirements.**
- **Timeline and strategy for continued water management.**
- **Details on construction of a closed system that protects both ground waters and surface waters in the area.**

# PINEY POINT

## CONCEPTUAL CLOSURE PLAN CLOSURE SCHEDULE



# PINEY POINT

## FORMER PINEY POINT PHOSPHATE FACILITY CLOSURE



### RECEIVER ACTIVITIES

The court-appointed receiver is responsible for overseeing closure of the site, which includes:

Securing closure designs and competitive procurements.

Agreements with multiple vendors for supply of construction materials (line, piping, sand, etc.).

Securing and updating the site wastewater/NPDES permit per court appointment order.

The court-appointed receiver manages the day-to-day site activities, such as:

- Ensuring all regulatory and environmental protection requirements are being met.
- Providing repair and maintenance as needed.
- Ongoing daily water management, environmental monitoring and reporting.



# **PINEY POINT**

## **KEY CLOSURE ACTIVITIES**



**June 17, 2022**

**Court-appointed receiver announced that Forgen, LLC was selected as the contractor to complete the first phase of closure work for the OGS-South compartment.**

**Aug. 12, 2022**

**Court-appointed receiver executed the contract with Forgen, LLC to begin closure of the first compartment at the former Piney Point facility, the OGS-South.**

**OGS-S Rainwater**

**Rainwater removal from the OGS-S conducted Aug 13-25, Sep. 21-26, and Oct 7-14, 2022, to enable closure construction activities to be performed, including release of Hurricane Ian rainfall.**

**Sep. 13, 2022**

**Manatee County Board of County Commissioners approved a long-term service agreement with the receiver for use of the county's Underground Injection Control Well and pre-treatment facility at Buckeye Road.**

# PINEY POINT RECEIVER ACTIVITIES



## OGS-S Closure Underway



**Subgrade reinforcement geotextile deployed over ~ 18 acres inside the OGS-S, as part of the construction of the new OGS-S cap consistent with the Stormwater Management Plan.**

# PINEY POINT RECEIVER ACTIVITIES



## OGS-S Closure Underway



**View of ongoing work for the OGS-S with placement of clean/graded drainage sand for the drain system layer over geotextile reinforcement fabric, prior to additional fill, grading, and compaction ahead of the new liner installation.**



## PATH FORWARD

- **Closure.**
- **Ongoing Water Management.**
- **Long-Term Care and Water Management.**

**LATEST CLOSURE INFORMATION:**

**<https://protectingfloridatogether.gov/PineyPointUpdate>**

**FOR MORE INFORMATION, CONTACT:**

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**QUESTIONS?**



**THANK YOU**