

February 2, 2021 - Work Session  
Agenda Item #3

Subject

Piney Point Emergency Water Treatment Project

Briefings

Briefing Provided Upon Request

Contact and/or Presenter Information

Jeff Goodwin, Deputy Director, Utilities Department  
Charlie Hunsicker, Director, Parks & Natural Resources Dept.  
Jeff Barath, HRK Holdings, LLC

Action Requested

Request by Chairman to update Board on State and Federal opportunities for future emergency water treatment project at Piney Point to include an update of State and potential Federal appropriation request. Representatives from HRK and the County will also provide an update for the Board.

Enabling/Regulating Authority

Section 125.01, Florida Statutes  
Chapter 63-1598, Laws of Florida, as amended  
Chapter 2-31, Article IV, Manatee County Code of Ordinances, as amended

Background Discussion

At the January 12, 2021 meeting, the Board authorized the County Administrator to execute the Administrative Agreement with FDEP regarding acceptance of wastewater from Piney Point reservoirs under Manatee County's Industrial Pretreatment Program.

County Attorney Review

Other (Requires explanation in field below)

Explanation of Other

Procedural matter only.

Reviewing Attorney

Clague

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

Bradenton Area Convention Center  
One Haben Boulevard, Palmetto - Longboat Key Room  
10:00 a.m. - February 2, 2021

Attachment: [FDEP Admin Agreement.pdf](#)

Attachment: [FDEP Memo 022120.pdf](#)

Attachment: [FY21-22 Piney Point - House Request \(FINAL\).pdf](#)

Attachment: [FY21-22 Piney Point - Senate Request\(FINAL\).pdf](#)

Attachment: [PNR Memo Piney Point Talking Points 2.27.20.pdf](#)

Attachment: [UD Memo Piney Point Administrative Agreement Discussions.pdf](#)

**BEFORE THE STATE OF FLORIDA  
DEPARTMENT OF ENVIRONMENTAL PROTECTION**

|                             |   |                      |
|-----------------------------|---|----------------------|
| STATE OF FLORIDA DEPARTMENT | ) | IN THE OFFICE OF THE |
| OF ENVIRONMENTAL PROTECTION | ) | DIVISION OF WATER    |
|                             | ) | RESOURCE MANAGEMENT  |
|                             | ) |                      |
| and                         | ) | OGC FILE NO. 20-1329 |
|                             | ) |                      |
|                             | ) |                      |
| MANATEE COUNTY UTILITIES    | ) |                      |
| DEPARTMENT, MANATEE COUNTY  | ) |                      |
| FLORIDA                     | ) |                      |
| _____                       | ) |                      |

**ADMINISTRATIVE AGREEMENT**

This Administrative Agreement (Agreement) is entered into between the State of Florida Department of Environmental Protection (Department), and Manatee County, a political subdivision of the State of Florida, doing business as the Manatee County Utilities Department (MCUD) (collectively, Parties), to address compliance requirements for wastewater facilities under Chapter 62-620, Fla. Admin. Code, and for the effective implementation of pretreatment program requirements in accordance with Chapter 62-625, Fla. Admin. Code, to jointly evaluate potential discharges and identify supplemental control authorities procedures to immediately and effectively halt any discharge to the MCUD's Wastewater Facility (WWF) that endangers public health or welfare, endangers the environment, or threatens to interfere with the operation of the MCUD's WWF.

The Parties, in accordance with MCUD's interest to ensure the continued effective implementation of its approved pretreatment program, authorized under Section 403.061, Fla. Stat., Chapter 62-625, Fla. Admin. Code, and Division 3, Article II, and Chapter 2-31 of the Manatee County Code of Ordinances (Manatee County's Sewer Use Ordinance), have identified the following:

**PREMISES:**

1. The Department is the administrative agency of the State of Florida having the power and duty to protect Florida's air and water resources and to administer and enforce the provisions of Chapter 403, Florida Statutes (Fla. Stat.), and the rules promulgated thereunder in, Title 62, Florida Administrative Code (Fla. Admin. Code). The Department has jurisdiction over the matters addressed in this Agreement.

2. The procedures and requirements for implementation of pretreatment programs in Florida are specified in Chapter 62-625, Fla. Admin. Code, including the functions of the Control Authority, as defined by Rule 62-625.200(5), Fla. Admin. Code, and the Parties may enter to an agreement to enable the public utility to apply and to enforce the requirements of Chapter 62-625, Fla. Admin. Code.

3. HRK Holdings, L.L.C. (HRK), currently operates the former Piney Point Complex (Facility), under Department Administrative Agreement FL0000124-003-AA (AA) for wastewater management, issued on and effective since January 28, 2011. The Facility is situated on real property located at 13300 U.S. Highway 41 North, Palmetto, FL 34221-8661, in Manatee County, Florida, at approximately, Latitude: 27° 53' 30" North and Longitude: 81° 57' 30" (Property).

4. HRK owns the Property, is both the owner and operator of the Facility, and is a Significant Industrial User (SIU), as defined by Rule 62-625.200(25), Fla. Admin. Code, of the MCUD's WWF, to the extent the Facility would be authorized to discharge process wastewater to the MCUD WWF. For the purposes of this Agreement, the MCUD WWF includes any or all of the following: the collection and transmission system, the wastewater treatment works, the reuse or disposal system, and the residuals management facility, as the term WWF is defined by Rule 62-625.200(29), Fla. Admin. Code.

5. Operations at the Facility include but are not limited to, long-term care, monitoring, and maintenance of the closed, unlined phosphogypsum stack system (Stack System), which includes the closed north and south cooling ponds. Process wastewater

(process water) is managed within the three lined process water impoundments (i.e., compartments) on-site, which include the lined process water sump (LPWS), as well as the compartments on top of the New Gypsum Stack North (NGS-N) and the New Gypsum Stack South (NGS-S). Process water seepage from the Stack System reports to the LPWS via a system of drains (Underdrain System) and transfers to the NGS-N via a pipeline and pumping system. The pumping system is also used to operate the enhanced evaporation spray system located within the NGS-N for evaporation of process water. At present, operation of the enhanced evaporation spray system is the only means by which process water is consumed at the Facility. The lined compartments within an older portion of the Stack System are identified as Old Gypsum Stack North (OGS-N) and the Old Gypsum Stack South (OGS-S). The OGS-N & OGS-S were used for storage of dredged materials during the 2011 construction of Berth 12 at Port Manatee. Seawater used to transport dredge sediments along with commingled stormwater, is periodically decanted back to Port Manatee under Permit No. 0129291-016-EM (which modified Permit No. 0129291-012-EM).

6. The Facility is authorized to discharge non-contact stormwater from the closed areas of the phosphogypsum stack system to surface waters of the State of Florida only in accordance with the terms, conditions, and limitations of the AA. Discharges from the Facility enter drainage systems that lead to Bishop Harbor, which is part of the Terra Ceia Aquatic Preserve, designated as an Outstanding Florida Waterway (OFW) by Rule 62-302.700, Fla. Admin. Code, and ultimately Tampa Bay. The AA also provides for groundwater monitoring of historic impacts associated with operation of the closed, unlined Stack System. The Facility is an existing installation as defined by Rule 62-520.200(10), Fla. Admin. Code.

7. Manatee County owns and operates the Manatee County Master Reuse System (MCMRS) as a component of the MCUD WWF, operated under Department Wastewater Permit No. FL0474029, which includes the North Regional Water Reclamation Facility (NRWRF), Southeast Regional Water Reclamation Facility

(SERWRF), and Southwest Regional Water Reclamation Facility (SWRWRF). The NRWRF, SERWRF, and SWRWRF are all also permitted separately under Department wastewater permits FLA012617, FLA012618, and FLA012619, respectively. For the protection of the public investment in each of these facilities, as part of the MCUD's Publicly Owned Treatment Works (POTW) and WWF, the respective wastewater permits require implementation of the MCUD's Approved Pretreatment Program.

8. HRK previously received proper authorization from Manatee County under Manatee County Industrial User Discharge Permit No. IW-0030S, effective February 24, 2012, which expired on February 23, 2015, to discharge up to 150,000 gallons per day (gpd) of process water, with necessary treatment (pH adjustment), into Manatee County's WWF. The discharge from the Facility to Manatee County's WWF would flow to Manatee County's NRWRF, as operated in accordance with the Department issued Wastewater Permit No. FLA012617. The industrial pretreatment program requirements for the NRWRF under Wastewater Permit No. FLA012617, are also included in the Manatee County SWRWRF permit (Department Wastewater Permit No. FLA012619). The MCMRS is regulated under Department issued Wastewater Permit No. FL0474029. The discharge of process water seepage from HRK's gypsum stack system into the MCUD WWF, was suspended in 2012, in part, as a result of impacts to the process water seepage quality, resulting from a seawater leak within the NGS-S compartment of HRK's Stack System. HRK used this system during 2011 to clarify and convey seawater from Port Manatee dredging operations back to Manatee Harbor.

9. HRK implemented an Initial Repair and Initial Remediation Plan (IRIR) as well as the subsequent Supplemental IRIR, under direction approved by the Department. HRK satisfactorily completed repairs and remediation of portions of the liner and Underdrain System that were damaged by the leak within the NGS-S compartment during the 2011 construction dredging of Berth 12 at Port Manatee.

10. In February 2016, Arcadis U.S., Inc. (Arcadis), submitted an evaluation to the Department of Piney Point process water removal options and inventory data for

calendar years 2014 and 2015. This evaluation showed that despite the operation of the enhanced evaporation system at the Facility, the lined impoundments accumulated process water at a rate of approximately 16 million gallons per year, or about 30 gallons per minute (gpm) over this two-year period.

11. A review of the 2019 Water Management Plan (WMP) for the Piney Point Facility, received March 15, 2019, and prepared by Wood Environment & Infrastructure Solutions, Inc. (Wood), shows that the Piney Point Facility may reach maximum process water storage capacity in as little as 2 years under wet weather conditions, and within the next five years under normal rainfall conditions. The WMP indicates that re-initiation of process water discharge from HRK to the Manatee County POTW/WWF, even at only 50,000 gpd (i.e., about 35 gpm), could extend process water storage capacity at the Piney Point Facility by about 4 years, allowing HRK additional time to incorporate other process water removal options.

12. The Department's review of longer-term process (seepage) water accumulation rates since January 2014 through July 2020 indicates a net annual accumulation of about 30 gpm, which is similar to the rate determined by Arcadis for calendar years 2014 and 2015. However, during this period, the net accumulation has also been as high as 19.4 million gallons per year (or about 37 gpm) over selected periods (i.e., January 2014 through October 2016). Furthermore, if the facility experiences extreme scenario rainfalls (i.e., 76 inches of rainfall in a year, as required to be modeled in accordance with Rule 62-672.780, Fla. Admin. Code), the net annual accumulation rate may be even higher. As a result of the ongoing accumulation, including increased rainfall and groundwater inputs to the Facility's process water management system during 2019, the process water inventory had increased to 677 million gallons as of June 1, 2020.

13. Since completion of repairs under the IRIR, process water quality from various compartments within the Stack System has been tested periodically, with the most recent testing done in August 2019. The Department and the MCUD jointly reviewed these test results. The water quality data and review indicate improvements

for key parameters and that a reactivation of discharge of treated process water to the MCUD WWF at a minimum rate of 50,000 gpd, would allow the Piney Point Facility to achieve a neutral, and potentially a slightly negative water balance over time with average rainfall conditions.

14. The Parties have reviewed this Agreement and find that this Agreement does not constitute or create a significant change in the operation of the MCUD's pretreatment program that differs from the information for the currently approved pretreatment program in accordance with the requirements of Rules 62-625.510 and 62-625.540, Fla. Admin. Code.

15. Considering the current limitations for managing process water at the Facility, the MCUD and the Department are continuing to jointly evaluate a potential reactivation of a treated process water discharge from the Facility to the MCUD WWF. The Parties agree that a reduction in the accumulation of process water within the Facility would accordingly reduce the potential for releases of remnant nitrogen and phosphorus nutrients, from the Facility's historical fertilizer manufacturing operations, to area receiving surface waters of the state.

Therefore, having reached agreement on the need to jointly take actions to protect the public investment and operation of MCUD's WWF, and to prevent potential water quality impacts to area receiving surface waters of state, including Bishop Harbor, Terra Ceia Aquatic Preserve, and Tampa Bay, the Parties further agree and therefore,

**IT IS ORDERED:**

16. The Department shall continue to review Facility water quality data and evaluations jointly with the MCUD, on the characteristics of the Facility's ponded process water for the purposes of completing a joint evaluation of the ability for the Facility to reactivate a limited treated process water discharge to the MCUD WWF, in compliance with the industrial user requirements of Chapter 62-625, Fla. Admin. Code, Manatee County's Sewer Use Ordinance, MCUD industrial user permit requirements,



and local limits or other limitations the MCUD may impose in addition to, or in place of, the MCUD's local limits in its capacity as the Control Authority.

17. If the Parties determine that the Facility may reactivate a limited treated process water discharge in accordance with a Manatee County Industrial User Discharge Permit that the MCUD may issue, Manatee County reserves the right as the Control Authority, under the provisions of Chapter 62-625, Fla. Admin. Code, the MCUD approved pretreatment program, and Manatee County's Sewer Use Ordinance, to unilaterally and at any time, require HRK's permitted discharge to the MCUD WWF to cease, or otherwise be modified to the satisfaction of the MCUD, in accordance with its approved pretreatment program. The Parties agree that, in accordance with Manatee County's Sewer Use Ordinance, any Manatee County Industrial User Discharge Permit shall, at the sole discretion of MCUD, specify the sewer discharge rate and quality limitations (which may include both narrative permit conditions and pollutant-specific limitations), and specify the expiration date or period of time during which HRK may be authorized to discharge to the MCUD WWF.

18. If the MCUD determines that its WWF, Master Reuse System, or the operation thereof, is adversely affected by an ongoing discharge from the Facility, or that HRK was not in compliance with the provisions of the Manatee County Industrial User Discharge Permit, and the discharge has either resulted in, or has the potential to result in, non-compliance with Wastewater Permit Nos. FLA012617 or FL0474029, Manatee County shall notify HRK via phone and email that HRK shall cease, halt, or modify its discharge immediately upon such a determination and notification by the MCUD. Upon such notification to HRK by the MCUD, MCUD shall notify the Department as provided elsewhere herein by telephone and by electronic mail, providing information on the adverse effect, non-compliance, or potential non-compliance, and whether HRK has ceased, halted, or otherwise modified its discharge in compliance with direction from the MCUD. Upon the written request of the MCUD, the Department shall initiate an enforcement action, as appropriate, to compel the

Facility's compliance in any case where the Facility has not complied with direction from the MCUD, as the Control Authority, to halt or prevent such a discharge.

19. If a discharge from the Facility to the MCUD WWF has resulted in non-compliance with Wastewater Permit Nos. FLA012617 or FL0474029, the MCUD's approved pretreatment program, or other applicable MCUD requirements under Chapter 403, Fla. Stat., or under any other law or regulation for which the Department has enforcement authority, the Department shall, in lieu of commencing an administrative or civil action or otherwise seeking enforcement remedies against the MCUD for such non-compliance, identify proposed corrective actions for the Facility and implement enforcement actions in accordance with the Department's statutory authorities and procedures under Chapter 403, Fla. Stat., or under any other law or regulation that the Department has enforcement authority, as may be appropriate to compel the Facility's compliance with applicable pretreatment regulations, and to work cooperatively with the MCUD to halt or prevent any Facility discharge not in compliance with applicable pretreatment program regulations.

20. During periods where the Facility may be authorized to routinely discharge to the MCUD WWF, the Department agrees to support the MCUD pretreatment program inspection efforts by providing at least quarterly reconnaissance inspections of the Facility's treatment and discharge operations, unless such inspection frequency is agreed, in writing, to be changed to an alternative frequency by the Parties. Such inspections shall be conducted subject to HRK's discharge of process water to the MCUD WWF under an effective Manatee County Industrial User Discharge Permit, the Department's authority under Chapter 62-625, Fla. Admin. Code, and this Agreement, for the purpose of identifying any potential industrial user non-compliance, and for providing inspection reports with the Department's observations and any associated Department water quality data for review by the MCUD, as the Control Authority.

21. The Department and the MCUD agree that any treated process water discharge from the Facility that may be permitted by MCUD would help reduce the

accumulation of process water within the Facility. However, the Parties also agree that such a MCUD authorized discharge would not be sufficient to provide a long-term solution to remove the ponded water inventories present at the site. Accordingly, the Department and MCUD agree that one or more long-term water management solutions will continue to be needed despite any limited Facility discharges that may be permitted to the MCUD WWF. Notwithstanding the above mutual agreements by the Parties on the needs for long-term water management options, the Department expressly acknowledges that the MCUD may exercise its ability, at its sole discretion as the Control Authority, to unilaterally require HRK's permitted discharge to the MCUD WWF to cease.

22. Except as specifically provided in this Agreement, nothing herein shall limit the power and authority of the Department to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened Release of Hazardous Substances, pollutants or contaminants, or hazardous or Solid Waste on, at, or from the Facility. Further, nothing herein shall prevent the Department from seeking legal or equitable relief to enforce the terms of this Agreement or from taking other legal or equitable action as it deems appropriate and necessary in the future pursuant to applicable provisions of Chapters 376 and 403 Fla. Stat., or other applicable laws.

23. By entering into this Administrative Agreement, the Department assumes no liability for injuries or damages to persons or property resulting from any acts or omissions of MCUD. The Department shall not be deemed a party to any contract entered into by MCUD or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out actions pursuant to this Agreement.

24. Except as expressly provided in Paragraph 18, nothing in this Agreement constitutes a satisfaction of or release of liability from any claim or cause of action against MCUD or any person not a party to this Administrative Agreement, for any

liability such person may have under applicable provisions of Chapters 376 and 403 Fla. Stat., or other applicable laws, or common law.

25. MCUD acknowledges and waives its right to an administrative hearing pursuant to sections 120.569 and 120.57, Fla. Stat., on the terms of this Agreement. MCUD also acknowledges and waives its right to appeal the terms of this Agreement pursuant to section 120.68, Fla. Stat.

26. Nothing in this Agreement precludes the Department or MCUD from asserting any claims, causes of action, or demands for indemnification, contribution, or cost recovery against any persons not a party to this Agreement.

27. No modifications of the terms of this Agreement will be effective until reduced to writing, executed by both MCUD and the Department, and filed with the clerk of the Department.

28. Unless otherwise specified, or as may be changed from time to time, all reports, notices, or any other written communications required to be submitted under this Agreement shall be sent to the respective Parties at the following addresses by electronic mail (e-mail or email), to the extent feasible:

As to the Department:

Vishwas Sathe, Phosphate Management Program

Electronic mail: vishwas.sathe@dep.state.fl.us

Phone: (813) 470-5909

And

John A. Coates, Mining and Minerals Program

Electronic mail: john.coates@FloridaDEP.gov

Phone: (850) 245-8709

As to the Manatee County Utilities Department and Control Authority:

Jeff Goodwin, Deputy Director

Electronic mail: jeff.goodwin@mymanatee.org

Phone: (941) 792-8811

29. Any Party may, by written notice to the other Party, change its designated notice recipient or notice information provided above.

30. Notices submitted pursuant to this Section shall be deemed submitted upon mailing or e-mailing, as provided above, unless otherwise provided in this Agreement or by mutual agreement of the Parties in writing.

31. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original, but all of which, together, shall constitute one and the same instrument.

32. If a court issues an order that invalidates any provision of this Agreement or finds that a Party has sufficient cause not to comply with one or more provisions of this Agreement, that Party shall remain bound to comply with all provisions of this Agreement not invalidated or determined to be subject to a sufficient cause or defense by the court's order.

33. This Agreement and its appendices constitute the final, complete, and exclusive agreement and understanding among the Parties with respect to the implementation of each Party's responsibilities for the wastewater facility compliance and pretreatment program implementation provisions specified herein. The Parties acknowledge that there are no representations, agreements, or understandings related to the other issues regarding such work other than those expressly contained in this Agreement.

34. The Parties agree that the terms and conditions of this Agreement will be enforceable by a court of competent jurisdiction pursuant to Sections 120.69 and 403.121, Fla. Stat.

35. The Department hereby expressly reserves the right to initiate appropriate legal action to address any violations of statutes or rules administered by the Department

that are not specifically addressed by this Agreement. In the event the Department takes any such legal action, MCUD reserves all its rights and defenses to challenge or respond to such action as provided by applicable law.

36. This Agreement is a final order of the Department pursuant to section 120.52(7), Fla. Stat., and it is final and effective on the date filed with the Clerk of the Department unless a Petition for Administrative Hearing is timely filed in accordance with Chapter 120, Fla. Stat., before the deadline for filing a petition. Upon the timely filing of a petition, this Agreement will not be effective until further order of the Department.

#### Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rule 28-106.201 and 28-106.301, Fla. Admin. Code, a petition for an administrative hearing must contain the following information:

- a. The name and address of each agency affected and each agency's file or identification number, if known;
- b. The name, address, any email address, any facsimile number, and telephone number of the petitioner; the name, address, email address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- c. A statement of when and how the petitioner received notice of the agency decision;
- d. A statement of all disputed issues of material fact. If there are none, the petition must so indicate;

- e. A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- f. A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- g. A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@dep.state.fl.us. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

#### Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), Fla. Admin. Code, petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), Fla. Stat., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Fla. Stat., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Fla. Admin. Code

### Extension of Time

Under Rule 62-110.106(4), Fla. Admin. Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

### Meditation

Mediation is not available in this proceeding.

The files associated with this order are is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Division of Water Resource Management, Phosphate Management Program 13051 N. Telecom Parkway, Temple Terrace, Florida 33637-0926.

### Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, Fla. Stat., by the filing of a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel at 3900 Commonwealth Boulevard, MS 35, Tallahassee, FL, 32399-3000 or at [agency\\_clerk@dep.state.fl.us](mailto:agency_clerk@dep.state.fl.us), and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.



MANATEE COUNTY, a Political  
Subdivision of the State of Florida,  
d/b/a the Manatee County Utilities  
Department

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Cheri Coryea  
Title: County Administrator

STATE OF FLORIDA  
DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Filed, on this date, pursuant to section 120.52, Fla. Stat., with the designated  
Department Clerk, receipt of which is hereby acknowledged.

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Date

Copies furnished to:

Lea Crandall, Agency Clerk, Mail Station 35  
Marc Harris, FDEP  
Vishwas Sathe, FDEP  
Benjamin Melnick, FDEP

Administrative Agreement

OGC No. 20-1329

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Mary Yeargan, FDEP  
John Truitt, FDEP  
Doug Beason, FDEP  
Chad Stevens, FDEP  
Chuck Froman, MCUD  
Jeff Goodwin, MCUD  
C. Mike Gore, MCUD  
Jeff Barath, HRK  
William Harley, HRK



# FLORIDA DEPARTMENT OF Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, FL 32399-2400

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

## ISSUE INFORMATION COVER SHEET

ACTION REQUEST (or)  FYI ONLY

To: John Truitt, Deputy Secretary Regulatory Programs  
FROM: Benjamin M. Melnick, Director, Division of Water Resource Management  
John A. Coates P.E., Mining and Minerals Programs  
Date: February 21, 2020 (updated February 26, 2020)  
Subject: UIC Water Management Options, HRK Holdings LLC and Piney Point

**SUMMARY:** Given the quantity of water at the Piney Point site and the annual accumulation rate, the Department would recommend a dual-path resolution. First, the Department recommends the Manatee County publicly owned treatment works (POTW) immediately resume acceptance of some discharge water from the site. Based on discussions with POTW staff, they believe they can resume receiving 50,000 gallons of discharge per day (18.25 MGal/year), which will eliminate the net annual accumulation rate in average rainfall years. The Department will work with Manatee County from a regulatory and technical perspective to ensure the POTW operations are not negatively impacted by receiving this stream. Second, to remove remaining process water, a UIC well is the recommended long-term solution. With a cost of ~\$5.4 million to design and construct a UIC well and approximately \$1.25 mil/year in operation expenses, a UIC well could remove an average of .75 MGD. Currently, a third party constructing a facility onsite would like access to a UIC well for discharge of their wastewater, but that third party does not want to be a permittee (their current plans are trucking their wastewater in tanker trucks to a UIC well on the east coast). A UIC well could be used in the short-term or long-term as discussed below; however, any additional party beyond the permittee would help defray design, construction, and operation costs. Of note, once the water is removed from the Piney Point site there are additional actions needed for long term closure, such as minimal operations to collect pore water (~.1 MGD) from the compressing stack and capping the facility.

**ISSUE:** HRK Holdings, LLC (HRK) is the current owner and operator of the former Piney Point Phosphates fertilizer plant and phosphogypsum stack system located in northern Manatee County, directly across U.S Highway 41 from Port Manatee. While HRK never operated phosphate manufacturing processes at the site<sup>1</sup>, they are currently responsible for the site's long-term care and water management both as an owner of the site and in accordance with a series of Department agreements and orders entered into following HRK's acquisition of the site

<sup>1</sup> The phosphogypsum stack system was last operated by Piney Point Phosphates, Inc., a subsidiary of the Mulberry Corporation, prior to their 2001 Bankruptcy and abandonment of the site.

from the Bankruptcy Trustee in August 2006. HRK continues to perform long-term care operations, including environmental monitoring, maintenance of the gypstack system, and management of process water at the site, despite having entered and subsequently emerging from its own Bankruptcy<sup>2</sup> in March 2017. Prior evaluations of water management options for the site have included a number of treatment and disposal systems, including disposal of treated process water using an underground injection control (UIC) well.

#### **SITE WATER MANAGEMENT:**

Although additional funds were secured for HRK's environmental obligations during the pendency of its Bankruptcy case, HRK has not secured sufficient additional resources to meet the remaining environmental long-term care and process water management obligations for the site. The site continues to accumulate process water over time, and has a limited amount of lined process water storage capacity remaining. The process water inventory at the site includes an influx of seawater stemming from a 2011 Port Manatee dredging project where an onsite compartment experienced a containment failure while being used for clarification of dredge return water. HRK's ability to remove process water at a faster rate is limited by their lack of funding and their remaining financial assurances that are being depleted incrementally over time to maintain their current long-term care operations.

#### **Status Information:**

- As of February 11, 2020, the site has an inventory of ~ 703 million gallons (MGal) of mixed process water/sea water (stored) ponded in the New Gypstack-North (NGS-N), New Gypstack-South (NGS-S), and Process Water Sump (PWS) lined compartments. The onsite locations of the lined compartments and the process water inventory changes are reflected in Figures 1 and 2. The smaller PWS area is intended to be used long-term to provide surge volume storage for water pumped from the below ground seepage collection drains that were constructed to intercept long-term drainage of process water from the pores inside the gypstack. The other compartments (i.e., NGS-N and NGS-S) need to be ultimately removed from use once process water inventories are sufficiently reduced so these areas no longer contribute to the accumulation of process water by capturing excess rainfall at the site. The NGS-N system currently contains an operating spray evaporation system that was constructed and initially operated beginning in 2005 to reduce an annual average of 0.2 million gallons per day (MGD). The compartments and their relative contributions to the overall process watershed are shown below.

| Compartments  | Current Process Water Volume (MGal) | Process Watershed Footprint (Acres) |
|---|-------------------------------------|-------------------------------------|
| NGS-N (including existing spray evaporation system) | 246                                 | 36.5                                |
| NGS-S   | 435                                 | 71.4                                |
| PWS   | 21.8                                | 11.5                                |

<sup>2</sup> As of a March 20, 2017, Final Decree (see jointly administered Case No. 8:12-bk-9868, U.S. Bankruptcy Court, Middle District of Florida, Tampa Division), HRK Holdings, LLC (HRK) has conditionally emerged from its Chapter 11 Bankruptcy case that was originally filed June 27, 2012, following the 2011 Port Manatee Berth 12 construction project and associated HRK clarification impoundment failure.

- The site currently has available storage to safely manage 29 inches of rainfall over the site's process watershed.
- The average net accumulation rate for process water at the site is currently 15.3 MGal/year (average since ~December 2013).
- The projected timeframe to reaching maximum design levels (i.e., full levels) is ~ 6 years based on the average net accumulation rate, and heavier than normal rainfall in the prior 1-2 years. However, the site could be full to design freeboard levels in ~ 1.0 years considering potential extreme rainfall inputs.

Underground Injection Control Process Water Management Options:

As noted above, a number of options have been considered for management and removal of the remaining process water and seawater mix at the Piney Point Site. Those options have included at least two private entities that have expressed interest in permitting and providing industrial water management options that would treat and use a UIC well for Piney Point process water, and also provide a commercial service for customers who may need centralized industrial wastewater treatment and disposal services in central Florida. Members of the public and Manatee County representatives have voiced potential concerns over the types and ranges of industrial wastewaters that could be managed by a commercial solution.

In 2013, Manatee County Utilities applied for a UIC permit from the Department for a Class I injection well that was in part intended to be available for use to pre-treat and safely dispose of the remaining process water from the Piney Point site. Manatee County, as the permittee and owner of the UIC well, would decide what water they would accept for disposal using the well. The Department issued a Notice of Draft Permit to Manatee County Utilities in February 2014, and a public meeting was held in April 2014. Following concerns expressed at the public meeting, Manatee County Utilities eventually withdrew their application for the Class I UIC well in October 2016.

The general UIC options that have been considered more recently are generally described as follows:

1. Dedicated System, All Piney Point water
2. Dedicated System, Limited Operation to eliminate the NGS-S process watershed

The costs below are for an estimated facility that would manage up to 1 MGD, with an average maintenance operating factor of 0.75 (i.e., average effective removal of 0.75 MGD). The costs include an estimate of capital expenditures to construct the UIC well and associated infrastructure<sup>3</sup>.

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<sup>3</sup> A variety of traditional water management options (including water treatment and surface water discharge, water treatment and discharge to the Manatee County Publicly Owned Treatment Works (POTW), Underground Injection Control (UIC), and the use of increased conventional spray evaporation systems at the site) were evaluated in a 2016 summary report prepared by Arcadis U.S., Inc. (Arcadis) for the Department. The 2016 Arcadis capital and O&M costs were adjusted for inflation, assuming a 3% increase for four years, and used as the basis for this rough cost estimate. Based on February 21, 2020, discussions, these costs are expected to be similar to those experienced by Manatee County after bidding a similar Class I UIC well project, where the UIC well itself was completed in 2019.

1. **Dedicated System, All Piney Point water**
  - Time to remove ponded water: ~three years, with an average rate of 0.75 MGD
  - Net Estimated Volume Removed: 820 MGal
  - Estimated Cost: \$9.7 million for ~three years, of which ~\$5.4 million is for construction of UIC well, plus subsequent reduced operating costs if operating the UIC facility to manage drain seepage collection at ~ 0.1 to 0.15 MGD for the foreseeable portion of the 40-50 year long-term care period.
  - Projected Cost: ~\$12 / 1,000 gallons
  
2. **Dedicated System, Limited Operation to initially Reduce the NGS-S Piney Point Process Watershed (i.e., ~71.4 acres)**
  - Time to remove ponded water: ~1.8 years, with an average rate of 0.75 MGD
  - Net Estimated Volume Removed: 500 MGal
  - Estimated Cost: \$8.0 million for ~2 years, of which ~\$5.4 million is for construction of UIC well, leaving ~232 MGal ponded in the NGS-N compartment, plus ongoing rainfall accumulation over the remaining NGS-N watershed (~36.5 acre), plus costs for managing drain seepage collection estimated at ~ 0.1 to 0.15 MGD for the foreseeable portion of the 40-50 year long-term care period.
  - Projected Cost: ~\$16 / 1,000 gallons for ~two year operating period

Timing Considerations:

Given the expected general timeframes of six months up to two years for design, permitting, and construction of any new process water management options, including a potential UIC well, there is still a need for an ongoing method to reduce the accumulation of process water at the former Piney Point site. Based on the County's prior UIC application in 2013, it is expected design and permitting a UIC well would move expeditiously. Recent periods of increased rainfall have increased the rate of accumulation reducing the remaining storage capacity at the site. To address these timing considerations, the Department is continuing to work collaboratively with the Manatee County Utilities Department on the potential for a limited interim resumption of a POTW Discharge for treated process water from the site.

- Prior to seawater intrusion into the site's process water system resulting from the NGS-S compartment failure during the 2011 Port Manatee Berth 12 dredging project, the site was able to steadily remove process water by discharging ~150,000 gallon per day of treated process water to the Manatee County POTW. The discharge was ceased, in part, due to the harmful introduction of excessive quantities of seawater which contributed increased chloride loading to the Manatee County POTW.
- The Department has meet with Manatee County utility representatives several times during 2019 to review improved water quality results and evaluate whether it may be feasibility for the country to allow a resumed, but more limited site discharge from the site while other more long-term options may be implemented. Based on the collaborative review, the Department believes that a limited POTW discharge resumption can be safely resumed with the combination of Department and Manatee County stringent oversight and joint regulation. Such an option could provide an important interim measure to slow or stop the accumulation of ponded process water at the site.



Figure 1. Map showing the former Piney Point site (with gypstack outlined in orange), located east of U.S Hwy 41, across from Port Manatee on Tampa Bay. Labels identify the New Gypstack System – North (NGS-N), the New Gypstack System – South (NGS-S), and the Process Water Sump (PWS) lined reservoir storage compartments at the site.

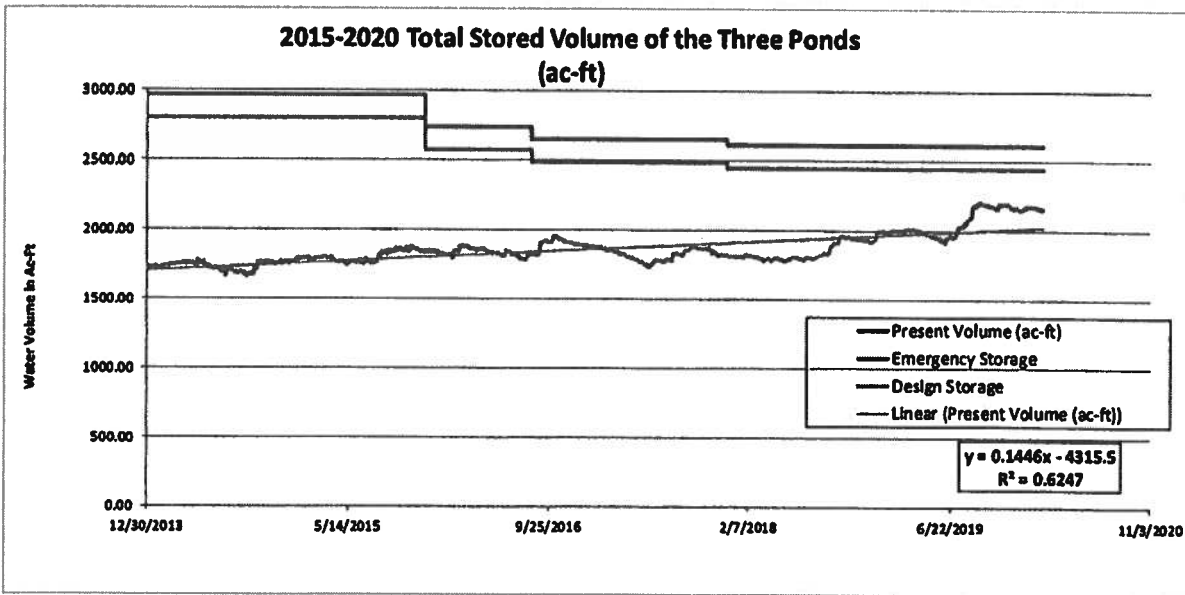


Figure 2. Graph showing storage capacities and the process water volume stored over time at the former Piney Point site

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

### For projects meeting the definition of House Rule 5.14

*Only Members of the Florida House of Representatives can officially submit an Appropriations Project Request*

**Your request will not be officially submitted unless all questions and applicable sub parts are answered. The information provided in the request will be posted on the House website and available for public review if an Appropriations Project Bill is filed by a Representative.**

1. **Title of Project:**
2. **Date of Submission:**
3. **House Member Sponsor:**
4. **Details of Amount Requested:**
  - a. Has funding been provided in a previous State budget for this activity?    Yes    No
  - b. What is the most recent fiscal year the project was funded?
  - c. Were the funds provided in the most recent fiscal year subsequently vetoed?    Yes    No
  - d. Complete the following Project Request Worksheet to develop your request.

| FY:               | Input Prior Year Appropriation for this project for<br>FY 2020-21<br><i>(If appropriated in FY 2020-21 enter the appropriated amount, even if vetoed.)</i> |                               |                          | Develop New Funds Request<br>for FY 2021-22<br><i>(Requests for additional RECURRING funds in Column E are prohibited.)</i> |                                 |  |
|-------------------|--|-------------------------------|--------------------------|---|---------------------------------|--|
| Column:           | A  | B                             | C                        | D   | E                               | F  |
| Funds Description | Prior Year Recurring Funds   | Prior Year Nonrecurring Funds | Total Funds Appropriated | Recurring Base Budget   | Additional Nonrecurring Request | TOTAL Nonrecurring plus Recurring Base Funds |
| Input Amounts     |  |                               |                          |   |                                 |  |



# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

e. Provide the total cost of the project for FY 2021-22 from all sources of funding (Enter "0" if amount is zero):

| Type of Funding   | Amount | % of Total | Are the other sources of funds guaranteed in writing? |           |
|---|--------|------------|---|-----------|
| 1. Amount Requested from the State in this Appropriations Project Request |        | %          |   |           |
| 2. Federal  |        | %          | <b>Yes</b>  | <b>No</b> |
| 3. State (Excluding the requested Total Amount in #4d, Col F)             |        | %          | <b>Yes</b>  | <b>No</b> |
| 4. Local  |        | %          | <b>Yes</b>  | <b>No</b> |
| 5. Other  |        | %          | <b>Yes</b>  | <b>No</b> |
| <b>TOTAL</b>  |        | %          |   |           |

5. Is this a multi-year project requiring funding from the state for more than one year?    Yes    No

a. How much state funding would be requested after 2021-22 over the next 5 years?

b. How many additional years of state support do you expect to need for this project?

c. What is the total project cost for all years including all federal, local, state, and any other funds? Select the single answer which best describes the total project cost. If funds requested are for ongoing services or for recurring activities, select "ongoing activity".

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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6. Which is the most appropriate state agency to place an appropriation for the issue requested?
- a. Has the appropriate state agency for administering the funding, if the request were appropriated, been contacted?      Yes      No
  - b. Describe penalties for failing to meet deliverables or performance measures which the agency should provide in its contract to administer the funding if appropriated.

7. Requester:

- a. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_
- b. Organization: \_\_\_\_\_
- c. Email: \_\_\_\_\_
- d. Phone #: \_\_\_\_\_

8. Contact for questions about specific technical or financial details about the project.

- a. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_
- b. Organization: \_\_\_\_\_
- c. Email: \_\_\_\_\_
- d. Phone #: \_\_\_\_\_

9. If there is a registered lobbyist working to secure funding for this project, fill out the information below. If not, click None

- a. First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_
- b. Firm: \_\_\_\_\_
- c. Email: \_\_\_\_\_
- d. Phone #: \_\_\_\_\_

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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10. Organization or Name of entity receiving funds:
  - a. Name:
  - b. County (County where funds are to be expended)
  - c. Service Area (Counties being served by the service(s) provided with funding)
  
11. What type of organization is the entity that will receive the funds?  
  
If other, please describe:
  
12. What is the specific purpose or goal that will be achieved by the funds being requested?

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

13. Provide specific details on how funds will be spent. (Select all that apply)

| Spending Category                                      | Description | Amount Requested<br>(Total should equal 4d,<br>Col. E) Enter '0' if request<br>is zero for the category |
|--|-------------|---|
| <b>Administrative Costs</b>                            |             |   |
| Executive Director/Project<br>Head Salary and Benefits |             |   |
| Other Salary<br>and Benefits                           |             |   |
| Expense/Equipment/<br>Travel/Supplies/Other            |             |   |
| Consultants/<br>Contracted Services/<br>Study          |             |   |
| <b>Operational Costs</b>                               |             |   |
| Salaries and Benefits                                  |             |   |
| Expenses/Equipment/<br>Travel/Supplies/Other           |             |   |
| Consultants/<br>Contracted Services/<br>Study          |             |   |
| <b>Fixed Capital Construction/Major Renovation</b>     |             |   |
| Construction/Renovation/<br>Land/Planning Engineering  |             |   |
| <b>Total Requested</b>                                 |             |   |

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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14. For Fixed Capital Costs requested in Question 13, what type of ownership will the facility be under when complete?

If other, please describe:

15. Is the project request an information technology project?                      Yes      No                      **Water projects skip to #16**
- a. Will this information technology project be managed within a state agency to support state agency program goals?      Yes      No
  - b. What is the total cost (all years) to design and build the project?
  - c. What are the ongoing (annual recurring) maintenance and operation costs once the project is completed?
  - d. Can the state agency fund the ongoing annual recurring costs within its current operating budget?      Yes      No
  - e. What are the specific business objectives or needs the IT project is intended to address?
  - f. Based upon the identified business objectives or needs, what are the success factors that must be realized in order for the state agency to consider the proposed IT project a success?
16. Is there any documented show of support for the requested project in the community including public hearings, letters of support, major organizational backing or other expressions of support?      Yes      No  
Please describe:
17. Has the need for the funds been documented by a study, completed by an independent 3rd party, for the area to be served?      Yes      No  
Please describe:

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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18. Will the requested funds be used directly for services to citizens?      Yes      No      *Water projects skip to #19*

a. What are the activities and services that will be provided to meet the purpose of the funds?

b. Describe the direct services to be provided to the citizens by the funding requested.

c. Describe the target population to be served (i.e., “the majority of the funds requested will serve these target populations or groups”). Select all that apply to the target population:

- |                                    |  |
|------------------------------------|--|
| Elderly persons                    | Drug users (in health services)                                |
| Persons with poor mental health    | Preschool students   |
| Persons with poor physical health  | Grade school students  |
| Jobless persons                    | High school students   |
| Economically disadvantaged persons | University/College students                                    |
| At-risk youth                      | Currently or formerly incarcerated persons                     |
| Homeless                           | Drug offenders (in criminal Justice)                           |
| Developmentally disabled           | Victims of crime   |
| Physically disabled                | General (The majority of funds will benefit no specific group) |
| Other, please describe:            |  |

d. How many in the target population are expected to be served?

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

19. What benefits or outcomes will be realized by the expenditure of funds requested? (Select each Benefit/Outcome that applies):

| Benefit or Outcome  | Provide a specific measure of the benefit or outcome | Describe the method for measuring level of benefit or outcome |
|---|--|---|
| Improve physical health   |  |   |
| Improve mental health   |  |   |
| Enrich cultural experience  |  |   |
| Improve agricultural production/<br>promotion/education                 |  |   |
| Improve quality of education  |  |   |
| Enhance/preserve/improve environmental or<br>fish and wildlife quality  |  |   |
| Protect the general public from<br>harm (environmental, criminal, etc.) |  |   |

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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| Benefit or Outcome                                      | Provide a specific measure of the benefit or outcome | Describe the method for measuring level of benefit or outcome |
|---|--|---|
| Improve transportation conditions                       |  |   |
| Increase or improve economic activity                   |  |   |
| Increase tourism  |  |   |
| Create specific immediate job opportunities             |  |   |
| Enhance specific individual's economic self sufficiency |  |   |
| k   |  |   |
| Reduce substance abuse                                  |  |   |



# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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| Benefit or Outcome                               | Provide a specific measure of the benefit or outcome | Describe the method for measuring level of benefit or outcome |
|--|--|---|
| Divert from Criminal/<br>Juvenile Justice System |  |   |
| Improve wastewater management                    |  |   |
| Improve stormwater management                    |  |   |
| Improve groundwater quality                      |  |   |
| Improve drinking water quality                   |  |   |
| Improve surface water quality                    |  |   |
| Other (Please describe)                          |  |   |

# The Florida House of Representatives

## Appropriations Project Request - Fiscal Year 2021-22

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**The questions below are additional questions for water projects only**

20. Have you applied for alternative state funding?
- a. Wastewater Revolving Loan
  - b. Drinking Water Revolving Loan
  - c. Small Community Wastewater Treatment Grant
  - d. Other (Please describe)
  - e. N/A
21. What is the population economic status?
- a. Financially Disadvantaged Municipality
  - b. Rural Area of Critical Economic Concern
  - c. Rural Community Experiencing Economic Distress
  - d. N/A
22. What is the status of construction?
- a. Ready
  - b. Not Ready
23. What percentage of construction has been completed?
24. What is the estimated completion date of construction?



# The Florida Senate

## Local Funding Initiative Request

### Fiscal Year 2021-2022

1. **Project Title**
2. **Senate Sponsor**
3. **Date of Request**
4. **Project/Program Description**

5. **State Agency to receive requested funds**  
 State Agency contacted?      Yes      No

6. **Amount of the Nonrecurring Request for Fiscal Year 2021-2022**

| Type of Funding                    | Amount |
|------------------------------------|--------|
| Operations                         |        |
| Fixed Capital Outlay               |        |
| <b>Total State Funds Requested</b> |        |

7. **Total Project Cost for Fiscal Year 2021-2022 (including matching funds available for this project)**

| Type of Funding                                      | Amount | Percentage |
|--|--------|------------|
| Total State Funds Requested (from question #6)       |        | %          |
| <b>Matching Funds</b>                                |        |            |
| Federal  |        | %          |
| State (excluding the amount of this request)         |        | %          |
| Local  |        | %          |
| Other  |        | %          |
| <b>Total Project Costs for Fiscal Year 2021-2022</b> |        | %          |



# The Florida Senate

## Local Funding Initiative Request

### Fiscal Year 2021-2022

8. **Has this project previously received state funding?**      Yes      No

If yes, provide the most recent instance:

| Fiscal Year<br>(yyyy-yy) | Amount    |              | Specific<br>Appropriation # | Vetoed |
|--------------------------|-----------|--------------|-----------------------------|--------|
|                          | Recurring | Nonrecurring |                             |        |
|                          |           |              |                             |        |

9. **Is future-year funding likely to be requested?**      Yes      No

- a. If yes, indicate nonrecurring amount per year.
- b. Describe the source of funding that can be used in lieu of state funding.

10. **Has the entity requesting this project received any federal assistance related to the COVID-19 pandemic?**      Yes      No

If yes, indicate the amount of funds received and what the funds were used for.



# The Florida Senate

## Local Funding Initiative Request

### Fiscal Year 2021-2022

#### 11. Details on how the requested state funds will be expended

| Spending Category  | Description | Amount |
|--|-------------|--------|
| <b>Administrative Costs:</b>   |             |        |
| Executive Director/Project Head Salary and Benefits                    |             |        |
| Other Salary and Benefits  |             |        |
| Expense/Equipment/Travel/Supplies/Other                                |             |        |
| Consultants/Contracted Services/Study                                  |             |        |
| <b>Operational Costs: Other</b>  |             |        |
| Salary and Benefits  |             |        |
| Expense/Equipment/Travel/Supplies/Other                                |             |        |
| Consultants/Contracted Services/Study                                  |             |        |
| <b>Fixed Capital Construction/Major Renovation:</b>                    |             |        |
| Construction/Renovation/Land/Planning Engineering                      |             |        |
| <b>Total State Funds Requested (must equal total from question #6)</b> |             |        |



## The Florida Senate Local Funding Initiative Request Fiscal Year 2021-2022

### 12. Program Performance

- a. What specific purpose or goal will be achieved by the funds requested?
  
  
  
  
  
  
  
  
  
  
- b. What activities and services will be provided to meet the intended purpose of these funds?
  
  
  
  
  
  
  
  
  
  
- c. What direct services will be provided to citizens by the appropriation project?
  
  
  
  
  
  
  
  
  
  
- d. Who is the target population served by this project? How many individuals are expected to be served?
  
  
  
  
  
  
  
  
  
  
- e. What is the expected benefit or outcome of this project? What is the methodology by which this outcome will be measured?
  
  
  
  
  
  
  
  
  
  
- f. What are the suggested penalties that the contracting agency may consider in addition to its standard penalties for failing to meet deliverables or performance measures provided for in the contract?



# The Florida Senate

## Local Funding Initiative Request

### Fiscal Year 2021-2022

13. **The owners of the facility to receive, directly or indirectly, any fixed capital outlay funding. Include the relationship between the owners of the facility and the entity.**

14. **Requestor Contact Information**

- a. First Name Last Name
- b. Organization
- c. E-mail Address
- d. Phone Number Ext.

15. **Recipient Contact Information**

- a. Organization
- b. Municipality and County
- c. Organization Type
  - For-profit Entity
  - Non-Profit 501(c) (3)
  - Non-Profit 501(c) (4)
  - Local Entity
  - University or College
  - Other (please specify)
- d. First Name Last Name
- e. E-mail Address
- f. Phone Number

16. **Lobbyist Contact Information**

- a. Name
- b. Firm Name
- c. E-mail Address
- d. Phone Number Ext.



# The Florida Senate

## Local Funding Initiative Request

### Fiscal Year 2021-2022

**Please complete the questions below for Water Projects only.**

**17. Have you applied for alternative state funding?**

- Waste Water Revolving Loan
- Drinking Water Revolving Loan
- Small Community Wastewater Treatment Grant
- Other (please specify)
- N/A

**18. What is the population economic status?**

- Financially Disadvantaged Community (ch. 62-552, F.A.C.)
- Financially Disadvantaged Municipality (ch. 62-552, F.A.C.)
- Rural Area of Economic Concern
- Rural Area of Opportunity (s. 288.0656, Florida Statutes)
- N/A

**19. What is the status of construction?**

**20. What percentage of the construction has been completed?**

**21. What is the estimated completion date of construction?**

*The information provided will be posted to the Florida Senate website for public viewing if sponsored by a Senator.*





## Parks & Natural Resources Department

Administration Services  
5502 33<sup>rd</sup> Avenue Drive West  
Bradenton, FL 34209  
Phone number: (941) 742-5923

## MEMORANDUM

*CAC 3/9/20*

To: Cheri Coryea, County Administrator

From: *Charlie Hunsicker*  
Charlie Hunsicker, Director, Parks & Natural Resources

Date: February 27, 2020

Subject: Piney Point Talking Points

On February 26, 2020, the Board of County Commissioners adopted the following revised policy statement for addressing the Piney Point Phosphogyp:

**Piney Point reservoirs** -- In order to eliminate the possibility of processed water spilling into Bishop Harbor in the future, Manatee County requests that the state Department of Environmental Protection prioritize efforts to properly and safely dispose of water currently in the gypsum stacks at the former Piney Point phosphate processing plant. Manatee County supports sufficient state funding to complete the closure of the gypsum stacks in accordance with Florida Statutes.

On February 19, 2020, a delegation of Manatee County Commissioners met with Senate President Galvano, requesting inquiry into the status of a state supported closure of the Piney Point Phosphogyp stack. Manatee County awaits the information gathered from the Senate President's office.

In the event individual Commissioners are queried on what information must be gathered, the following discussion points should be addressed to FDEP:

- Piney Point Phosphogyp stack closure must proceed with urgency.
- What method of dewatering and disposal of surface process water and process water bound up inside the stack itself will be chosen to meet state water quality statutes?
- What method of stack closure are you recommending once all process water is safely disposed?
- What is the expected time frame to complete the closure of the stack provided in accordance with state statute?
- Are you preparing a cost estimate for complete multi-year construction and permanent closure of the stack that can be provided for consideration of state funding? Will the private responsible party (HRK) reserve for closure be included as a revenue source?
- Utilities officials do not recommend accepting ANY stack process water for treatment at the North wastewater treatment plant.

Amplifying on the policy statement approved on February 26, 2020, the BCC made it very clear that if the deep well option for stack water disposal is recommended by DEP, the well must be developed and monitored ONLY for the stack dewatering purpose and cannot be used for any other commercial or industrial purpose. Furthermore, to ensure complete transparency in the testing, operation, and monitoring of the deep well injection process up and through closure of the well, the County requests that a public entity (such as ourselves) operate the well with full reimbursement with of operating costs included in the state stack closure cost estimate.



## MEMORANDUM

To: Cheri Coryea, County Administrator  
From: C. Mike Gore, Director, Utilities Department  
Date: November 13, 2020 11/13/20  
Subject: Piney Point Administrative Agreement Discussions

September 22, 2020

- A work session was held with the BCC to update commissioners on the status of the request from FDEP for the Utilities system to receive 50,000 gpd from the Piney Point system. The BCC was informed of the negotiations with FDEP to date and of staff's request based on previous commissioners' briefings to set milestones in the agreement.
- Commissioners heard from HRK representative Jeff Barath and FDEP representative, John Coates to the status of water levels within the gypsum stack.
- Discussion revolved around the need to lower stack water levels and possible options for long term disposal.
- Parks and Natural resources Director, Charlie Hunsicker, provided overview of Nitrogen loading criteria in the region and the necessary steps needed to allow disposal after a treatment process.
- Staff did not receive direction but rather a sense that the BCC had communicated their concerns to FDEP and committed to farther conversations with FDEP and HRK.
- See attached WS memo.

October 15, 2020

- A phone meeting was held with FDEP, John Coates, County Administrator, Cheri Coryea, Utilities Director, Mike Gore and Deputy Director, Jeff Goodwin to discuss the WS and Commissioners comments.
- John Coates emphasized FDEP did not have available funds to correct or pursue options discussed during the 9/22 WS. Mr. Coates confirmed any options for water treatment most likely would not resolve the concerns for the site given the volume of water, associated cost and the Nitrogen Consortium issues discussed at the WS.
- Mr. Coates once again clarified the legislative process necessary to receive funding for any short term or long-term remediation efforts.

October 28, 2020

- Telephone meeting with Mr. Coates, Mr. Gore and Mr. Goodwin to discuss all interested parties' concerns.
- Confirmation Regions Bank had sold the HRK notes to Fortress 2020 thus having oversight of HRK. To date, per Mr. Coates, FDEP had no knowledge of Fortress 2020 intentions with buying the notes.
- Mr. Coates communicated he was anxious to move forward with the agreement. Mr. Coates communicated a controlled release of the stack water was inevitable due to high ground water levels and rainfall without HRK being permitted the 50,000 gpd.
- Mr. Coates communicated EPA had been in touch with his office thus requesting water level data. Mr. Coates assumed EPA's request was a result of Mr. Buchanan's letter dated October 20, 2020 to EPA Regional Administrator Kathy Walker requesting that the USEPA oversee efforts to properly and safely dispose of the toxic waste at the former Piney Point phosphate processing plant and to enforce federal rules that govern the storage and cleanup of hazardous materials.
- Mr. Coates communicated to date he had not received any disposal well request. However, communicated if he did, he would inform ourselves immediately.
- Mr. Coates volunteered himself to speak with any commissioner regarding FDEP's position with available remediation funds.
- Mr. Coates reminded us that EPA will historically not assist unless there is imminent danger to the public. Mr. Coates did feel the EPA had faith in the state and FDEP that there was no imminent danger thus any funding might be minimal at best.

Cc: Jeff Goodwin  
John Osborne



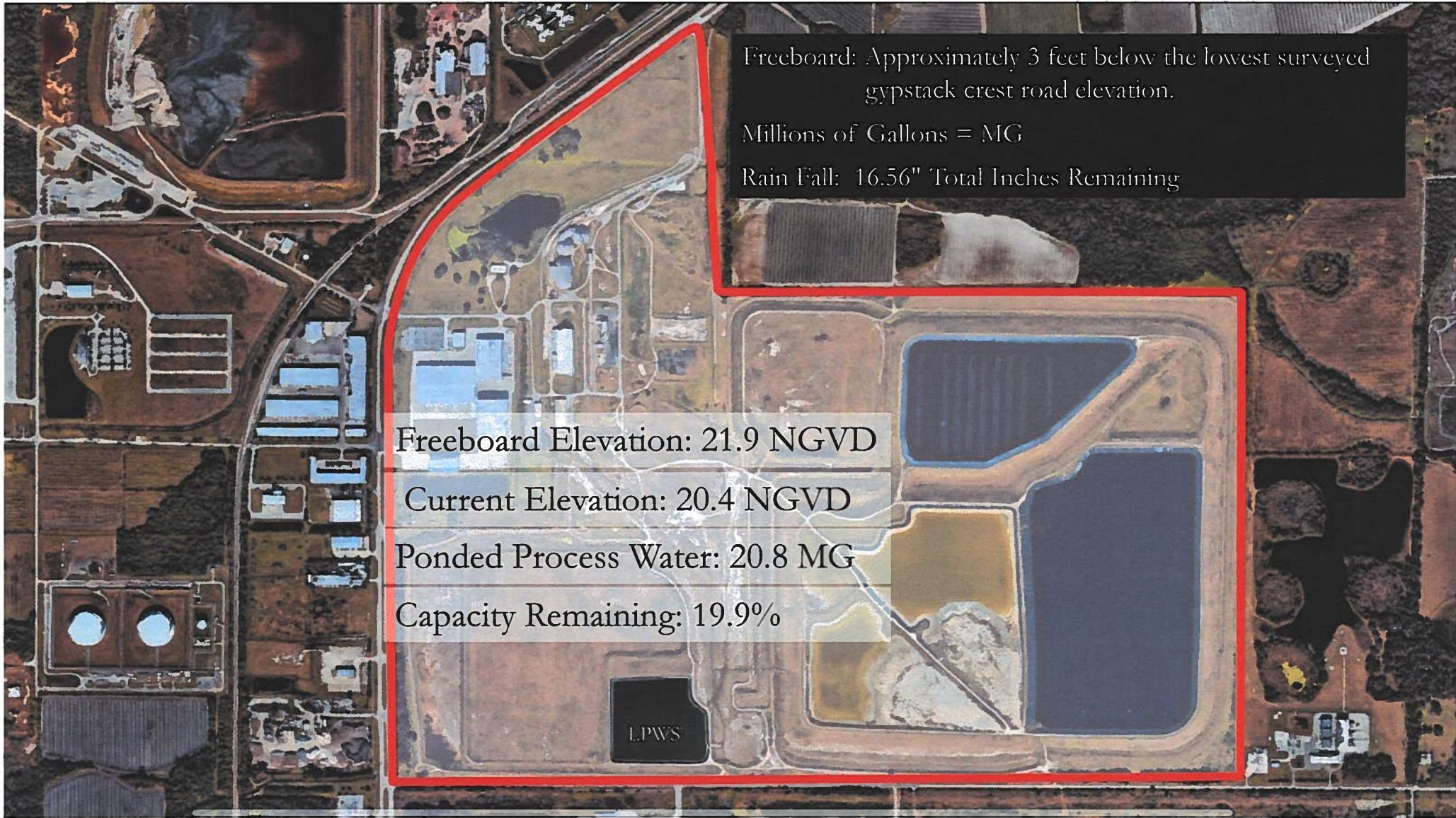
# Former Piney Point Phosphate 2020

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Site Manager: Jeff Barath

Environmental Compliance Technician: Zory Sanchez





Freeboard: Approximately 3 feet below the lowest surveyed gypstack crest road elevation.

Millions of Gallons = MG

Rain Fall: 16.56" Total Inches Remaining

Freeboard Elevation: 21.9 NGVD

Current Elevation: 20.4 NGVD

Ponded Process Water: 20.8 MG

Capacity Remaining: 19.9%

L.P.W.S



NGSN  
9/17/20

Freeboard: Approximately 3 feet below the lowest surveyed  
gypstack crest road elevation.

Millions of Gallons = MG

Rain Fall: 14.01" Total Inches Remaining

Elevation: 70.9 NGVD

Elevation: 69.7 NGVD

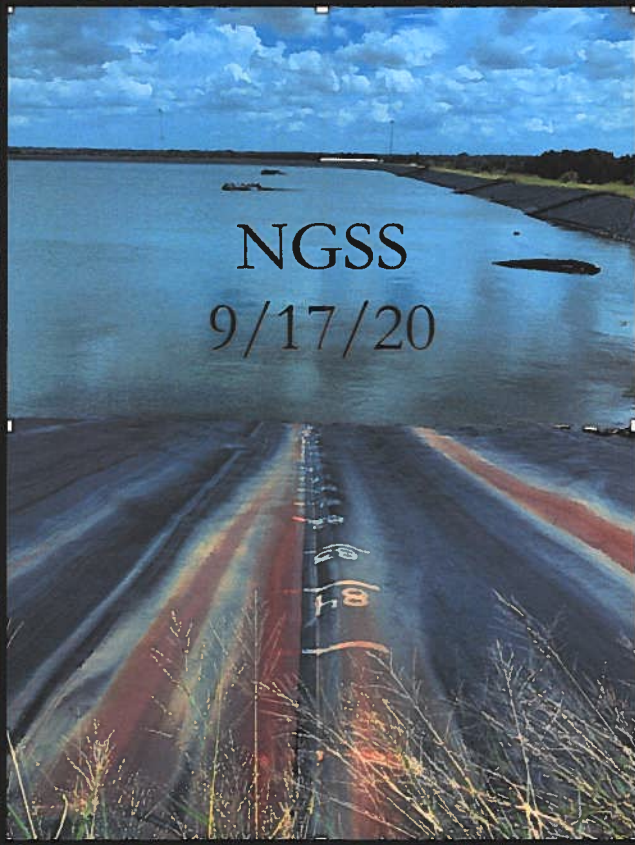
Process Water: 236.0 GM

Remaining: 5.6%

NGSN







Freeboard: Approximately 3 feet below the lowest surveyed gypstack crest road elevation.

Millions of Gallons = MG

Rain Fall: 21.97" Total Inches Remaining

Freeboard Elevation: 70.8 NGVD

Current Elevation: 68.9 NGVD

Ponded Process Water: 486.0 MG

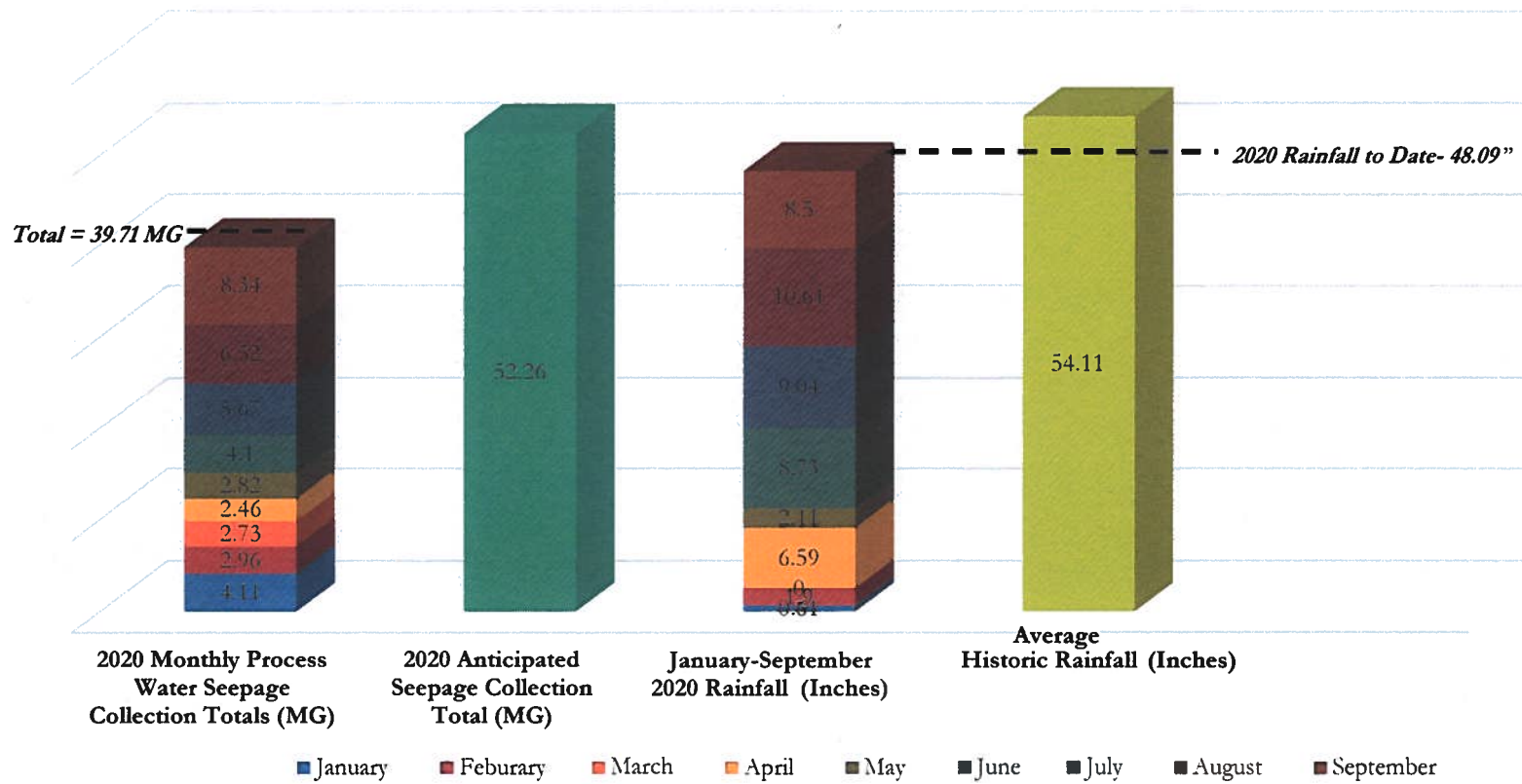
Capacity Remaining: 8.1%

NGSS

An aerial photograph of a water treatment facility. A red outline highlights a specific area containing several ponds and structures. An arrow points from the photograph on the left to a dark pond within the red-outlined area. The text 'NGSS' is overlaid on this pond.



## 2020 Rainfall & Process Water Data



# Current Status

- 742,880,000 Gallons Of Process Water Poned Onsite
- 7.7% Capacity Remaining With In Process Water Cells
- 19.01” Of Remaining Rainfall Capacity
- 52,560,000 Gallons Of Process Water Seepage Collection Annually (Average)
- 55,600,000 Gallons Of Process Water Treated Onsite Annually  
*Enhanced Spray Evaporation*