FLORIDA DEPARTMENT OF Environmental Protection

Division of Water Resource Management
Phosphate Management Program
13051 North Telecom Parkway, Suite 101
Temple Terrace, FL 33637

Ron DeSantis
Governor

Jeanette Nuñez
Lt. Governor

Shawn Hamilton
Secretary

March 16, 2022

SENT BY EMAIL TO:

(herb@donicalaw.com)

Mr. Herbert Donica, Esq.
Donica Receivership Services, L.L.C.
Piney Point Facility
13500 Scale Ave.
Palmetto, Florida 34221

RE: Conceptual Closure Plan for Ponds
NGS-N, NGS-S, OGS-N and OGS-S
Piney Point Phosphogypsum Stack System
Request for Additional Information

Dear Mr. Donica:

The department has completed its review of the Conceptual Closure Plan (CCP), dated March 2, 2022, prepared by your contracted engineer of record, Ardaman & Associates, Inc. The submittal provided a conceptual plan for completing a closure of the Piney Point phosphogypsum stack system based on current site conditions. This conceptual closure plan provides the approach for closure specifically of the four high-density polyethylene (HDPE) lined stack compartments (referenced therein as the NGS-N, NGS-S, OGS-N and OGS-S lined compartments), and integration of these areas into the existing closure stormwater management system at the site.

The CCP was submitted to provide for a planned closure in accordance with the phosphogypsum stack system closure requirements of Chapter 62-673, Florida Administrative Code (F.A.C.), which are applicable pursuant to the direction provided to the court-appointed receiver in the Aug. 25, 2021, provisions of the Agreed Order on Motion to Appoint Receiver, in the above referenced case (Civil Action No. 2020-CA-004459-AX) in the Circuit Court of the Twelfth Judicial Circuit, in Manatee County, Florida.

The department understands that the CCP identifies the key activities that would need to be implemented, subject to the department's receipt and approval of detailed design plans for the

planned closure phases of the Piney Point stack system. While the CCP has generally captured the elements of closure as discussed with the department in prior meetings, we have a few comments as listed in the attached document ("Conceptual Closure Plan Comments") for your review and incorporation into a revised closure plan submittal to the department.

If you have any questions or would like to schedule a meeting to discuss the department's comments, please contact me at 813-470-5909, or John A. Coates, P.E., at 850-245-8709.

Sincerely,

Vishwas Sathe
Environmental Administrator
Phosphate Management Program
Division of Water Resource Management

Attachment: Conceptual Closure Plan Comments

COPY SENT BY EMAIL TO:

Phong Vo, Ardaman & Associates, Inc.
Lester Williams, FDEP
John A. Coates, FDEP

Attachment 1

Conceptual Closure Plan Comments

1. At the beginning of Section 2 (page 3), a section should be added to describe the overall conceptual sequence of closure, referencing to a site-specific water management plan and water balance projections as required by Rule 62-673.600(3)(a), Florida Administrative Code (F.A.C.), that will be used to determine the closure developed and submitted to the department.
2. Section 2 – Conceptual Closure Plan (pg. 3) references Figures 1 to 9 at the beginning of this section; however, the individual figures are not being referenced consistently in the sections for the individual process water ponds. For example, the first area OGS-S discussed should refer to the figure (currently Figure 3) and also state this area does not contain process water, so it can be closed independently of process water removal and dewatering from the site. Please reorder text and figures appropriately for the order of discussion in the plan.
3. Figure 2 shows the north relief ditch, but the planned work is not discussed or referenced specifically for the need for modifications to enable routing of non-contact stormwater following closure. Please check or reference the discussion in Attachment 1 for the conceptual closure stormwater management system modeling.
4. Figures 6 and 7 show alternative closure concepts for the cut or removal of additional material as may be used for closure; however, the alternative considerations for using fill from the NGS-N (Figure 6) and NGS-S (Figure 7) are not fully discussed in the plan regarding the potential use of this dike material for stabilization and fill material under lined areas as part of the cut and fill balance for closure work at the site. Please incorporate additional information describing the potential use of the dike material, where it will be placed and, if needed, provide annotation on the figures for the alternative configurations.
5. Figures 8 and 9 need additional information in the Conceptual Closure Plan to describe the general and conceptual need for the typical cross section details and their planned use.
6. Please include a sub-section in Section 3 discussing contingency provisions for management and disposal of contaminated water if expected consumption mechanisms are unable to meet targeted water removal goals or if extreme weather conditions necessitate the initiation of additional water management needs.
7. The review of the site's existing hydrology and the performance of the conceptual closure plan on the site's surface water runoff, drainage patterns and existing storm water controls are documented in Attachment 1, Hydrologic and Hydraulic Evaluations, for the conceptual closure stormwater management system. The department acknowledges that the proposed conceptual closure plan provides protection against off-site flooding by providing detention that effectively maintains peak stormwater discharge rates so that they do not exceed existing site conditions for the 25-year, 24-hour design storm event.

Figure C, however, shows an extension in the inundation period within Basin 2 that is on the order of two to three days. Please review the proposed closure configuration for the existing inlet structure for Basin 2 to determine whether modification of the low-level orifices for this inlet structure may provide a more rapid recession of the water levels in Basin 2 while not exceeding existing peak flow rates and minimizing maintenance concerns for vegetative cover that may occur with extended periods of inundation within Basin 2.

8. Please review the proposed conceptual closure stormwater management plan and provide a comparison of the existing and proposed maximum stage and extent (similar to Figure 6 for the 25-year, 24-hour design storm event) and outfall hydrographs for the site's 100-year, 24-hour design storm event. From this review, please identify any critical locations and recommendations that may be needed for control structures or discharges that are expected to occur in response to extreme rainfall events at or exceeding the 100-year, 24-hour design storm.