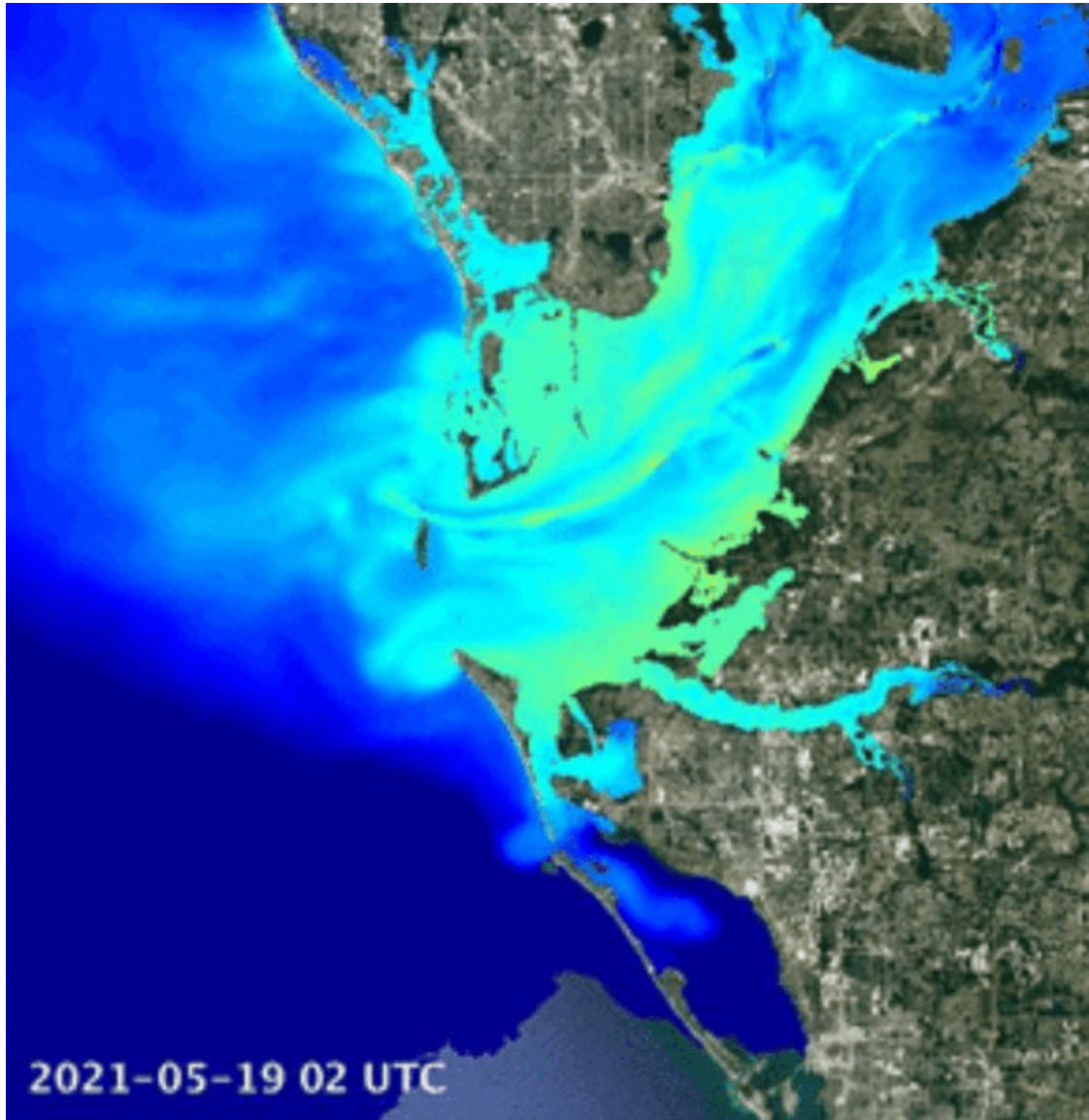


# Piney Point spill leads to lawsuit

By **Cindy Lane** - May 18, 2021



*A May 19 forecast of the plume of polluted water released from the Piney Point plant last month shows the water spreading with the tides, currents and winds. The areas of most concern are indicated in orange and yellow. - University of South Florida College of Marine Science | Submitted*

TAMPA BAY – Five conservation groups issued a notice today saying they intend to file a federal lawsuit over the intentional discharge of “hundreds of tons of pollutants into Tampa Bay” earlier this year.

The Center for Biological Diversity, Tampa Bay Waterkeeper, Suncoast Waterkeeper, ManaSota-88 and Our Children’s Earth Foundation announced a forthcoming lawsuit against the Florida Department of Environmental Protection (DEP), the Manatee County Port Authority and HRK Holdings, the owner of Piney Point, for violations of the Clean Water Act, Resource Conservation and Recovery Act and Endangered Species Act.

They claim the defendants are liable for “endangering the public and harming marine ecosystems and endangered species” by failing to maintain the gyp stacks and the waste storage ponds built into them at the closed Piney Point phosphate plant in Palmetto.

In a [Notice of Intent to Sue](#), the conservation groups note that protected marine species including loggerhead sea turtles and manatees make their home in waters that are currently affected by the plume of pollution spreading from Piney Point.



After a leak in a gyp stack was discovered on March 26, officials ordered the emergency evacuation of hundreds of nearby Manatee County homes and intentionally discharged 215 million gallons of water into Tampa Bay at Port Manatee to take pressure off a compromised stack, avoiding its collapse and a potentially more serious spill.



*A retention pond on top of a gyp stack at Piney Point.  
– Submitted*

The discharge ended April 9, leaving a pollutant plume containing what DEP calls “mixed sea water;” an acidic blend of saltwater and debris from a Port Manatee dredge project, stormwater runoff, rainfall and “legacy process water” – wastewater from phosphate processing that contains nutrients such as phosphorus and nitrogen that feed toxic algae blooms.

“Phosphate companies have had over 70 years to figure out a way to dispose of the radioactive gypsum wastes in an acceptable manner; they have yet to do so,” Glenn Compton, chairman of ManaSota-88, Inc., said in a press release.

Faulting DEP for allowing the storage of dredge waste in gyp stacks that the Army Corps of Engineers warned had structural issues, and for authorizing HRK Holdings to discharge the polluted water, the conservation groups charge that “Piney Point presents an imminent and substantial danger to human health, our drinking water, the regional economy and the environment.”

“Piney Point was and still is a ticking timebomb,” Justin Bloom, Suncoast Waterkeeper founder and board member, said in a press release. “Instead of appropriately closing this toxic waste site when they had the chance, the DEP allowed the site to become even more perilous, knowing full well the risk of collapse and catastrophic contamination.”

The plume of water continues to spread, according to scientists at the University of South Florida College of Marine Science in St. Petersburg, which developed a forecasting model of where the polluted water will be on any given day. On May 19, the forecast predicts it will be swirling around both ends of Anna Maria Island, into Palma Sola Bay and Terra Ceia Bay, into the Manatee River, around both sides of St. Petersburg Beach, into Tampa Bay and up the Little Manatee River.

## Red tide

The Florida Fish and Wildlife Conservation Commission reports that low concentrations of red tide were detected at the Rod & Reel Pier in Anna Maria and in Sarasota Bay at the Longboat Pass boat ramp in Bradenton Beach last week.

Red tide produces a neurotoxin called brevetoxin that can cause respiratory irritation, coughing, and more serious illness for people with severe or chronic respiratory conditions such as asthma, emphysema or COPD, according to the Florida Department of Health. It can also cause fish kills and poison shellfish, making it unfit for human consumption.

If the plume of nutrient-rich water from the Piney Point discharge reaches the red tide, "... it's like adding gasoline to a fire," Sarasota Bay Estuary Program Executive Director Dave Tomasko said.

## Blue-green algae

DEP is monitoring area waters for blooms of blue-green algae. No cyanotoxins – the neurotoxins that are produced by blue-green algae – were detected in May 11 water samples. Results taken from samples on May 13 are pending.

However, widespread blooms of the blue-green algae *Lyngbya* have been reported in Anna Maria Island waters and at Robinson Preserve, the Intracoastal Waterway, Sarasota Bay and Tampa Bay, according to a report by Manatee County environmental scientists distributed to county commissioners by Acting County Administrator Scott Hopes earlier this month.

Contact with *Lyngbya* can result in itching, burning, pain, rash, blisters and cell death, resulting in loss of superficial layers of the skin, according to the report. Airborne toxins from the algae can cause eye and respiratory irritation. Excessive growth of *Lyngbya* can result in damage to seagrass beds and oyster bars, foul odors, oxygen depletion in the water and fish kills.

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