



# FLORIDA DEPARTMENT OF Environmental Protection

Marjorie Stoneman Douglas Building  
3900 Commonwealth Blvd.  
Tallahassee, FL 32399

**Ron DeSantis**  
Governor

**Jeanette Nuñez**  
Lt. Governor

**Noah Valenstein**  
Secretary

Via electronic mail

June 4, 2021

William Harley III, Managing Member (mharley@arsenalgrp.com)  
Jeff Barath, Site Manager (jbarath@hrkholdings.com)  
HRK Holdings, LLC  
13500 Scale Avenue  
Palmetto, Florida 34221

Re: Expiration of Emergency Related Orders  
Wastewater Facility ID / NPDES Permit No. FL0000124  
Administrative Agreement FL0000124-003-AA

Dear Mr. Barath and Mr. Harley:

As you are aware, the Department's Amended Emergency Final Order for HRK Holdings, L.L.C.'s (HRK) Eastport Facility, OGC File No. 21-0323, and Office of the Governor Executive Order number 21-82 covering HRK's Eastport Facility expired on June 2, 2021. Due to the state's timely emergency response actions, it appears the potential catastrophic failure of the gypstack system has been minimized at this time. However, the Department recognizes the temporary repair to the NGS-S compartment does not bring HRK's Eastport Facility into compliance with the financial, physical condition, maintenance, operation, or closure requirements in Chapters 62-672 and 62-673, Fla. Admin. Code.

The Department will continue performing its regulatory oversight of the facility. But, as the site owner and permittee, HRK is still under the legal requirements found in Chapter 403, Florida Statutes and Chapters 672 and 62-673, Fla. Admin. Code., to manage the site to ensure the integrity of the stack system, and protect the health, safety, and welfare of the public and the environment. With the onset of the rainy season, HRK shall ensure not only stack integrity, but also proper water management to prevent flooding, overtopping of lined areas, and uncontrolled discharges. Specifically, as required in Rule 62-672.780, Fla. Admin. Code., HRK must provide sufficient storage capacity in its process water management system, including the ability to safely manage water levels in the event of extreme rainfall events.

Please contact me immediately to arrange a meeting to discuss HRK's water management plan and regulatory obligations for the facility.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John J. Truitt', with a stylized flourish at the end.

John J. Truitt  
Deputy Secretary  
Regulatory Programs

Cc: John A. Coates, FDEP  
Benjamin M. Melnick, FDEP