

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT OF
THE STATE OF FLORIDA IN AND FOR MANATEE COUNTY
CIVIL DIVISION**

FORTRESS 2020 LANDCO, LLC, a Delaware limited liability company, as assignee of Regions Bank, as successor in interest by merger of AmSouth Bank,

Plaintiff,

vs.

Civil Action No. 2020-CA-004459-AX

HRK HOLDINGS, LLC, a Florida limited liability company, ARSENAL GROUP, LLC, a Delaware limited liability company, WILLIAM F. HARLEY III, FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION, ARDAMAN & ASSOCIATES, INC., a Florida corporation, INTERNATIONAL SALT COMPANY, LLC, a Delaware limited liability company, MC WEIGHING SYSTEMS, LLC, a Florida limited liability company, 9079-8042 QUEBEC, INC., a foreign corporation,

Defendants.

NOTICE OF FILING RECEIVER'S MONTHLY PROGRESS REPORT FOR JULY 2022

HERBERT R. DONICA, as Receiver of the estate of HRK HOLDINGS, LLC, gives notice of filing of the Monthly Progress Report for July 2022 and states as follows:

On March 25, 2022, the conceptual closure plan (the “**Conceptual Plan**”) of the Piney Point Gypsum Stack System was submitted by the Receiver to the Florida Department of Environmental Protection (the “**Department**”). The Department issued its Order Approving Conceptual Closure Plan (the “**Order**”) to the Receiver on March 30, 2022.

Condition No. 11 of the Order requires “Receiver shall submit monthly progress reports to the Department including the status of planned closure activities, and a monthly updated water balance projection, including corresponding water removal rates for closure, and projected future

closure schedule dates.”

The Receiver’s engineering company, Ardaman & Associates, Inc., has prepared the Monthly Progress Report for July 2022 (the “**Report**”) to satisfy Condition No. 11 of the Order. As this is the first monthly progress report concerning activities undertaken with respect to the Conceptual Plan, the Report includes background information up to July 31, 2022.

This filing includes the following documents:

Exhibit A - Monthly Progress Report for July 2022 prepared by Ardaman & Associates, Inc., and

Exhibit B - Receiver’s Supplement to Monthly Progress Report for July 2022.

Respectfully Submitted this 24th day of August 2022.

DONICA RECEIVERSHIP SERVICES, LLC.

238 East Davis Boulevard, Suite 209

Tampa, FL 33606

Telephone: (813) 878-9790

Facsimile: (813) 878-9746

e-mail: herb@donicalaw.com

By: /s/ Herbert R. Donica, Receiver

Herbert R. Donica

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 24, 2022, the undersigned has electronically filed the foregoing with the Clerk of the Court using the Florida Courts E-Portal which will provide a copy via email to counsel and parties of record.

/s/ Herbert R. Donica

Herbert R. Donica

EXHIBIT A

Monthly Progress Report for July 2022



Ardaman & Associates, Inc.

Geotechnical, Environmental and
Materials Consultants

August 22, 2022
File Number 21-13-0031D1

Donica Receivership Services, LLC
238 East Davis Island Blvd., Suite 209
Tampa, FL 33606

Attention: Mr. Herbert R. Donica

Subject: Monthly Progress Report for the Work Performed During the Month of July 2022,
Related to the Approved Conceptual Closure Plan of the Piney Point Gypsum Stack
System, Manatee County, Florida.

Dear Mr. Donica:

The conceptual closure plan (Conceptual Plan) of the Piney Point Gypsum Stack System was submitted by Mr. Donica of Donica Receivership Services, LLC (Receiver, DRS) to the Florida Department of Environmental Protection (Department) on March 25, 2022. The Department issued the Order Approving Conceptual Closure Plan (Order) to the Receiver on March 30, 2022.

Condition No. 11 of the Order requires *“Receiver shall submit monthly progress reports to the Department including the status of planned closure activities, and a monthly updated water balance projection, including corresponding water removal rates for closure, and projected future closure schedule dates.”*

Ardaman & Associates, Inc. (AAI), has prepared this monthly progress report to satisfy Condition No. 11 of the Order. As this is the first monthly progress report of the Conceptual Plan, this report includes background information up to July 31, 2022.

BACKGROUND INFORMATION

The closure schedule of the approved Conceptual Plan showed OGS-S pond as the first area to be closed under the Order. On June 8, 2022, the Department reviewed the Detailed Closure Design Report of the OGS-S pond and determined that *“it, in combination with the provisions of your Department approved Conceptual Closure Plan, satisfactorily addresses the closure requirements of Chapter 62-673, Florida Administrative Code (F.A.C.), for closure of the OGS-S. Closure of the OGS-S, as an initial phase in the overall terminal closure of the Piney Point phosphogypsum stack system, is hereby approved for implementation. A copy of the applicable Notice of Rights is attached hereto.”* The Department's approval letter is attached as Exhibit A. On June 17, 2022, the Receiver published the Notice of Rights in The Bradenton Herald . A copy of the Affidavit of Publication is attached as Exhibit B.

Following the detailed closure design phase of the OGS-S pond, The Receiver issued a bid invitation. In response to the bid invitation, the following contractors were registered to bid:

- Forgen, LLC
- Earth Tech Enterprises, Inc.
- Moretrench Industrial
- Phillips & Jordan, Inc.
- ENTACT, LLC
- MAS Environmental, LLC
- Comanco Environmental Corporation
- Charah, LLC
- A-C-T Environmental & Infrastructure, Inc.
- Arcadis NV
- WRB Resources, Inc.
- e3 Solutions
- Biotech Restorations Florida
- Chesapeake Containment Systems, Inc.
- Garner Environmental Services
- Action Environmental
- Enercon Services, Inc.
- Eathon Intelligence, LLC
- SurvTech Solutions, Inc.
- Plastic Fusion Fabricators, Inc.

A mandatory pre-bid meeting was held onsite on April 15, 2022. Following the pre-bid meeting, the following contractors submitted proposals to the Receiver:

- Charah, LLC
- Forgen, LLC
- Moretrench Industrial
- Phillips & Jordan, Inc.

On June 17, 2022, following the vetting process, the Receiver selected Forgen, LLC (Forgen) as the lowest responsible and responsive bidder for the closure of the OGS-S. A kickoff meeting with Forgen's team was held on Wednesday, July 27, 2022, at the Receiver's field office at 13500 Scale Avenue, Palmetto, FL. 34421.

The attendees for the project kickoff meeting included:

- Forgen: Patrick Carrier, Brad Lackey, Jeff Salas, John Dudash, Trent Lobb, Vikrant Khutey (Virtual), Ozgur Bozdemir (Virtual)
- Donica Receivership Services (DRS): Herb Donica, Jeff Barath
- Ardaman & Associates, Inc. (AAI): Phong Vo, Reinaldo Rolo, Khaldoun (Khal) Allaz, Mohamad Al-hawaree (Virtual), Sam Zamani (Virtual)
- Florida Department of Environmental Protection (FDEP): John Coates (Virtual), Vishwas Sathe (Virtual), Gordon D'Abreu (Virtual)

During this meeting the attendees discussed key team members of Forgen, DRS and AAI; mobilization status; environmental and safety program; incident reporting protocols; status of deliverables of materials to be provided by the Receiver; schedule; construction quality assurance (CQA) program; logistics; and miscellaneous topics related to the project.

The following captures activities relating to closure of the OGS-S pond during the month of July 2022, as required by Condition No. 11 of the Order:

STATUS OF PLANNED CLOSURE ACTIVITIES

During the month of July 2022, the following activities were performed by Forgen:

- Finalized construction schedule;
- Negotiated a contract with Mr. Donica;
- Mobilized key personnel to the site;
- Mobilized equipment to the site;
- Attended the project kickoff meeting; and
- Submitted a site-specific safety program to the Receiver for review and approval.

During the month of July 2022, DRS committed purchase orders to buy and accept the materials for the project as following:

- **Sand Tailings:** The Receiver has committed to purchase and stockpile over 108,000 cubic yards of sand tailings for the project. Due to time constraints and availability of the sand tailings sources, the Receiver explored several options to timely procure sand tailings to meet the construction schedule. A sand borrow pit from Ft. Meade, Florida was identified as a temporary source to get a head start on hauling sand tailings to the site. As of the end of July 2022, approximately 20,000 yards of sand tailings have been delivered to the site. A primary sand source was identified at Mosaic's Ft. Green Mine (Ft. Green Site). In order to open the Ft. Green Site, several logistical issues must be resolved, including wildlife survey, wildlife relocation, access road construction, and clearing. Wildlife survey and relocation were completed at the end of July 2022.
- **Soil/Overburden:** The Receiver has committed to purchase and stockpile over 129,000 cubic yards of soil/overburden fill for the project. One source (Razorback) was identified to give a head start on acquiring the soil fill. The Receiver committed a contract with the owner of the Razorback pit to purchase 23,000 cubic yards of soil. Nearly 12,600 cubic yards of soil fill were delivered to the site at the end of July 2022. The Receiver is exploring an alternative source closer to the site, which will replace the soil from the Razorback pit.
- **High-Strength Woven Geotextile:** The Receiver has committed a purchase order with TenCate Geosynthetics. Production and testing of the material is expected to be completed by the end of August 2024.
- **60-mil Textured HDPE Liner:** The Receiver has committed a purchase order with Solmax. Production date is targeted for August 9th – 16th of 2022.
- **Biplanar Double-Sided Composite:** The Receiver has committed a purchase order with Solmax. Material is in production to be completed in the first week of August 2022.
- **Geotextile (non-woven, 12-oz/yd2):** The Receiver has committed a purchase order with Solmax. Production has been completed.
- **HDPE Pipes (6-inch solid and slotted, 18-inch, 24-inch, and 36-inch):** The Receiver has committed a purchase order with HDPE, Inc. All pipes have been delivered to the site.

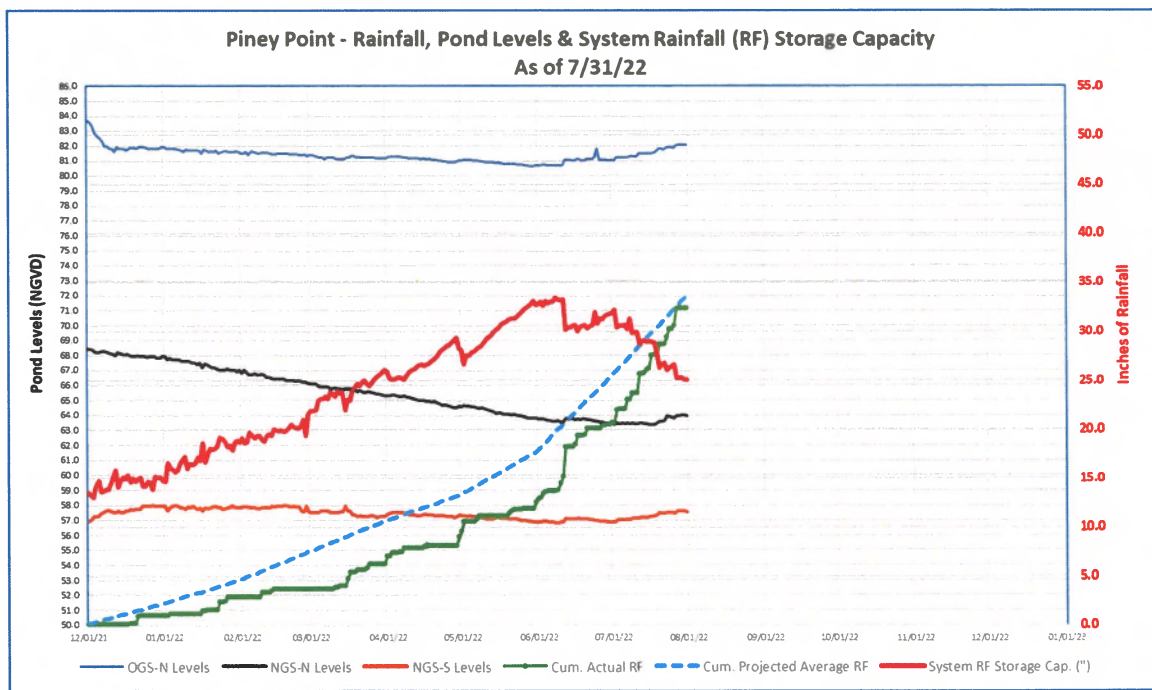
Looking ahead to the month of August 2022, the following activities will be performed:

- By Forgen:
 - Complete mobilization
 - Establish site safety measures (signage and traffic controls)
 - Implement erosion control activities
 - Perform survey control points
 - Clearing and grubbing phase
 - Grading of coarse sediment area
 - Dewatering
 - Widen west berm road in preparation for deployment of high-strength fabric
- By the Receiver:
 - Receive sand tailings and soil/overburden fills
 - Install truck scanner
 - Receive other materials
 - Perform CQA Program and testing by Receiver’s engineer (AAI)

WATER BALANCE AND MANAGEMENT

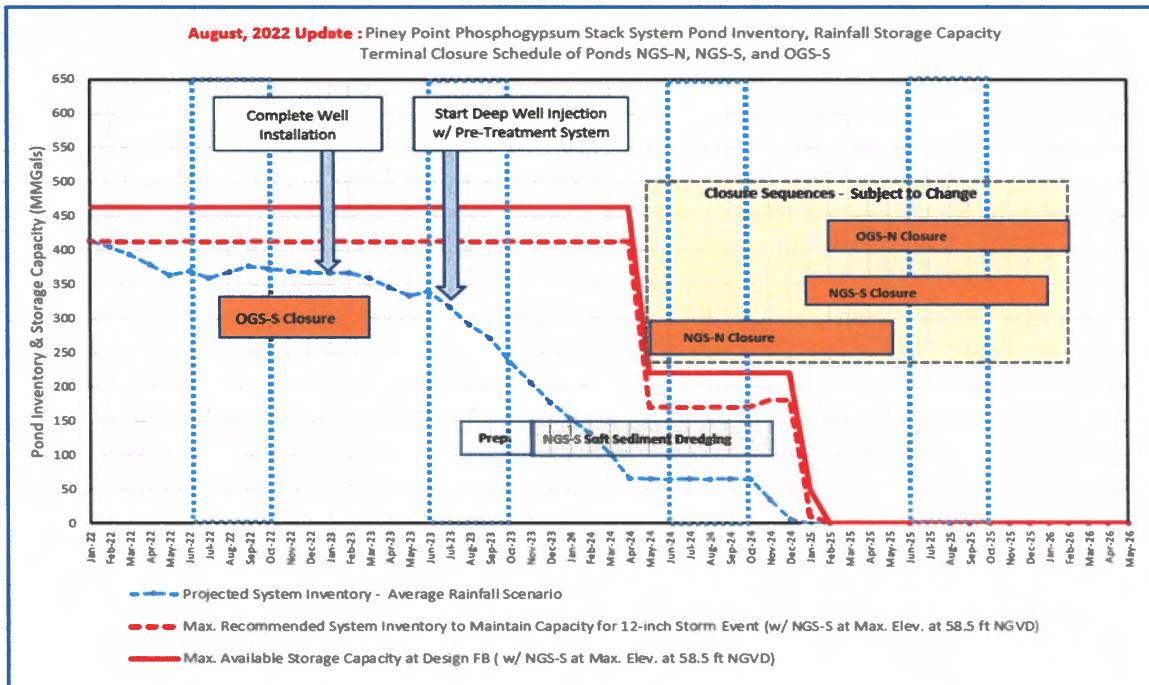
Rainfall and Pond Levels:

- As of July 31, 2022, the facility has received 32.3 inches of rainfall, which is slightly below the average rainfall of 33.6 inches.
- The chart below shows year to date pond level readings, rainfall, and available system rainfall storage capacity.



Water Balance Projection & Projected Future Closure Dates:

- See below for the updated Figure 10 - Water Balance Projection and Anticipated Closure Timeline of the approved Conceptual Plan.
- Please note that seepage rate has been adjusted to 130 GPM due to recent actual data for Structure #1.
- Future closure dates reflect the new startup date of the pre-treatment system (July 2023) of the Deep Well Injection Project.



We believe the above information meets the requirements of Condition No. 11 of the Order. Please contact us if you have any questions or need any additional information.

Very truly yours,

Khaldoun Allaz
 Khaldoun Allaz
 Construction Manager

Phong Vp
 Phong Vp
 Senior Consultant

Cc: Mohamad Al-hawaree, P.E.(AAI)
 Jeff Barath (DRS)

Attachments

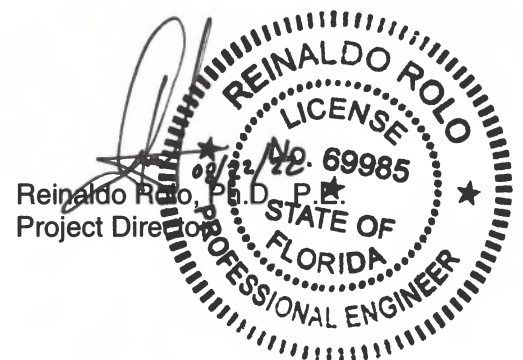


EXHIBIT A



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

June 8, 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: Detailed Closure Design Report
Old Gypsum Stack - South (OGS-S)
Piney Point Phosphogypsum Stack System
OGC FILE NO. 22-0468

Dear Mr. Donica:

The Department received the detailed closure design analysis, construction drawings, and technical specifications for the terminal closure of the Old Gypsum Stack - South (OGS-S) Compartment, that were submitted on April 15, 2022. The detailed design plan documents, collectively identified as the Detailed Closure Design Report, were prepared by your contracted engineer of record, Ardaman & Associates, Inc. (Ardaman), in accordance with the provisions of paragraph 7 of the Order Approving Conceptual Closure Plan (Order), OGC File No. 22-0468, executed on March 30, 2022.

A review of the Detailed Closure Design Report indicates that it, in combination with the provisions of your Department approved Conceptual Closure Plan, satisfactorily addresses the closure requirements of Chapter 62-673, Florida Administrative Code (F.A.C.), for closure of the OGS-S. Closure of the OGS-S, as an initial phase in the overall terminal closure of the Piney Point phosphogypsum stack system, is hereby approved for implementation. A copy of the applicable Notice of Rights is attached hereto.

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: Notice of Rights

COPY SENT BY EMAIL TO:

Jeff Barath, Donica Receivership Services, LLC
Mohamad Al-hawaree, Ardaman & Associates, Inc.
Phong Vo, Ardaman & Associates, Inc.
John A. Coates, FDEP

NOTICE OF RIGHTS

1. A person whose substantial interests are affected by the Department's proposed agency action may petition for an administrative proceeding ("hearing") under Sections 120.569 and 120.57, Fla. Stat. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

2. A petition must be filed within 21 days of receipt of this notice of proposed agency action. The failure of any person to file a petition within the appropriate time period shall constitute a waiver of that person's right to request a 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.

3. A petition that disputes the material facts on which the Department's action is based 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, and telephone number of the petitioner; the name, 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 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 the petitioner contends warrant reversal or modification of the agency's proposed action;
- f) A statement of the specific rules or statutes 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 petitioner wishes the agency to take with respect to the agency's proposed action.

A petition is filed when it is received by the Department's Office of General Counsel, 3900 Commonwealth Boulevard, MS-35, Tallahassee, Florida 32399-3000.

4. A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Fla. Admin. Code.

5. Mediation is not available in this case under the provisions of Section 120.573, Fla. Stat., however, this does not prevent any interested parties from agreeing to other forms of alternate dispute resolution.

EXHIBIT B



Beaufort Gazette
 Belleville News-Democrat
 Bellingham Herald
 Bradenton Herald
 Centre Daily Times
 Charlotte Observer
 Columbus Ledger-Enquirer
 Fresno Bee

The Herald - Rock Hill
 Herald Sun - Durham
 Idaho Statesman
 Island Packet
 Kansas City Star
 Lexington Herald-Leader
 Merced Sun-Star
 Miami Herald

el Nuevo Herald - Miami
 Modesto Bee
 Raleigh News & Observer
 The Olympian
 Sacramento Bee
 Fort Worth Star-Telegram
 The State - Columbia
 Sun Herald - Biloxi

Sun News - Myrtle Beach
 The News Tribune Tacoma
 The Telegraph - Macon
 San Luis Obispo Tribune
 Tri-City Herald
 Wichita Eagle

AFFIDAVIT OF PUBLICATION

Account #	Order Number	Identification	Order PO	Amount	Cols	Depth
99742	278281	Print Legal Ad - IPL007728		\$263.25	3	74 L

Attention: Herbert Donica

Donica Law Firm, P.A.
 238 East Davis Boulevard
 Tampa, FL 33606

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION NOTICE OF DETAILED CLOSURE DESIGN REPORT APPROVAL

The Department of Environmental Protection ("Department") gives notice of agency action of approving a detailed closure design analysis, construction drawings, and technical specifications for the terminal closure of the Old Gypsum Stack - South (OGS-S) Compartment, as submitted by Donica Receivership Services, LLC (Receiver) in accordance with the provisions of paragraph 7 of the Order Approving Conceptual Closure Plan (Order), OGC File No. 22-0468, executed on March 30, 2022. The Order addresses the duties and responsibilities of the Receiver, to secure the environmental safety of the Piney Point Facility by satisfactorily completing closure of the phosphogypsum stack system in accordance with the order appointing the Receiver by the Manatee County Circuit Court in Civil Action No. 2020-CA-004459-AX. The Facility is located at 13300 US Highway 41 North, Palmetto FL 34221. The approval is electronically available for public review and downloading from the Department of Environmental Protection electronic database at <https://depedm.dep.state.fl.us/Oculus/serve/login>. (Public Users may use the Public Oculus Login and search under Catalog: Mining & Minerals Regulation; Profile: Discovery_Comppliance, and Facility-Site ID MMR_FL0000124.)

**NOTICE OF RIGHTS
 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 Rules 28-106.201 and 28-106.301, F.A.C., 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 e-mail address, any facsimile number, and telephone number of the petitioner, if the petitioner is not represented by an attorney or a qualified representative; the name, 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 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 Agency Clerk) in the Department's Office of the General Counsel at 3900 Commonwealth Boulevard, MS# 35, Tallahassee, Florida 32399-3000 or via electronic correspondence at Agency_Clerk@floridadep.gov. Also, a copy of the petition must be mailed to the Receiver at the time of filing at:

Herbert R. Donica, Esquire
 Donica Law Firm, PA
 238 East Davis Blvd., Suite 209
 Tampa, Florida 33606

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by must be filed within 21 days of receipt of this written notice or publication of the notice, whichever occurs first. The failure to file a petition within the appropriate time period shall constitute a waiver of the right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., 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, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., 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, 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.

Mediation

Mediation is not available in this proceeding.

Judicial Review

Parties to final orders resulting from administrative proceedings have the right to seek judicial review pursuant to Section 120.68, F.S., by filing 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 (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) 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 final order is filed with the Clerk of the Department.

IPL007728
 Jun 17 2022

**THE STATE OF TEXAS
 COUNTY OF DALLAS**

Before the undersigned authority personally appeared Ryan Dixon, who, on oath, says that she is a Legal Advertising Representative of The Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of Public Notice, was published in said newspaper in the issue(s) of:

No. of Insertions: 1
 Beginning Issue of: 06/17/2022
 Ending Issue of: 06/17/2022

**THE STATE OF FLORIDA
 COUNTY OF MANATEE**

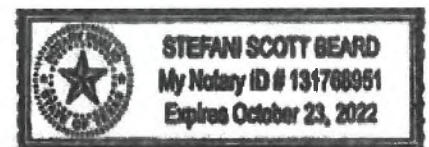
Affidavit further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Ryan Dixon

Sworn to and subscribed before me this 17th day of June in the year of 2022

Stefani Beard

Notary Public in and for the state of Texas, residing in Dallas County



Extra charge for lost or duplicate affidavits.
 Legal document please do not destroy!

EXHIBIT B

Supplement to Monthly Progress Report for July 2022

SUPPLEMENT TO MONTHLY PROGRESS REPORT FOR JULY 2022

Overview of Significant Activities for July 2022

During the month of July 2022, the Receiver made progress on several fronts toward the eventual closure of the Piney Point facility in addition to the management and resolution of on-going issues related to the continued operation of the facility pending its eventual closure.

Significant Activities

- Hired and onboarded three new employees
- Continued to negotiate Service Agreement with Manatee County for funding and operating a deep injection well
- Sourced sufficient quantities of sand and soil from multiple vendors for closure of Old South Gyp Stack
- Negotiated multiple agreements for sand and soil supplies and for required transport
- Prepared and filed second quarter status report
- Corresponded with Director of Sarasota Bay Estuary regarding analysis of water quality in Old Gyp Stack-South
- Responded to numerous media inquiries concerning proposed release of stormwater
- Completed registration in the federal government's System for Award Management (SAM.gov)
- Reviewed and formatted accounting reports, assembled package for DEP in connection with interim funding request
- Negotiated a new supply relationship for fuel procurement and delivery
- Organized a team to review and update an application for a renewed NPDES permit
- Commissioned a wildlife survey to locate Gopher Tortoises at Mosaic's Fort Greene sandpit site
- Arranged to use Mosaic's FFW permit to relocate one gopher tortoise from an area of Mosaic Company's Fort Greene site that is being used to supply sand tailings
- Followed up with a contractor to install silt fence to prohibit migration of gopher tortoises to Mosaic Company's Fort Greene site scheduled for excavation activity
- Negotiated a lease/purchase of laser driven load scanner to measure volumes of dirt and sand in transport

- Approved preliminary construction scheduling
- Worked with project manager and site manager to coordinate sand and soil deliveries, orientation meeting with a contractor and on-site employees, silt fence installation and installation of load scanner
- Prepared Budget and Materials Summary worksheets and related narrative for six-month projection of use of funds

Additional Activities

During July 2022, the Receiver and his professionals engaged in the following additional activities:

- Made site visits and attended video conference meetings with Site Manager and on-site personnel
- Conducted meetings with Site Manager and engineers regarding procurement issues and site repairs
- Performed extensive administrative tasks relative to day-to-day operations
- Participated in weekly meetings with engineers and service providers
- Continued to run the day-to-day operations of the property including management of eight employees, several service providers, and contractors
- Performed all necessary accounting tasks including bank account reconciliations, payroll management, payables management, tracked and recorded payment of expenses and arranged for auto payment of utilities and cell service
- Prepared monthly operating budgets and filed Notices of Filing budgets with the Court (**Doc. No. 160**)
- Prepared monthly financial reports
- Prepared budget requests for distributions from the Long-Term Care Escrow Fund managed by the FDEP for the monthly operating budgets
- Prepared and submitted funding requests and construction budgets for draws from funds earmarked for closure of the Stack System; responded to requests by FDEP for changes to funding requests and for the production of additional information and documentation
- Prepared outlines of procurement requirements and bidding procedures as related to proposed repair/construction activities
- Conferred with special counsel regarding contract issues
- Reviewed Analytical Test Reports

Subsequent Events

Receiver

- Installed a laser driven load scanner to measure volumes of dirt and sand in transport
- Completed contract negotiations with Forgen, LLC; executed contract
- Arranged for the release of stormwater held in OGS-S to facilitate commencement of construction by Forgen, LLC (“**Forgen**”)
- Prepared and submitted budget and cost projections to the DEP in support of funding request
- Reviewed water treatment programs
- Maintained contact with materials supplier regarding production schedules, testing and transport needs
- Prepared and filed an Emergency Motion to Modify Order of Appointment
- Reviewed Disposal Rate study by County’s rate consultant, drafted notes regarding use of assumptions

The Receiver’s Contractor, Forgen, LLC, has Mobilized and Commenced Site Activities

The Receiver attended weekly project meeting with site personnel, Ardaman & Associates, Inc. personnel, and Forgen personnel to ensure compliance with all safety protocols. The meetings provided information necessary to coordinate efforts and to maintain the agreed upon schedule. The Receiver expedited deliveries of sand and materials to enable compliance with the timing of scheduled activities. As of this date, the project is on schedule. Some of the more significant activities that have been completed or are in progress are:

- A. Site Mobilization – complete – See Picture #1, below
- B. Execution of contracts between Forgen and its subcontractors
- C. Erosion Control Installation – in progress
- D. Removal of Vegetation and Debris within OGS-S – substantially complete.
- E. Grade and Compact Coarse Marine Sediments – in progress – See Picture #2, below
- F. Widen West Berm Road – complete.

Picture #1 - Forgen - Site Mobilization



Forgen's modular office, employee parking lot, and laydown yard for supply and pipe storage.

Picture #2 - Forgen - Grade and Compact Coarse Marine Sediments



Crews and machinery contouring the inside of OGS-S to conform to the Stormwater Management Plan.