



# 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](mailto: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.