

RECEIVER'S PINEY POINT UPDATE

**Herbert R. Donica, Receiver
Donica Receivership Services, LLC
238 East Davis Blvd., Suite 209
Tampa, FL 33606
Tel: 813-878-9790
Fax: 813-878-9746
herb@donicalaw.com**

Receiver's Update of the Piney Point Facility and Closure Plans.

Since his appointment on August 25, 2021, the Receiver has 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 management of the facility pending its eventual closure. In addition to continued routine operations to move toward closure of the Facility as expeditiously as possible, the Receiver, his professionals and on-site personnel engaged in the following activities:

- 1) Submitted a Conceptual Closure Plan to close Old Gyp Stack-South ("OGS-S") to the DEP on March 25, 2022, which was approved on March 30, 2022.
- 2) Published an Invitation to Bid to close the OGS-S on April 1 and 7, 2022 in 19 counties.
- 3) Reviewed bids and selected a contractor to close OGS-S.
- 4) Negotiated a contract with the winning bidder, Forgen, LLC.
- 5) Negotiated a Service Agreement with Manatee County to build a pretreatment water plant and deep injection well.
- 6) Submitted a Detailed Closure Design Report to the DEP on April 15, 2022, which was approved on June 8, 2022.
- 7) Prepared and submitted budgets and cost projections to the DEP in support of funding requests for implementation of the closure plan and for continuing maintenance pending closure.
- 8) Issued five purchase orders in the approximate amount of \$1,300,000 for materials to be used in the closure of OGS-S.
- 9) Sourced and negotiated agreements with multiple vendors for sufficient quantities of sand and soil required to facilitate closure of OGS-S.
- 10) Arranged for the release of stormwater held in OGS-S to facilitate commencement of construction by Forgen.
- 11) Took steps to protect a large colony of Least Terns, an endangered species occupying an area between the Old Gyp Stack-North and the New Gyp Stack-South. Directed site personnel to cordon off the colony's nesting area and to work with the Florida Fish and Wildlife

Conservation Commission to protect the colony until it continues its migration to Cuba later in the year.

- 12) Initiated a review of the site's National Pollutant Discharge Elimination System Permit for the purpose of updating a pending application to renew the permit and engaged Environmental Consulting & Technology, Inc. to assist with respect to the technical aspects of updating the permit renewal application. [Projected submission date is mid-late September 2022.]

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

The Receiver attends weekly project meeting with site personnel, Ardaman & Associates, Inc. personnel, and Forgen personnel to ensure compliance with all safety protocols. As of this date, the project is on schedule. Some of the more significant activities that Forgen has completed or commenced 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.