

**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.

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**NOTICE OF FILING RECEIVER'S  
MONTHLY PROGRESS REPORT FOR FEBRUARY 2023**

HERBERT R. DONICA, as Receiver of the estate of HRK HOLDINGS, LLC, gives notice of filing of the Monthly Progress Report for February 2023 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 February 2023 (the “**Report**”) to satisfy Condition No. 11 of the Order.

This filing includes the following documents:

**Exhibit A** - Monthly Progress Report for February 2023 prepared by Ardaman & Associates, Inc., and

**Exhibit B** - Receiver’s Supplement to Monthly Progress Report for February 2023.

Respectfully Submitted this 23<sup>rd</sup> day of March 2023.

**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](mailto:herb@donicalaw.com)

By: /s/ Herbert R. Donica, Receiver  
Herbert R. Donica

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on March 23, 2023, 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 February 2023**



Ardaman & Associates, Inc.

Geotechnical, Environmental and  
Materials Consultants

March 17, 2023  
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 February 2023,  
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.

The following captures activities relating to the closure of the OGS-S pond during the month of February 2023, as required by Condition No. 11 of the Order:

### **STATUS OF PLANNED CLOSURE ACTIVITIES**

During the month of February 2023, the following activities were performed by Forgen (see attached photos of the construction activities):

- Continued repairing damaged High Strength Fabric on areas containing soft dredged marine sediments.
- Performed earthmoving activities to achieve sand tailings thickness compliance with the plan over high-strength fabric in the area containing soft dredged marine sediments in compliance with the design.
- Conduct a survey of grades and thickness probing for placed sand tailings.
- Completed laying two 36-inch and one 24-inch pipe in the ditches west of the OGS-S impoundment.
- Made preparations for liner installation on the coarse dredge sediments area, including soil compaction, vent installation, and anchor trench construction.

- Made preparations for directional drilling of the stormwater and collection drain outlet pipes through the west dike.

Looking ahead to the month of March 2023, the following activities will be performed:

- By Forgen:
  - Continue maintaining the stockpiles of sand tailings and soil fill.
  - Complete repair of damaged seams of high-strength fabric repair.
  - Continue gas vents and liner installation over the coarse dredged marine sediments.
  - Continue placing sand tailings on top of the woven geotextile over the approximately 14-acre area containing soft dredged marine sediments.
  - Commence installation of a 6-inch collection drain system.
  - Complete directional drilling and installation of stormwater discharge and drainpipes.
- By the Receiver:
  - Continue performing CQA oversight and testing by the Receiver's engineer (AAI).

### **SAFETY**

- At the beginning of each workday, a safety meeting is held by Forgen. The daily safety meetings are attended by Forgen's and Ardaman's on-site personnel, where various safety topics are discussed in addition to site-specific safety considerations.

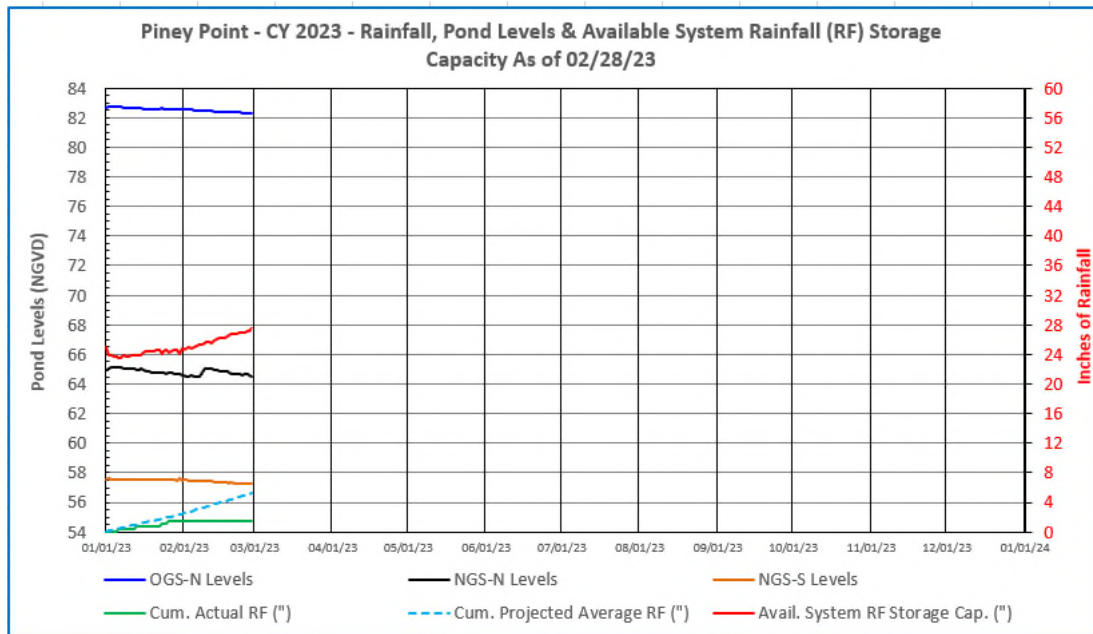
### **CONSTRUCTION QUALITY ASSURANCE (CQA)**

- AAI monitored the high-strength fabric seams repair and provided comments and observations to Forgen and the Receivership.
- AAI monitored and performed CQA testing during the placement of the soil fill on the coarse sediment area.
- AAI monitored sand placement and grading on the area containing soft dredged marine sediments.

## WATER BALANCE AND MANAGEMENT

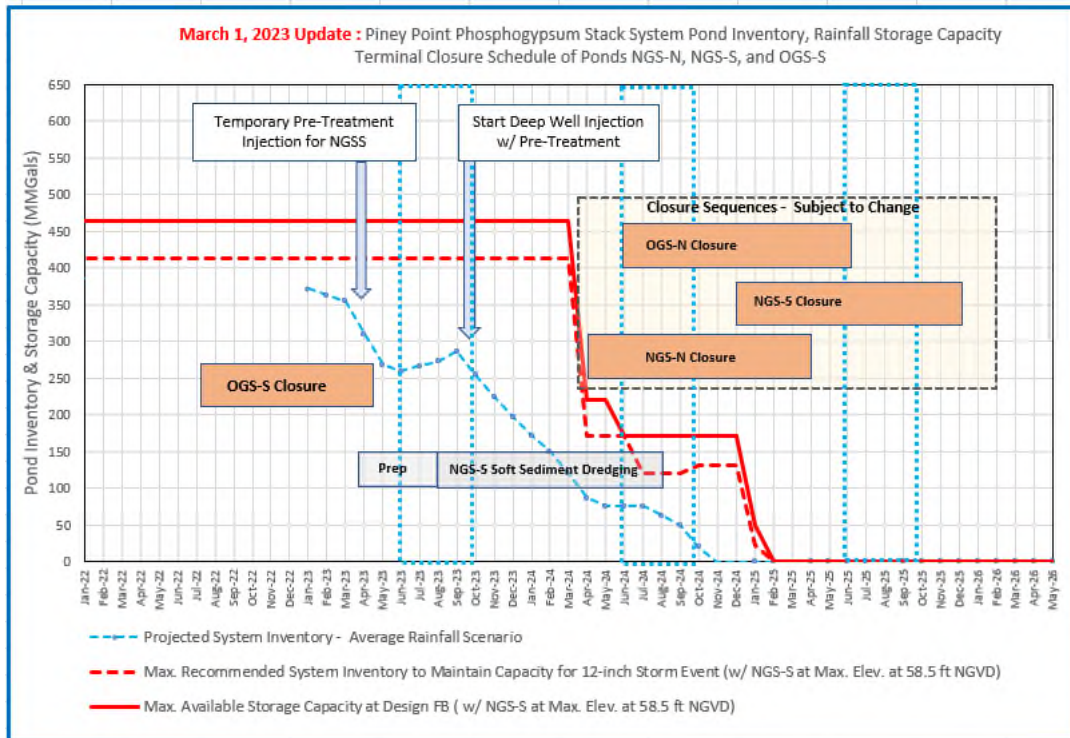
### Rainfall and Pond Levels:

- As of February 28, 2023, the facility has received 1.49 inches of rainfall for 2023, which is 3.8 inches below the average rainfall of 5.3 inches for the same period.
- The chart below shows year-to-date pond level readings, rainfall, and available system storage capacity.

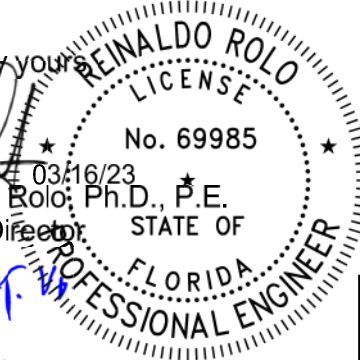



### Water Balance Projection & Projected Future Closure Dates:

- See an updated version of “Figure 10 – Water Balance Projection and Anticipated Closure Timeline of the Approved Conceptual Plan” below.
- The projected system inventory reflects measured pond level readings as of February 28, 2023.
- Please note that the seepage rate has been adjusted to 130 GPM due to recent actual data for Structure #1.
- Future closure dates reflect the new expected startup date (April 1, 2023) of the temporary pre-treatment system 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,  
  
 Reinaldo Rolo, Ph.D., P.E.  
 Project Director  
  
 Phong Vo  
 Senior Consultant

Digitally signed  
 by Reinaldo Rolo:  
 Date: 2023.03.16  
 21:40:23-04'00'

  
 Ran Tamir  
 Construction Manager

This item has been digital signed and sealed by Reinaldo Rolo, Ph. D. on the date adjacent to the seal.  
 Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

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

# CONSTRUCTION PHOTOS

## February 2023





Picture #1 – Installation of gas vent.



Picture #2 – Subgrade preparation for liner installation.



Picture #3 – Subgrade preparation for liner installation.



Picture #4 – Progress of sand tailings placement.

**EXHIBIT B**

**Monthly Progress Report for February 2023**

## **SUPPLEMENT TO MONTHLY PROGRESS REPORT FOR FEBRUARY 2023**

### **Overview of Significant Activities for February 2023**

During the month of February 2023, 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**

- Reviewed January Progress Report provided by engineers, reviewed, and revised Receiver's Supplement and filed with the Court.
- Reviewed and approved contractor's change orders.
- Reviewed contractor's proposal to repair wash out area and execute quote repair.
- Reviewed repair of Geotextile fabric material.
- Reviewed contractor's progress payment worksheet.
- Participated in conference calls and on-site meetings with site manager, FDEP, and Phillip Locke and Laurel Smith with McKim & Creed re review of potential early start to disposal of wastewater.
- Attended meetings regarding long term planning for post closure.
- Prepared monthly financial reports.
- Prepared funding request for LTC fund.
- Attended Weekly Project Meeting with engineers, contractor, and site manager.
- Multiple telephone conferences with FDEP, Ardaman and site manager to discuss scheduling issues.
- Performed all necessary accounting tasks including bank account reconciliations, payroll management, payables management, and tracked and recorded payment of expenses.
- Attended weekly project meetings with contractors and engineers.
- Prepared monthly financial reports.