



J.R. Simplot Company
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October 26, 2020

SENT VIA EMAIL TO: Eescdcopy.enrd@usdoj.gov

David Roskam
U.S. Dept. of Justice
Ben Franklin Station
PO Box 7611
Washington, DC 20044-7611

RE: Consent Decree Quarterly 2020 Periodic Report No. 1

Pursuant to the Consent Decree (U.S. v. J.R. Simplot Company), paragraph 42, attached is the Third Quarter 2020, Periodic Report No. 1. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan L. Prouty", with a large, stylized flourish at the end.

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

Cc: EES Case Management Unit, Environment and Natural Resources Division by mail
Director, Enforcement and Compliance Assurance Division, US EPA Region 8 by mail
Tom Perry, J.R. Simplot Company
EPA via email at cinwd_acctsreceivable@epa.gov
EPA Cincinnati Finance Office by mail



**Consent Decree Quarterly (Periodic) Report
July-September 2020
Periodic Report No. 001**

Rock Springs, WY

October 26, 2020

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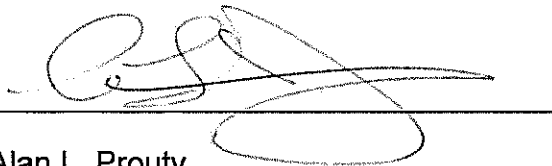
Certification Statement

RE: July 9, 2020 through September 30, 2020

Quarterly (Periodic) Progress Report No. 001

Rock Springs, Wyoming

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties of submitting false information, including the possibility of fine and imprisonment for knowing violations.

A handwritten signature in black ink, appearing to read "Alan L. Prouty", written over a horizontal line.

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

Oct 26 2020

Date

Introduction

J.R. Simplot Company (Simplot) has prepared this quarterly progress report for the Rock Springs Facility consistent with Section VII, Paragraph 42 on page 34 of the Consent Decree (CD), *U.S. v. J.R. Simplot Company, et al.*, 20-cv-00125-NDF (D. Wyo.). This quarterly progress report presents actions taken to comply with the CD between the initial lodging date of July 9, 2020 to September 30, 2020. This is report number 001.

i. Status of Construction or Compliance Measures

No construction was conducted during this time period.

The proposed CD was posted at the Rock Springs facility in June of 2020 and efforts to inform appropriate employees were taken. A copy of the proposed CD was provided to key facility managers and senior officials of the J.R. Simplot Company as required in Paragraph 7. A copy of the final Consent Decree was also posted on the internal and external company website.

Financial assurance measures were completed on October 5 (see below).

Document hold procedures have been established.

Preliminary engineering for recovery system associated projects is well under way.

BMP Training content development is under way.

This is the first required quarterly report.

ii. Completion of Milestones

Financial Assurance measures have been completed (see below).

iii. Problems Encountered or Anticipated, Together with Implemented or Proposed Solutions

No problems encountered during reporting time frame or anticipated at this time.

iv. Status of Permit Applications

No permit applications applicable for this time period.

v. Status of Plans for Closure and Long-Term Care; and Status of Permit Application, as Applicable, for Closure or Long-Term Care

No plans for closure or long-term care.

vi. Operation and Maintenance Difficulties or Concerns

None to report for this time period.

vii. Status of Financial Assurance

Financial assurance in place per requirements in the CD and Appendix 2.

viii. Reports to State Agencies Concerning Matters Enumerated

No applicable state agency reports for this time period. Second half 2020 semi-annual groundwater monitoring report to be submitted in December 2020 and will be included in this report for fourth quarter 2020.

Letter to WDEQ-Water Quality Division requesting formal agreement of groundwater monitoring report structure to be submitted in October 2020.

ix. Description of any Violation of the Requirements of this Consent Decree Reported under Paragraph 41 and an Explanation of the Likely Cause of Such Violation and the Remedial Steps Taken, or to be Taken, to Prevent or Minimize such Violation

No violations for this time period.

x. Identification of any Confirmed “Critical Condition” as Defined and Reported to EPA Pursuant to Appendix 1.D (Critical Conditions and Temporary Measures)

No critical conditions at the gypsum stack to report. Annual gypsum stack inspection by 3rd party engineer is scheduled for October 7, 2020.