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July 20, 2021

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

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

**RE: J.R. Simplot Rock Springs Consent Decree Quarterly (Periodic)
Report**

Dear Mr. Rosskam:

Pursuant to the Consent Decree (U.S. v. J.R. Simplot Company), paragraph 42, attached is the 2nd Quarter 2021, Periodic Report No. 4 for April through June 2021. Please contact me at (208) 780-7365 if there are any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Prouty", with a long horizontal flourish extending to the right.

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

Cc: EES Case Management Unit, Environment and Natural Resources
Division by mail
Kristin McNeill, RCRA Enforcement Branch, Enforcement and Compliance
Assurance Division, US EPA Region 8 by mail
Tom Perry, J.R. Simplot Company



**Consent Decree Quarterly (Periodic) Report
April-June 2021
Periodic Report No. 004**

Rock Springs, WY

July 20, 2021

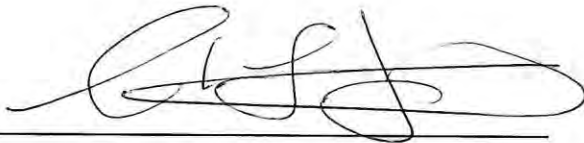
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Certification Statement**RE: April 1, 2021 through June 30, 2021****Quarterly (Periodic) Progress Report No. 004****Rock Springs, Wyoming**

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

07/20/2021

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 dates of April 1, 2021 to June 30, 2021. This is report number 004.

i. Status of Construction or Compliance Measures

No construction was conducted during this time period.

Preliminary engineering for recovery system continues through J.R. Simplot's stage-gated capital design and construction planning process. This process has encountered no major delays and remains on projected schedule for full implementation prior to CD compliance deadlines.

The updated and approved site Sump and Pad Management Program implementation has continued. The second quarterly sump inspections under this newly revised program were completed during June 2021.

This is the fourth required quarterly report.

ii. Completion of Milestones

The Granulation plant sumps and pads were evaluated and a determination was made on June 16, 2021 that improvements were not needed. The capture and recovery of spills, leaks, and cleaning solution within the Granulation plant is adequate to meet BMP requirements.

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

The problems identified during previous sump and pad inspections with #2 Filter Acid Sump (J-6302) were resolved during the May 2021 plant turnaround, where the entire sump liner was replaced. A subsequent quarterly sump and pad inspection confirmed that the new sump appears to be performing well with no further leakage of material from the primary sump to the secondary liner. Weekly inspections previously being conducted to monitor issues associated with the poor condition of the sump have been terminated as the primary problems with the sump have been determined to be resolved. The sump will continue to be inspected periodically per the site Sump and Pad Management Program.

iv. Status of Permit Applications

No permit applications to note 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

The second semi-annual groundwater monitoring report was submitted to both the Wyoming Department of Environmental Quality and US Environmental Protection Agency the week of May, 21 2021. Other reports submitted to state agencies during this period were concerning the same incidents outlined in paragraph ix of this report.

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

As reported in the letter sent to the EPA on April 29th, 2021, approximately 1440 gallons of 44% phosphoric acid was released to a sump where it was subsequently discharged to the site's phosphogypsum stack on April 22nd, 2021.

To prevent future incidents of this type, supervisor retraining was undertaken to observe plant areas for possible leaks. Supervisors were also trained to put special emphasis on areas where operators are still in a training status and may not fully understand all operational aspects of the assigned area. Additionally, the plant has retrained all phosphoric acid personnel on spill and release reporting with a goal to achieve a culture of no leaks, this means all leaks should be documented and tracked to ensure action is being taken on any identified.

As reported in the letter sent to the EPA on May 3rd, 2021, approximately 3200 gallons of 54% phosphoric acid was sent to a sump where it was subsequently discharged to the site's phosphogypsum stack on April 28th, 2021.

To prevent future incidents of this type, all shift handoffs between phosphoric acid plant operators will include the printing of previous shift log sheets and signatures between outgoing and incoming operators for each area. Additionally, the wash procedure which was being performed during this release was modified to stipulate that an operator or supervisor must be present at the intended discharge point in the plant to ensure lines are not improperly routed, as occurred in this case. Finally, locks were added to the valves utilized in this wash procedure which will require an operator or supervisor to physically remove and change prior to commencing the procedure. This will help ensure that a physical check of valve positions always occurs prior to the performance of the wash in question.

As reported in the letter sent to the EPA on June 4th, 2021, approximately 5500 gallons of 44% phosphoric acid was released to a sump and subsequently discharged to the site's phosphogypsum stack on June 2, 2021.

To prevent future incidents of this type, first, valves involved in this incident are being evaluated for replacement with air actuated valves and flow indication where appropriate. This will help plant employees to identify ones which are leaking by more rapidly. Additionally, the operating procedure for the area in question was modified to require double check of all possible discharge points to ensure faulty valves which are leaking material by get identified more rapidly. Third, the system in question is being examined for capacity issues, the event occurred due to the necessity for a second pump to be brought online when only one should have been required, this is being investigated for an appropriate engineering or maintenance solution. Finally, the procedure in question is also being modified to evaluate whether an initial line flush where acid content will be high can be diverted by some means to other locations in the plant. In this case, that initial flush meant the sump conductivity meter indication was already high and masked the actual valve leak-by event from rapid detection.

As reported in the letter sent to the EPA on June 25th, 2021, approximately 3240 gallons of mixed 44/54% phosphoric acid was sent to a collection tank whereby it was transported to the site phosphogypsum stack on June 22nd and 23rd, 2021.

To prevent future incidents of this type, the valve which leaked by and allowed the small discharge of approximately 3 GPM has been identified via work order for repair or replacement. Second, this leak went to a collection tank that is not a part of the monitoring plan established in the Consent Decree. The tank does have conductivity monitoring, but it is not trended or monitored at a similar frequency to other sumps identified in the Consent Decree. To remedy this issue, the conductivity monitoring for this tank has been added to the trends and alarms which are continually monitored by plant board operators. This action should ensure conductivity changes similar to this incident will be more rapidly identified and corrected for material going to this collection tank.

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 during this quarter. Results received from the third-party inspection of the phosphogypsum stack that was conducted during 4th Quarter, 2020 by the Engineer of Record continue to be reviewed and will be submitted to the EPA later in 2021.