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January 18, 2022

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

David Roskam
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. Roskam:

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

Sincerely,

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

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

Enclosure

Cc: EES Case Management Unit, Environment and Natural Resources
Division by mail
Linda Jacobson, 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
October-December 2021
Periodic Report No. 006**

Rock Springs, WY

January 18, 2021

Table of Contents

Table of Contents

Certification Statement.....	3
Introduction.....	4
(i) Status of Construction or Compliance Measures	4
(ii) Completion of Milestones	4
(iii) Problems Encountered or Anticipated, Together with Implemented or Proposed Solutions	4
(iv) Status of Permit Applications	4
(v) Status of Plans for Closure and Long-Term Care; and Status of Permit Application, as Applicable, for Closure or Long-Term Care	5
(vi) Operation and Maintenance Difficulties or Concerns	5
(vii) Status of Financial Assurance	5
(viii) Reports to State Agencies Concerning Matters Enumerated	5
(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	5
(x) Identification of any Confirmed "Critical Condition" as Defined and Reported to EPA Pursuant to Appendix 1.D (Critical Conditions and Temporary Measures)	7

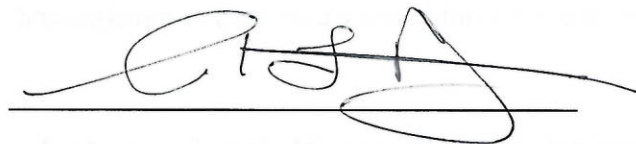
Certification Statement

RE: October 1, 2021 through December 31, 2021

Quarterly (Periodic) Progress Report No. 006

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 "A. Prouty", written over a horizontal line.

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

01/18/22

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 October 1, 2021 to December 31, 2021. This is the sixth (report number 006) required quarterly report.

i. Status of Construction or Compliance Measures

No construction was conducted during this time period.

The detailed engineering phase of the capital design and construction process was started in October 2021. This is the final phase of recovery system engineering. The project team is working to finalize all design criteria and projected to start construction of the first project, which is a new sulfuric acid tank to replace T-104 and T-115 Sulfuric Acid Tanks in the second half of 2022.

The updated and approved site Sump and Pad Management Program implementation has continued. The fourth quarterly sump inspections under this program were completed in November and December 2021.

ii. Completion of Milestones

The CFO certification and supporting documentation confirming Financial Assurance for Stack Closure and Long-Term Care reflecting the annual inflationary adjustment to the cost estimate were completed and submitted to EPA on October 5, 2021. The CFO certification confirming financial assurance for 3rd party liability was completed and submitted to EPA on October 13, 2021.

The first annual progress review meeting between EPA and J.R. Simplot personnel took place on October 27th, 2021.

The first annual update of the site's phosphogypsum stack contingency plan was completed and published on November 24, 2021.

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

Sump and pad inspections in 3rd quarter revealed that the secondary containment of J-6401, D/E Evaporator Sump, was found to contain low pH liquid. This finding was duplicated during the 4th quarter inspections conducted in November and December 2021. Sampling of this liquid indicates the primary containment is likely breached and allowing sump material to penetrate to the secondary containment. The inspections did not show any indications that the secondary containment is leaking or that any sump material is reaching surrounding soil. This sump

continues to be monitored with weekly inspections per the site's sump inspection program and has been scheduled for full liner replacement at the earliest opportunity. The current schedule for this replacement will be the next plant turnaround in the spring of 2022. However, efforts are being made to have the new sump liner fully manufactured and available onsite at an earlier date. The sump liner replacement will be evaluated for earlier installation as soon as the new liner has arrived and if plant operational conditions permit an earlier execution.

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. See section ii of this report for details on the submission of updated cost estimate and financial mechanism submissions.

vi. Operation and Maintenance Difficulties or Concerns

As reported in the letter sent to the EPA on December 12th, 2021, Simplot made a change to its current training and procedures regarding discharge of sodium hydroxide wash material to the site's phosphogypsum stack. Research conducted during the ongoing engineering process for acid value recovery system revealed that several discharges had been made at a pH of exactly 12.50 in October of 2021. This is in accordance with how Simplot has trained operators but does not strictly comply with the language of the Consent Decree, which specifies a pH less than 12.5. In an effort to ensure rigorous compliance with the Consent Decree language, Simplot changed its training and procedure to reflect that sodium hydroxide will not be discharged by operators if the pH is above 12.2. A pH at this level will now require consultation with plant management and/or environmental department personnel to determine proper handling of this wash material.

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 first semi-annual groundwater monitoring report for 2021 was submitted to both the Wyoming Department of Environmental Quality (DEQ) and US Environmental Protection Agency (EPA) on November 18, 2021. The first annual groundwater monitoring assessment report was completed and submitted to both the Wyoming DEQ and US EPA on December 22, 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 November 11th, 2021, approximately 5000 gallons of 28% phosphoric acid was released to a sump where it was subsequently discharged to the site's phosphogypsum stack on November 6th.

Investigation revealed that this event occurred because both discharge valves which control discharge from this tank were inadvertently closed at the same time. This allowed the tank to fill up and overflow. Multiple actions are being taken to ensure the cause of this event does not reoccur. First, the area in question lacks instrumentation that would have aided in ensuring valves and tanks were better monitored. Second, operating procedures are being modified to re-examine and possibly modify alarm indications as well as examine equalization options that would have aided in preventing this incident. Third, operators are being re-trained to verify and log discharge valve positions during each shift.

As reported in the letter sent to the EPA on December 29, 2021, approximately 1,000 gallons of 54% phosphoric acid was released to a sump where it was subsequently discharged to the site's phosphogypsum stack on December 26th, 2021.

Investigation revealed that this event occurred when a weld failed which attached a pipe spool to the body of the evaporator, creating a hole in the body of the evaporator, and releasing acid to the surrounding concrete pad. To prevent future incidents of this type, multiple actions are being taken to resolve the associated issues. First, the spool is being sent off to a testing lab to determine the exact failure mode so that any findings can be incorporated into future welding procedures for similar spools. Second, the spool in question is being evaluated for replacement with a heavier walled variety which should add structural integrity and help prevent a future similar failure. Third, a valve which was cantilevered at the opposite end of the spool, will be eliminated; this change will reduce stress on the weld which failed. Fourth, all other evaporators will be evaluated for the same changes and ensure that solutions performed for the evaporator are also performed on the other similar evaporators in the plant.

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 were identified during the previous quarter.

A final follow-up closure report of this critical phosphogypsum stack condition identified during July 2021 was sent to the EPA on November 18, 2021. Simplot now considers that condition fully corrected and that event as closed.

The 2021 annual phosphogypsum stack inspection by the Engineer-of-Record was conducted on October 13th, 2021. The report from this inspection will be submitted to the EPA later in 2022.