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October 13, 2021

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 3rd Quarter 2021, Periodic Report No. 5 for July through September 2021. Please contact me at (208) 780-7365 if there are any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan L. Prouty", written over a light blue rectangular background.

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
July-September 2021
Periodic Report No. 005**

Rock Springs, WY

October 13, 2021

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Certification Statement

RE: July 1, 2021 through September 30, 2021

Quarterly (Periodic) Progress Report No. 005

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 blue ink, appearing to read "Alan L. Prouty".

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

10/13/2021

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 July 1, 2021 to September 30, 2021. This is report number 005.

i. Status of Construction or Compliance Measures

No construction was conducted during this time period.

The preliminary engineering phase for recovery system of J.R. Simplot's stage-gated capital design and construction planning process was completed during this quarter. This process has encountered no major delays and remains on projected schedule for full implementation prior to CD compliance deadlines. The detailed engineering phase of the capital design and construction process is scheduled to begin in late October 2021.

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

This is the fifth required quarterly report.

ii. Completion of Milestones

An annual update to the Phosphogypsum Storage Area Manual and Operations and Maintenance Plan was submitted to EPA on July 1st, 2021. This update included the annual required updates to the Phosphogypsum Stack System Water Balance Analysis and the Interim Stack System Management Plan (ISSMP).

An annual update to the Stack Closure and Long-Term Care Cost Estimate was submitted to the EPA on August 2nd, 2021. Tentative approval of this estimate was received from the EPA on August 6th, 2021. The CFO certification and supporting documentation will be detailed in the next quarterly report.

The first annual progress review meeting between EPA and J.R. Simplot personnel is scheduled to take place on October 27th, 2021. A groundwater monitoring assessment report will be completed by the end of 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. 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 is now being 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 paragraph iii of this report for details on the submission of updated cost estimate and financial mechanism submissions.

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. See paragraph iii of this report for details of update financial assurance and CFO certification submissions.

viii. Reports to State Agencies Concerning Matters Enumerated

All 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 August 12th, 2021, approximately 700 gallons of 44% phosphoric acid was released to a sump where it was subsequently discharged to the site's phosphogypsum stack on August 7th, 2021.

This event showed a shortcoming in existing procedures as no standardized or trained process limits existed which guided how to respond if the storage tank in question or one of its counterpart tanks became full. To prevent future incidents of this type, established operating parameters that stipulate when to begin to cut upstream processes and production rates were implemented for this tank and similar storage tanks. These limits have been set to be early enough to ensure no tank overflow can take place.

As reported in the letter sent to the EPA on August 12th, 2021, approximately 15,000 gallons of 54% phosphoric acid was sent to a collection tank where it was subsequently discharged to the site's phosphogypsum stack on August 9th, 2021.

To prevent future incidents of this type, multiple actions were taken to resolve the associated issues. First, the conductivity meter on the collection tank (that pumped the acid to the phosphogypsum stack) was added to both an operations and maintenance preventative maintenance schedule to ensure it stays clean and fully functional. Second, phosphoric acid plant management is working to add display screens to the control board area to facilitate better monitoring of all changes to conductivity, not just alarms. Third, new monitoring software was added which emails key plant supervision anytime there are conductivity alarms in the plant to facilitate faster reaction by employees. Fourth, administrative action and remedial training were conducted to ensure all employees properly follow established operating procedures.

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

As reported in the letter sent to the EPA on July 15th, 2021, a critical condition was noted during routine phosphogypsum stack inspections on July 11th, 2021. This critical condition was a seep

of liquid that had appeared on the outside face of the stack, below one of the ponds and which was running down the slope and into the stack return ditch.

Several corrective actions were taken to correct the critical condition. First, a trench was dug to divert all sump discharge flows away from the problem area and allow the initial penetration point to be de-watered. This effort resulted in the liquid seeping from the stack ceasing within several hours of the diversion. Second, contractor resources were mobilized and helped determine the exact route of the liquid penetration. Third, all normal gyp stack flow operations were diverted to other ponds and decant cells on the stack. These remained diverted until additional corrective actions were taken. Fourth, in consultation with the Engineer of Record, the path of penetration was further uncovered, geotextile fabric was positioned along the trench, the trench was backfilled with a layer of gravel, and the trench was re-covered. Once this effort had been completed, gypsum slurry was diverted back to the penetration area. This geotextile and gravel barrier filtered the gypsum from the water in the slurry and allowed the penetration to begin to heal from the bottom up, eventually sealing up the problem. This was a solution recommended and approved by the Engineer of Record and had been used to heal similar problems with phosphogypsum stacks in the past.

Several additional actions are also planned to help prevent reoccurrences of this type of event in the future. First, the sump discharge lines are being examined for modification to better allow the discharge flows to be moved and prevent areas from staying wet for abnormally long periods of time. Second, divider dikes between decant cells are now being periodically moved to help prevent penetration points from developing below as likely occurred in this case.

A final follow-up closure report of this critical incident will be sent to the EPA during 4th Quarter 2021 with final details of all corrective measures taken from this incident once the implemented repair has been examined and certified by the Engineer of Record in October 2021.

The 2020 annual phosphogypsum stack inspection results by the Engineer-of-Record from October and December 2020 were submitted to EPA/DOJ on July 27, 2021.

The 2021 annual phosphogypsum stack inspection by the Engineer-of-Record is scheduled to be conducted on October 13th, 2021.