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January 29, 2024

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

David Roskam
U.S. Department of Justice
Ben Franklin Station
P.O. Box 7611
Washington, DC 20044-7611

Re: J.R. Simplot Rock Springs Consent Decree Semi-Annual Periodic Report No. 11

Dear Mr. Roskam:

Pursuant to the Consent Decree (U.S. v. J.R. Simplot Company), Section VII, paragraph 42, attached is the Semi-Annual Periodic Report No. 11 for the period July through December 2023.

Please let us know if you have any questions or if a conference call is needed. I can be reached at (208) 780-7365 or (208) 867-1645.

Sincerely,

A handwritten signature in blue ink, appearing to read "Alan L. Prouty".

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

CC: EES Case Management Unit Environmental & Natural Resources Division
by mail
Linda Jacobson, RCRA Enforcement Branch, Enforcement and
Compliance Assurance Division, US EPA Region 8 by mail
Thomas Perry, J.R. Simplot Company



**Consent Decree Semi-Annual (Periodic) Report
July - December 2023
Periodic Report No. 011**

Rock Springs, WY

January 29, 2024

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Certification Statement

RE: July 1, 2023 through December 31, 2023

Semi-Annual (Periodic) Progress Report No. 011

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

01/29/2024

Date

Introduction

J.R. Simplot Company (Simplot) has prepared this semi-annual 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 semi-annual progress report presents actions taken to comply with the CD between the dates of July 1, 2023 to December 31, 2023. This is report number 011.

i. Status of Construction or Compliance Measures

Piping installation from various sumps to the 44% clarifier was completed in August 2023. Erection of the Acid Value Recovery Tanks was completed in Quarter 4 of 2023. Piping for the recovery tanks is almost complete. Detailed design engineering is complete. The system will be commissioned in Quarter 1 of 2024.

Demolition of the T-115 sulfuric acid tank began January 2024 and will be completed February 2024. Civil work for the 54% Shipping Storage tank will begin in February 2024.

The fifth semi-annual groundwater monitoring report for the first half of 2023 was officially submitted to the EPA for review on December 6, 2023. Groundwater sampling for the second half of 2023 was conducted on October 3 and 4, 2023 and the results report will be submitted in the first half of 2024.

The site Sump and Pad Management Program implementation has continued. The eleventh and twelfth quarterly sump inspections under this program were completed in September and December 2023.

This is the eleventh required report and the third report on the semi-annual frequency.

ii. Completion of Milestones

The fifth official Bevill performance criteria review was conducted in September 2023 and the sixth in December 2023. Both reviews validated compliance with the performance criteria established during the review period in the second half of 2023. The reviews did find some minor areas for improvement and action items were developed to address all discovered issues. The official criteria write-up from both the September and December reviews have been finalized and filed.

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, 2023. The CFO certification confirming financial assurance for 3rd party liability was also completed and submitted to EPA on October 5, 2023.

The third annual progress review meeting between EPA, WY DEQ, and J.R. Simplot personnel took place in October 2023.

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

Weekly inspections of the MF-1623 Granulation Sump were conducted during the second half of 2023. Also, weekly inspections of the GS-2787 Repulp Sump were conducted. Additional repairs were completed on the primary liner of the GS-2787 Repulp Sump in August of 2023. This repair held for a few months but as of December 2023, liquid was again found in the secondary containment. Further repairs are needed and will be scheduled during the next plant outage currently scheduled for May 2024.

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

No major operations or maintenance difficulties or concerns were identified during the last half of the year.

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

Letters were sent on September 14, 2023, September 27, 2023, November 7, 2023, and November 21, 2023 to Ms. Jacobson detailing four reportable spills which occurred on September 7, 2023, September 18, 2023, October 28, 2023, and November 14, 2023, respectively. These letters were also forwarded to WDEQ for state reporting. Letters were also sent on October 9, 2023 and November 21, 2023 to Ms. Jacobson clarifying circumstances of two non-reportable spills which occurred on October 4, 2023, and November 14, 2023, respectively. These letters were also forwarded to WDEQ for follow up clarification.

Letters were sent to Ms. Jacobson on June 28, 2023, July 28, 2023, August 29, 2023, September 27, 2023 and October 26, 2023 for updates on and the closeout of the phosphogypsum stack critical condition (pond liner bubble) that was first identified on June 1, 2023.

Letters were sent to Ms. Jacobson on July 20, 2023 and August 29, 2023 for the notification and the closeout, respectively, regarding a phosphogypsum stack critical condition (stack face seepage) that was first identified on July 19, 2023.

A letter was sent on July 19, 2023 to Ms. Barkau with WDEQ documenting notification to WDEQ of groundwater protection standards exceedances for calcium at three wells. The first semi-annual groundwater monitoring report for 2023 also included the results of the selenium and nitrate investigation requested by WDEQ. The investigation determined selenium in groundwater is from a natural source and nitrate exceedances are likely from a historical release.

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

Four Consent Decree Paragraph 41 violations occurred during the second half of 2023. All four violations were reportable spills. The first reportable spill (~50 gallons of fluorosilicic acid [FSA] was sent to the phosphogypsum stack) occurred on September 7, 2023 when FSA leaked out of the FSA Polish Filter lid from improper lid installation. The remedial step taken to help prevent this violation in the future was to review the proper procedure for lid installation with all production crews and what potential issues to look for.

The second reportable spill (~50 gallons of fluorosilicic acid [FSA] was sent to the phosphogypsum stack) occurred on September 18, 2023. The cause of this release was that a FSA transfer pump discharge valve temporarily stuck shut from solids buildup from recent C-Evaporator issues. The remedial step taken to help prevent this release in the future was performing a full system evaluation from the FSA transfer pumps to the inlet piping of the FSA settling tanks with a focus on replacing any suspect parts.

The third reportable spill (~1860 gallons of 68% phosphoric acid [SPA] was sent to the phosphogypsum stack) occurred on October 28, 2023 when a drain valve was not closed sufficiently during C-Evaporator startup and the sump hose was directed to the phosphogypsum stack. The remedial steps taken to help prevent this situation in the future were to evaluate changing the location of the drain valve for easier access and to update the C-Evaporator startup procedure to require the sump hose to remain tank side while SPA receives feed acid.

The fourth reportable spill (~100 gallons of fluorosilicic acid [FSA] was sent to the phosphogypsum stack) occurred on November 14, 2023 when the #3 FSA settling tank level indicator failed due to misalignment. Remedial steps taken to help prevent this event from happening in the future were fixing the orientation of the current level indicator and evaluating a better method of securing this level indicator in the future.

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

One critical condition was identified during the second half of 2023.

A phosphogypsum stack critical condition at the Rock Springs, WY site was first identified during routine operator rounds at approximately 8:00 p.m. on July 19, 2023. The finding noted seepage emerging from the outer West face of the phosphogypsum stack dike adjacent to Cell #3. Later that day, Cell #3 was filled with phosphogypsum slurry to remove the water from the cell which eliminated seepage from the outer dike by July 22, 2023. This critical condition was deemed resolved, as there was no further seepage evident on Cell #3 after being sealed off from the additional phosphogypsum.

The Phosphogypsum Stack Operations Manual and Interim Stack System Management Plan updates along with water balance information reviewed by the Engineer of Record were submitted to the EPA on September 8, 2023. The annual third-party phosphogypsum stack inspection report for 2022 was submitted to EPA on September 14, 2023 and the annual inspection was conducted on October 17-18, 2023. Simplot anticipates the 2023 annual inspection report in the first half of 2024.