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July 30, 2024

SENT VIA EMAIL TO: [Eescdcopy.enrd@usdoj.gov](mailto: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. 12**

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. 12 for the period January through June 2024.

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  
January - June 2024  
Periodic Report No. 012**

**Rock Springs, WY**

**July 30, 2024**

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## Certification Statement

**RE: January 1, 2024 through June 30, 2024**

**Semi-Annual (Periodic) Progress Report No. 012**

**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", written over a light blue grid background.

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Alan L. Prouty  
Vice President, Environmental & Regulatory Affairs

07/30/2024

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 January 1, 2024 to June 30, 2024. This is report number 012.

### i. Status of Construction or Compliance Measures

The Acid Value Recovery system was commissioned in May 2024 with full project completion and start-up expected in the second half of 2024.

Demolition of the T-115 sulfuric acid tank began January 2024 and was completed February 2024. Civil work for the 54% Shipping Storage tank began in February 2024 and is currently under construction.

The sixth semi-annual groundwater monitoring report for the second half of 2023 was officially submitted to the EPA for review on April 16, 2024. Groundwater sampling for the first half of 2024 was conducted in May 2024 and the results report will be submitted in the second half of 2024.

The site Sump and Pad Management Program implementation has continued. The 13<sup>th</sup> and 14<sup>th</sup> quarterly sump inspections under this program were completed in March and June 2024.

This is the twelfth required report and the fourth report on the semi-annual frequency.

### ii. Completion of Milestones

The 6<sup>th</sup> official Beville performance criteria review was conducted in March 2024 and the 7<sup>th</sup> in June 2024. Both reviews validated compliance with the performance criteria established during the review period in the first half of 2024. 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 March and June reviews have been finalized and filed.

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

Weekly inspections of the GS-2787 Repulp Sump and the MF-1623 Granulation Sump were conducted at various times during the first half of 2024 as repair and inspection findings dictated. Additional repairs were completed on the primary liner of the GS-2787 Repulp Sump in May of 2024. Liquid is again present in the secondary containment. We believe that liquid is coming in from outside the sump and not from the sump itself. Further evaluation of the MF-1623 Granulation Sump is ongoing.

The monthly gypsum stack drone inspection was missed in March 2024. There was one daily

gypsum stack operator inspection missed on June 3, 2024. The scheduling protocols for performing these inspections have since been made more robust and a back-up methodology to the drone flight will be incorporated in future monthly inspections if the drone cannot fly.

#### **iv. Status of Permit Applications**

A new groundwater monitoring permit application was submitted to WY DEQ on March 22, 2024 to combine all of the various requirements and permits, codifying everything under one state permit. This permit was received on June 25, 2024.

#### **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 first half of the year.

#### **vii. Status of Financial Assurance**

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

#### **viii. Reports to State Agencies Concerning Matters Enumerated**

Letters were sent to EPA on January 24, 2024, March 19, 2024, and July 22, 2024 detailing three reportable spills which occurred on January 14, 2024, March 14, 2024, and May 24<sup>th</sup>, 2024 respectively. These letters were also forwarded to WDEQ for state reporting.

#### **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**

Three Consent Decree Paragraph 41 violations occurred during the first half of 2024. All three violations were reportable spills. The first reportable spill (~25 gallons of Fluorosilicic Acid [FSA] were sent to the gypsum stack) occurred on January 14, 2024 when FSA overflowed from the #3 FSA Settling Tank due to a broken level transducer. The remedial steps taken to help prevent this violation in the future were standardizing the level transducer mounting brackets on all three FSA settling tanks and reconfigure the electrical connections for each level transducer.

The second reportable spill (~1950 gallons of 44% phosphoric acid were sent to the gypsum

stack) occurred on March 14, 2024. The cause of this violation was insufficient verification of a washbox hose position prior to giving permission to start transfer pump (operator error). The remedial steps taken to help prevent this violation in the future was employee discipline and an all four crew review of the incident.

The third reportable spill (~30 gallons of Fluorosilicic Acid [FSA] spilled onto the dirt outside of FSA containment) occurred on May 24, 2024 when a newly installed pump system for the associated sump had less than adequate performance during an FSA Settling Tank emptying and cleaning operation, allowing the containment pad to fill and overflow. An operator noticed the spill to the surrounding dirt while making rounds in the area. Spill cleanup immediately commenced utilizing a vacuum truck. An estimated 15 gallons of FSA could not be recovered. The remedial steps taken to help prevent this violation in the future were evaluating the sump level switch with the I&E technicians and for maintenance to perform an FSA containment leak inspection.

**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 first half of 2024.