



J.R. Simplot Company
Simplot Headquarters
1099 W. Front Street
Boise, Idaho 83702
P.O. Box 27
Boise, Idaho 83707

January 11, 2023

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. 9

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. 9 for the period July through December 2022.

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 2022
Periodic Report No. 009**

Rock Springs, WY

January 11, 2023

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Certification Statement

RE: July 1, 2022 through December 31, 2022

Semi-Annual (Periodic) Progress Report No. 009

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.

Alan L. Prouty
Vice President, Environmental & Regulatory Affairs

01/11/2023

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, 2022 to December 31, 2022. This is report number 009.

i. Status of Construction or Compliance Measures

Construction of the replacement for T-104 Sulfuric Acid Storage tank, the first phase project for Bevill Recovery projects started in May 2022. At the completion of 2022, the tank was fully built, and surrounding paving completed. The tank should be placed in service by the end of January 2023.

The detailed engineering phase of the capital design and construction process which started in October 2021 has continued throughout the second half of 2022.

Simplot submitted a request to EPA and DOJ on September 2, 2022 to remove the lime slaker relocation project (compliance project 5) from the RCRA Project list as well as discussed this removal with EPA during the second annual progress review meeting, highlighted in section ii of this report.

The third semi-annual groundwater monitoring report for the first half of 2022 was officially submitted to the EPA for review on November 30, 2022. Groundwater sampling for the second half of 2022 was conducted on October 18-19, 2022 and the results report will be submitted in the first half of 2023.

The site Sump and Pad Management Program implementation has continued. The seventh and eighth quarterly sump inspections under this program were completed in September and December of 2022.

This is the ninth required report and the first report moving to semi-annual frequency.

ii. Completion of Milestones

The second official Bevill performance criteria review was conducted in September 2022 and the third in December 2022. Both reviews validated compliance with the performance criteria established during the review period in the second half of 2022. 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, 2022. The CFO certification confirming

financial assurance for 3rd party liability was also completed and submitted to EPA on October 5, 2022.

The second annual progress review meeting between EPA, WY DEQ, and J.R. Simplot personnel took place on October 26, 2022.

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

Weekly inspections of the GS-2787 Repulp Sump were conducted during July and August of 2022. Additional repairs were completed on the primary liner of this sump on August 16, 2022. This repair appears to have been successful as the P₂O₅ concentration in the secondary containment decreased. However, sump and pad inspections in the 3rd and 4th quarters still revealed low pH liquid in the secondary containment. We believe that the low pH liquid is coming into the secondary containment from the surrounding pad and drains and not from the primary liner. Additional repairs to the surrounding concrete were completed on September 28, 2022. Based on discussion during the December 2022 BMP review, weekly sampling was resumed the first week of 2023 and will continue along with additional troubleshooting and repair.

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

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

A 12/20/22 letter to Ms. Jacobson clarifying circumstances of two non-reportable spills was forward to WDEQ for follow up clarification. Both spills occurred in December of 2022.

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

No Consent Decree Paragraph 41 violations occurred during the last half of the year.

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.

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 August 25, 2022. The annual third-party gyp stack inspection was conducted on October 5-6, 2022. Two items were identified and corrected the following week. Simplot anticipates the annual inspection report in the first half of 2023.