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April 27, 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

Dear Mr. Roskam:

Pursuant to the Consent Decree (U.S. v. J.R. Simplot Company), paragraph 42, attached is the 1st Quarter 2021, Periodic Report No. 3. 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

Cc: EES Case Management Unit, Environment and Natural Resources
Division by mail
Director, Enforcement and Compliance Assurance Division, US EPA
Region 8 by mail
Kristin McNeill, 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
January-March 2021
Periodic Report No. 003**

Rock Springs, WY

April 27, 2021

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Certification Statement

RE: January 1, 2021 through March 31, 2021

Quarterly (Periodic) Progress Report No. 003

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

04/27/21

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 January 1, 2021 to March 31, 2021. This is report number 003.

i. Status of Construction or Compliance Measures

No construction was conducted during this time period.

Preliminary engineering for recovery system continues through J.R. Simplot's stage-gated capital design and construction planning process. This process has encountered no major delays and remains on projected schedule for full implementation prior to CD compliance deadlines.

A newly updated and approved site Sump and Pad Management Program has been implemented for the site. The first quarterly sump inspections under this newly revised program were completed during March 2021.

A revised contingency plan for response to releases of process wastewater at the phosphogypsum stack was developed, approved, and implemented on March 4th, 2021.

Updated daily, weekly, and monthly phosphogypsum stack inspections were implemented during the quarter. Records storage and periodic review of those records have also been established.

Recurring review processes have been established for various procedures and processes, including the Gyp Stack Operations Plan, Interim Stack System Management Plan, Gyp Stack Contingency Plan, Gyp Stack Water Balance, and annual BMP training.

This is the third required quarterly report.

ii. Completion of Milestones

The Gyp Stack Operations Plan including an updated water balance was completed, certified by the Engineer of Record, trained, and submitted to the EPA/DOJ on March 4th, 2021 in accordance of the terms of the Consent Decree.

The Interim Stack System Management Plan (ISSMP) was also completed, certified by the Engineer of Record, trained, and submitted to the EPA/DOJ on March 4th, 2021.

The Third Party Engineer certification of the Rock Springs phosphogypsum stack system perimeter dike and freeboard for water conveyance systems was also submitted to the EPA/DOJ in March 4th, 2021.

BMP overview training was initiated for all site J.R. Simplot employees during 4th Quarter 2020, this training was completed by the Consent Decree deadline of March 17th, 2021. Site overview training was also implemented for all contractors who enter site by that same deadline and procedures are in place to provide this training prior to entering the facility.

BMP Area specific training was also conducted for all necessary employees during the previous quarter for both the Phosphoric Acid and SPA Area as well as the Granulation Plant Area. This training was completed by March 17th, 2021. A recurring training process has been implemented for new employees to ensure training is completed prior to unescorted access to the applicable plant areas.

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

During the site 4th Quarter Sump and Pad Inspections (October-December, 2020) and as reported during the 4th Quarter 2020 quarterly report, the #2 Filter Acid Sump (J-6302) was found to have low pH liquid (pH 1.23 and P₂O₅ content of 2.58%) in the sump's secondary liner. The sump was subsequently drained and repairs were attempted. However, soon thereafter, liquid was again found in the secondary liner and the determination was made the repairs had not been successful.

Weekly inspections and the quarterly inspection in March of 2021 have found that liquid continues to be present in the secondary liner. As a result, a new sump liner has been ordered and is currently being manufactured. In May 2021, the new liner will be installed and other structural repairs will be made to the sump to remedy this ongoing issue.

The site had difficulty with conductivity measurement implementation for Semi and Non-Segregable sumps on the site. The vendor contracted to supply the appropriate instrumentation supplied probes which were not capable of withstanding the environment encountered in the designated application. As a result, the meters did not adequately function to detect spill and leak events and the vendor agreed to expedite new probes of appropriate specification.

To mitigate the issues of not having reliable conductivity indication, hourly inspections by operators were implemented and associated inspections records kept. This process will be continued until the new probes arrive, are installed, and are validated to perform as expected. The situation with the measurement probes and interim actions to address the probe problem was explained in March 29, 2019 letter to EPA.

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

None to report for this time period.

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

No reports were submitted to state agencies during this period.

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 send to the EPA on March 26th, 2021, wash material which consisted of a 3-5% solution of sodium hydroxide (caustic) with a pH of 12.76 was discharged to the facility's phosphogypsum stack. This material was assessed to have been rapidly neutralized in the line going to the phosphogypsum stack as it was continuously mixed with process wastewater that is of low pH. However, the Consent Decree requires this type of material to be limited to 12.5 pH or below before discharge to the phosphogypsum stack.

To prevent future incidents of this type, operator retraining was undertaken and a close review including several revisions of the wash procedure were completed during the week following the incident. Additionally, the mechanical and electrical components of the system were closely examined and all issues found were repaired. Finally, the implementation of an automated system for control of this process which is included in the already outlined Acid Value Recovery projects defined under the Consent Decree is being closely examined for earlier installation.

As referenced under Section iii of this report, conductivity measurement is a requirement of the Consent Decree. The issue with the wrong probes being provided by the manufacturer/supplier was reported to EPA on March 29th, 2021. The remedial actions taken to address this issue are also outlined in Section iii above.

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 at the gypsum stack to report. Results were received from the third party inspection of the phosphogypsum stack that was conducted during 4th Quarter, 2020 by the Engineer of Record. The review process of this inspection report is ongoing and the results will be submitted to the EPA later in 2021.