US Agri-chemicals
Gyp. Stack Exp.

RESOLUTION NO. 00-97

A Resolution of the Board of County Commissioners of Polk County, Florida, issuing a Development Order of approval with conditions for an Application for Development Approval of a Development of Regional Impact, known as the Gypsum Stack Expansion, submitted by U.S. Agri-Chemicals Corporation, setting forth findings of fact, conclusions of law, and conditions of approval pursuant to Chapter 380, Florida Statutes.

WHEREAS, U.S. Agri-Chemicals Corporation, a Florida Corporation, hereafter referred to as "USAC" as sole owner of Ft. Meade Chemical Products, hereafter referred to as "FMCP," was granted approval on September 9, 1994 by the Board for a Resolution adopting a Development Order with conditions for an application for development approval of a Development of Regional Impact, hereafter referred to as "the Application"; and

WHEREAS, the Board granted approval of a modification to the Development Order on October 14, 1997; and

WHEREAS, USAC submitted an application for a Notice of Proposed Change on December 31, 1998, which was reviewed pursuant to the requirements of Chapter 380.06, Florida Statutes; and

WHEREAS, the Board held a public hearing pursuant to Section 380.06, Florida Statutes, on March 2, 1999 and April 20, 1999, on said application, and determined that the proposed changes presented at the public hearing did not constitute a substantial deviation from the adopted Development Order as previously mentioned; and

WHEREAS, USAC submitted an applicant for a Notice of Proposed Change on July 28, 2000, which was reviewed pursuant to the requirements of Chapter 380.06, Florida Statutes; and

WHEREAS, USAC, other units of Government, local agencies and interested citizens were afforded the opportunity to participate in all proceedings before the Board relating to the application and were provided the opportunity to present witnesses, evidence and argument on all issues, conduct cross examination, and submit rebuttal evidence; and

WHEREAS, the Board has reviewed all of the above referenced evidence; and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THAT THE APPLICATION SUBMITTED BY USAC IS HEREBY APPROVED WITH CONDITIONS, SAID APPROVAL BEING BASED UPON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW.

I. FINDINGS OF FACT

A. USAC owns and operates FMCP in Polk County, Florida. FMCP is located approximately two miles west of the City of Ft. Meade on County Route 630.

B. Operations at FMCP include the production of phosphoric acid and other phosphate-related fertilizer products and net surplus of power. Phosphate rock is delivered to the plant where it is first ground into a water slurry and then combined with sulfuric acid to produce phosphoric acid. The production of phosphoric acid generates calcium sulfate as a by-product. Calcium sulfate is a solid granular substance more commonly known as gypsum or phosphogypsum. About 5 tons of gypsum are produced for every ton of phosphoric acid (as P_2O_5) made.

C. Gypsum is in slurry form when it leaves the phosphoric acid plant. From the plant, it is pumped to a storage area (stack) where the solid gypsum settles out and the water from the slurried gypsum is decanted into a cooling pond to be circulated through channels for use in plant operations. Settled gypsum is used to build a diked area around the edges of the gypsum stack which allows further deposition and storage. Water is ponded on top for additional cooling and evaporation. The stack is therefore used for water storage and cooling functions and for maintaining water balance objectives.

D. The existing gypsum stack covers a land area on the order of 256 acres, and the cooling pond and channels occupy a water surface area of 90 acres. Exhibits C-1 (Phase I Master Development Plan) and C-2 (Phase II Master Development Plan) depict the existing gypsum stack and cooling pond.

E. The gypsum stack expansion involves approximately 350 acres which are currently owned by FMCP. This development also encompasses an additional 132 acres (for a total of 482 acres) which includes the roadway corridor. A complete legal description is attached as Exhibit A.

F. The gypsum stack expansion will have an estimated useful service life of 25+ years.

G. FMCP normally operates as a zero discharge facility. Excess pond water will be retained on the available gypsum storage areas or elsewhere in the operating system, to the extent practicable. In the unlikely event that the cooling pond maximum operating level is expected to be exceeded, and if no other alternative is available, pond water will be treated to meet all applicable environmental standards, and then discharged through permitted outfalls.

H. At the projected production rate of phosphoric acid, the existing stack is expected to reach capacity in 1996. In order to continue operating, FMCP must have additional phosphogypsum storage capacity.

I. To provide for such additional phosphogypsum storage capacity, USAC submitted the Application, entitled "Proposed Gypsum Stack Expansion Area" to the Board, said Application with exhibits being incorporated and made part of this Development Order by reference.

J. The new gypsum stack will be raised in two phases to an average height of 200 feet. Gypsum slurry will be transported from the plant to the stack via a pipeline and the gypsum will be allowed to alternately settle in compartments of the expansion area.

K. USAC further proposes to connect the gypsum storage expansion area directly to the existing cooling pond, which currently serves numerous water-management functions as well as cooling capacity. The area encompassing the cooling pond, as described in Exhibit "B" of this order, and the gypsum storage expansion area, as described in Exhibit "A," shall constitute the DRI/ADA boundary of this project.

L. The natural geology under the overall site includes a natural clay-like barrier 100 feet to 125 feet thick which protects the water producing zones of the underlying aquifers from any seepage from the stack. In addition, USAC will install a composite liner consisting of a 60 mil thick high density polyethylene (HDPE) synthetic liner and twenty-four inches of mechanically compacted phosphogypsum to enhance groundwater protection.

M. The proposed gypsum stack expansion is not projected to have an adverse impact on groundwater and surface water resources.

N. USAC provided to CFRPC technical reports addressing issues and concerns relating to the design, construction and operation of the proposed expansion project, said reports, with exhibits, identified in Exhibit "D," are incorporated and made part of this Development Order by reference. An additional copy of this Exhibit was entered into the record at the September 9, 1994, BoCC public hearing.

O. The information and data contained within The Application and the Supplemental Application were sufficient for the Board to review it as required by Section 380.06, Florida Statutes.

P. Air monitoring of fluoride, fugitive dust and airborne radon emissions will be conducted by USAC to demonstrate that there are no adverse air quality impacts associated with the expansion project.

Q. On June 23, 1994, the Florida Department of Environmental Protection (DEP) issued a construction permit for the FMCP gypsum stack expansion.

R. USAC has satisfied the requirements of the Florida Department of Environmental Protection regarding surface water management permitting by way of the DEP Permit #532433703.

S. At the conclusion of the August 22, 1994 public hearing on the USAC DRI, CFRPC voted to recommend approval of the project, with conditions, to the Polk County Board of County Commissioners.

T. The proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes.

U. Florida has adopted a statewide Comprehensive Plan, but has not adopted a land development plan applicable to the area in which the proposed development is to be located.

V. The USAC Gypsum Stack Expansion DRI as proposed can be implemented in a manner consistent with the Comprehensive Regional Policy Plan and the State Comprehensive Plan.

W. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163.3161, Florida Statutes, which is applicable to the development site.

X. The property encompassed by the proposed development is presently zoned RC and no specific rezoning is required for the gypsum stack expansion, provided that all other local permits are approved by the Board.

Y. Subject to the conditions provided herein, the proposed development will not have an unfavorable impact on the environment and natural resources of the region.

Z. The development will have positive economic impacts in the form of construction employment and expenses relating to the expansion project itself, as well as the direct and indirect economic benefits associated with the continued operation of FMCP.

AA. The proposed development will not increase the burden the existing public facilities of the region, including transportation facilities.

BB. The proposed development will not adversely affect the ability of people to find adequate housing reasonably accessible to their place of employment.

CC. Existing sources of energy are sufficient and will not be burdened by the proposed development. FMCP is a net producer of energy.

DD. The proposed development will be built outside of flood-prone and flood-hazard areas.

EE. On October 10, 2000, the Board convened the required public hearing on the application, heard testimony and received evidence and documents pertaining to the application including the report and recommendations of the Polk County Planning Division.

II. CONCLUSIONS OF LAW

A. The Board's review of the application has been conducted pursuant to and complies with the provisions of Section 380.06 Florida Statutes.

B. The application as submitted complies with the requirements of Section 380.06, Florida Statutes and Chapter 9J-2, Florida Administrative Code.

C. The development, as modified by the conditions herein, is consistent with the report and recommendations of the Central Florida Regional Planning Council, hereafter referred to as "CFRPC."

D. The development, as modified by the conditions herein, is consistent with the Polk County Comprehensive Plan and local land development regulations.

E. All development activities described in the application shall be subject to the terms of this Development Order and shall not be subject to future Development of Regional Impact review pursuant to Section 380.06, Florida Statutes, unless the Board determines that any proposed changes to the development constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes, and the conditions herein.

F. The rights and obligations set forth in this Development Order shall inure to the benefit of and be binding upon the Applicant, any subsequent property owners affected by this Order, and their successors, assignees, and grantees.

G. The provisions of the Development Order shall not be construed as a waiver or exception of any rule, regulation, or ordinance of Polk County, and therefore, any further review and approval required by Polk County shall be subject to all such applicable rules, regulations or ordinances in effect at the time of review.

H. The annual report required by Polk County regulations is an appropriate vehicle for monitoring the development, as required by Section **380.06(15)(c)(1)** and further is an appropriate vehicle for the annual report required by Section **380.06(15)(c)(4)**, and shall be utilized to satisfy those provisions of Chapter 380, Florida Statutes.

I. The Polk County Code Enforcement and Planning Division Director shall be the local official responsible for assuring compliance with this Development Order.

NOW, THEREFORE, BE IT RESOLVED BY THE Polk County Board of County Commissioners, in special session duly assembled this 10th day of October 2000 that the USAC FMCP Gypsum Stack Expansion DRI is hereby approved subject to the following conditions:

III. CONDITIONS

A. **PHASE I CONDITIONS**

1. COOLING POND MONITORING

a. The USAC gypsum storage and cooling pond system shall have sufficient storage capacity above the normal high operating level to contain 180 percent of the 25 year, 24 hour rain fall event.

b. USAC shall maintain a permanent daily record of cooling pond elevations.

c. If a pond water level elevation of 158.0 feet NGVD is exceeded, USAC shall immediately notify CFRPC and Polk County and provide an explanation and a re-evaluation of discharge potential.

2. SURFICIAL AQUIFER MONITORING

a. USAC shall monitor existing surficial aquifer wells MWS-3, MW-l, MWS-2, and MW-3 quarterly after Phase I construction begins.

b. Proposed new surficial wells (MWU-1 and MWD-1 through MWD-8) shall be constructed and sampled quarterly.

c. All surficial wells shall be monitored quarterly for water level (NGVD elevation), total phosphate, fluoride, sulfate, TDS, sodium, gross alpha, Radium-226 (if gross alpha exceeds 15), and pH.

3. INTERMEDIATE AQUIFER MONITORING

a. USAC shall monitor existing intermediate aquifer wells MWI-1, MWI-2, MWI-3, MWI-4, and MW-2 quarterly after Phase I construction begins through closure of the new stack.

b. All intermediate wells shall be monitored quarterly for water level (NGVD elevation), total phosphate, fluoride, sulfate, TDS, sodium, gross alpha, Radium-226 (if gross alpha exceeds 15), and pH.

4. FLORIDAN AQUIFER MONITORING

a. USAC shall monitor existing Floridian aquifer wells PW-l and MWF-1 quarterly after Phase I construction begins, through closure of the new stack.

b. All Floridian aquifer wells shall be monitored quarterly for water level (NGVD elevation), total phosphate, fluoride, sulfate, TDS, sodium, gross alpha, Radium-226 (if gross alpha exceeds 15), and pH.

5. TRIGGER POINT FOR ACTION (ALL AQUIFERS)

a. If the sodium concentration reaches 120 mg/l or the sulfate concentration reaches 325 mg/l in any of the wells MWD-1 through MWD-4, MWI-1 through MWI-3 or MWF-1 and PW-1, USAC will initiate a study for cause determination and if it is determined that remedial action is required as a result of USAC's operations, USAC will submit a plan for correction or mitigation within 90 days of such determination or as otherwise agreed to by CFRPC staff.

6. CONTROLLED RELEASE OF COOLING POND WATER

a. USAC shall submit a cooling pond water treatment plan to the CFRPC and Polk County prior to the controlled release of cooling pond water to surface water streams.

b. Cooling pond water shall be treated, stored, and analyzed for Class III surface water criteria (as listed below) prior to emergency discharge to surface water streams.

c. The following parameters will be measured:

Alkalinity	Cadmium	Iron	Silver
Ammonia	Chromium	Lead	Zinc
Antimony	Copper	Mercury	Turbidity
Arsenic	Cyanamide	Nickel pH	
Beryllium	Fluorides	Selenium	Gross Alpha
BOD	TDS		

7. DEWATERING DRAWDOWN

a. One month prior to and during Phase I and II dewatering activities, USAC shall collect weekly surficial aquifer water level data just west of McCullough Creek to determine the direction of groundwater flow. USAC shall submit a plan for location of any new monitor wells required for this monitoring to CFRPC prior to dewatering activities.

b. USAC shall investigate and determine if mitigation is required to maintain historical surficial aquifer water levels along McCullough Creek during dewatering, and submit such determination to CFRPC staff for review.

c. If mitigation is required under 7.b. above, a mitigation plan shall be submitted and approved by CFRPC staff.

8. McCULLOUGH CREEK FLOW

a. USAC shall install stream gauges at appropriate locations upstream and downstream of the site prior to Phase I dewatering activities. Average flow, peak flows, base flow, and daily precipitation data will be recorded and submitted on a quarterly basis, through closure of the new stack.

b. Flow data shall be recorded during construction and operation of Phase I expansion in order to demonstrate the effect upon base flow.

c. A plan for the mitigation of base flow reduction in McCullough Creek shall be submitted to CFRPC for approval in the event that two consecutive quarters indicate a base flow reduction associated with this project in excess of 10 percent from pre-construction conditions.

9. McCULLOUGH CREEK QUALITY

a. USAC shall sample McCullough Creek at locations SW-l and SW-2 (Exhibit E) monthly after Phase I construction begins.

b. Sampling frequency will decrease to quarterly 4 months after construction of each phase is completed if no Class III surface water criteria are exceeded, due to this project.

c. All samples shall be tested according to appropriate surface water quality criteria, as listed below:

Turbidity	pH	Gross Alpha	Fluorides
TDS	Sodium	Sulfate	

10. MILL BRANCH QUALITY

a. USAC shall sample Mill Branch at locations SW-003 and SW-00D (Exhibit E) monthly after Phase I and Phase II construction begins.

b. Sampling frequency will decrease to quarterly after 4 months if no Class III surface water criteria are exceeded due to this project.

c. All samples shall be tested according to appropriate surface water quality criteria, as listed below:

Turbidity	pH	Fluorides	Gross Alpha
TDS	Sodium	Sulfate	

11. STORMWATER RUNOFF DURING RECLAMATION OF EXISTING STACK

a. USAC shall submit a detailed plan to CFRPC describing how higher quality runoff from reclaimed portions of the existing stack will be separated from lower quality runoff from unreclaimed portions prior to off-site discharge during the reclamation process. This plan shall include but not be limited to a proposed grading strategy, example grading cross-sections, and berm details.

b. Stormwater runoff quality shall be measured during 2 separate rain events at the discharge point (while reclaiming the existing stack) to confirm water quality.

c. Stormwater runoff shall be analyzed during any discharge events for TSS, TDS, sulfates, nitrates, Radium-226, pH, sodium, hardness, gross alpha, and turbidity.

d. Exceedences of appropriate water quality standards shall be promptly reported.

12. AIR QUALITY

a. USAC shall submit a plan prior to construction for the utilization of water trucks or other appropriate techniques to minimize fugitive dust and Radium-226 emissions near County Road 630 and Peeples Road, during construction and operation of the storage area. This plan shall include a routine visual air monitoring procedure and record keeping.

b. Prior to construction of Phase I, USAC shall submit a plan for ambient air quality monitoring for fugitive dust, fluorides and Radon 222 for assessing impact correlations to predictions during operations of the Phase I expansion.

13. SLURRY WALL IMPERMEABILITY

a. USAC shall document slurry wall effectiveness during Phase I dewatering activities.

b. Surficial aquifer potentiometric surfaces shall be monitored weekly after installation of the proposed wells prior to and during dewatering, in proposed wells MWD-5, MWD-6, MWD-7, and MWD-8 and submitted to CFRPC.

c. If it becomes evident that dewatering activities are significantly lowering the ground water table on the non-expansion side of the slurry wall, then dewatering shall cease until corrective actions have been successfully implemented.

14. WATER REUSE

a. USAC shall develop a plan for reuse of water from Phase I dewatering activities to the extent practicable and submit such plan 60 days prior to dewatering activities to CFRPC staff for approval.

b. Future water reuse plans shall consider water cropping from the closed existing stack.

c. If off-site discharge of water from dewatering activities is necessary, the discharge water quality must meet Class III surface water criteria standards.

15. WILDLIFE MITIGATION

a. Prior to initiation of Phase I construction activities, USAC will relocate wildlife species such as the American Alligator and River Otter with a licensed trapper and in a manner acceptable to the Florida Game and Fresh Water Fish Commission.

16. GENERAL

a. Upon reasonable advance notice, representatives of the CFRPC and Polk County shall be allowed escorted access to the site for inspection of any construction, operating, monitoring, sampling and remediation activities conducted on site.

b. Prior to initiation of site preparation and construction activities, USAC shall prepare and provide a spill prevention and countermeasure plan for hydrocarbons, hazardous and/or toxic materials for site preparation and construction activities.

c. Plans, reports, (including quarterly monitoring reports and annual activity reports) and etc. as called for in the conditions are to be submitted to:

Regional Planning and Review Manager
Central Florida Regional Planning Council
Post Office Box 2089
Bartow, Florida 33831

and

Director
Polk County Community Services
Drawer CS06
Post Office Box 9005
Bartow, Florida 33831-9005

17. STRUCTURAL FAILURE REMEDIATION

a. Any structural failure in the existing unlined cooling pond system, whether subsurface or above grade, leading to the potential for groundwater contamination:

1) will be promptly reported by USAC to CFRPC and Polk County;

2) will trigger immediate action, such as berm placement, dewatering or other appropriate action, to minimize adverse impacts;

3) will require USAC to submit an abandonment and closure plan to CFRPC and Polk County within 30 days of the failure. The abandonment and closure plan is to incorporate an expeditious time frame for closure and remediation.

b. Any structural failure in the existing or expanded gypsum stacks, whether subsurface or above grade, leading to the potential for groundwater contamination:

1) will be promptly reported by USAC to CFRPC and Polk County;

2) will trigger immediate action, including removal from operation if appropriate, to minimize adverse impacts;

3) will require USAC to submit a remediation plan to CFRPC and Polk County within 30 days of the failure.

B. **PHASE II CONDITIONS**

1. GYPSUM DISPOSAL ALTERNATIVES

a. USAC shall submit a thorough report to CFRPC and Polk County discussing current gypsum disposal and phosphate recovery alternatives one year prior to construction of the Phase II stack expansion. This report shall include, but not be limited to a current feasibility and economical analysis (including gypsum stacking cost avoidance) of:

- Florida and federal gypsum disposal regulations;
- Conversion of gypsum to sulfur; and,

- Utilization of other phosphate recovery technologies that do not result in the need for gypsum stacking.

2. SURFICIAL AQUIFER MONITORING

a. Proposed new surficial wells (MWU-1 and MWD-5 through MWD-14) shall be constructed and sampled quarterly.

b. All surficial wells shall be monitored for water level (NGVD elevation), total phosphate, fluoride, sulfate, TDS, sodium, gross alpha, Radium 226 (if gross alpha exceeds 15) and pH.

3. DEWATERING DRAWDOWN

a. One month prior to and during Phase II dewatering activities, USAC shall collect weekly surficial aquifer water level data just west of McCullough Creek to determine the direction of groundwater flow. USAC shall submit a plan for location of any new monitor wells required for this monitoring to CFRPC 90 days prior to dewatering activities.

b. USAC shall investigate and determine if mitigation is required to maintain historical surficial aquifer water levels along McCullough Creek during dewatering, and submit such determination to CFRPC staff for review.

c. If mitigation is required under 3.b. above, a mitigation plan shall be submitted and approved by CFRPC staff prior to dewatering activities.

4. WATER REUSE

a. USAC shall develop a plan for reuse of water from Phase II dewatering activities, to the extent practical, and submit such plan 60 days prior to dewatering activities to CFRPC staff for approval.

b. If off-site discharge of water from dewatering activities is necessary, the discharge water quality must meet Class III surface water criteria standards.

5. RECLAMATION MITIGATION

a. USAC shall mitigate for the loss of 4 to 7 acres of pre-1930 mine pit wetlands/waterbodies in Phase II by creating a 15 acre wetland area nearby to the satisfaction of the Army Corps of Engineers ("ACOE").

b. Wetland mitigation permitted through the ACOE for the reclaimed lake/wetland shall be submitted to the CFRPC and Polk County 6 months prior to Phase II construction.

c. USAC shall submit a proposed mitigation plan for the 52* acres of vegetation in Phase II and the stormwater detention pond area that will be lost. See Exhibit F depicting the areas which will be impacted. This plan is to be submitted to the Central Florida Regional Planning Council and the Florida Department of Environmental Protection Bureau of Land Reclamation for approval. (*Sixteen acres of forested uplands and 30 acres of shrub and brush in Phase II site and 6 acres of upland forest in the detention pond site.)

6. MONITORING DATA REVIEW

a. No later than one year prior to the initiation of construction of the Phase II area, USAC shall submit a comparison of actual monitored data to ADA/DRI predicted impact levels for groundwater, off-site surface water streams and air quality to CFRPC and Polk County for review. The air quality review shall include risk assessment from radionuclide exposure in accordance with appropriate EPA methodology.

7. WASTE CLAY TRANSPORT AND DISPOSAL

a. No later than 6 months prior to initiation of construction of the Phase II area, USAC shall submit detail plans for review to CFRPC and Polk County for:

(1) A clay waste haulage route that minimizes utilization of C.R. 630 and includes vehicle safety, highway maintenance, and spill prevention/clean-up plans.

(2) A detailed plan for control of storm water run-off from the disposal site.

(3) A detailed revegetation plan for the disposal site.

8. AIR QUALITY

a. USAC shall submit a plan prior to construction for the utilization of water trucks or other appropriate techniques for fugitive dust control during construction and operation of the Phase II area.

b. Prior to construction of the Phase II area, USAC will submit a revised plan for ambient air monitoring of dust, fluorides, and Radon 222.

9. WILDLIFE MITIGATION

a. Prior to construction of the Phase II area, USAC will relocate wildlife such as the American Alligator in a manner and to locations acceptable to the Florida Game and Fresh Water Fish Commission. Wildlife surveys are to be conducted in cooperation with the Florida Game and Fresh Water Fish Commission six months prior to the initiation of any clearing or dewatering activities.

10. PEEPLES ROAD RELOCATION

a. The stormwater management aspects of the design and construction of the proposed realignment of Peeples Road shall be developed in accordance with the Drainage Level-of-Service Standards found in Section 3.104 Storm-Water Management of the Polk County Comprehensive Plan.

b. Record drawings shall be provided to the Polk County Engineering Services Division for realignment of Peeples Road.

11. FLOODPLAIN STUDIES

a. A detailed study of the 100 year floodplain of McCullough Creek generated using standard engineering methods shall be submitted to Polk County at least 6 months prior to construction of Phase II. A topographic map at a scale of 1 inch equals 300 feet (1":300') shall be submitted as part of the study.

b. Prior to construction of Phase II USAC shall submit a detailed flood study of the entire project area, including the topography and stormwater management plan to FEMA (Washington, DC office) for a Conditional Letter of Map Revision (CLOMR). A copy of the CLOMR application package shall be submitted to Polk County at the time the CLOMR application packet is submitted to FEMA. If the project area is determined by the flood study to not encroach into the flood plain, the applicant will not be required to submit the study to FEMA.

C. **EXISTING STACK**

1. EXISTING STACK CLOSURE PLAN

a. No later than, *December 31, 1998* USAC shall submit a closure plan for the existing gypsum stack to CFRPC and Polk County for review. The plan shall include:

1) Details of closure design as required by Chapter 62-673, FAC;

2) A closure time schedule that provides completion of closure by March 25, 2006. In the event that above-average rainfall leads to a calculated delay in the closure schedule, USAC shall promptly submit to Polk County and to the Central Florida Regional Planning Council a plan to reduce other fresh water input to the process water system to offset excessive rainfall input to the extent practical.

3) Proof of financial responsibility in accord with Chapter 62-673, FAC.

b. The proposed process water storage ponds shown on the closure plan submitted in compliance with subparagraph III C.1.a above, shall be taken out of service and repaired if ongoing monitoring and inspection of the ponds required by Chapter 62-672, F.A.C. or Chapter 62-673 F.A.C., indicates to the Florida Department of Environmental Protection that they are unfit for continued use or are leaking. Results of the periodic (annual) monitoring and inspections will also be submitted to the CFRPC for its review and comment.

D. GENERAL CONDITIONS

1. MODIFICATIONS

Sampling parameters, frequencies, or locations may be modified if CFRPC staff, Polk County staff and USAC agree.

2. MONITORING REPORTS

Monitoring reports shall be sent to the appropriate agencies, as shown in Exhibit G, for their review.

3. SUBSTANTIAL DEVIATION

USAC shall submit to Polk County proposed changes to the Gypsum Stack Expansion for a substantial deviation determination. Substantial deviation shall mean any change to the previously approved DRI which creates a reasonable likelihood of additional adverse regional impact, or any other regional impact created by the change, not previously reviewed by Central Florida Regional Planning Council.

4. ANNUAL REPORT

USAC shall submit the annual report as required by Polk County regulations to the Polk County Community Services Director, the Central Florida Regional Planning Council, the state planning agency, and all affected permit agencies pursuant to Section 380.06(18), Florida Statutes, on or before the fifteenth of July of each year, beginning July 15, 1995. The contents of the report shall include the items set forth in the Annual Report Format attached hereto as Exhibit H.

5. COMMENCEMENT, EXPIRATION AND DOWNZONING

USAC will commence construction by January 1, 1995. Deposition of phosphogypsum shall be completed by December 31, 2025. Closing shall be completed by December 31, 2030. Post closure activities shall be completed by December 31, 2050. This Development Order shall expire upon completion of all activities approved herein, but no later than December 31, 2050. The time period for this Development Order may be extended by the Board upon a finding of good cause.

Polk County agrees that the DRI property shall not be subject to down-zoning, unit density reduction, or intensity reduction unless the County can demonstrate that substantial changes in the conditions underlying the approval of the development order have occurred or the development order was based on substantially inaccurate information provided by the developer or that the change is clearly established by the local government to be essential to the public health, safety or welfare.

6. Monitoring, Reporting, and Remediation

a. All monitoring data and plans are to be submitted to CFRP and POLK County within 90 days after collection or preparation unless otherwise noted in these conditions.

b. All significant exceedences of the appropriate standards for surface water, surficial aquifer, intermediate aquifer, Floridian aquifer and air quality or monitoring requirements, relating to FMCP activities, are to be reported within 48 hours of documentation of the exceedences.

c. The monitoring frequency of all conditions and parameters reporting exceedences under paragraph b will begin at a sampling frequency to be approved by CFRPC and POLK County staff.

d. Any exceedences reported in this section shall be addressed as provided by Section III A. 5 and III. A. 17.

7. RECORDING OF NOTICE OF ADOPTION

Notice of the adoption of this Development Order shall be recorded by USAC in accordance with the provisions of Section 380.06(15)(f), F.S. within 15 days after its adoption.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THIS 10th DAY OF October, 2000.

Board of County Commissioners
of Polk County

By: Bruce L. Parker
Bruce L. Parker, Chairman

Attest: Richard M. Weiss, Clerk

By: Freda L. Wade
Deputy Clerk

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EXHIBIT A

PHASE I/PHASE II LEGAL DESCRIPTION

The Phase I development site legal description is as follows: From the north east corner of Section 31, Township 31 South, Range 25 East, go 33 feet west; thence 125 feet south to the point of beginning. From the point of beginning, traverse 3,742 feet south; thence 1,402 west; thence 1,092 feet north; thence 650 feet west; thence 2,650 feet north; thence 2,052 feet east to the point of beginning. The Phase I total acreage is 160 acres.

The Phase II development site legal description is as follows: Beginning at the north east corner of Phase I, traverse east 1,700 feet; thence south 200 feet; thence south 40 degrees east 1,450 feet; thence south 3,100 feet; thence south 35 degrees west 4,417.46 feet; thence south 366.96 feet; thence west 500 feet; thence north 1,000 feet; thence north 35 degrees east 4,050 feet; thence west 2,100 feet to the south east corner of Phase I; thence north along the east boundary of phase I to the point of beginning. The Phase II total acreage (190 acres gypsum stack and 132 acres of roadway corridor) is 322 acres. The total stack project acreage is 482 acres.

EXHIBIT B

FMCP COOLING POND

LEGAL DESCRIPTION

From the SW corner of Section 31, Township 31, South Range 25 East, go 475 feet east along the south boundary of said section to the point of beginning. From the point of beginning go north 36 degrees west 300 feet; thence north 23 degrees west 188 feet; thence north 8 degrees west 400 feet; thence north 0 degrees 45 minutes west 325 feet; thence north 45 degrees east 188 feet; thence south 88 degrees 30 minutes east 1,875 feet; thence south 83 degrees 30 minutes east 975 feet; thence south 10 degrees west 613 feet; thence south 42 degrees 30 minutes west 938 feet; thence south 12 degrees west 450 feet; thence south 70 degrees west 425 feet; thence north 84 degrees west 813 feet; thence north 42 degrees 30 minutes west 927 feet. Total cooling pond area is 90 acres.

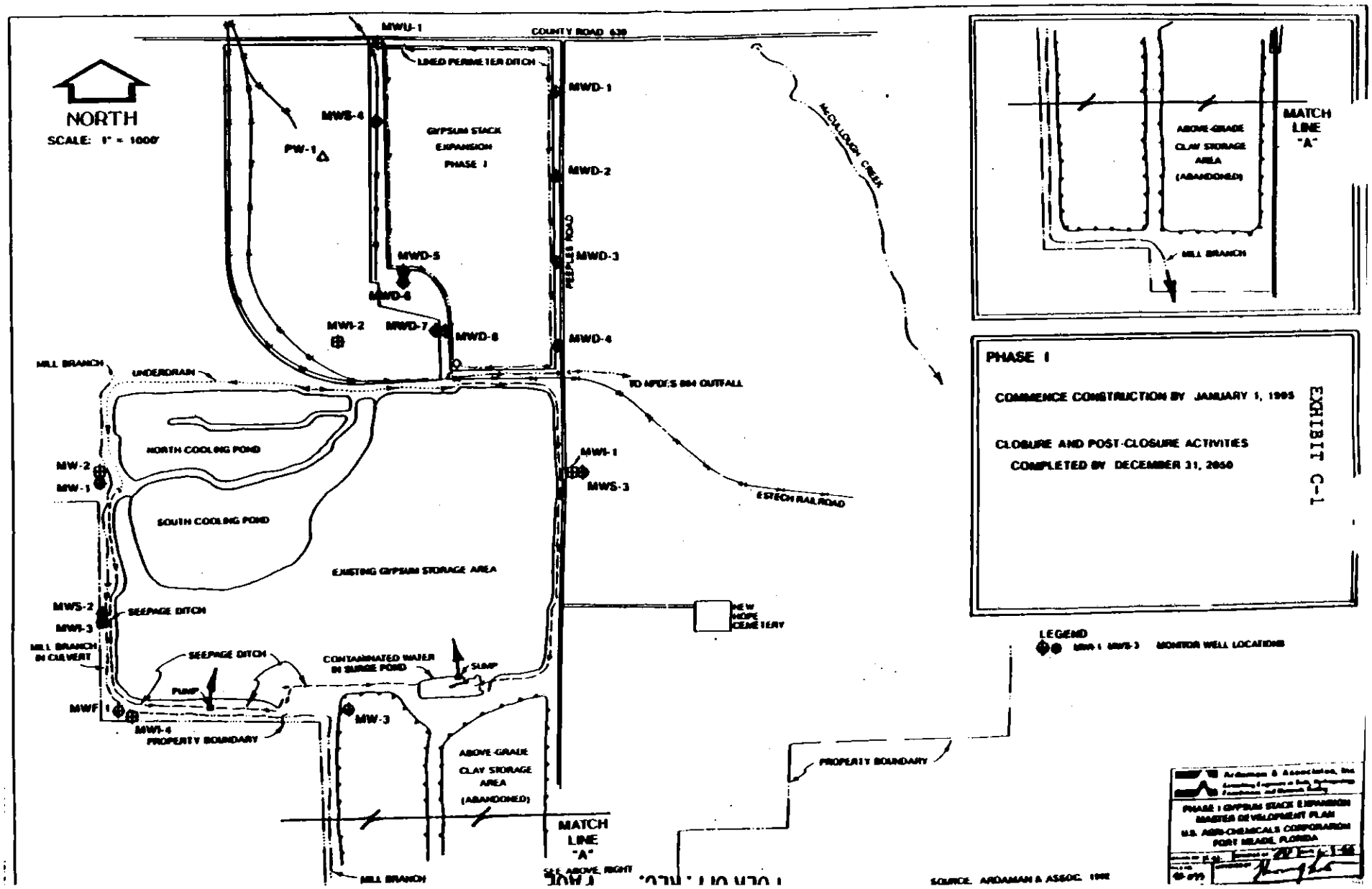
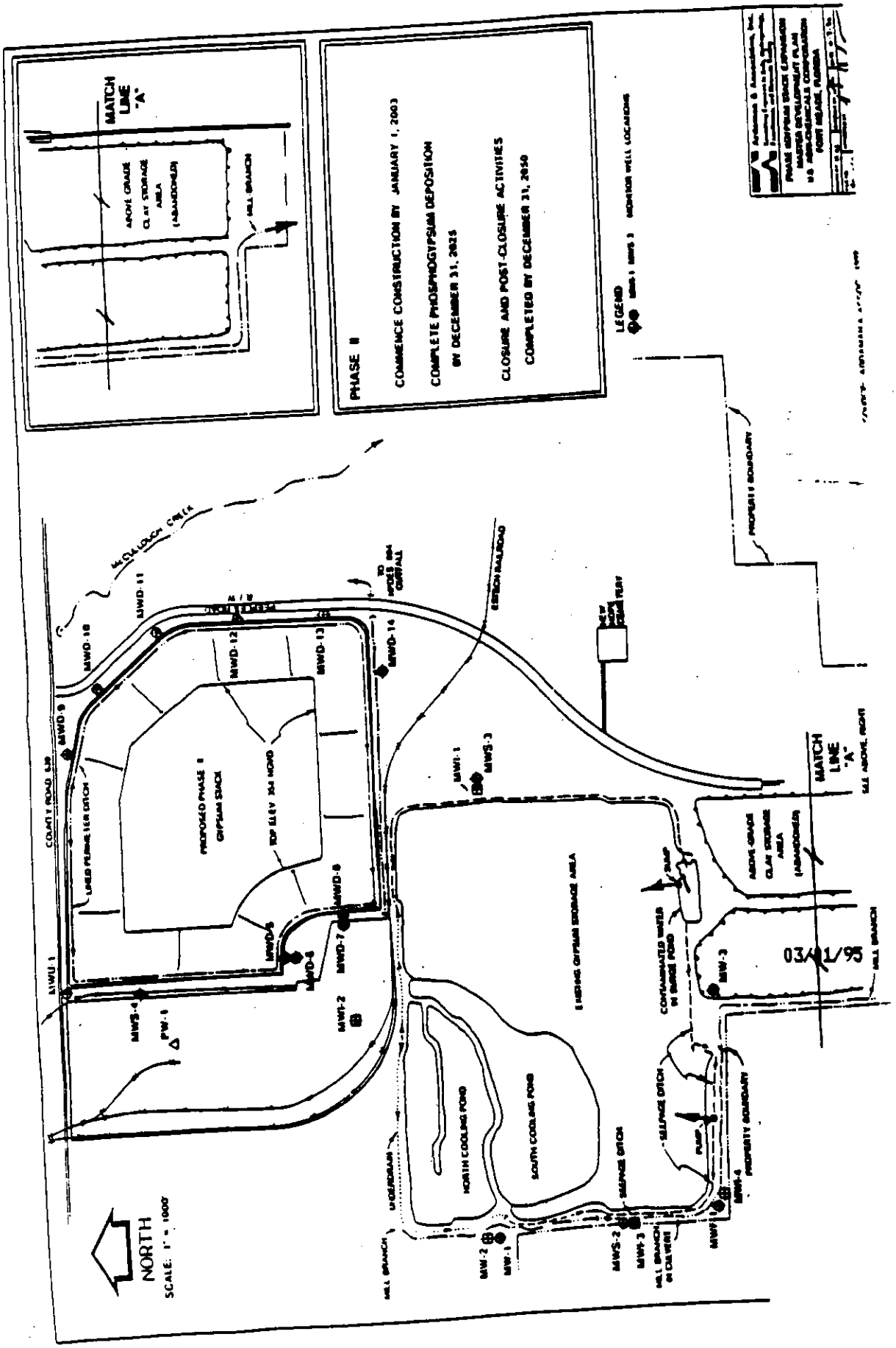
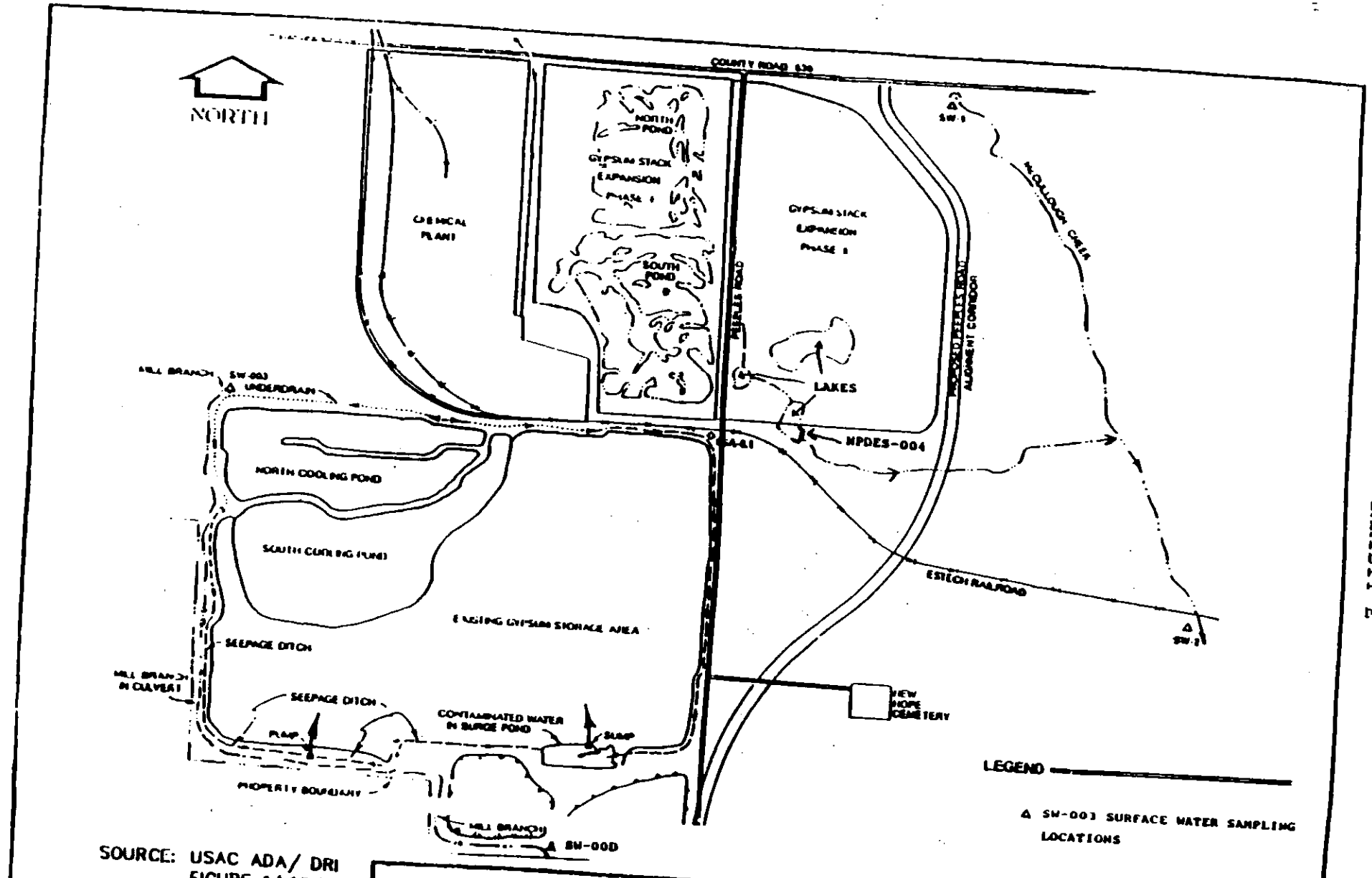

NORTH
SCALE: 1" = 1000'
MWU-1
COUNTY ROAD 630
LINED PERIMETER DITCH
MWD-1
MWS-4
PW-1
GYPSUM STACK EXPANSION PHASE I
MWD-2
MWD-5
MWD-3
MWD-6
MWI-2
MWD-7
MWD-8
MWD-4
PEEPLES ROAD
McCALLOUGH CREEK
MILL BRANCH
UNDERDRAIN
TO NPDES 004 OUTFALL
NORTH COOLING POND
MW-2
MW-1
MWI-1
MWS-3
SOUTH COOLING POND
ESTECH RAILROAD
EXISTING GYPSUM STORAGE AREA
MWS-2
SEEPAGE DITCH
MWI-3
NEW HOPE CEMETERY
MILL BRANCH IN CULVERT
SEEPAGE DITCH
CONTAMINATED WATER IN SURGE POND
SUMP
PUMP
MWF-1
MW-3
MWI-4
PROPERTY BOUNDARY
ABOVE-GRADE CLAY STORAGE AREA (ABANDONED)
MATCH LINE "A"
MILL BRANCH
SEE ABOVE, RIGHT
PROPERTY BOUNDARY
ABOVE-GRADE CLAY STORAGE AREA (ABANDONED)
MILL BRANCH
MATCH LINE "A"
PHASE I
COMMENCE CONSTRUCTION BY JANUARY 1, 1995
CLOSURE AND POST-CLOSURE ACTIVITES COMPLETED BY DECEMBER 31, 2050
EXHIBIT C-1
LEGEND
MWI-1 MWS-3 MONITOR WELL LOCATIONS
SOURCE: ARDAMAN & ASSOC. 1992
PHASE I GYPSUM STACK EXPANSION
MASTER DEVELOPMENT PLAN
U.S. AGRI-CHEMICALS CORPORATION
FORT MEADE, FLORIDA

EXHIBIT
C-2



MATCH LINE "A"
ABOVE GRADE CLAY STORAGE AREA (ABANDONED)
MILL BRANCH
PHASE II
COMMENCE CONSTRUCTION BY JANUARY 1, 2003
COMPLETE PHOSPHOGYPSUM DEPOSITION BY DECEMBER 31, 2025
CLOSURE AND POST-CLOSURE ACTIVITIES COMPLETED BY DECEMBER 31, 2050
LEGEND
MONITOR WELL LOCATIONS
PROPERTY BOUNDARY
McCULLOUGH CREEK
COUNTY ROAD 630
LINED PERIMETER DITCH
PROPOSED PHASE II GYPSUM STACK
TOP ELEV 354 NGVD
MWD-9
MWD-10
MWD-11
MWD-12
MWD-13
MWD-14
MWD-5
MWD-6
MWD-7
MWD-8
MWU-1
MWS-4
PW-1
MWI-2
MWI-1
MWS-3
ESTEEN RAILROAD
NEW HOPE CEMETERY
EXISTING GYPSUM STORAGE AREA
CONTAMINATED WATER IN SURGE POND
SUMP
ABOVE GRADE CLAY STORAGE AREA (ABANDONED)
MW-3
MILL BRANCH
NORTH COOLING POND
SOUTH COOLING POND
UNDERDRAIN
SEEPAGE DITCH
PUMP
MW-2
MW-1
MWS-2
MWS-3
MWF-1
MWI-4
NORTH
SCALE: 1" = 1000'
03/01/95



SOURCE: USAC ADA/ DRI FIGURE 14.13.1 (MODIFIED BYGAI)

DRWG: CFRP145W

U.S. AGRI-CHEMICALS
GYPSUM STACK EXPANSION

GURR & ASSOCIATES, INC.

Drafted: 8/8/93

SURFACE WATER SAMPLING LOCATIONS

PROJECT No. CFRPC-014 | FIGURE 3

EXHIBIT E

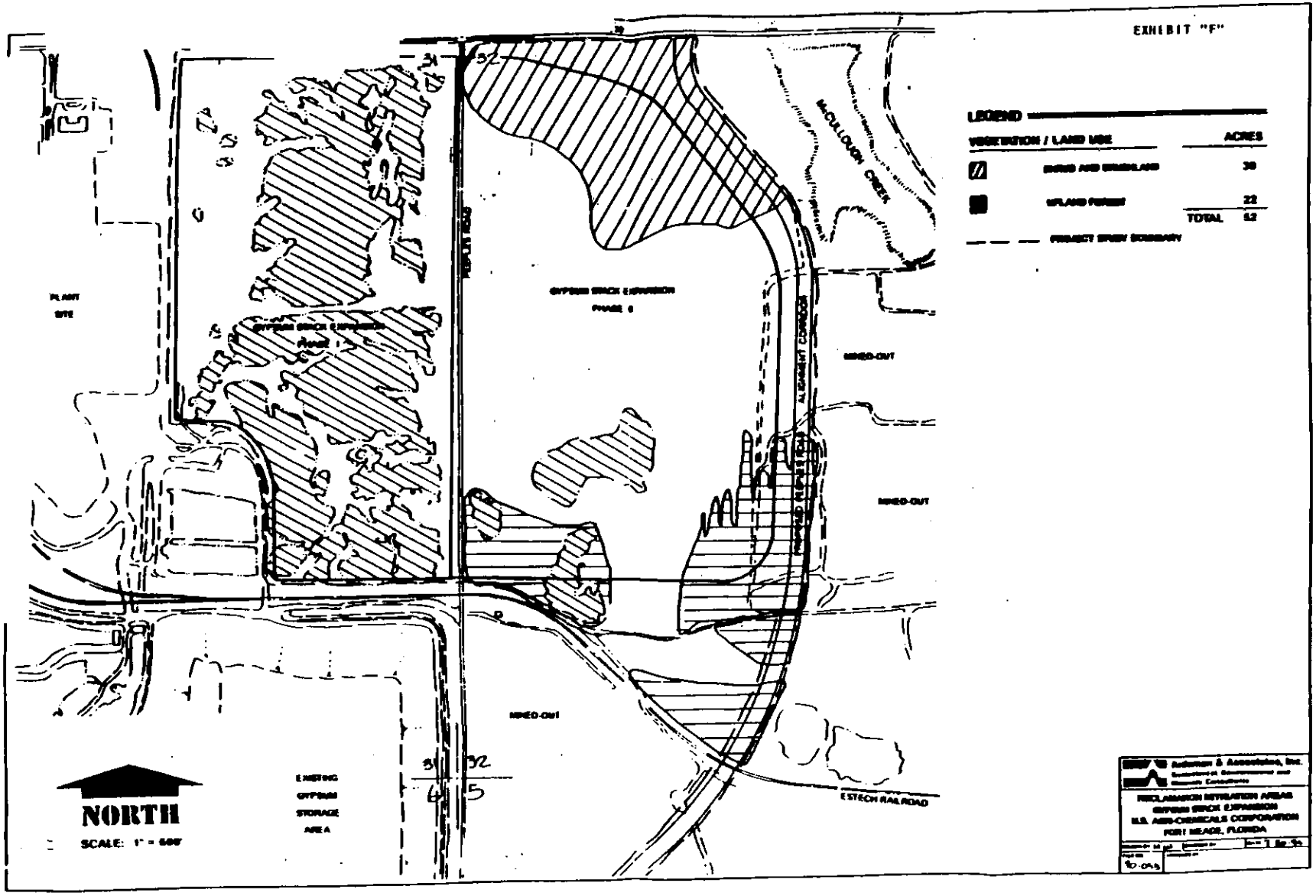


EXHIBIT "F"
LEGEND
VEGETATION / LAND USE
ACRES
30
22
TOTAL 52
PROJECT STUDY BOUNDARY
PLANT SITE
GYPSUM STACK EXPANSION PHASE 1
GYPSUM STACK EXPANSION PHASE 6
McCULLOUGH CREEK
ALIGNMENT CORRIDOR
MINED-OUT
MINED-OUT
MINED-OUT
ESTECH RAILROAD
EXISTING GYPSUM STORAGE AREA
NORTH
SCALE: 1" = 600'
31
32
6
5
Ardaman & Associates, Inc.
RECLAMATION MITIGATION AREAS
GYPSUM STACK EXPANSION
U.S. AGRI-CHEMICALS CORPORATION
FORT MEADE, FLORIDA

EXHIBIT G

U.S. AGRI-CHEMICALS CORPORATION
GYPSUM STACK EXPANSION

AGENCY MATRIX
FOR SUBMISSION OF MONITORING RESULTS, REPORTS AND PLANS

D.O. CONDITION # AND SUBHEADING	POLK	CFRPC	DEP	SWFWMD	DCA	ACOE	FGFWFC
A.1.c. Cooling Pond Monitoring	X	X					
A.2. Surficial Aquifer Monitoring	X	X	X		X		
A.3. Intermediate Aquifer Monitoring	X	X	X		X		
A.4. Floridan Aquifer Monitoring	X	X	X		X		
A.5. Trigger Point for Action (All Aquifers)	X	X					
A.6 Controlled Release of Cooling Pond Water	X	X					
A.7. Dewatering Drawdown	X	X		X			
A.8.a.&b. McCullough Creek Flow	X	X	X	X			
A.8.c. McCullough Creek Flow	X	X	X	X			
A.9. McCullough Creek Quality	X	X					
A.10. Mill Branch Quality	X	X					
A.11 Stormwater Runoff During Reclamation of Existing Stack	X	X	X	X			
A.12. Air Quality	X	X			X		
A.13. Slurry Wall Impermeability	X	X	X				
A.14. Water Reuse	X	X		X	X		
B.1. Gypsum Disposal Alternatives	X	X			X		
B.2. Surficial Aquifer Monitoring	X	X	X		X		
B.3. Dewatering Drawdown	X	X	X				
B.4. Water Reuse	X	X		X	X		
B.5.a.&b. Reclamation Mitigation	X	X			X	X	
B.5.c. Reclamation Mitigation	X	X	X		X	X	
B.6. Monitoring Data Review	X	X					
B.7. Waste Clay Transport and Disposal	X	X					
B.8. Air Quality	X	X			X		
B.9. Wildlife Management	X	X			X		X
C.2. Spill Prevention and Countermeasure Plan			X				

LAK-66101

STATE OF FLORIDA)
)
COUNTY OF POLK)

I, Richard M. Weiss, Clerk of the Board of County Commissioners of Polk County, Florida, hereby certify that the foregoing is a true and correct copy of Resolution No. 00-97 revising the Development Order to a Development of Regional Impact known as Gypsum Stack Expansion, submitted by U.S. Agri-Chemicals Corporation, which was adopted by the said Board on October 10, 2000.

Witness my hand and seal this 11th day of October 2000.

RICHARD M. WEISS
Clerk and Auditor

(SEAL)

By Freda L. Wade
Freda L. Wade
Deputy Clerk