

RESOLUTION NO.

10 - 077

A Resolution of the Board of County Commissioners of Polk County, Florida, restating the Development Order previously issued for the Farmland Hydro L.P. Gypsum Stack Expansion Development of Regional Impact and changing (Resolution 01-117), the owner and name of the Development of Regional Impact to Cargill Fertilizer, Inc., Gypsum Stack Expansion Development of Regional Impact, (Resolution 03-01), and the change of the owner and name of the Development of Regional Impact from Cargill Fertilizer, Inc. to Mosaic Fertilizer L.L.C. Development of Regional Impact Gypsum Stack Expansion (Resolution 10 - 077); approving a substantial deviation to the Gypsum Stack Expansion Development of Regional Impact to include a Regional Process Water Storage Pond; revising the legal description of the Gypsum Stack Expansion Development of Regional Impact; and setting forth findings of fact, conclusions of law, and conditions of approval pursuant to Chapter 380, Florida Statutes.

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BK 8145 PGS 1429-1451 PG(S)23
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WHEREAS, the Polk County Board of County Commissioners, hereafter referred to as "the Board", is the governing body of local government having jurisdiction over the issuance and conditions of a Development Order, pursuant to Section 380.06, Florida Statutes; and

WHEREAS, Farmland Hydro, Limited Partnership, a Delaware limited partnership, licensed to conduct business in the state of Florida, hereinafter referred to as "FHLP", was sole owner of the Green Bay Chemical Complex until October, 2002, hereafter referred to as "GBCC" or "Green Bay"; and

RICHARD M WEISS, CLERK OF COURT
POLK COUNTY
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WHEREAS, FHLP submitted an Application for Development Approval, hereafter referred to as the "ADA" on July 28, 2000, said ADA being incorporated into this Development Order by reference; and

WHEREAS, the Central Florida Regional Planning Council, hereafter referred to as the "CFRPC", approved the ADA with conditions on August 8, 2001; and

WHEREAS, the Board conducted a duly noticed public hearing on said application and approved the application and Development Order on October 3, 2001, as required by Section 380.06, Florida Statutes; and

WHEREAS, Cargill Fertilizer, Inc., a Delaware corporation, licensed to conduct business in the state of Florida, hereafter referred to as "Cargill" was sole owner of the Green Bay Chemical Complex between October 2002 and October 2004; and

WHEREAS, Cargill made application for a Notice of Proposed Change on November 12, 2002, to amend the Development Order to change the ownership name in the Development Order from Farmland Hydro, L.P., to Cargill Fertilizer, Inc.; and

WHEREAS, the Board conducted a duly noticed public hearing on said application and approved the change of ownership and name of the DRI to Cargill Fertilizer, Inc. on January 8, 2003; and

WHEREAS, in October 2004, IMC Phosphates Company, the successor in interests to IMC Development Corporation, was renamed Mosaic Phosphates Company as part of a merger between its parent IMC Global, Inc., and Cargill Fertilizer, L.L.C., the successor in interest to Cargill Fertilizer, Inc. which was renamed Mosaic Fertilizer, L.L.C.; and

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WHEREAS, Mosaic Fertilizer, L.L.C., a Delaware corporation licensed to conduct business in the state of Florida, hereafter referred to as the "Developer"; is the sole owner of the "GBCC"; and

WHEREAS, the Developer also operates a similar facility referred to as the Bartow Plant, which generates and stores process water, that is located between Mulberry and Bartow; and

WHEREAS, it is the responsibility of the Developer to manage that portion of the former Mulberry Phosphates, Inc. facility watershed not owned by the Developer for the Florida Department of Environmental Protection, hereinafter referred to as the FDEP; and

WHEREAS, the unprecedented three hurricanes that passed by the Bartow, Mulberry, and Green Bay facilities in 2004 caused the process water watersheds managed by Developer to experience annual rainfall levels that were well above the historical average and generated a sizeable increase in the inventory of process water to be managed; and

WHEREAS, excessive rainfall in Central Florida caused the Bartow, Green Bay, and Mulberry facilities to operate under an emergency order from the FDEP to allow treated discharges from process water holding ponds and also caused the Developer to propose construction of an additional process water storage area, hereinafter referred to as the Regional Process Water Storage Pond; and

WHEREAS, the Developer, with deference to time constraints and an urgency to proceed with construction activities, waived an option of a Binding Letter of Interpretation regarding disputed Vested Rights and, further, the Developer agreed to a DRI review contingent upon there being no delay to the issuance of a FDEP construction permit and initiation of development activities within the Regional Process Water Storage Pond area; and

WHEREAS, in April 2005, the Developer met with the FDEP and the Central Florida Regional Planning Council, hereinafter referred to as the "CFRPC", to discuss the need for the regional process water storage pond; and

WHEREAS, on May 5, 2005, a Preliminary Development Agreement for Development of an Emergency Storage Pond at an Existing Development of Regional Impact, hereinafter referred to as the "PDA", was submitted and subsequently executed between the Florida Department of Community Affairs, the CFRPC, and the Developer; and

WHEREAS, on May 17, 2005, the Developer made application to the FDEP for an Environmental Resource Permit to authorize construction and operation of the Regional Process Water Storage Pond; and

WHEREAS, on May 24, 2005, the PDA was recorded in the official Book of Records of Polk County; and

WHEREAS, on June 2, 2005, the Developer began construction of the regional process water storage pond; and

WHEREAS, on June 23, 2005, a Pre-Application Conference was held pursuant to Section 380.06, Florida Statutes; and

WHEREAS, on August 5, 2005, the Developer submitted the Application for Development Approval for the Polk County Regional Process Water Storage Pond, with said application being incorporated into this Development Order by reference; and

WHEREAS, the Developer complied with all conditions of the PDA; and

WHEREAS, on November 29, 2005, the FDEP issued a notice of intent to issue an Environmental Resource Permit for the Regional Process Water Storage Pond and, on January 23, 2006, the permit (FL0000752-07-IW 1N/RA) was issued by the FDEP; and

WHEREAS, on October 15, 2008, the FDEP issued an Environmental Resource Permit renewal for the Regional Process Water Storage Pond (FL0000752-08-09); and

WHEREAS, the CFRPC recommended approval of the Mosaic Fertilizer, L.L.C. Polk County Regional Process Water Storage Pond Substantial Deviation DRI for the Green Bay Phosphate Chemical Plant Facility (DRI 905-77) with conditions on January 11, 2006; and

WHEREAS, the Board has considered the report and recommendations of the CFRPC; and

WHEREAS, the Developer, 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.

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

I. FINDINGS OF FACT

A. All preceding parts of this Resolution are hereby incorporated by reference as if set forth verbatim.

B. The Developer owns the GBCC in Polk County, Florida. The GBCC is located approximately one and one-half miles west of the intersection of County Road 555 and County Road 640.

C. Operations at the GBCC included the production of phosphoric acid and other phosphate-related fertilizer products and most of its own power. Phosphate rock was delivered to the plant where it was ground into a watery slurry and then combined with sulfuric acid to produce phosphoric acid. The production of phosphoric acid generated calcium sulfate as a by-product. Calcium sulfate is a solid crystalline substance more commonly known as gypsum or phosphogypsum. About 5.2 tons of gypsum are produced for every ton of phosphoric acid (as P₂O₅) made. These operations were idled indefinitely on May 30, 2006.

D. Gypsum left the phosphoric acid plant to be placed in storage on the expansion stack. The solid gypsum settled out and the water from the slurried gypsum was decanted into a cooling pond to be circulated through channels for use in plant operations. Settled gypsum was used to build a diked area around the edges of the gypsum stack which allowed further deposition and storage. Water was ponded on top for additional cooling and evaporation. The stack was therefore used for water storage and cooling functions and for maintaining water balance objectives. Prior to and following idling, stack construction was revised to provide water management. The existing stack (stack existing prior to stack expansion) is being closed, and a closure application was submitted for the stack expansion and cooling ponds as required by state rules in November of 2006. However, plant operations

are idled and not terminated. Accordingly, the stack expansion and cooling ponds are not being permanently closed.

E. The existing gypsum stack covers a land area on the order of 370 acres, and the cooling pond and channels occupy a water surface area of about 130 acres. The Master Development Plan (Site Location Map) is included in Attachment A to this Development Order.

F. The gypsum stack expansion involves approximately 319 acres which are owned by the Developer.

G. The boundary of this DRI is comprised of the 319-acre footprint of the expanded gypsum stack/cooling channel, approximately 275 acres of settling/polishing ponds to the west of the existing facilities, and approximately 341 acres for the Regional Process Water Storage Pond . A complete updated legal description is attached as Attachment B.

H. The gypsum stack expansion will have an estimated useful service life of up to 20 years when gypsum stacking is resumed depending on production rates.

I. The GBCC normal operation includes discharging stormwater through discharge point Outfall 001 as authorized by Industrial Wastewater Facility Permit No. FL0000752 issued by the FDEP, which contains specific conditions controlling the management and discharge of stormwater and process water from the GBCC. During periods of excessive rainfall, the permit authorizes and requires the Developer to treat process pond water for discharge through the permitted outfall by either double stage lime treatment, reverse osmosis, or another treatment method approved by the FDEP. The pond water is treated to meet all applicable environmental standards.

J. FDEP Permit No. FL0000752 also authorizes the GBCC to discharge process water to ground waters; creates a zone of discharge beneath the GBCC as an "existing source"; and regulates such discharges through specific permit conditions so as to ensure conformance with Chapters 62-520, 62-522, and 62-550 of the Florida Administrative Code in order to protect the quality of groundwater resources beneath, adjacent, and in the vicinity of the GBCC. .

K. Chapter 62-673 of Florida Administrative Code requires that no phosphogypsum be placed in an unlined area after March 25, 2001, thereby creating the necessity of building a new lined and prepared area for stacking gypsum.

L. To provide for the ongoing stacking of gypsum for the continued operation of GBCC, FHLP made application to the FDEP for the construction of an expanded gypsum area in February 1999. A Preliminary Development Agreement for Implementation of Chapter 380, Florida Statutes, governing provisions related to developments of regional impact (DRI) was entered into on April 13, 2000, by FHLP and the Department of Community Affairs, said agreement being incorporated and made part of this Development Order by reference.

M. The new gypsum stack was to be raised to an approximate height of 200 feet above ground level. While operations were ongoing, gypsum was transported from the production plant to the stack via four pipelines and the gypsum alternately settled in compartments of the expansion area.

N. Process pond water is decanted from the various compartments into a process cooling water channel surrounding the perimeter of the expanded gypsum stacking area. The process cooling water channel is connected directly to the existing cooling pond, which serve numerous water-management functions as well as providing cooling capacity.

O. FHLP installed 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.

P. The gypsum stack expansion was not projected to have an adverse impact on groundwater, surface water or air resources.

Q. FHLP provided to the CFRPC an Application for Development Approval on July 25, 2000, and responded to questions and requests for further information on November 6th and 17th and on January 30, 2001. These items are incorporated and made part of this Development Order by reference.

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

S. On August 2, 2000, the FDEP issued a construction permit for the GBCC gypsum stack expansion.

T. At the conclusion of the August 8, 2001 public hearing on the Gypsum Stack Expansion DRI, the CFRPC voted to recommend approval of the project, with conditions, to the Polk County Board of County Commissioners.

U. The proposed development is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes. It is however, situated over the area previously reviewed under the IMC Noralyn/Phosphoria DRI submitted in April of 1985 and approved by Polk County on November 19, 1985 (DRI 485-38).

V. 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.

W. The Gypsum Stack Expansion DRI was implemented in a manner consistent with the CFRPC Strategic Regional Policy Plan and the State Comprehensive Plan.

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

Y. The property encompassed by the development has a Present/Future Land Use designation of PM. FHLP did have to apply for a Comprehensive Plan Amendment for approximately 104 acres of Polishing Pond area in the extreme west side of the property from the designation of Agricultural Residential Rural (ARR) to PM. The Board approved the amendment on July 10, 2002.

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

AA. The development will have positive economic impacts in the form of construction employment and expenses related to the expansion project.

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

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

DD. Existing sources of energy are sufficient and will not be burdened by the proposed development.

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

FF. On October 3, 2001, the Board convened the required public hearing on the application, heard testimony and received evidence and documents pertaining to the application for an expanded gypsum stacking area.

GG. The Board approved the application and Development Order on October 3, 2001, as required by Section 380.06, Florida Statutes.

HH. Mosaic owns a total of 7,799 acres of land south of US highway 60, east of Bonnie Mine Road, west of County Road 555, and north of County Road 640, on which the existing GBCC, the expanded gypsum stacking areas, the Polk County Regional Process Water Storage Pond, connecting pipelines and the reverse osmosis treatment system are located.

II. After the adoption of Resolution 01-117, work continued to construct the new gypsum stack and close the original gypsum stack impoundment. These improvements are substantially complete and, as a result, treatment and routing of process and storm water flows changed from the practices illustrated in the prior Development Orders. The sequential flow path is as authorized and controlled by FDEP Permit No. FL0000752.

JJ. D.O. conditions Numbers III.A.4.a and b required completion and submittal of gypsum stack closure and process water treatment alternatives analyses, respectively. Both of these one-time reports have been submitted and implementation of the selected alternatives has been completed, thereby satisfying the requirements of these conditions.

KK. Partially and fully treated process water no longer follows the sequential flow path illustrated in the prior Development Orders' Attachment B. The polishing ponds are no longer used to treat process water and the treated process water is now transferred from the second-stage settling pond directly to outfall number D-001. The settling ponds are managed to optimize treated water production and are not necessarily operated in the sequence described in the original DO Resolutions Nos. 01-117 and 03-01. The sequential flow path is as authorized and controlled by FDEP Permit No. FL0000752.

LL. The Seepage and Runoff Collection (SARC) area is used to collect stormwater runoff from the portions of the GBCC that lie outside of the integrated process water system watershed. The SARC water is used as source water in the lime treatment system

MM. The polishing ponds are used exclusively for storage and treatment of storm water runoff and are no longer used for treatment of process water.

NN. The regional process water storage pond is located just north of the existing lined phosphogypsum stack system.

OO. The footprint of the regional process water storage pond encompasses approximately 340.5 acres within portions of Sections 16, 17, 20, and 21 of Township 30 South, Range 24 East. The Revised Master Development Plan, including the Gypsum Stack Expansion DRI, and the Regional Process Water Storage Pond Substantial Deviation DRI (Site Location Map) is included in Attachment A to this development order

PP. Nearly all of the Regional Process Water Storage Pond site was mined to recover phosphate rock between 1985 and 1999 under the West Noralyn Mine DRI, which was approved by the Polk County Board of County Commissioners on November 19, 1985 as DRI 485-38.

QQ. The West Noralyn Mine DRI Development Order expired in 2000.

RR. Following mining, the site was backfilled with sand, graded to post reclamation contours and re-vegetated to the approved reclamation plan to an elevation ranging from 175 feet to 220 feet NAVD.

SS. Prior to construction, xeric topsoils placed as part of the West Noralyn DRI reclamation plan were transferred from the Regional Process Water Storage Pond site to other reclamation areas in the immediate vicinity.

TT. The Regional Process Water Storage Pond was constructed by excavating and grading the existing onsite sub-soils.

UU. The Regional Process Water Storage Pond consists of the construction and operation of a 173-acre, above grade, lined impoundment.

VV. The Regional Process Water Storage Pond was lined with 80-mil high density polyethylene (HDPE) synthetic liner.

WW. The Regional Process Water Storage Pond is capable of storing more than 1.2 billion gallons of "process water."

XX. The Regional Process Water Storage Pond has two compartments or cells, the north cell and the south cell.

YY. The south cell of the Regional Process Water Storage Pond was completed on September 1, 2005.

ZZ. The north cell of the Regional Process Water Storage Pond was completed in December 2005.

AAA. The maximum dike height of the Regional Process Water Storage Pond is 37.5 feet above grade, which is a dike crest elevation of 216.5 feet National Geodetic Vertical Datum (NGVD).

BBB. The Regional Process Water Storage Pond has been constructed in conformance with the standards imposed by Chapter 62-672, F.A.C.

CCC. The Regional Process Water Storage Pond above-grade pipeline is constructed to transfer water between the south gypsum stack area of the Bartow Plant and the Regional Process Water Storage Pond, depending upon requirements of process water use and or storage, as shown on Attachment C.

DDD. The Regional Process Water Storage Pond above grade pipeline is located upstream of surface water discharge outfalls authorized by Mosaic's Bartow and Green Bay FDEP-issued Industrial Wastewater Facility permits.

EEE. The Regional Process Water Storage Pond above grade pipeline is located on internal mine roads on property owned by Mosaic that are regularly traveled by dam inspectors and not directly assessable from public roads.

FFF. The Regional Process Water Storage Pond above grade pipeline is constructed of 18-inch diameter HDPE plastic pipe encased in a 24-inch outer HDPE pipe, with 30-inch cast iron casing used wherever the pipeline must cross beneath existing infrastructure (for example, railroads).

GGG. The use of double-walled HDPE pipe ensures that any potential failure would contain the "process water" in the outer pipe and would be discharged into one of Mosaic's permitted lined impoundments.

HHH. Pumps to transfer water via the double-walled pipeline to the regional process water storage pond are located at the Bartow Plant.

III. In order to reduce process water inventory water, Mosaic has constructed and is operating a Reverse Osmosis (RO) based "process water" treatment system, as shown on Attachment A.

JJJ. The RO system is located within the Green Bay Plant footprint on the north east side of the plant adjacent to the sulfuric acid plants, as shown on Attachment A.

KKK. The RO system is constructed on a covered open-walled concrete pad

LLL. The RO area contains secondary containment for the chemical storage area which includes a 10,600 gallon caustic tank, a 6,400 gallon sulfuric acid tank and lesser volumes of other standard RO-cleaning compounds.

MMM. A dumpster is provided for storage of any RO system non-hazardous wastes produced such as spent membranes and filter cartridges.

NNN. The information and data contained within the Regional Process Water Storage Pond Substantial Deviation DRI Application and Supplemental Information was sufficient for the Board to review as required by Section 380.06, Florida Statutes.

OOO. The proposed substantial deviation is not located in an area of critical state concern as designated pursuant to Section 380.05, Florida Statutes. It is, however, situated over the area previously reviewed under the IMC Noralyn/Phosphoria DRI submitted in April of 1985 and approved by Polk County on November 19, 1985 (DRI 485-38)

PPP. 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.

QQQ. Mosaic's Regional Process Water Storage Pond Substantial Deviation DRI as proposed can be implemented in a manner consistent with the Comprehensive Plan, the CFRPC Strategic Regional Policy Plan, and the State Comprehensive Plan.

RRR. The Board has adopted a Comprehensive Plan for Polk County pursuant to Section 163 3161, Florida Statutes, which is applicable to the development site.

SSS. On May 19, 2010 the Board convened the required public hearing on the Mosaic Fertilizer, L.L.C. Polk County Regional Process Water Storage Pond Substantial Deviation DRI.

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 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 Developer, 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 Director and the 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 19th day of May, 2010, that the Mosaic Fertilizer, Inc. Regional Process Water Storage Pond substantial deviation DRI/ADA is hereby approved subject to the following conditions:

III. CONDITIONS

A. SPECIFIC CONDITIONS

1. VEGETATION AND WILDLIFE

a. Compliance with the FDEP Pond Remediation Project Plan shall be required and Polk County and the CFRPC shall be provided copies of all monitoring reports provided to the FDEP.

b. The annual report shall include a discussion of the progress and success of the xeric reclamation relocation and the gopher tortoise relocation.

2. WATER

a. The Developer shall measure and report on a quarterly basis the results of the chemical and physical analysis for the compliance monitor wells, the background monitor wells, the observation wells, the production well, and regional pond monitor wells required to be maintained and monitored under FDEP Permit No. FL0000752.

b. The Developer shall in its annual report provide notice of any change in the wells and chemical constituents monitored in accordance with FDEP Permit No. FL0000752.

c. Exceptions to the trigger levels in conditions e and f which follow are provided for monitor wells MW-1, MW-2, MW-5, MW-5C, MW-7A, MW-10, MW-11S, MW-12S, MW-13S, MW-15S, MW-16S, MW-17S, MW-18S, MW-19S, MS-20S, MW-21S, and MW-23S, as long as these wells are required to be monitored pursuant to FDEP Permit No. FL0000752, due to the existing elevated levels of various chemicals and physical constituents as the result of the historical gypsum waste disposal north of the site, prior on-site gypsum waste disposal practices, mining in the immediate area, and other pre-lined gypsum stack development impacts.

A formal annual review shall be conducted by the Developer with CFRPC and Polk County staff of the trends in these wells that are listed above, which are currently excluded from the trigger levels investigation and remediation activities. The elevated chemical constituent levels in these wells are expected to decline gradually. Any ongoing concerns about this condition shall be discussed in the annual review presented to the CFRPC and Polk County and appropriate plans for remediation shall be developed if necessary.

d. Any confirmed monitoring results of the chemical constituents Sodium, Sulfate, and/or physical measurement of Total Dissolved Solids (TDS) in excess of 75% of the MCL of the Florida Ground Water Standards for two consecutive quarters shall require the Developer to provide an assessment analysis to identify the source of contamination. The assessment analysis must be provided to CFRPC and Polk County within 90 days of discovery of the values in excess 75% of the MCL values.

e. Any results of the chemical constituents Sodium, Sulfate, and/or physical measurement of TDS in excess of 100% of the MCL of the Florida Ground Water Standards for two consecutive quarters shall require the Developer to provide a plan for corrective action. The plan for corrective action must be provided to the CFRPC and Polk County within 90 days of the reporting of the second quarter of the results in excess of 100% of the MCL's.

f. Further increases in these constituents shall require the Developer to implement the corrective plan of action within 90 days after review and approval by the CFRPC and Polk County.

3. SOILS

a. The Developer shall immediately alert (within 24 hours) Polk County and the CFRPC along with the appropriate regulatory agencies of the discovery of sinkhole activity at or adjacent to the DRI boundary and shall immediately initiate the mitigation of any adverse impacts along with development of a corrective action plan.

b. Following reasonable advanced request, the applicant shall provide escorted site visitations and inspection to representatives of Polk County and the CFRPC.

c. A plan for remediation/mitigation of the sinkhole and ground water contamination resulting from such an event; and a plan for identifying the contaminated ground water and a long term plan for monitoring the results of such sinkhole activity shall be submitted to the CFRPC and Polk County for review and approval within 30 days of such an event occurring.

d. The plan for remediation of such an event including plugging, ground and surface water remediation, etc. shall be implemented within 30 days of approval of such a remediation plan by Polk County, the CFRPC and other regulatory agencies.

4. STORMWATER MANAGEMENT

a. Prior to closure of the existing stack the Developer shall provide to Polk County and the CFRPC an assessment of stack closure alternatives that would preclude the need to treat and release process water.

b. Within 6 months of the approval of a Development Order, the Developer shall provide to Polk County and the CFRPC an assessment and an evaluation of alternative methods of disposal of treated process water that would preclude the release to surface water streams.

c. The Developer shall provide the results of the monthly monitoring of the upstream settling ponds, polishing ponds, wetlands and lakes as sampled before the NPDES discharge point. Such surface water sampling conducted as required by FDEP Permit NO. FL0000752, whether conducted in non-discharge or discharge conditions. The results shall be reported to the CFRPC and Polk County in the quarterly reporting of the monitor well results. The samples shall be collected at the discharge of the various locations and the chemical and physical parameters analysis reported as required by FDEP Permit No. FL0000752.

d. The Developer shall provide advance notification to Polk County and the CFRPC prior to the release and treatment of lime treated process water. Product water from the Reverse Osmosis Plant that is released and meets the discharge limits of FDEP Permit No. FL0000752 does not require advance notification.

e. During the release of lime treated process water, the Developer shall initiate an appropriate weekly monitoring and reporting procedure of

the quality and quantity of the discharge. Results of the pre-release sampling and analysis shall be reported to Polk County and the CFRPC.

5. AIR QUALITY

a. Visual inspections are to be made daily during construction activities to determine if roadway dust emissions are apparent. If so, immediate action shall be taken to wet the roadway surfaces by artificial means, such as water tanker trucks. The occasions and duration of watering are to be reported in the quarterly monitoring reports to Polk County and the CFRPC.

B. GENERAL CONDITIONS

1. MODIFICATIONS

Sampling parameters, frequencies, or locations may be modified so as to remain consistent with FDEP Permit No. FL0000752 without triggering a Substantial Deviation pursuant to Paragraph 3 below, provided CFRPC staff, Polk County staff and FDEP staff agree. These modifications shall be based on data and analysis supplied by the Developer providing for their review and comment. The Developer may also request such modifications if CFRPC, Polk County and FDEP agree. These requests shall be based on data and analysis or due to other physical changes.

2. MONITORING REPORTS

Paper and electronic copies of all monitoring reports and correspondence associated with FDEP Permit No. FL0000752 shall be sent to the CFRPC and the Polk County Community Services Director for their review.

3. SUBSTANTIAL DEVIATION

The Developer shall submit to Polk County proposed changes to the Gypsum Stack Expansion and Regional Process Water Storage Pond which are developed subject to this resolution, 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 the CFRPC and Polk County.

4. ANNUAL REPORT

The Developer shall submit the annual report as required by Polk County regulations to the Polk County Community Services Director, the CFRPC, 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, 2002. The Developer shall use the form supplied by Polk County.

5. COMMENCEMENT, EXPIRATION AND DOWNZONING

The Developer commenced construction of the gypsum stack on January 2000. Deposition of phosphogypsum shall be completed by December 31, 2021. Closure shall be completed by December 31, 2026. Post closure activities shall

be completed by December 31, 2046. This Development Order shall expire upon completion of all activities approved herein, but no later than December 31, 2046. The time period for this Development Order may be extended by the Board upon finding of good cause

Polk County agrees that the DRI property shall not be subject to downzoning, 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.

The regional process water storage pond can be operated for ten (10) years beyond the closure of all of the following facilities: the Mulberry Plant, the Bartow Plant and the GBCC

6. MONITORING, REPORTING AND REMEDIATION

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

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

c. The monitoring frequency of all conditions and parameters reported as exceedances under paragraph b shall be at a sampling frequency to be approved by CFRPC and Polk County staff.

d. Upon documenting that an applicable standard has been exceeded at the surface water outfall or that an exceedance of the 75% or 100% of the MCL has occurred for two consecutive sampling events of the ground water monitor wells not otherwise noted for exception to these trigger levels, verbal notification shall be given to Polk County and the CFRPC within 48 hours.

e. The reporting by the developer shall include both paper and electronic copies. The electronic copies shall be in both PDF and original electronic format, i.e., Excel®, Word®, etc. Land ownership boundaries shall also be provided in a GIS file (compatible with Polk County and CFRPC's GIS).

7. RECORDING OF NOTICE OF ADOPTION

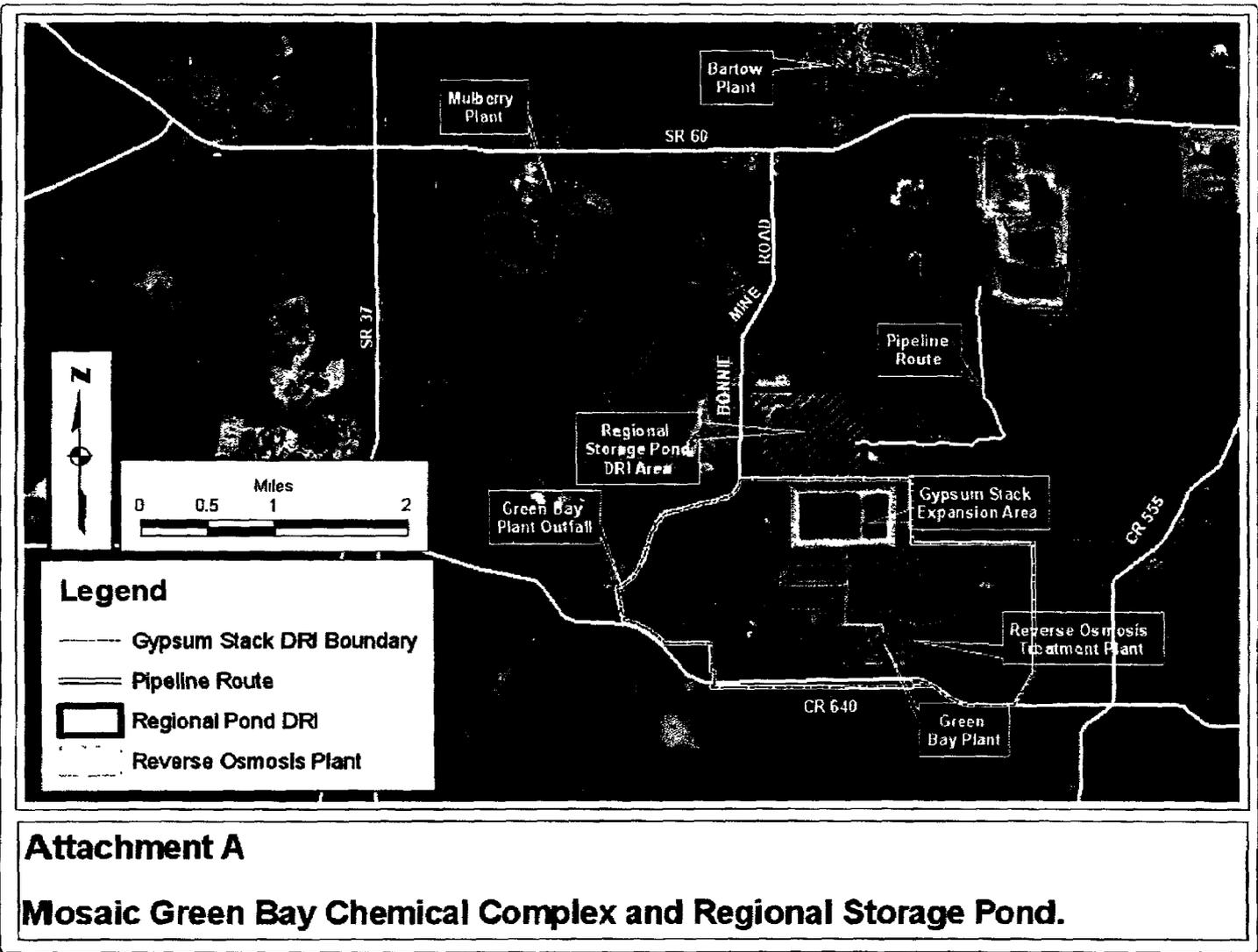
This Development Order shall be recorded by the Developer in accordance with Section 380.06(15)(f), Florida Statutes, and with Section 113 of Polk County's Land Development Code within 15 days after its adoption

8. COMPLIANCE WITH POLK COUNTY'S LAND DEVELOPMENT CODE

The Developer shall implement this Development Order in compliance with the Land Development Code.

9. EFFECTIVE DATE

This resolution and Development Order shall take effect immediately upon its passage.



Legal Description of Proposed Development

REGIONAL STORAGE POND

The project lies within portions of the southwest quarter (SW ¼) of the southeast quarter (SE ¼) and the southeast quarter (SE ¼) and the southwest quarter (SW ¼) of the southwest quarter (SW ¼) of Section 16; the southeast quarter (SE ¼) of the southeast quarter (SE ¼) of Section 17; the northeast quarter (NE ¼) and the southeast quarter (SE ¼) of the northeast quarter (NE ¼) of Section 20; and the northwest quarter (NW ¼) and the southwest quarter (SW ¼) of the northeast quarter (NE ¼), the northwest quarter (NW ¼) of the southeast quarter (SE ¼), and the northeast quarter (NE ¼) and the northwest quarter (NW ¼) of the southwest quarter (SW ¼) and the northwest quarter (NW ¼) of Section 21; all lying within Township 30 south, Range 24 east, Polk County, Florida, being more particularly described as follows:

Commencing at the southeast corner of Section 17, Township 30 south, Range 24 east, Polk County, Florida, then 90.0000° West a distance of 571.885 to the Point of Beginning, then South 90.0000° West a distance of 741.450 feet; thence North 00.0779° West a distance of 963.531 feet; thence South 89.9516° East a distance of 3,767.705 feet, thence South 44.0101° East a distance of 975.866 feet, thence South 44.0101° East a distance of 985.646 feet; thence South 35.6782° West a distance of 584.987 feet; thence South 00.0072° East a distance of 1,825.130 feet, thence South 89.8797° West a distance of 2,942.907 feet, thence North 49.5731° West a distance of 1,449.502 feet; thence North 00.0164° West a distance of 1,816.920 feet to the Point of Beginning

Containing 340.5 Acres, more or less.

GYPSUM STACK EXPANSION AREA

ATTACHMENT 1

to deed from Farmland Industries, Inc ,
to Farmland Hydro, Limited Partnership

LAND DESCRIPTION

* * * * *

IN TOWNSHIP 30 SOUTH, RANGE 24 EAST, POLK COUNTY, FLORIDA

Section 20: All the part of the S-1/2 lying south and east of the county road known as the Bonnie Mine Road; LESS the part of the S-1/2 of SW-1/4 described in deed from International Minerals & Chemical Corporation to Ewell Engineering & Contracting Co. dated August 25, 1969, filed October 21, 1969, recorded in Official Records Book 1250, page 962, Polk County, Florida.

Section 21. The S-1/2.

Section 27: All of the section; SUBJECT TO railroad right-of-way and easement granted to Atlantic Coast Line Railroad Company (now CSX Transportation, Inc.) under deed from American Agricultural Chemical Company dated December 15, 1954, filed March 11, 1955, recorded in Deed Book 1007, page 535, Polk County, Florida; and LESS the part of the N-1/2 of SE-1/4 described in deed from Gibson & Wirt, Inc., and others to Atlantic Coast Line Railroad Company (now CSX Transportation, Inc.) dated July 5, 1955, files August 25, 1955, recorded in Deed Book 1021, page 415, Polk County, Florida; and LESS the east 400 feet of the section.

Section 28: All of the section.

Section 29:

(a) All the part of the N-3/4 lying east of the county road known as the Bonnie Mine Road and also lying north of the main line right-of-way of CSX Transportation, Inc. (formerly Seaboard Coast Line Railroad Company, Atlantic Coast Line Railroad Company, and Winston & Bone Valley Railroad Company) as it runs through the NW-1/4 of SW-1/4.

(b) The S-1/2 of SE-1/4; LESS the part of the west 140 feet thereof lying south of the Old Pierce-Barcola Road (also known as the Old Pebbledale Road).

Section 30: All the part of the N-3/4 of E-1/4 lying east of the county road known as the Bonnie Mine Road and also lying north of the main line right-of-

way of CSX Transportation, Inc. (formerly Seaboard Coast Line Railroad Company, Atlantic Coast Line Railroad Company, and Winston & Bone Valley Railroad Company) as it runs through the NE-1/4 of SE-1/4; LESS the part (if any) of the NE-1/4 of NE-1/4 lying north of the industrial spur railroad right-of-way described in easement instrument from American Agricultural Chemical Company to Atlantic Coast Line Railroad Company dated July 23, 1951, filed August 22, 1951, recorded in Deed Book 911, page 190, Polk County, Florida.

Section 32: The north 450 feet of the NE-1/4; SUBJECT TO the main line right-of-way of CSX Transportation, Inc. (formerly Seaboard Coast Line Railroad Company, Atlantic Coast Line Railroad Company, and Winston & Bone Valley Railroad Company); and SUBJECT TO County Road 640 (formerly designated State Road S-640); and LESS the part of the west 140 feet of said north 450 feet of the NE-1/4 lying north of said right-of-way of CSX Transportation, Inc.

Section 33: The north 450 feet of the section; SUBJECT TO the main right-of-way of CSX Transportation, Inc. (formerly Seaboard Coast Line Railroad Company, Atlantic Coast Line Railroad Company, and Winston & Bone Valley Railroad Company); and SUBJECT TO County Road 640 (formerly designated State Road S-640).

Section 34:

(a) All the part of the N-1/2 of N-1/2 lying north of County Road 640 (formerly designated State Road S-640); LESS the part thereof lying east of a line that begins at the southwest corner of the NE-1/4 of NE-1/4 of said section and runs north 30°41'11" east 1540.85 feet, more or less, to a point on the north boundary of said NE-1/4 of NE-1/4 lying 500 feet west of the northeast corner thereof; and SUBJECT TO the main line right-of-way of CSX Transportation, Inc. (formerly Seaboard Coast Line Railroad Company, Atlantic Coast Line Railroad Company, and Winston & Bone Valley Railroad Company).

* * * * *

ATTACHMENT 2

to deed from Farmland Industries, Inc.,
to Farmland Hydro, Limited Partnership

SPECIAL TITLE MATTERS

The Grantor's covenants of title are subject to the matters identified below.

1. Road drainage easement, County Road 640, Polk County. Road drainage easement granted by instrument acknowledged June 18, 1968, filed July 18, 1968, Official Records Book 1168, page 142, and re-filed July 31, 1968, official Records Book 1170, page 763, Polk County, Florida, from Farmland Industries, Inc., to the State of Florida. [This item pertains only to the SE-1/4 of SE-1/4 of Section 29, Township 30 Range 24, Polk County, Florida.]

2. Sidetrack agreement, plant facilities at Green Bay, Polk County. Existing railroad right-of-way, and other rights, of CSX Transportation, Inc., under sidetrack agreement between Farmland Industries, Inc., and Seaboard Coast Line Railroad Company dated September 16, 1975, filed March 1, 1976, Official Records Book 1680, page 1622, Polk County, Florida, and supplemental agreement dated February 11, 1980, but not filed until April 12, 1983, Official Records Book 2146, page 808, Polk County, Florida. [This item pertains to plant facilities of Farmland Industries, Inc., at Green Bay, Polk County, Florida.]

3. Electric, gas, and other public utility easements, Polk County lands.

With respect to this item, all pertinent lands lie in Township 30 South, Range 24 East, Polk County, Florida, and all recording references are to the public records of Polk County, Florida. For convenience, the following abbreviations are used below. "CCA" means Consumers Cooperative Association. "Farmland" means Farmland Industries, Inc. "IMCC" means International Minerals and Chemical Corporation. "TECO" means Tampa Electric Company. "FPC" means Florida Power Corporation. "Florida Gas" means Florida Gas Transmission Company (whose name was formerly Houston Texas Gas & Oil Corporation).

Easements with respect to transmission and distribution lines (and appurtenances) as indicated by the instruments identified below.

(a) CCA to TECO dated December 15, 1964, filed January 21, 1965, Official Records Book 894, page 181, as modified by partial release dated September 8, 1971, filed September 17, 1971, Official Records Book 1386, page 311 [Pertains to the SE-1/4 of NE-1/4 and the NE-1/4 of SE-1/4 of Section 29]

(b) CCA to TECO dated January 29, 1965, filed March 18, 1965, Official Records Book 911, page 452, as modified by partial release dated September 3, 1971, filed September 17, 1971, Official Records Book 1386, page 312 [Pertains to the SW-1/4 of Section 27 and the E-1/4 of Section 28]

(c) Farmland to TECO dated September 24, 1971, filed November 11, 1971, Official Records Book 1399, page 39. [Pertains to Section 27, 28, and 29]

(d) Farmland to TECO dated June 25, 1975, filed September 30, 1975, Official Records Book 1659, page 1665 [Pertains to Section 29]

(e) Farmland to TECO dated April 17, 1979, filed July 10, 1979, Official Records Book 1887, page 864. [Pertains to the NW-1/4 of NW-1/4 of Section 34.]

(f) Farmland to TECO dated April 29, 1991, filed June 19, 1991, Official Records Book 2984, page 422 (Meter station) [Pertains to Section 28.]

(g) Farmland to TECO dated August 16, 1991, filed October 10, 1991, Official Records Book 3022, page 1840 [Pertains to Sections 28 and 29.]

(h) Farmland to FPC dated September 2, 1983, filed October 14, 1983, Official Records Book 2188, page 326 [Pertains to the SW-1/4 of NE-1/4 of Section 27.]

(i) Farmland to FPC dated July 12, 1990, filed September 7, 1990, Official Records Book 2892, page 1898. [Pertains to the S-1/2 of Section 21 and the N-1/2 of NW-1/4 of Section 27.]

(j) CCA to Florida Gas dated September 13, 1965, filed September 28, 1965, Official Records Book 976, page 101. [Pertains to the SE-1/4 of Section 28]

4 Easements, IMC Fertilizer, Polk County.

(a) Easements to facilitate phosphate mining as granted by Farmland Industries, Inc , to International Minerals & Chemical Corporation under instrument dated August 30, 1985, filed September 16, 1985 Official

Records Book 2358, page 1001. Polk County, Florida, with respect to land particularly described in the instrument and lying in Section 28 and 29 of Township 30 South, Range 24 East, Polk County, Florida which easements were transferred by International Minerals & Chemical Corporation to IMC Fertilizer, Inc , under instrument dated July 1,

1987, filed July 15, 1987, Official Records Book 2546, page 782, Polk County, Florida. [This item pertains only to land in Sections 28 and 29 of Township 30 South, Range 24 East, Polk County, Florida]

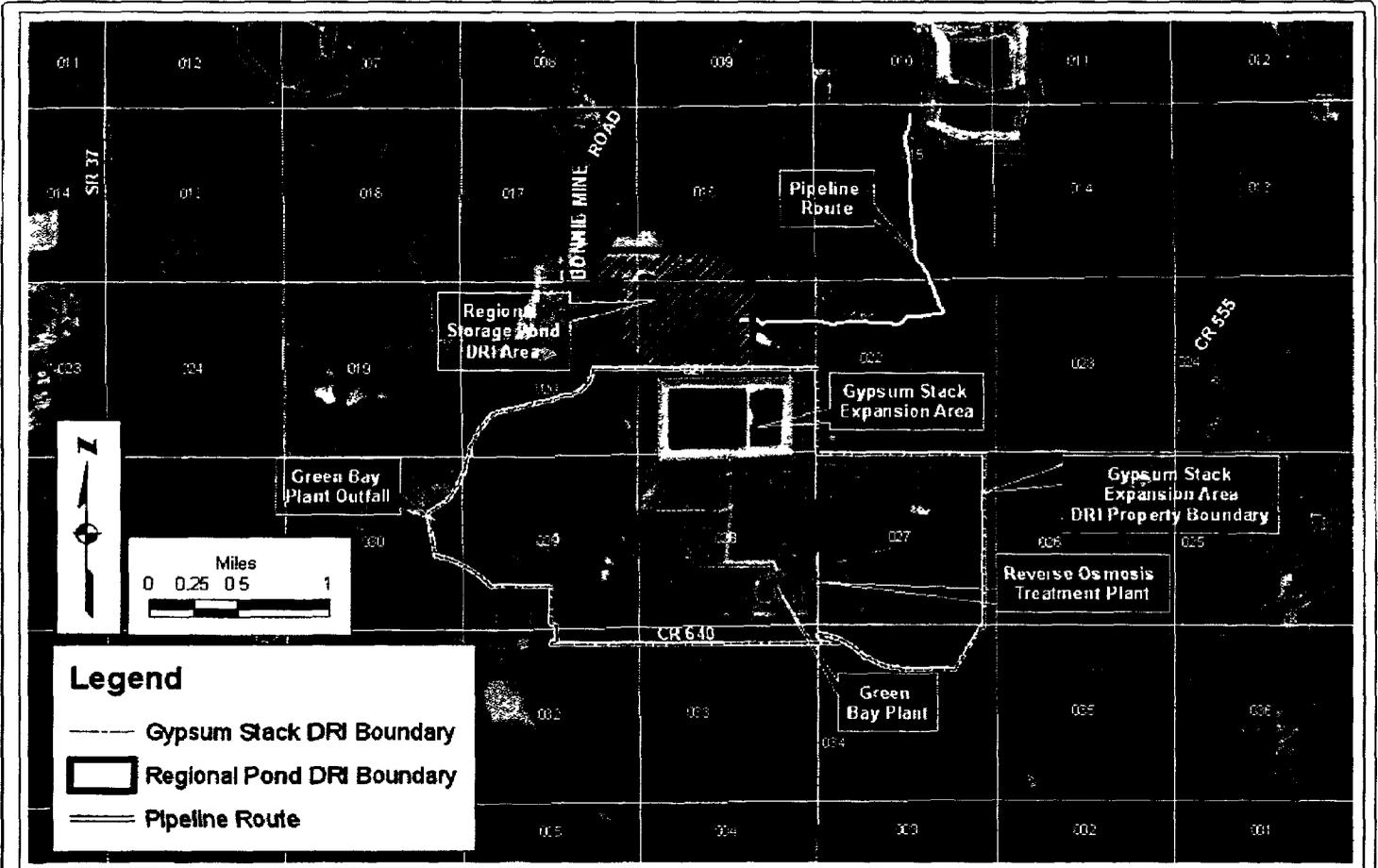
(b) Easements to facilitate phosphate mining and related activities as reserved by IMC Fertilizer, Inc , in deed from IMC Fertilizer, Inc , to Farmland Industries, Inc , dated May 14, 1991, filed May 21, 1991, Official Records Book 2974, page 1271, Polk County, Florida [This item pertains only to land in Sections 32, 33, and 34, of Township 30 South, Range 24 East, Polk County, Florida, lying south of County Road 640]

5 Mineral interests, IMC Fertilizer, Inc., Polk County Rights of IMC Fertilizer, Inc. (as transferee of International Minerals & Chemical Corporation) in phosphate minerals (and minerals related thereto), and appurtenant rights for use of the surface of the lands, as set forth in the deeds identified below

(a) Deed from International Minerals & Chemical Corporation to Farmland Industries, Inc , dated August 26, 1985, filed September 6, 1985, Official Records Book 2356, page 849, Polk County, Florida, in which such rights were reserved. [Pertains to land in Sections 20, 21, 27, 28, 29, 30, and 34 of Township 30 South, Range 24 East, Polk County, Florida]

(b) Deed from Farmland Industries, Inc., to International Minerals & Chemical Corporation dated August 26, 1985, filed September 6, 1985, Official Records Book 2356, page 860, Polk County, Florida, in which such rights were granted [Pertains to land in Sections 27, 28, 29, and 30 of Township 30 South, Range 24 East, Polk County, Florida]

6 Mineral royalty, Agrico Chemical Company. Royalty interest (as to phosphate mined on or before December 31, 2000) reserved by Agrico Chemical Company in instrument between Agrico Chemical Company and Farmland Industries, Inc , dated August 20, 1981, filed September 23, 1981, Official Records Book 2042, page 477, Polk County, Florida [This item pertains only to land in Section 27, 28, and 29 of Township 30 South. Range 24 East, Polk County, Florida]



Attachment C
Green Bay Gypsum Stack Expansion Area DRI Boundary and
Regional Pond DRI Area.

Attachment C

RECORDER'S MEMO:
 Legibility of Writing, Typing or Printing Unsatisfactory in This Document When Received.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY, FLORIDA, THIS 19th DAY OF MAY, 2010.

BOARD OF COUNTY COMMISSIONERS OF POLK COUNTY

**By
Bob English
Chairman**

ATTEST: Richard M. Weiss, Clerk

By *Freda L. Wade*
Deputy Clerk *P. 39*

Bob English



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. 10-077 restating the Development Order previously issued for the Farmland Hydro L.P. Gypsum Stack Expansion Development of Regional Impact. The name of this DRI was changed to Cargill Fertilizer, Inc. DRI and now it is being changed to Mosaic Fertilizer L.L.C. DRI. Resolution No. 10-077 was adopted by said Board on May 19, 2010.

WITNESS my hand and official seal on this 24th day of May 2010.



RICHARD M. WEISS, CLERK

By: *Freda L. Wade*
Freda L. Wade
Deputy Clerk