

FINAL REPORT

Review of Nutrien–White Springs Activities and Operations Related to Five-Year Renewal of Special Permit 03-1

Review Period: January 2018 through December 2022

Prepared for:



Hamilton County Board of County Commissioners
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January 16, 2023

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Professional Geologic Assessment Statement

The accompanying report was prepared for the Hamilton County Board of County Commissioners. This report reviewed the activities and operations at Nutrien–White Springs in Hamilton County, Florida, regarding the five-year permit renewal of Special Permit 03-1.

The tasks undertaken in this study are within the professional geological and resource development experience of the Consultants and are intended to provide the client with an understanding of the mining and reclamation activities over the past five years at Nutrien–White Springs.

Our professional credentials satisfy the “qualified person” requirements or standards of professional standards-setting organizations in the United States and other countries.



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Professional Geologist: Florida #5
January 16, 2023



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January 16, 2023

LIST OF COMMON ACRONYMS

CRP	Conceptual Reclamation Plan
EPA	United States Environmental Protection Agency
ERP	Environmental Resource Permit
FDEP	Florida Department of Environmental Protection
HCBOCC	Hamilton County Board of County Commissioners
LHC	Lampl Herbert Consultants
MMP	Mining and Mitigation Program
NPDES	National Pollutant Discharge Elimination System
NWS	Nutrien–White Springs
SRWMD	Suwannee River Water Management District
USACE	United States Army Corps of Engineers
WRP	Wetlands Resource Permit

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Attachment 2 - Nutrien-White Springs Phosphate Comment Letter dated January 13, 2023

Attachment 3 - Chronology of Major Events at Nutrien-White Springs 1965 through 2022

Executive Summary

Lampl Herbert Consultants (LHC) conducted a technical review of Nutrien–White Springs operations in Hamilton County, Florida, in conjunction with an application for renewal of Special Permit 03-1 as provided for in the Hamilton County Phosphate Mining Code and by Hamilton County Resolution No. 2003-05 (***Attachment 1***). The technical review addressed all mining-related permits for the Nutrien–White Springs site that have been obtained from state and federal agencies as these permits may govern mining operations conducted under Hamilton County Resolution No. 2003-05 and Special Permit 03-1. The results of the review are presented in this report and include recommendations.

The data reviewed here were drawn from current and historic documents that included the Nutrien–White Springs Annual Operating and Progress Reports from January 2018 through December 2022 of mining activities submitted to Hamilton County by Nutrien–White Springs as required by County Resolution No. 2003-05 and Special Permit 03-1, the renewal permit application, permits currently in effect (federal, state, regional, and local), satellite and aerial imagery, regulatory and agency reports, permit variances and modifications, and news articles. Additional information was obtained by LHC staff through telephone and office interviews conducted with representatives of Hamilton County government, Nutrien–White Springs, and regional, state, and federal agencies. We also conducted two site visits at Nutrien–White Springs.

Based on review of these documents and interviews with program managers and representatives of environmental regulatory agencies, Lampl Herbert Consultants concludes that **Nutrien–White Springs’ operations are in compliance** with the provisions of Hamilton County Resolution No. 2003-05 and Special Permit 03-1.

The results of the review are presented in this report and include recommendations.

1.0 INTRODUCTION

Lampl Herbert Consultants

Lampl Herbert Consultants (LHC) is a woman-owned, small business based in Tallahassee, Florida. LHC provides professional services related to business management and organizations, public policy, and the environment. Areas of expertise include geology, mining, environmental sciences, and human dimensions of natural resource development.

Lampl Herbert Consultants (LHC) was retained by the Hamilton County Board of County Commissioners, to conduct a review of operations, permitting, and reclamation activities of Nutrien–White Springs (NWS) in Hamilton County, Florida (**Figure 1**). The review is required as part of the Nutrien–White Springs Five-Year Special Permit Renewal 03-1. Dr. Thomas A. Herbert, P.G., Vice President of Lampl Herbert, served as the Project Manager. Gregory M. Hitz, P.G., provided coordination and review.

The Project

Lampl Herbert Consultants conducted a technical review for the pending renewal application of Nutrien–White Springs as provided for in the Hamilton County Phosphate Mining Code and Hamilton County Resolution No. 2003-05 (**Attachment 1**). The results of the review are presented in this report. In addition, LHC provides recommendations related to the operations of Nutrien–White Springs in Hamilton County for Board consideration.

Lampl Herbert Consultants has submitted a “Draft Final Report” for review by Nutrien–White Springs. Nutrien–White Springs reviewed and prepare a Comment Letter on the “Draft Final Report”. The Comment Letter is included as **Attachment 2**. Public hearings concerning the application are expected to be conducted in either March or April 2023 by the Board of County Commissioners.

Section 3 of Resolution No. 2003-05 (b) iii states that *“the consultant shall present a final report to the board no later than thirty days after issuance of the preliminary report; which shall include detailed findings and conclusions as to PCS’s status of compliance with the conditions of this Special Permit, including representations in the applications for Special Permit and Master Mining Plan, and with Section 14.7.2., LDR and State and Federal permits. The report shall also make recommendations as to compliance measures to be taken in any instance where a current item of non-compliance is found.”*

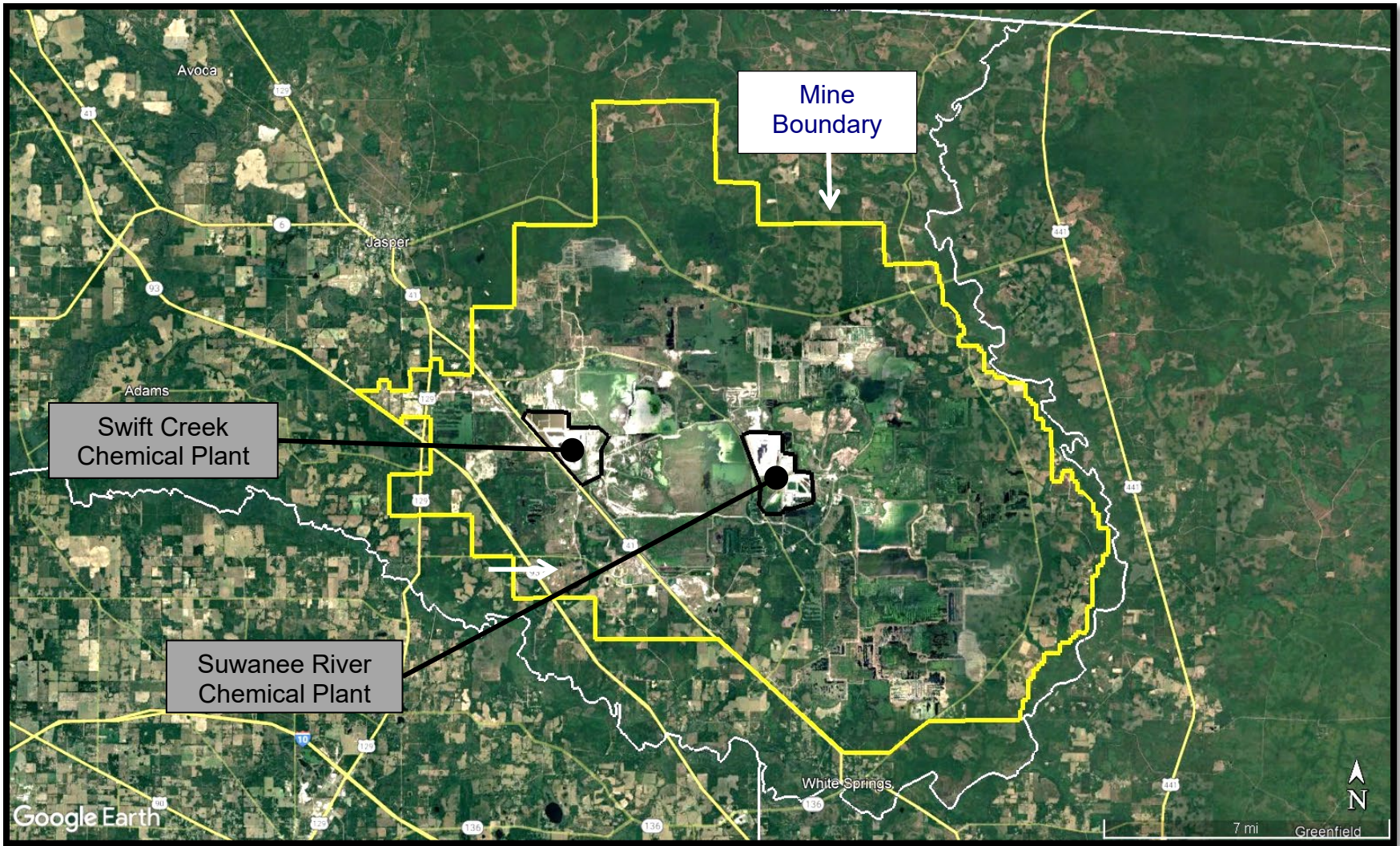


Figure 1. Map of Nutrien-White Springs

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Additionally, Section 3 of Resolution No. 2003-05 (b) iv states that “the consultant’s report shall be reviewed by the Board at a public hearing, at which PCS may present evidence regarding any findings, conclusions, and recommendations of the consultant or other matters related to its status of compliance with the LDR. The Board shall make findings regarding PCS’s status of compliance under this Special Permit based upon PCS’s initial application and notice, the consultant’s recommendation(s), and any other competent and substantial evidence presented to the Board.”

The events and actions related to Nutrien–White Springs and their predecessors Occidental Chemical Company that have led up to this review are presented in chronological order in **Attachment 3**.

Limitations

The review focused on permit compliance and regulatory actions associated with mining operations and reclamation activities from January 2018 through December 2022.

2.0 GENERAL STATEMENT ON PHOSPHATE MINING

Phosphate mining occurs in two geographic areas in Florida – in Central Florida (Hillsborough, Manatee, Polk, and Hardee Counties) and Hamilton County in North Central Florida. Two mining companies remain active in the Florida phosphate industry – The Mosaic Company in Central Florida and Nutrien–White Springs in Hamilton County (**Figure 2**).

The Florida Institute of Phosphate Research (FIPR) provides an excellent summary of modern day mining methods used to extract phosphate ore in Florida. Please see <https://fipr.floridapoly.edu/about-us/phosphate-primer/index.php> for FIPR’s “Phosphate Primer.”

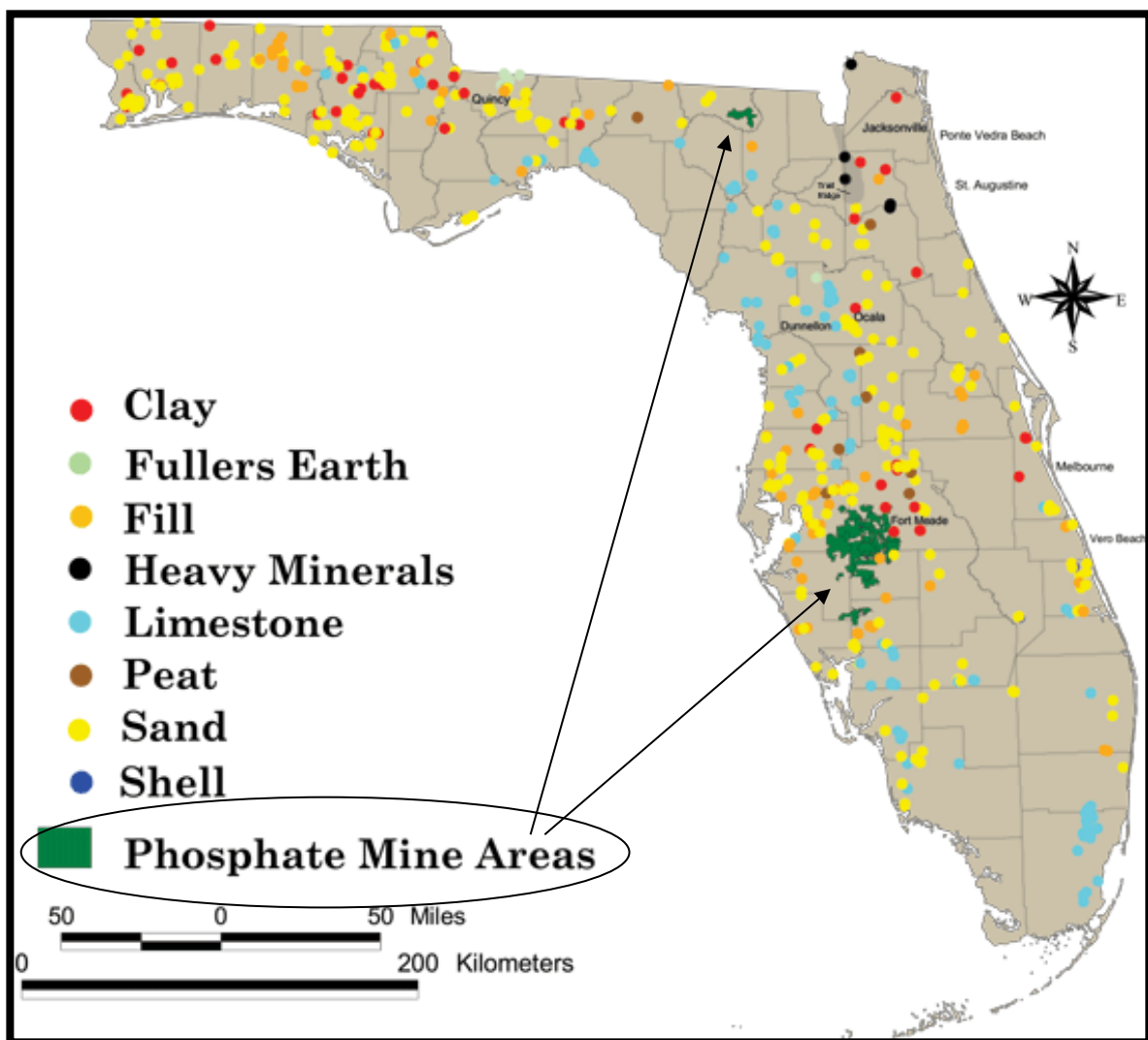


Figure 2 - Phosphate mining areas in Florida
(source - <http://www.dep.state.fl.us/geology/geologictopics/minerals.htm>)

3.0 METHODOLOGY

The data reviewed here were drawn from current and historic documents that included the renewal permit application, permits currently in effect (federal, state, regional, and local), aerial photographs, regulatory and agency reports, variances and modifications, and news articles. Additional information was obtained through telephone and office interviews conducted with representatives of Hamilton County government, Nutrien–White Springs, and regional, state, and federal agencies. In addition, we conducted two site visits at Nutrien–White Springs.

Specifically, the data set consisted of:

- Review of documents and articles:
 - Nutrien–White Springs’s Annual Reports and Special Permit applications submitted over the previous five years (2018 through 2022).
 - Federal, state, regional, and local records and files regarding various permits and correspondence.
 - Documents and news articles related to Nutrien–White Springs retrieved via Internet research.
- Observations from site visits:
 - LHC staff accompanied FDEP Mining and Mitigation Program staff (Marisa Rhian, Program Administrator, and Evan Martin, Environmental Specialist III) and Don Dahlgren, Senior Engineer, Nutrien, during the 2022 Third Quarter Field Inspection at Nutrien–White Springs - White Springs.
 - LHC staff visited Nutrien–White Springs (Don Dahlgren, Senior Engineer) to review permit issues and tour site.
- Interviews at offices:
 - Commissioner Travis Erixton, District 4, Hamilton County Board of County Commissioners, Louie Goodin, County Coordinator, and Private citizen, and Randy Ogburn, former County Commissioner of District #4.
 - Hamilton County Special Counsel for Mine Regulation, Scott Shirley in Tallahassee, FL, regarding local concerns and issues at Nutrien–White Springs.
 - Nutrien–White Springs Representative Don Dahlgren, Senior Engineer, Mine Planning.
 - Representatives from private landowners within mining boundary:
 - King Baker Holdings, LLC
 - White Springs Planation, LLC

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- Interviews by telephone:
 - Nutrien – Stan Posey, Manager, Environmental Affairs, and Rachel Garland, Manager, Government and Industry Affairs, regarding dam inspection issues and landowner complaints.
 - Hamilton County Officials and Representatives (Commissioner Travis Erixton, District #4, Louie Goodin - County Coordinator, and Scott Shirley – Special Counsel Mine Regulation) regarding local concerns and issues associated with Nutrien–White Springs mining operations.
 - U.S. Army Corps of Engineers (USACE) - Jacksonville Regulatory Office (Bob Halbert, Enforcement Chief) regarding the status of federal jurisdictional wetlands at Nutrien–White Springs.
 - EPA – Region 4, Hazardous Waste Enforcement and Compliance Section (Araceli Chavez, Chief) regarding activities, revised timelines, and compliance related to federal consent order issued in 2010.
 - FDEP/ Mining and Minerals Program staff (Marisa Rhian, P.E., Program Administrator, Evan Martin, Environmental Specialist) in Tallahassee, FL, regarding Wetlands Resource Permit and Conceptual Mining Plan obtained by Nutrien–White Springs.
 - FDEP/Wastewater Program staff (Herndon Sims, Engineer Specialist) regarding Industrial and Domestic Wastewater Permits held by Nutrien–White Springs.
 - FDEP/Air Program regarding Nutrien–White Springs’s Ambient Air Quality and Point Source Emissions (Sara Grave de Peralta, Environmental Specialist).
 - FDEP/Water Resources Staff (Tom Kallemeyn, Program Administrator, and Dung Vo, P.E., Professional Engineer III) regarding NPDES permit.
 - Suwannee River Water Management District (SRWMD) regarding Consumptive Use Permits for Nutrien–White Springs (Warren Zwanka, P.G., Resource Management Division Director).
 - Selected representatives from private landowners within mining boundary (see Figure 2).
 - King Baker Holdings LLC
 - White Springs Planation, LLC
 - Third Pope, LLC
 - Sara Abel and Camp et al.
 - HTFF REIT, Inc
 - Bullard Family
 - Kennedy Family

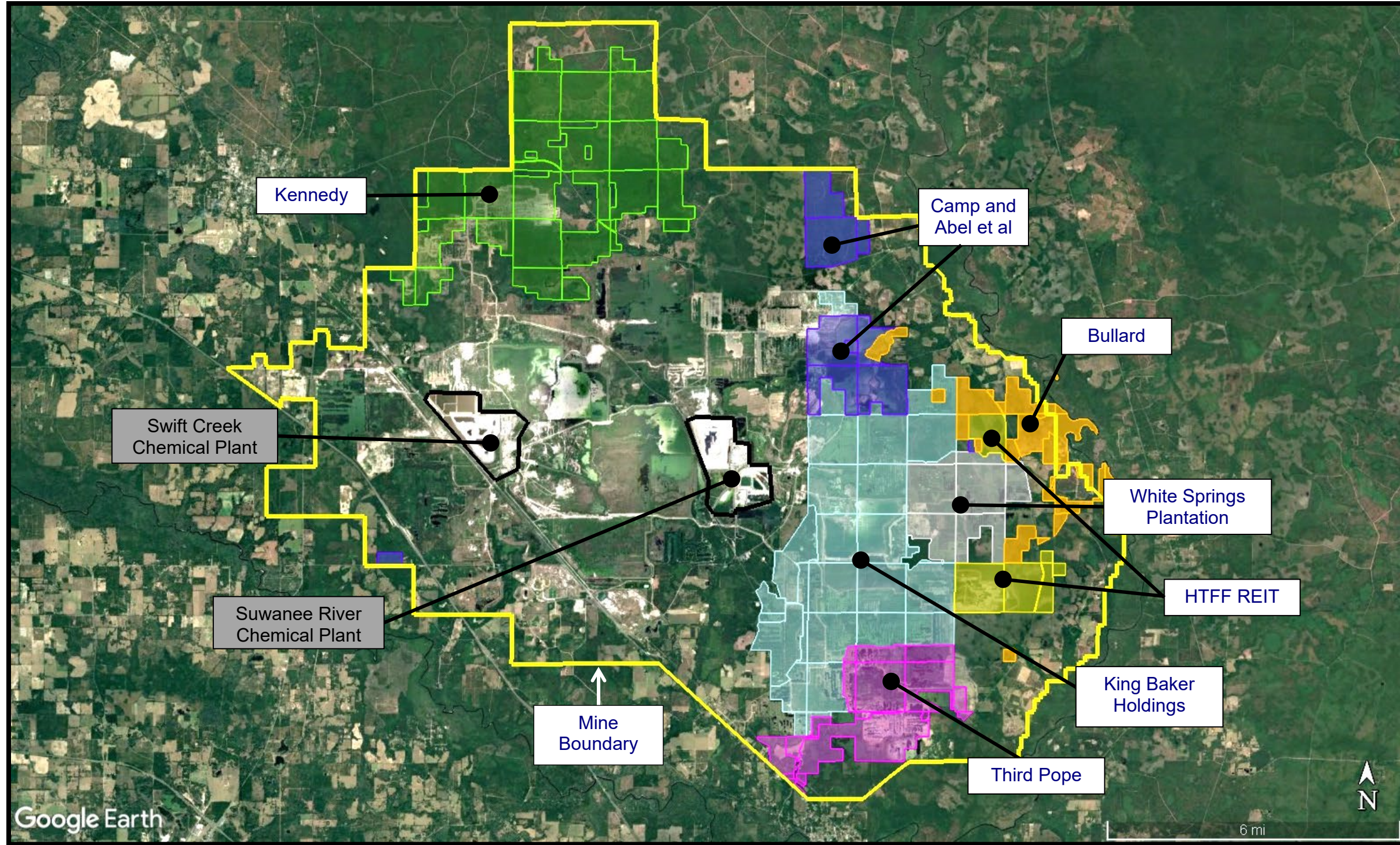


Figure 3. Map of selected private landowners within mining boundary at Nutrien–White Springs

4.0 SUMMARY OF NUTRIEN ANNUAL OPERATING AND PROGRESS REPORTS

Nutrien–White Springs provided the following information to Hamilton County as part of the Annual Operating and Progress Reports filed individually from 2018 to 2022; Nutrien provided estimates for 2022.

Mining and Reclamation Acreage and Estimates

For the period of 2018 through 2022, Nutrien–White Springs will have mined a total of 3,112 acres (estimated) and reclaimed through revegetation a total of 3,029 acres (estimated). Please see Table 1 for a summary.

Nutrien–White Springs reported the following mining and reclamation activities in Annual Operating and Progress Reports:

Year	Acres mined (acres)	Mined acres contoured to final grade (acres)	Mined acres revegetated (acres)	Disturbed Acres Revegetated (acres)
2018	633	655	719	<i>not reported</i>
2019	599	628	628	584
2020	689	802	651	118
2021	579	502	303	86
2022 ¹	612	<i>acreage not estimated</i>	728	<i>acreage not estimated</i>
Total	3,112		3,029	

¹ Acreages has been estimated by Nutrien. The final 2022 mining and reclamation totals and will be presented by Nutrien to the Board of County Commissioners as part of the 2022 Annual Operating and Progress Report.

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Permit Compliance Status

Nutrien–White Springs Annual Operating and Progress Reports indicate they were in compliance with all permits for the period of 2018 through 2022 (Table 2).

Table 2 – Summary of Permit Compliance as Reported by Nutrien-White Springs	
Year	Permit compliance
2018	Nutrien reports to be in compliance with all permit conditions related to mining and beneficiation operations. There were no reportable releases of any regulated substances from mining and beneficiation operations.
2019	Nutrien reports to be in compliance with all permit conditions related to mining and beneficiation operations. There were no reportable releases of any regulated substances from mining and beneficiation operations.
2020	Nutrien reports to be in compliance with all permit conditions related to mining and beneficiation operations. There were no reportable releases of any regulated substances from mining and beneficiation operations.
2021	Nutrien reports to be in compliance with all permit conditions related to mining and beneficiation operations. There were no reportable releases of any regulated substances from mining and beneficiation operations.
2022	Nutrien will report on 2022 Annual Operating and Progress Reports to the Board of County Commissioners in 2023.

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Landowner Complaints to Nutrien–White Springs

Nutrien–White Springs Annual Operating and Progress Reports indicate that there were resolved and unresolved landowner complaints for the period of 2018 through 2022 (Table 3).

Table 3 – Summary of Landowner Complaints as Reported by Nutrien-White Springs	
Year	Landowner complaints
2018	<p>There was one landowner issue, which was in the final stages of resolution.</p> <p>Nutrien Response (as of December 2022):</p> <ul style="list-style-type: none"> • Pending <ul style="list-style-type: none"> ○ Landowner made accusations of flooding. This matter is in pending litigation.
2019	<p>There were three landowner issues, two of which were resolved, and one was pending.</p> <p>Nutrien Response (as of December 2022):</p> <ul style="list-style-type: none"> • Resolved <ul style="list-style-type: none"> ○ Individual complained about bad water in well. Nutrien were nowhere near their property but addressed the issue. ○ Nutrien is unaware of the details of the second resolved issue. • Unresolved <ul style="list-style-type: none"> ○ Landowner issue from 2018 carried into 2019, with a claim that there was damage to mobile home foundation from flooding. This matter is in pending litigation.
2020	<p>There were four landowner issues, three of which were resolved, and one was pending.</p> <p>Nutrien Response (as of December 2022):</p> <ul style="list-style-type: none"> • Resolved <ul style="list-style-type: none"> ○ Landowner claimed Nutrien was flooding property, however surveys done in 2019 show that landowners land is 6 ft higher than ours. Landowners has filed complaints with the county directly. ○ We are unaware of details of 2 of the resolved issues. • Unresolved <ul style="list-style-type: none"> ○ Landowner claimed Nutrien was flooding property and preventing accessibility. Issue was not resolved and has been an ongoing conversation with company and landowner to identify resolution.
2021	<p>There was one unresolved landowner issue. Nutrien is working with claimant to resolve the issue.</p> <p>Nutrien Response (as of December 2022):</p> <ul style="list-style-type: none"> • Unresolved <ul style="list-style-type: none"> ○ Landowner claims of flooding and access issues unresolved from 2020. Working directly with landowner to resolve, landowner has outlined their complaints and provided document to Nutrien as of 12/13/2022.
2022	<p>Nutrien will report on 2022 Annual Operating and Progress Reports to the Board of County Commissioners in 2023.</p>

LHC’s independent review of Nutrien permits is presented in the next section of this report (5.0 Independent Review of Permits).

5.0 INDEPENDENT REVIEW OF REGULATORY PERMITS AND ACTIONS

This review addresses Nutrien–White Springs permits and regulatory actions issued for and related to mining and reclamation activities for Special Permit 03-1. LHC independently verified status of federal, state, and regional permit and regulatory actions.

Nutrien–White Springs routinely provides a complete list and status of all permits in the self-reported Annual Operating and Progress Reports. All permits were reported to be in compliance. Based upon this review, Nutrien–White Springs appears to be in compliance with all the permits reviewed as of late December 2022. In addition, state and federal regulatory actions related to a federal initiative for mineral processing, sinkhole events resulted in consent orders.

Table 4 summarizes relevant permits issued by federal, state, regional, and local agencies and subsequent regulatory actions related to mining operations and reclamation activities at Nutrien–White Springs. Each permit and related action is discussed below.

Note to the reader: The term “compliance” is used through this document. Compliance, related to permits, indicates the Nutrien has or is currently complying with the general and specific conditions and terms of the permit. Compliance, related to consent orders and other regulatory enforcement actions, indicates that Nutrien is in compliance with terms of the regulatory actions and future activities may be pending to comply with the consent order. A non-compliance event can occur that violate the terms of a specific permit and may lead to an enforcement action. Compliance with the enforcement action will maintain compliance with the permit.

Table 4 – Summary of Regulatory Permits and Actions Pertaining to Mining and Reclamation Activities at Nutrien–White Springs							
Permit Name	Permit No.	Permit Focus	Permit Issued by	Related Actions		Current Status	Contact Information
				Event/Episode	Regulatory Resolution		
Special Permit	03-1	Mining and reclamation	Hamilton County	--	--	In compliance with terms of permit	Ard, Shirley, Rudolph Scott Shirley (850) 577-6500
Consumptive Use Permit (CUP)	2-84-00703.004 219878-6	Groundwater and surface water for mining/dewatering	SRWMD	--	--	In compliance with terms of permit	SRWMD Warren Zwanka, P.G. (800) 226-1066
Conceptual Reclamation Plan (CRP)	PCS-HC-CP(D)	Reclamation to incorporate Loncala Tract	FDEP	--	--	In compliance with terms of permit	FDEP-Mining and Mitigation Evan Martin (850) 245-8483
	PCS-HC-CP(E)	Mine-wide Reclamation Activities	FDEP	--	--	In compliance with terms of permit	FDEP-Mining and Mitigation Evan Martin (850) 245-8483
Wetlands Resource Permit (WRP)	0144913	Florida jurisdictional wetlands impacted by mining activities	FDEP	PCS request variance 0144913-020-EV-VE	Mine-wide Variance from Minimum Dissolved Oxygen Concentrations	In compliance with terms of permit	FDEP-Mining and Mitigation Evan Martin (850) 245-8483
				PCS request variance 0144913-034-EV-VE	Variance from Swift Creek Phosphogypsum Reclamation Standards	In compliance with terms of permit	FDEP-Mining and Mitigation Evan Martin (850) 245-8483
Domestic Wastewater Treatment	FLA011633 FLA011626 FLA011627 FLA187712	Domestic wastewater related to Nutrien operations	FDEP	--	--	In compliance with terms of permit	FDEP-Wastewater Herndon Sims (904) 256-1700
Ambient Air Quality and Point Source Emissions	0470002	Air quality related to mining and chemical plant operations	FDEP under delegation from EPA	--	EPA Consent Order 14-707-BAJ-SCR	In compliance with terms of permit	FDEP- Air Resources Chris Azcuy / Sara Grave 904-256-1529
Federal Permit for Wetlands	198404652 (IP-RHL)	Federal jurisdictional wetlands impacted by mining activities	USACE	--	--	In compliance with terms of permit	USACE-Jacksonville Bob Halbert / John Fellows (904) 232-2502
National Pollution Discharge Elimination System (NPDES)	FL0000655 FL0000655-021	Industrial waste water related to mining and chemical plant operations; Horizontal and Vertical Zone of Discharge for surface and ground waters	FDEP under delegation from EPA	Release of process water from sinkhole into the Floridan Aquifer at Swift Creek Phosphogypsum Storage Stacks	FDEP Consent Order 10-1878	In compliance with terms of permit and consent order	FDEP-Water Resources Dung Vo, P.E. (904) 256-1618
	--	--	--	Management of Phosphogypsum Storage Stacks	EPA Consent Order 04-2010-4250	In compliance with terms of consent order	EPA–Region 4 Araceli Chavez (404) 562-8610

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Hamilton County - Special Permits 03-1

LHC staff conducted phone and/or office interviews with Commissioner Travis Erixton, District #4, Louie Goodin - County Coordinator, and Scott Shirley regarding local mining and reclamation. There were no issues of noncompliance regarding this permit; however, the following general concerns were reported:

- Continuing to reduce the amount of and the County's exposure to un-reclaimed and/or released lands.
 - Nutrien reports the amount of financial obligation that Nutrien has regarding FDEP Wetlands Resource Permit #0144913 through 2021 is \$11,545,683.
 - Nutrien reports the amount of financial obligation that Nutrien has to Hamilton County regarding Hamilton County Mining Ordinance (as amended by Ordinance #2016-01) through year 2021 is an additional \$11,019,967.
 - On December 8, 2022, Nutrien provided Hamilton County a Standby Trust Agreement and an Irrevocable Standby Letter of Credit, #OSB267175NYA from The Bank of Nova Scotia.
- Ongoing concerns regarding the profile, height, and slope of phosphogypsum stacks during final closure.

SRWMD - Consumptive Use Permits No. 2-84-00703.004

LHC conducted a phone interview with Warren Zwanka, P.G., Resource Management Division Director at the Suwanee River Water Management District (SRWMD) to review the status of active water use permits. On August 8, 2012, PCS consolidated three Consumptive Use Permits No. 2-05-00091, 2-84-00703R, and 2-84-00701R into one Consumptive Use Permit No. 2-84-00703.004. This permit expires on March 8, 2025. Nutrien-White Springs currently has up to 62 production wells, ranging from 4 to 28 inches in diameter.

Nutrien voluntarily reduced water allocation by ten percent from the previous water allocations as part of ongoing regional water supply planning efforts in northeast Florida. Consumptive Use Permits No. 2-84-00703.004 currently allocates an average 84.16 million gallons per day of groundwater withdrawal. Nutrien reports that, in practice, actual groundwater use is approximately 25 to 30 million gallons per day.

Additionally, Nutrien continues to be actively participating in *The North Florida Regional Water Supply Partnership*, between FDEP, SJWMD, and SRWMD. Nutrien has been supplying groundwater and water use data and technical support to assist in determining water supply needs for the Suwanee River region. These data contributed to the development of the North Florida-Southeast Georgia (NFSEG) regional groundwater flow model designed to better predict and assess potential water

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resource impacts. More information regarding this effort can be viewed at <http://northfloridawater.com/>.

Mr. Zwanka reviewed files related to Nutrien files and stated that there have been no issues with the consumptive use water permits.

FDEP – Wetlands Resource Permit No. 0144913-003 and 0144913-021 and Conceptual Reclamation Plan HC-CRP(C), HC-CRP(D), and HC-CRP(E)

The FDEP OCULUS system was quarried for compliance issues. Below is a summary:

- Complaint Investigation - July 07, 2021. On March 10, 2021, the FDEP received a complaint from Mr. Neal Martin regarding the flooding of the Bull Bay wetland, a property adjacent to his home and adjacent to Nutrien's Hamilton County Mine. FDEP Mining and Mitigation Staff conducted a site inspection of the property on March 22, 2021. The complaint asserts that Bull Bay, a large hourglass shaped forested wetland of more than 200 acres flows to the north/northeast and the Hamilton County Mine has blocked the flow to the north/northeast, has backed up water in the wetland and has caused flooding and tree mortality throughout the site. FDEP concluded that "The cause of tree mortality within the northern portion of Bull Bay is not clear due to the sporadic mortality in the canopy and across age class.
- Complaint Investigation - August 12, 2019. On January 15, 2019, the FDEP received a complaint from Mr. Chris Williams regarding the flooding of his home at the 6157 US-41, Jasper, Florida. Mr. Williams claimed that PCS Phosphate-White Springs (PCS) recently connected reclamation in the Bell Creek drainage basin, causing flooding of his property. FDEP Mining and Mitigation Staff conducted a site inspection of the residence on May 1, 2019. The Department determined that the complainant's home was not built within wetlands, however, it appears to be a low-lying area with adjacent areas having wetland characteristics. The area appears relatively flat with little topographic gradient. The increase in elevation along the bottom of the flow path could indicate the fill material is capable of backing up water to an elevation that matches or exceeds the existing elevation where Mr. Williams' house sits. It is noted that approximately 1.5 inches of rainfall in November and 4 inches of rainfall in December, were recorded by the National Weather Service gauge in nearby Jasper, Florida. In addition to the drainage blockage, this exceedance in rainfall may have resulted in flooding not typically observed at Mr. Williams' home.
 - A follow-up email to FDEP on April 18, 2022, requested samples constituents for chemicals related to phosphate mining and chemical plant waters (RA-226 and 228, sulfates, phosphates, fluoride, and nitrates).

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LHC staff conducted a site visit and telephone interviews with Marisa Rhian, Program Administrator, and Evan Martin, Environmental Specialist III regarding the Wetlands Resource Permit Nos. 0144913-003 and No. 0144913-021 and Conceptual Reclamation Plan HC-CRP(C), HC-CRP(D), and HC-CRP(E).

Wetland Resource Permit No. 0144913-003 (Mine-wide) issued March 31, 2003, incorporated Roaring Creek (0144913-001), Cabbage Head (0144913-002) and Swift Creek (241341569) permits. The expiration date for WRP No. 0144913-003 is life of the mine.

Conceptual Reclamation Plan PCS-HC-CRP(E), approved by FDEP February 2017, resulted from PCS decision to eliminate a planned clay settling area (26/25 SC) and a change a parcel that was identified as industrial in CRP(D) to a conventional mine reclamation parcel (PCS-HC-SC(21)).

Nutrien–White Springs is in compliance with Wetlands Resource Permit No. 0144913-003 and No. 0144913-021 and Conceptual Reclamation Plan HC-CP(C), HC-CP(D), and HC-CP(E).

Variance from Swift Creek Phosphogypsum Reclamation Standards

PCS received a permit variance on June 2, 2008, for Wetlands Resources Permit No. 0144913 which provides a variance from minimum reclamation standards in order to allow continuing industrial use at portions of the Swift Creek phosphogypsum stack reclamation areas. This permit variance is permanent.

Mine-wide Variance from Minimum Dissolved Oxygen Concentrations

PCS received a permit variance on November 30, 2012, from Wetlands Resources Permit No. 0144913 which provides for variance from minimum standard for dissolved oxygen levels in surface waters; Rule 62-302.530(30) F.A.C. This variance only applies to dissolved oxygen levels in the hypolimnia, the deepest layers, of reclaimed phosphate mine pit lakes within the mining footprint. The dissolved oxygen levels in the hypolimnia of the reclaimed phosphate mine pit lakes are expected to drop below the mandatory concentration of 5.0 mg/L. The low dissolved oxygen levels are not expected to result in any on-site or off-site impacts. This permit variance is permanent.

FDEP – Domestic Wastewater Permit No. FLA011633, FLA011626, FLA011627, and FLA187712.

LHC staff conducted a telephone interview with Mr. Herndon Sims, Engineer Specialist Wastewater Compliance Evaluation Section, to review the status of three active domestic wastewater permits (Permit No. FLA011633, FLA011626, FLA011627, and FLA187712) obtained by Nutrien–White Springs. A query of an internal FDEP database consisting of discharge monitoring reports, inspection letter, and relevant

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action letters by Mr. Sims indicated Nutrien–White Springs is in compliance for all domestic wastewater permits.

FDEP – Ambient Air Quality and Point Source Emissions Permits

LHC staff conducted a telephone interview with Sara Grave, Environmental Consultant, Ambient Air Quality and Point Source Emissions, to review the status of active ambient air quality and point source emission permits. This interview and a query of the FDEP’s Air Document Handling System indicate that Nutrien is in compliance with Ambient Air Quality and Point Source Emissions. Unlike the previous five-year review period(s), there were not any “significant non-compliance” from failed stack test resulting from greater than 200% of allowable emissions for Ms. Graves reported that Nutrien is in compliance with all air permits.

USACE- Federal Wetlands Permit No. 198404652 (IP-RHL)

LHC staff conducted a telephone interview with John Fellows, Biologist, U.S. Army Corps of Engineers, Jacksonville Regulatory Office, regarding the modification Permit No. 198404652 (IP-RHL) approved by the ACOE in 2003. This permit related to the approximate 1,400 acres of federal jurisdictional wetlands located within the Nutrien–White Springs Conceptual Mining Plan boundaries. According to Mr. Fellows and Nutrien–White Springs is in compliance with this permit.

FDEP – NPDES/Industrial Wastewater Facility Permit No. FL0000655

LHC staff conducted a telephone phone interview with Dung Vo, P.E., Environmental Supervisor to review the status of the NPDES permit. This permit authorizes 27.8 Million Gallons Discharge (MGD) at the Suwannee River Facility and 26.9 MGD at the Swift Creek Facility. Discharge consisting of treated process wastewater, contaminated non-process wastewater, treated sanitary wastewater, storm water, clay settling areas, and the phosphogypsum stack systems. Final discharge to surface waters of the state occurs at outfalls D-001 (Swift Creek), D-002 (Hunter Creek), D-003 (Roaring Creek) and D-004 (Camp Branch), all of which are discharges to Class III fresh surface waters of the state.

The FDEP OCULUS system was queried for compliance issues. Below is a summary:

- FDEP Compliance evaluation Inspection, May 1, 2018. December 2017 Alpha Gross Particle Activity was measured at and reported to be 15.5 pCi/L at well MWC-SC-15D. A resample was conducted on March 18, 2018, that resulting in a 4.8 pCi/L at well. This was below the limit of 5 pCi/L at well.
- FDEP Warning letter, January 16, 2019, re effective capacity for treatment of process wastewater at Swift Creek Chemical Plant due to extreme rainfall in November and December 2018. Nutrien increased treatment rates at or above 1,200 gallons per minute and confirmed alternative treatment methodologies and equipment. Nutrien also began de-bottlenecking of the liming station and

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associated equipment. Nutrien submitted a *Process Water Management Plan for Phosphogypsum Stacks* on February 8, 2019.

- Nutrien submitted a Closure Permit Application for the unlined Swift Creek Phosphogypsum Stack in December 2021.
- FDEP Release Report Incident(s).
 - Discovery of a release of an estimated 1,000 gallons of turbid stormwater that discharged off-site to Long Branch on July 8, 2021. There are no other indicated contaminants. Erosion of two sections of a perimeter berm caused by heavy rainfall (Tropical Storm Elsa) which allowed inflow of excess stormwater from outside our operational area. That led to a second berm failure which allowed discharge of turbid water through an unnamed tributary to Long Branch.
 - Discovery of a release of an estimated 20,000 gallons of turbid stormwater that discharged off-site to Long Branch on August 4, 2021. There are no other indicated contaminants. Erosion of a perimeter berm caused by heavy rainfall which allowed inflow of excess stormwater from outside our operational area. That led to a second berm failure which allowed discharge of turbid water through an unnamed tributary to Long Branch.
 - Discovery of a release of an estimated 10,000 gallons of turbid stormwater that discharged off-site to Long Branch on August 5, 2021. There are no other indicated contaminants. Discharge was stopped promptly upon discovery by repair of the perimeter berm, preventing further inflow and stopping the outflow. This incident was caused by external erosion of the perimeter berm at the point of the previous repair. Corrective actions are complete.
 - Discovery of a release of an estimated 4 million gallons (estimated flow of 4 mgd for 24 hours) of turbid stormwater that discharged off-site to Long Branch on September 9, 2022. There are no other indicated contaminants. This incident was caused overflow of water from a recently reclaimed lake. A perimeter berm intended to prevent overflow was found to have a gap that was opened for equipment access during reclamation and was not re-established following completion of the reclamation work. Discharge was stopped promptly upon discovery by restoration of the perimeter berm. Additional corrective actions will include re-vegetation of the berm as soon as conditions allow.

Mr. Dung Vo, P.E., stated that Nutrien is in compliance with the permit.

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EPA Enforcement Action - RCRA-04-0210-4250: Consent Order regarding Management of Phosphogypsum Stack Systems

On December 10, 2009, PCS notified FDEP of a sinkhole formation in the Swift Creek Phosphogypsum stack system resulting in the unauthorized discharge of 84 million gallons of wastewater to the Florida Aquifer. On June 2, 2010, PCS entered into an Administrative Order on Consent with the U.S. EPA - Region 4 pursuant to Section 7003(a) of RCRA, Docket No. RCRA-04-0210-4250. Under the terms of the Order, PCS agreed to evaluate alternatives for the future management of phosphogypsum and process water from the manufacturing of phosphoric. On May 2, 2011, EPA approved the “Preferred Alternatives Plan”.

On November 30, 2016, EPA approved modifications to the Phosphogypsum stacks at the Suwannee River and Swift Creek Chemical Complexes. Details for each PGSS area are provided below.

Dorr-Oliver Phosphogypsum Storage Stacks – Suwannee Complex

The Dorr-Oliver PGSS closure began in 2011 by removing and treating water from the cells. These cells will remain open for emergency water storage through 2021. Closure, scheduled to be completed in 2027, will consist of installation of a top-liner, final grading, and revegetation; with post-closure care beginning in 2028.

PCS has proposed and EPA has approved the PCS Work Plan and Schedule for Closure of the Dorr-Oliver Cooling Pond at the Suwannee River Chemical Complex. PCS began closure of cooling ponds in 2011 by removing and treating process water. Cooling pond closure began in 2014; post-closure care began in 2015.

PCS submitted work plans and schedules for closure of the Dorr-Oliver Phosphogypsum Stack and the surge pond to U.S. EPA on August 17, 2016. These plans were approved by EPA on November 20, 2016.

CTC Phosphogypsum Storage Stacks - Suwannee Complex

The existing CTC PGSS is scheduled for closure in 2020; consists of installation of a top-liner, final grading, and revegetation; with post-closure care beginning in 2021. Closure of the existing CTC cooling pond is scheduled to be completed in 2030. PCS is developing Work Plan and Schedule for EPA approval for these activities.

PCS cancelled the proposed new, lined PGSS immediately north of the existing CTC PGSS.

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Swift Creek Phosphogypsum Storage Stacks – Swift Creek Complex

The existing Swift Creek PGSS is scheduled for closure in 2022; consists of installation of a top-liner, final grading, and revegetation; with post-closure care beginning in 2023. Closure of the existing CTC cooling pond is scheduled to be completed in 2030.

Nutrien constructed a new, lined PGSS immediately north of the existing Swift Creek PGSS. The new PGSS did not require a land use change; the area was already zoned industrial. See Figure 4 for the Preferred Alternative Option for Swift Creek PGSS. Construction of the new, lined Swift Creek PGSS was completed in 2018. Closure of the new Swift Creek PGSS is scheduled to be completed in 2032.



Figure 4. Location of existing and proposed Phosphogypsum Stack Systems (PGSS)

6.0 REVIEW OF ADDITIONAL ISSUES

This section addresses other issues and events of interest to the Board that warranted review.

Application of G Lands into FDEP – Wetlands Resource Permit No.144913

The area referred to as the G Lands consists of four individual proposed Reclamation Units: HCHC-13, HC-RCS-18, HC-RCS-19, and HC-RCS-20 totaling 986.7 acres (Figure 5). All mined and disturbed lands associated with the G Lands project are proposed to be reclaimed in accordance with State mandatory phosphate mine reclamation requirements in Chapters 211 and 378, Florida Statutes. The proposed reclamation was also designed in accordance with standards of Chapter 62C-16 F.A.C. and the Hamilton County Mining Ordinance. The post-mitigation land use plans and drainage basin configurations were developed to restore the pre-mining flow characteristics within each drainage basin. The proposed mitigation will ultimately return all mined and disturbed lands to viable economic and environmental productivity, compatible with the surrounding unmined areas.

Nutrien has applied for and FDEP is reviewing the ERP and State 404 individual permits and Hamilton County to amend the Master Mining Plan for modifications to encompass these reclamation areas.

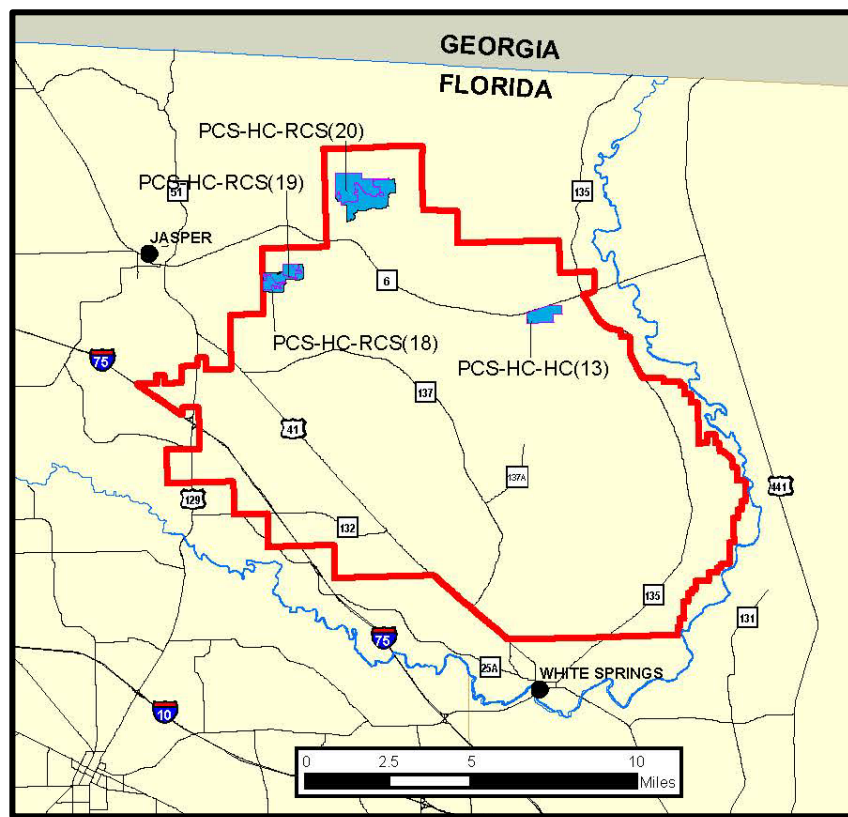


Figure 5 - Location G Lands Reclamation Units

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CY2020 Annual Inspection of Waste Clay Settling Area Dikes

On September 23, 2021, Ardaman & Associates, Inc., prepared the *2020 Annual Inspection of Waste Phosphatic Clay Settling Area Dikes, Nutrien Ltd - White Springs, Hamilton County, Florida*. The report is submitted to the Department as required by Rule 62-672.670(5) Florida Administrative Code. This report recommended areas where “prompt remedial actions should be implemented” and “other areas where less-pressing measures are recommended.”

On a December 7, 2021, Nutrien provided FDEP a series of responses and/or actions to the Ardaman report. As noted in the report, there were no findings of critical conditions requiring immediate corrective action. See Table 5 for a summary of the responses provided by Nutrien to FDEP.

On December 16, 2021, Nutrien and the County followed up with a conference call with FDEP Northeast District staff.

After investigating the matter and reviewing the periodic inspection reports for 2021, FDEP staff concluded in an email from Thomas Kallemeyn, Program Administrator, FDEP Permitting Program, dated April 21, 2022:

FDEP staff have reviewed the annual reports for the Clay settlement Areas. We also conducted a file review for other annual reports required by permit and rule. Although the annual clay settling area annual report did have an initial deficiency noted we did not find any evidence of actual release or harm to the environment through this review. To understand this issue further we have been working with Nutrien to be including [sic] on the upcoming inspections. We will have engineers/inspectors from FDEP accompany their third party vendor this year during the inspections next month. This will allow us to have a stronger understanding of all of the dike areas at the facility.

In May 2022, FDEP Inspectors visited and inspected the sites. Based on follow-up calls with Tom Kallemeyn, Program Administrator, and Dung Vo, Professional Engineer, with the FDEP Permitting Program, and they said that Nutrien has satisfied FDEP regarding the concerns raised during the 2020 Annual Inspection.

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Table 5 – Summary of 2020 “CY2020 Annual Inspection of Waste Phosphatic Clay Settling Area Dikes” Ardaman & Associates Field Inspection Notes with Nutrien Responses provided December 7, 2021.

Ardaman & Associates Inspection Notes	Nutrien Response and/or Action
Settling Area 8 SRM – Spillway 24 will need to be renovated or sealed if Area 8 continues to be used for water management or clay slurry disposal. Alternatively, a cofferdam can be built behind the spillway but it must be constructed so that it is capable of remaining safely stable in the event of the Spillway or of the partition dike.	A cofferdam was constructed around Spillway 24 in October 2021.
Settling Area 1 SCM – Measures ought to be taken to prevent the two pipes penetrating through the west dike of Area 1 near the clay launder chute from being submerged, even partially. The water level in the area has to be lowered below the invert of the pipes.	The pipes in question have been in place for several years. The ground elevations in the area prevent their presence from being a safety concern. Previous inspections have not found the pipes to be a safety issue.
Settling Area 1 SCM – The stilling basin area should have a dedicated dredge to extricate the current buildup of sand in the basin and maintain the liquid level against the west wall not higher than elevation 159.5 feet (NGVD).	As noted in the 2019 EOY Annual Inspection, the dam was raised to 164.0 ft. with an approved operating level of 161.0 ft. The dredging of the basin is a regular channel maintenance activity and was last conducted in 2019. Nutrien has ready access to dredging services if needed, making a dedicated dredge unnecessary.
Settling Area 4 SCM – Spillway 14 should be abandoned and sealed with concrete as soon as practicable.	Spillway 14 was abandoned and sealed with concrete in September 2021.
Settling Area 6A SCM – The fluid level in Area 6A was at design maximum level at the time of inspection. A dredge should be kept in Area 6A to transfer clay slurry to other available settling areas and to aid in preventing the fluid level in Area 6A from exceeding the design maximum.	An additional dredge is not necessary to accomplish this objective. At the time of inspection, material from other settling areas was being dredged and pumped to SA 6A in order to fill SA 6A to its maximum capacity with thickened clay. Dredging activity has ceased to SA 6A and the fluid elevation fluctuates with Settling Area 8A.
Settling Area 8A – It is emphasized that Area 8A (as well as Area 8B) was not being safely operated at the time of the inspection in accordance with Rule 62-672, F.A.C., insofar as the combined areas 6A, 8A, and 8B system with it's (sic) very large catchment area does not have sufficient surge capacity to manage operational flow and runoff generated by a design rain event generating a precipitation depth of 12 inches in 24 hour period, all the while maintaining a minimum freeboard of 5 feet. The pond level must be lowered sufficiently to allow these settling areas to conform to safe operation in accordance with the rule.	As the owner and operator of this system, we strongly dispute the statement that these settling areas were ever being operated in an unsafe manner. The water elevations in Nutrien's clay settling area are managed on a daily basis in full consideration of weather forecasts, the capacity of discharge spillways, and the ready ability to redirect clay slurry to other settling areas if needed. The combination of those management strategies ensure that we have sufficient surge capacity. Nutrien standard operating procedure is to lower the water elevations in settling areas prior to storm events by discharging water to the approved NPDES outfalls. Hydrological modeling is performed annually based on current conditions to determine maximum operating levels appropriate to meet the conditions in Rule 62-672, F.A.C.
Settling Area 8A – Increase dredge capacity in Area 8A to prevent continue overflow of waste clays through Spillway 22 into the return water ditch and to increase surge capacity in settling area.	At the time of the inspection, an additional dredge was operating, providing increased capacity to help prevent overflow of waste clay through Spillway 22. This system continues to operate and has been effective in preventing the overflow of clay through SW 22.
Settling Area 8A – Waste clays sedimented in the return water ditch ought to be dredged out immediately in order to re-establish the flow capacity of the ditch and recovery the minimum required freeboard and return to safe operation of the return ditch.	The periodic dredging of the return water ditch is normal maintenance practice. Dredging maintenance in the return water ditch is on-going and will continue in 2022.
Settling Area 8B – Waste clays sedimented in the return water ditch ought to be dredged out in order to re-establish the flow capacity of the ditch and to recovery the minimum required freeboard.	
Settling Area 9 - Waste clays sedimented in the return water ditch ought to be dredged out in order to re-establish the flow capacity of the ditch and to recovery the minimum required freeboard.	
Settling Area 10V - Waste clays sedimented in the return water ditch ought to be dredged out in order to re-establish the flow capacity of the ditch and to recovery the minimum required freeboard.	



Figure 6 - Location for Clay Settling Areas (taken from Summary of 2020 “CY2020 Annual Inspection of Waste Phosphatic Clay Settling Area Dikes” Ardaman & Associates)

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Sale of Bienville Plantation (2015 to Present)

Bienville Plantation, a 15,000 acre parcel previously owned by Glawson Investments Corporation, was located entirely within the Conceptual Mining Plan boundary of Nutrien–White Springs. In 2015, Glawson Investments sold their holdings to various groups. These groups include Bienville 75, LLC, Roaring Creek Plantation, LLC, Suwanee Valley Plantation, LLC, and Westport Capital Partners, LLC.

Subsequently, in February 2021, Westport Capital Partners, LLC, sold property to King Baker Holdings, LLC. During my interview with Mr. Chris King, Managing Partner, King Baker Holdings, he indicated concerns regarding the routing, treatment, and/or timing of Nutrien’s surface/stormwaters and clay settling areas on his property. Of primary interest was the future construction of clay settling area S/A-14 and the impact it would have on his fishing lakes and resort business (Figure 6).

Nutrien Ltd. – A Merger between Agrium and PotashCorp (2016)

In September 2016, Agrium and PotashCorp (Parent company of Nutrien–White Springs) agreed to join as a “merger of equals”. As of January 02, 2018, the merger created new company, Nutrien Ltd. This merger did not impact the Corporate Guarantee under the County Financial Responsibility. Effective December 7, 2022, Nutrien switched to an irrevocable standby letter of credit as its demonstration of financial responsibility under the County Mining Ordinance.

Final Slopes and Heights of Phosphogypsum Stacks during Closure and Post-closure

County officials have previously expressed concerns regarding the final disposition of the Dorr-Oliver and CTC phosphogypsum stacks at the Suwanee River Chemical Complex and the lined and unlined Swift Creek phosphogypsum stacks the Swift Creek Chemical Complex. Of interest are the angles of the side slopes and the heights of these stacks.

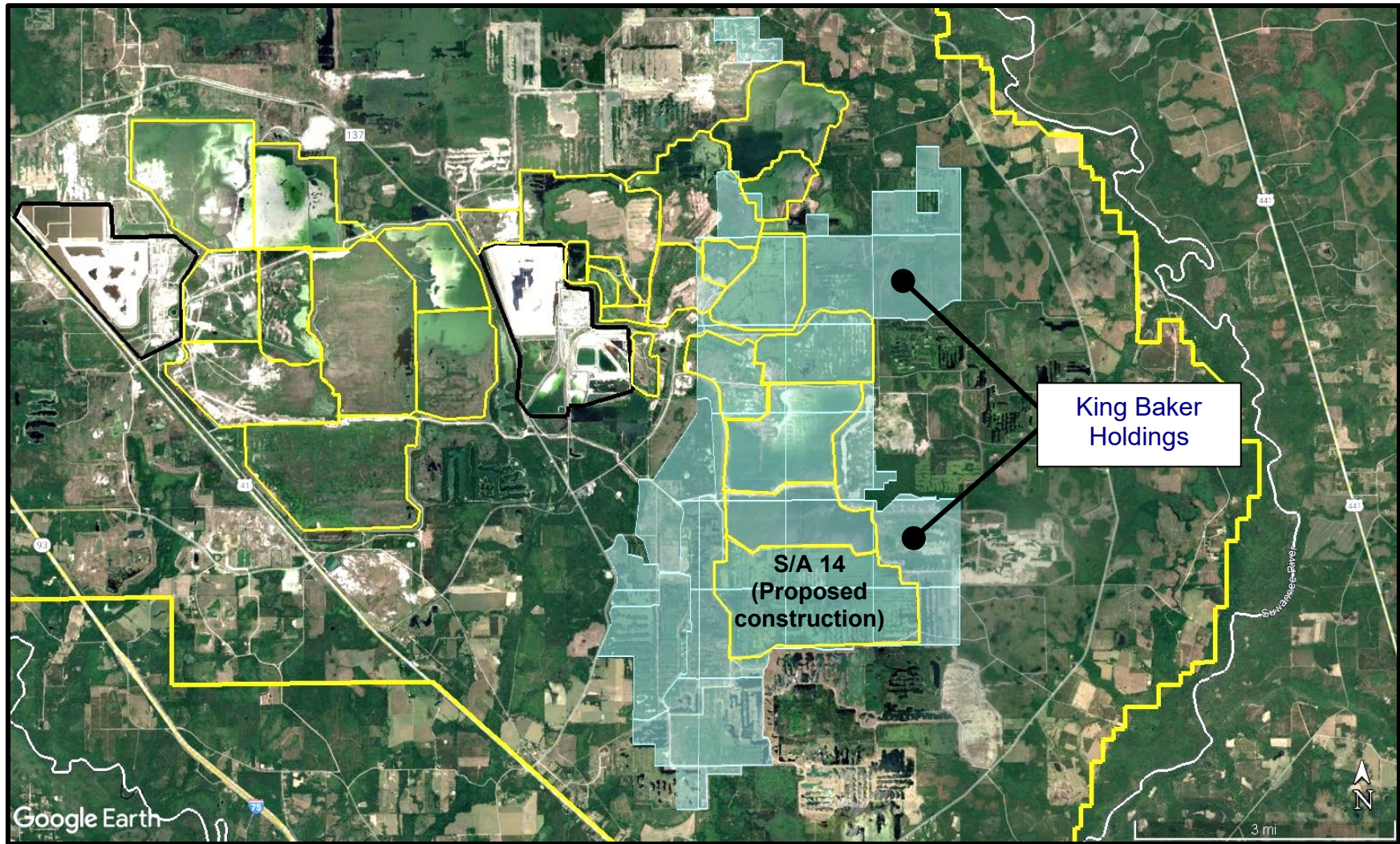


Figure 7. Map of King Baker Holdings, LLC, and the proposed clay settling area S/A 14 within mining boundary at Nutrien–White Springs.

7.0 CONCLUSIONS

Lampl Herbert Consultants (LHC) conducted a technical review of Nutrien–White Springs operations in Hamilton County, Florida, in conjunction with an application for renewal of Special Permit 03-1 as provided for in the Hamilton County Phosphate Mining Code and by Hamilton County Resolution No. 2003-05.

The data reviewed here were drawn from current and historic documents that included the Nutrien Annual Operating and Progress Reports from 2018 to 2022 of mining activities submitted to Hamilton County by Nutrien–White Springs as required by County Resolution No. 2003-05 and Special Permit 03-1, the renewal permit application, permits currently in effect (federal, state, regional, and local), aerial photographs, regulatory and agency reports, permit variances and modifications, enforcement actions, and news articles. The information was obtained by LHC staff through telephone and office interviews conducted with representatives of Hamilton County government, Nutrien–White Springs, and regional, state, and federal agencies. We also conducted two site visits to Nutrien–White Springs.

Based on review of these documents and interviews with program managers and representatives of environmental regulatory agencies, Lampl Herbert Consultants concludes that **Nutrien–White Springs operations are in compliance with the provisions of Hamilton County Resolution No. 2003-05 and Special Permit 03-1.**

8.0 RECOMMENDATIONS

LHC offers the following recommendations for consideration by the Hamilton County Board of County Commissioners (BOCC) as possible conditions or modification for the renewal of the five-year mining permit. These recommendations were gleaned from the review of the data and the situation, offered up by the various permitting agencies and stakeholders, and observations from other phosphate mining operations in Florida.

Nutrien–White Springs maintain a Point-of-Contact with Hamilton County and establish a Point-of-Contact with Private Landowners

Nutrien–White Springs continue a point-of-contact at Hamilton County to ensure that the continuity and flow of information from Nutrien–White Springs to the County is received by a single point-of-contact.

This designated Hamilton County point-of-contact would also be able to provide information regarding pre-mining, mining, and post-mining activities to landowners/stakeholders to assist owners in their short- and long-term planning of activities on various parcels.

Nutrien–White Springs continue to provide a Status Update on EPA Consent Order 04-2010-4250

Nutrien–White Springs continue to present to the Hamilton County Board of County Commissioners the current status and short- and long-term activities of the EPA Consent Order 04-2010-4250.

Nutrien–White Springs present Topics for discussion at the Technical Working Group

Topic #1 – Disposition of Phosphogypsum Stacks during Closure and Post-closure

Nutrien–White Springs present to the Technical Working Group an update on the current and future status of the phosphogypsum stacks at the Suwannee River and Swift Creek Chemical Complexes; to include closure and post-closure plans, stack profiles, cross-sections, and/or 3D models.

Topic #2 - Status of Private Landowners within Mining Boundary

Nutrien present to the Technical Working Group that status of all mining operations in that may impact private landowners within the mining boundary

Annual Reviews

LHC recommends the BOCC continue retain an independent consulting firm to conduct both annual as well as the five-year reviews of mining operation at Nutrien–White Springs. This work would be conducted under the supervision of the County Attorney. Lampl Herbert Consultants will continue to be available to handle five-year reviews and is also available to undertake consulting work relative to the annual review process. Alternatively, the County could create a position for a mining coordinator to provide some or all of these services. As part of the annual review, the independent consultant or mining coordinator would accompany regulatory agencies during quarterly field inspections and provide updates to the BOCC. Such review will provide the BOCC with independent timely notification of emerging concerns or problems at Nutrien Operations.

Attachment 1

Hamilton County Resolution 2003-05

RESOLUTION NO. 2003 -05

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, FLORIDA, CONCERNING PLANNING AND ZONING BOARD'S RECOMMENDATION FOR APPROVAL OF MODIFICATIONS TO SPECIAL PERMIT 96-4, FOR AMENDMENTS TO THE PCS MASTER MINING PLAN, FOR APPROVAL OF A NEW SPECIAL PERMIT TO PCS FOR THE MINING OF ADDITIONAL AREAS, AND FOR APPROVAL OF A DRI AMENDMENT AS PROVIDED FOR IN SECTION 14.7 OF THE HAMILTON COUNTY LAND DEVELOPMENT REGULATIONS; APPROVING A MASTER MINING PLAN AMENDMENT; APPROVING THE REQUESTED AMENDMENT OF SPECIAL PERMIT 96-4; APPROVING NEW SPECIAL PERMIT 03-1; APPROVING A NOTICE OF PROPOSED CHANGE TO A PREVIOUSLY APPROVED DEVELOPMENT OF REGIONAL IMPACT; REPEALING RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, White Springs Agricultural Chemicals, Inc., d/b/a PCS Phosphate -- White Springs (hereinafter "PCS") is the owner/operator of a phosphate mining operation in Hamilton County, Florida; and

WHEREAS, on November 15, 2001, PCS filed applications for approval of a Master Mining Plan modification, amendment of an existing Special Permit (96-4), and a Special Permit for new areas within the operating area described in the Master Mining Plan application; and

WHEREAS, these applications are subject to Section 14.7.2. of the Hamilton County Land Development Regulations (LDR); and

WHEREAS, additional information was provided by PCS on these applications by submissions of May 10, 2002 and September 9, 2002, which have addressed the concerns raised by Hamilton County in the County's request for additional information; and

WHEREAS, the applications were updated in a summary dated December 20, 2002, to remove certain areas for mining from the application for Master Mining Plan and Special Permit previously submitted, but otherwise not to alter commitments and proposals made in the additional information submitted on May 10 and September 9, 2002; and

WHEREAS, Specific Conditions for the new Special Permit have been developed which effectively address the Board's concerns regarding compliance assurance and completion of reclamation of mined areas throughout the life of PCS's operations in Hamilton County; and

WHEREAS, PCS filed a Notice of Proposed Change on May 2, 2002 describing the addition of 410 acres to the area of PCS's existing approved Development of Regional Impact; and

WHEREAS, the Florida Department of Community Affairs has recommended that the Notice of Proposed Change not be considered a substantial deviation from the approved Development of Regional Impact; and

WHEREAS, at a public hearing held on January 28, 2003, the Planning and Zoning Board of Hamilton County has reviewed the applications referenced above, together with all competent and substantial evidence submitted regarding the applications, and has approved a resolution recommending that the Board of County Commissioners approve the applications and mine expansion proposal; and

WHEREAS, the Board of County Commissioners of Hamilton County, having reviewed the applications, all competent and substantial evidence submitted regarding the applications, finds that the following actions are in the public interest of the citizens and economy of Hamilton County and approves the applications as follows;

THEREFORE, be it resolved by the Board of County Commissioners of Hamilton County:

Section I. Master Mining Plan.

A. The Master Mining Plan modification are hereby approved by the Board of County Commissioners in accordance with the application and the additional information provided by PCS on May 10 and September 9, 2002, which shall be considered part of the application as if originally included and were only affected by the application resubmission of December 20, 2002 to the extent that areas for mining were removed as a result of the latter. PCS has also submitted a Clay Management Plan dated November 2002 which is also part of the application herein considered. PCS shall be bound by all of its verbal and written

representations made in this public hearing, and by all representations made in exhibits entered into the record of the hearing by PCS. This approval is specifically conditioned on the special conditions set forth herein below, upon compliance with the County Mining Regulations, and upon the carrying out of mining activities as proposed in the above referenced applications including, without limitation, all areas to be mined and mining methods, forms and relative timing of reclamation, monitoring and periodic reporting, and mitigation of the impacts of mining. The boundary of the area covered by the Master Mining Plan is indicated on a number of maps in the applications, variously referenced as the "DRI boundary" or "County project boundary", "mine boundary", or similar term. The general location is shown on Map V-1. (See, Exhibit "1").

B. All variances from the requirements of Section 14.7.2. of the Hamilton County Land Development Regulations (LDR) requested by PCS in the application for Master Mining Plan are hereby approved. The following variances are authorized by Section 14.7.2, Part 14 of the LDR and are supported by the finding of the Board that these variances will avoid undue hardship, will not result in increased adverse impacts, and will not be harmful to the health, safety and welfare of the citizens of Hamilton County.

1. Scale of Pre-mining Topographic Maps

This variance allows submission of pre-mining topographic maps at the USGS quadrangle map scale rather than 1"=400', reducing the number of maps and corresponding reproduction and storage requirements.

2. Number of Sheets for Composite Topographic Maps

This variance allows submission of topographic maps on multiple sheets rather than an single very large sheet because of plotter size limitations.

3. Pre-mining and Post-reclamation Land uses and Land Forms

This variance allows acreages for various land uses and land forms to be combined for presentation rather than subdividing into smaller units, recognizing the large scale of the application coverage and the requirement to submit acreages by reclamation program unit by copy of the relevant applications to the Florida Department of Environmental Protection.

4. Production Water Use Plan

This variance allows the plan requirement to be satisfied by submission of corresponding permits from the Suwannee River Water Management District.

5. Reclamation Plan Map Scale

This variance allows submission of reclamation plan maps on two large sheets at the USGS quadrangle map scale, reducing the number of maps and corresponding reproduction and storage requirements.

6. Copies of Application

This variance allows submission of eight copies rather than 20 copies, reducing reproduction and storage requirements and recognizing that copies were made available for public review at the Courthouse in Jasper and the public library branch in White Springs.

Section 2. Amendment of Special Permit 96-4.

A. The amendment of Special Permit 96-4 is hereby approved by the Board of County Commissioners in accordance with the application and the additional information provided by PCS as stated in Section I A above, which shall be considered part of the application as if originally included. PCS shall be bound by all of its verbal and written representations made in this public hearing, and by all representations made in exhibits entered into the record of the hearing by PCS. This approval is specifically conditioned on the special conditions set forth herein below, upon compliance with the County Mining Regulations, and upon the carrying out of mining activities as proposed in the above referenced applications including, without limitation, all areas to be mined and mining methods, forms and relative timing of reclamation, monitoring and periodic reporting, and mitigation of the impacts of mining. The lands to which this amendment applies are indicated on Map VI-9 (see, Exhibit "7") as the area designated as "Current County Permit Footprint".

B. The sole purpose of this amendment is to change the applicable standards for reclamation of certain specified mined lands from alternate standards to conventional standards as described in Section 14.7.2, Part 7.E., LDR. The lands to which the respective standards apply in the area covered by this permit are shown on Map VI-4 as revised (see, Exhibit "7").

C. The funds contributed by PCS for the acquisition of environmentally sensitive lands for those areas specifically identified for application of alternate standards on Map VI-4 under Special Permit 96-4 shall be managed by the Suwannee River Water Management District in accordance with the direction of the Board of County Commissioners, the U.S. Army Corps of Engineers, and the Florida Department of Environmental Protection.

D. All other terms and conditions of Special Permit 96-4 remain in full force and effect.

Section 3. Special Permit 03-1

A. The application for Special Permit 03-1 is hereby approved in accordance with the application and the additional information provided by PCS as stated in Section I A above, which shall be considered part of the application as if originally included. PCS shall be bound by all of its verbal and written representations made in this public hearing, and by all representations made in exhibits entered into the record of the hearing by PCS. This approval is specifically conditioned on the special conditions set forth herein below, upon compliance with the County Mining Regulations, and upon the carrying out of mining activities as proposed in the above referenced applications including, without limitation, all areas to be mined and mining methods, forms and relative timing of reclamation, monitoring and periodic reporting, and mitigation of the impacts of mining. The lands to which this permit applies are indicated on Map VI-9 (see, Exhibit "7") as the "Proposed Mining Activities". This approval is subject to the following Specific Conditions.

1. Special Permit 03-1 will be valid for the area and operations described in the application and additional information, subject to periodic renewal of the permit under Hamilton County Land Development Regulation Section 14.7.2 and optional review of the status of compliance of operations under the Special Permit as follows. At the option of PCS, periodic summary renewal of the permit may occur according to the following procedure for review of the status of operations:

a. Not later than twelve (12) months prior to the fifth anniversary of the date of issuance of the Special Permit or the most recent action of the Board pursuant to this Specific

Condition, whichever is later, PCS may submit a notice to the Board of County Commissioners of PCS's intent to apply for summary renewal the special permit and continue operations under the Special Permit. If PCS elects to renew according to the procedurcs hereunder, a timely-filed application for summary renewal and notice shall have the same legal effect as an application for renewal pursuant to Section 14.7.2 and shall maintain the permit in full force and effect during the pendency of the proceeding described in this Specific Condition. This application and notice shall include:

- i. Identification of the area affected by operations since the issuance of the Special Permit; and
- ii. A detailed description of all mining and pro-mining activities which have occurred since issuance of the special permit;
- iii. A description of reclamation conducted since the issuance of the Special Permit; and
- iv. A report of the status of compliance of operations under the Special Permit with the terms of Section 14.7.2., LDR; and
- v. Copies of this Special Permit and Master Mining Plan issued by Hamilton County, including any amendments thcreto; and
- vi. A copy of the current Conceptual Reclamation Plan which has been approved by hc Department of Environmental Protection, or any successor agency; and
- vii. A copy of all program area approvals and a statement on the status of each;
- viii. A copy of the current permit issued by the United States Army Corps of Engineers; and
- ix. Copies of all annual reports filed with Hamilton County and access to all annual reports filed with the Department of Environmental Protection and the United States Army Corps of Engineers filed within the last five years; and
- x. Any updates to the information in the applications for special permit and Master Mining Plan made necessary by changes in operations

or technology; and

xi. An application for any modifications to the Special Permit or Master Mining Plan which are being requested as part of the renewal and review process; and

xii. A fee of \$25,000 to be used for the engineering consultant described in (2) below (This fee is in addition to the annual review fee, which may also be paid at this time if annual review is to be combined with the review hereunder).

b. Pursuant to the procedures stated herein, the Board and PCS shall select an engineering consultant with experience in phosphate mining, reclamation, and regulatory review to conduct an independent evaluation of PCS's report of status of compliance. The consultant may be selected in advance of the submission of PCS's notice and report. Not later than thirty days following the filing of the application and notice hereunder, PCS shall provide the names of three qualified consultants to the County. Not later than thirty days thereafter, the County shall either select one of the listed consultants or reject all the listed choices and select a consultant independently. Unless waived by the County, the consultant shall not currently be a consultant for PCS nor have acted as consultant to PCS during the five years preceding the filing of the application for renewal and notice hereunder. PCS shall cooperate fully with the consultant to enable the evaluation.

i. The consultant shall present a preliminary report of its findings and recommendations to the Board not later than sixty days following the engagement of the consultant, or the filing of the application and notice, whichever is later.

ii. PCS shall be given the opportunity to address and respond to any findings and recommendations in the consultant's preliminary report, including the opportunity to present evidence to the Board.

iii. The consultant shall present a final written report to the Board not later than thirty days after issuance of the preliminary report, which shall include detailed findings and conclusions as to PCS's status of compliance with the conditions of this Special Permit, including representations in the

applications for Special Permit and Master Mining Plan, and with Section 14.7.2., LDR and State and Federal permits. The report shall also make recommendations as to compliance measures to be taken in any instance where a current item of non-compliance is found.

iv. The consultant's report shall be reviewed by the Board at a public hearing, at which PCS may present evidence regarding any findings, conclusions, and recommendations of the consultant or other matters related to its status of compliance with the LDR. The Board shall make findings regarding PCS's status of compliance under this Special Permit based upon PCS's initial application and notice, the consultant's recommendation(s), and any other competent and substantial evidence presented to the Board. These findings shall be the basis for the Board to act in one of the following ways:

(1) The Board may find that there are no areas of substantial non-compliance. In that instance, the Board shall renew the Special Permit which shall continue in full force and effect, subject to this renewal, notice and review process timed for the next fifth-year anniversary date of the Special Permit.

(2) The Board may find that there are areas of substantial non-compliance that may be remedied by PCS through remedial compliance measures which PCS agrees to take according to a compliance schedule set for in the Board's Order. In that instance, the Special Permit shall continue in full force and effect conditioned upon PCS's timely completion of the remedial compliance measures, subject to this application, notice and review process timed for the next fifth-year anniversary date of the Special Permit. PCS shall be required to submit a report of completion of the remedial compliance measures to the Board.

(3) The Board may find that there are areas of substantial non-compliance for which no remedy can be agreed upon by PCS and

the Board. In that instance, the continuation of the Special Permit beyond the fifth anniversary of the issuance of the permit or the most recent action of the Board pursuant to this Specific Condition, whichever is later, shall be subject to the permit renewal requirements of Section 14.7.2., Part 5.C.5., LDR. If this finding is made by the Board less than six (6) months prior to the fifth anniversary of the issuance of the permit, an application for renewal shall be considered timely filed if made within six (6) months of the Board's action.

c. If no notice pursuant to this Specific Condition or application for renewal under Section 14.7.2., Part 5.C.5., LDR is timely filed, the permit will expire five (5) years from the date of its issuance or the most recent action of the Board pursuant to this Specific Condition, whichever is later.

d. Concurrent with any action hereunder, the Board shall consider any application for amendment to the Special Permit or Master Mining Plan which is simultaneously submitted with the application and notice for summary renewal.

e. As part of any renewal process hereunder, the Board may also effectuate a modification of the permit as necessary to address a continuing compliance problem, a change in circumstances due to passage of time since issuance of the Special Permit, or a change in the law since issuance of the Special Permit. Nothing herein shall be construed as a waiver on the part of PCS of its right to contest by any legal means the County's proposed modification of the permit. Any modification by the County of the permit pursuant to the requirements hereof shall be strictly in accord with the due process rights of PCS and must be based on competent substantial evidence of record.

f. Concurrent with any action hereunder the Board may also consider for approval the annual report of PCS for the year in which the renewal is due to be requested. At the request of PCS, the board may allow the annual reporting time frames to be adjusted to facilitate such concurrent review.

g. In addition to any other applicable financial assurance requirement under Section 14.7.2 of the LDR, PCS shall provide the following:

h. An annual statement of an appropriate responsible corporate official as to the portion of the corporation's total environmental liabilities which is attributable to reclamation of mined lands in Hamilton County. This statement shall be provided at the time of submission of the annual report or as soon thereafter as the corporation's annual report and financial statement is available.

i. An annual statement of an appropriate responsible corporate official that the entity for which the financial statement referenced in (1) above is given agrees to be bound by the reclamation obligations of the permittee.

B. All variances from the requirements of Section 14.7.2. of the Hamilton County Land Development Regulations requested by PCS in the application for Special Permit are hereby approved, except as pertains to the term of the permit, which is addressed in Specific Condition i. above. No variances were requested from setback requirements and none are approved by this action. Future variances from setback requirements may be considered pursuant to the LDR during the annual review process or by separate application. The following variances are authorized by Section 14.7.2, Part 14 of the LDR and are supported by the finding of the Board that these variances will avoid undue hardship, will not result in increased adverse impacts, and will not be harmful to the health, safety and welfare of the citizens of Hamilton County.

1. Scale of Pre-mining Topographic Maps

This variance allows submission of pre-mining topographic maps at the USGS quadrangle map scale rather than 1"=400', reducing the number of maps and corresponding reproduction and storage requirements.

2. Number of Sheets for Composite Topographic Maps

This variance allows submission of topographic maps on multiple sheets rather than an single very large sheet because of plotter size limitations.

3. Pre-mining and Post-reclamation Land uses and Land Forms

This variance allows acreages for various land uses and land forms to be combined for presentation rather than subdividing into smaller units, recognizing the large scale of the application coverage and the requirement to submit acreages by reclamation program unit by copy of the relevant applications to the Florida

Department of Environmental Protection.

4. Production Water Use Plan

This variance allows the plan requirement to be satisfied by submission of corresponding permits from the Suwannee River Water Management District.

5. Reclamation Plan Map Scale

This variance allows submission of reclamation plan maps on two large sheets at the USGS quadrangle map scale, reducing the number of maps and corresponding reproduction and storage requirements.

6. Copies of Application

This variance allows submission of eight copies rather than 20 copies, reducing reproduction and storage requirements and recognizing that copies were made available for public review at the Courthouse in Jasper and the public library branch in White Springs.

C. The conditions provided in Section 14.7.2., Part 10, LDR under which amendment would be required for a Special Permit or Master Mining Plan are unaffected by this action.

D. The approval of this Special Permit for the areas subject to the Notice of Proposed Change to the Development of Regional Impact in Section 4 below is contingent upon the final approval of the Notice of Proposed Change and the corresponding amendment of the Comprehensive Plan.

Section 4. Notice of Proposed Change to the Development of Regional Impact.

A. The Notice of Proposed Change submitted on May 2, 2002 for the Hamilton County Mine Development of Regional Impact is addressed by separate resolution considered and adopted simultaneously herewith.

Section 5. Repeal of Conflicting Resolutions.

All resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 6. Effective Date.

This Resolution shall become effective upon adoption by the Board of County Commissioners.

PASSED AND DULY ADOPTED in regular session with a quorum present and voting, by the Board of County Commissioners, this 18th day of February, 2003.

BOARD OF COUNTY COMMISSIONERS
OF HAMILTON COUNTY, FLORIDA

Randy Ogden
Chairman

Attest:

[Signature]
Greg Godwin, County Clerk

Attachments

List of Documents of Record - Hamilton County Applications

Exhibits, incorporated in their entirety by reference:

1. Applications for: Mining Master Plan Modification
Amendment of Special Permit 96-4
Special Permit
Modification of Development of Regional Impact
Amendment of the Comprehensive Plan

in one volume entitled "Hamilton County Mine Master Mining Plan Amendment and Petition for Special Permit, Modification of Development of Regional Impact (DRI) and Comprehensive Plan", dated November 15, 2001.

2. Notice of Proposed Change to a Previously Approved Development of Regional Impact (DRI), dated May 1, 2001.
3. Letter from Michael Sherman (Florida Department of Community Affairs) to Lewis Vaughn, Chairman of the Board of County Commissioners of Hamilton County, dated June 14, 2002.
4. Response to PCS EMAG Consolidated Request for Additional Information, dated May 10, 2002.
5. Response to PCS EMAG Second Request for Additional Information, dated September 9, 2002.
6. Permit Application Package Clay Management Plan, dated November 2002.
7. Supplemental Information Submittal for Conceptual Reclamation Plan Modification, Joint Application for Works in Waters of Florida for Wetland Resource Alterations, and Master Mining Plan Amendment and Petition for Special Permit, dated December 20, 2002.
8. Letter from W. Brownlee, Senior Vice President and Chief Financial Officer to the Board of County Commissioners of Hamilton County, Florida, dated December 31, 2002.

Attachment 2

Nutrien-White Springs Phosphate Comment Letter

dated January 13, 2023

Final Report



January 13, 2023

Via US Mail and Email

Mr. Robert Brown, Chair
Board of County Commissioners, Hamilton County
207 NE 1st Street
Jasper, Florida 32052

RE: Application for Renewal of Special Permit 03-1
Technical Review Draft Final Report

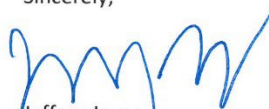
Dear Mr. Brown:

Thank you for the opportunity to review the "Draft Final Report, Review of Nutrien – White Springs Activities and Operations Related to Five-Year Renewal of Special Permit 03-1" by Lampl Herbert Consultants (LHC) dated December 22, 2022. This draft report is a comprehensive evaluation of Nutrien's compliance status as required for the permit renewal.

We concur with LHC's conclusion that our operations are in compliance and have no comments on the draft report.

As the Board of County Commissioners continues the permit renewal process, we will be available for any questions or further information as needed.

Sincerely,



Jeffrey Joyce
General Manager

c: (via email only)
Andrew Decker, Hamilton County Attorney
Thomas Herbert, Lampl Herbert Consultants
Gregory Hitz, Lampl Herbert Consultants
Louie Goodin, Hamilton County
Scott Shirley, Hamilton County Special Counsel

¹ White Springs Agricultural Chemicals, Inc. is an indirect subsidiary of Nutrien, Ltd.

Attachment 3

Chronology of Major Events at Nutrien–White Springs

1965 through 2022

Chronology of Major Events

- 1965 to 1995 - Occidental Chemical Company began and continued phosphate mining
- 1974 – Hamilton County authorized DRI for Occidental Chemical Company to conduct phosphate mining
- 1981 – Hamilton County adopted mining rules mirroring State mining rules, issued County Permit #1 for Suwannee River Mine, and #2 for Swift Creek Mine
- 1995 - Occidental Chemical Company created White Springs Agricultural Chemical and sold 100% stock ownership in White Springs Agricultural Chemical to PCS Phosphate
- 1996 – Hamilton County merged the Suwannee River and Swift Creek County Permits into County Permit 96-4.
- 1997 – Ecosystem Team Permitting began (PCS Phosphate, FDEP, DCA, Hamilton County, and USACOE)
- 1999 – County developed Ordinance 14.7.1 Land Development Regulation specific to Phosphate mining creating the standards which Special Permit 03-1 would be issued under
- 2002 – PCS Phosphate added 410 acres. The Regional Planning Council was not convinced that the 1974 DRI was appropriate. DCA told RPC that the DRI was acceptable because the 410 acres was within the 750 acre threshold
- January 2002 – Ecosystem Management Agreement approved
- 2003 – 410 acre addition approved by Hamilton County Resolution 2003-04
- February 2003 – PCS Phosphate received Special Permit 03-1 from Hamilton County as a result of the first Ecosystem Team Permit issued in Florida
- March 2003 – PCS Phosphate received State permit(s) as a result of the first Ecosystem Team Permit issued in Florida
- July 2003 – PCS Phosphate received federal permit(s) as a result of the first Ecosystem Team Permit issued in Florida
- May 2007 – Sinkhole forms under CTC phosphogypsum stack at the Suwannee River Complex
- February 2008 – Hamilton County Board of County Commissioners renews Special Permit 03-1 for five years

Final Report

- December 2009 – Sinkhole forms under the Swift Creek phosphogypsum stack at the Swift Creek Complex
- June 2012 – Tropical Storm Debby
- February 2013 – Hamilton County Board of County Commissioners considering five-year renewal of Special Permit 03-1 for PCS Phosphate
- February 2015 – PCS entering in Consent Decree No. 14-707-BAJ-SCR with U.S. EPA to reduce sulfur dioxide (SO₂) air emissions at their U.S. production plants
- 2015 – Four separate companies purchased lands from Bienville Plantation
- March 2017 - PCS provided Hamilton County an updated Corporate Guarantee for Hamilton County Reclamation
- September 2016 - Agrium and PotashCorp (Parent company of PCS Phosphate) agreed to join as a “merger of equals”, creating a new company, Nutrien Ltd.
- September 2017 - Florida Hurricane Irma
- 2021 - Companies that purchased lands from Bienville Plantation in 2017 sold to King Baker Holdings, LLC. In February 2021
- 2021 – Nutrien applying to County and FDEP permission to mine and reclaim G Land areas.
- December 2022 - Nutrien provided Hamilton County a Standby Trust Agreement and an Irrevocable Standby Letter of Credit, #OSB267175NYA from The Bank of Nova Scotia for Hamilton County Reclamation