



FLORIDA DEPARTMENT OF Environmental Protection

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Rick Scott
Governor

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Lt. Governor

Noah Valenstein
Secretary

MINING AND MITIGATION PROGRAM DEPARTMENT OF ENVIRONMENTAL PROTECTION STATE OF FLORIDA

In the Matter of an
Application for Variance, by:

APPLICANT:

Mosaic Fertilizer, L.L.C.
13830 Circa Crossing Dr.
Lithia, FL 33547

PROJECT NAME:

Fort Green Mine
Variance Application, MOS-FG-VA(2018)
Timing of Reclamation

AGENT:

Kay Bourque
Director, Mine Services
13830 Circa Crossing Dr.
Lithia, FL 33547

FILE NO.: 0142476-076

COUNTIES: Polk, Hardee, and Manatee

FINAL ORDER

The Department of Environmental Protection (Department) received a petition (File No. 0142476-076) from Mosaic Fertilizer L.L.C (Mosaic), 13830 Circa Crossing Dr., Lithia, FL, 33547, seeking a variance under Section 378.212(1)(b), Florida Statutes (F.S.), from the reclamation timing requirements defined in Section 378.209(1), F.S., and Rule 62C-16.0051(12)(b) Florida Administrative Code (F.A.C), for the Fort Green Mine in Polk, Hardee and Manatee Counties. The variance is requested for a ten-year period ending June 1, 2028.

BY THE DEPARTMENT:

Mosaic filed an application with the Department's Mining and Mitigation Program on March 29, 2018, seeking a variance, pursuant to Section 378.212, F.S., to the timing of reclamation required by Section 378.209(1), F.S., and Rule 62C-16.0051(12)(b), F.A.C, for the Fort Green Mine in Polk, Hardee, and Manatee Counties. The application was reviewed by the Department staff and interested parties. The file has been designated as 0142476-076, MOS-FG-VA(2018), OGC 18-1129.

The areas included in the proposed variance are located in Sections 27, 28, Township 32 South, Range 23 East; Sections 4, 5, 8, 9, 29-32, Township 33 South, Range 23 East; Sections 5-8, 18, Township 34 South, Range 23 East; and Sections 1, 12-14, Township 34 South, Range 22 East.

On April 6, 1982, the Governor and Cabinet, sitting as the agency head of the Department of Natural Resources [now Department of Environmental Protection (Department)] approved an application for a conceptual reclamation plan for the Fort Green Mine, filed by Agrico Mining Company (AGR-FG-CPB), (now Mosaic Fertilizer, L.L.C.) pursuant to Chapter 211, Part II, Florida Statutes (F.S.), Chapter 378 (F.S.), and Rule 62C-16, Florida Administrative Code (F.A.C.). On July 12, 2011, the Department approved a Modification to the Conceptual Reclamation Plan (MOS-FG-CPJ, File No. 0142476-023) filed by Mosaic Fertilizer, LLC, (Mosaic). On June 1, 2006, Mosaic initiated a temporary shutdown of the Fort Green Mine. On September 24, 2008, the Department issued a Timing of Reclamation variance designated File No. 0142476-010, MOS-FG-VA-VR(2007). The variance expired on June 1, 2018, however the Surety bond is still in place.

Rule 62C-16.0051(12)(b)2, F.A.C., requires contouring for all acres mined shall be completed no later than 18 months after an area is capable of being contoured. When additional mining operations, such as waste disposal, occur in a mined area, then contouring shall be completed no later than 18 months after an area is capable of being contoured. If contouring is needed on lands that are disturbed by mining operations, but not mined, then contouring on such lands shall be completed no later than the end of the year following the year in which mining operations ceased on such lands. Section 378.209(1) F.S. and Rule 62C-16.0051(12)(b)(4) require that reclamation and restoration shall be completed within two (2) years of the actual completion of mining operations, exclusive of the required growing season to ensure the growth of vegetation.

Since the approval of MOS-FG-VA-VR(2007), 1,364 acres subject to the variance have been reclaimed or put into active mining operations. In 2009, the Fort Green Beneficiation plant was demolished and dragline operations were reinitiated utilizing the Four Corners Beneficiation plant. The un-reclaimed areas are associated with ongoing or future mining operations including: clay settling area storage, long-term operations corridors, and water control support features. At this time, Mosaic is requesting a variance to the timing of the completion of reclamation activities for an additional ten-year period for the acreage listed in Table 1 Financial Security Requirements.

For the 2008 variance, File No. 0142476-010, MOS-FG-VA-VR(2007), Mosaic has posted financial security in the amount of \$35,373,752.09. The financial security required per acre is based upon Rule 62C-16.0075(2), F.A.C. For Mined, No Work Areas, Mosaic security is at a rate of \$13,056 per acre. For Mined, Contoured Only, Mosaic security is at a rate of \$3,395 per acre. For Clay Settling Areas, Mosaic security is at a rate of \$8,225 per acre. For Disturbed/Cleared Lands, Mosaic security is at a rate of \$1,697 per acre. Based on these values, Mosaic has posted security in the amount of \$23,276,252.66 for Mined, No Work Areas, \$11,947,166.42 for Clay Settling Areas, and \$ 150,333.01 for Disturbed or Cleared Areas. The total financial security to be posted is \$4,968,305.91, increasing the total amount of financial security to \$40,342,058. The variance, if granted by the Department, will be subject to conditions to ensure reclamation activities are completed in accordance with the approved conceptual plan.

The table below details the reclamation areas, number of acres to be reclaimed and the amount of security required.

Table 1. Financial Security Requirements

Category	Reclamation Parcel	Acres
Mined No Work	IMC-FG-HC(13)	12
	IMC-FG-HC(14)	31
	IMC-FG-HC(15)	85
	IMC-FG-MYR	13
	IMC-FG-PC(6)	32
	IMC-FG-SP(13A)	30
	IMC-FG-WFHC(1)	472
	IMC-FG-WFHC(2)	529
	IMC-FG-WFHC(3)	160
	IMC-FG-WFHC(4)	533
	IMC-FG-WFHC(6)	21
	MOS-FG-PC(10)	196
	Total Acres, Mine No Work	
Security Per Acre		\$13,056.00
Total Security, Mined, No work		\$27,600,384.00
Clay Settling Areas	IMC-FG-GSB(4)	12
	IMC-FG-GSB(5)	1002
	IMC-FG-HC(13)	511
Total Acres, Clay Settling Areas		1525
Security Per Acre		\$8,225.00
Total Security, Clay Settling Areas		\$12,543,125.00
Disturbed/ Cleared Lands	IMC-FG-HC(14)	1
	IMC-FG-WFHC(1)	2
	IMC-FG-WFHC(2)	53
	IMC-FG-WFHC(3)	4
	IMC-FG-WFHC(4)	32
	IMC-FG-PC(6)	10
	MOS-FG-PC(10)	15
Total Acres, Disturbed/Cleared Lands		117

Security Per Acre \$1,697.00

Total Security, Disturbed or Cleared Lands \$198,549.00

Total Security Required \$40,342,058.00

The variance request complies with the standards and criteria of Chapters 211, Part II, and 378, Part III, F.S., and Chapter 62C-16, F.A.C. This approval does not warrant the suitability of subject lands for any current or proposed use and does not constitute a statement of admission concerning ownership of any interest in the subject lands.

It is therefore:

ORDERED by the State of Florida, Department of Environmental Protection that the variance (#0142476-076, MOS-FG-VA(2018)) from the reclamation timing requirements defined in Section 378.209(1), F.S. and Rule 62C-16.0051(12)(b), F.A.C., be and is hereby granted, subject to the following conditions:

1. Mosaic Fertilizer, L.L.C., shall post security on all lands mined after July 1, 1975, that have not been reclaimed through the revegetation stage and are not under active mining operations. The initial amount of this security shall be equal to \$13,056 per acres for 2,114 acres of Mined, No Work areas, \$8,225 per acre for 1,525 acres of Clay Settling Areas, and \$1,697 per acres for Disturbed or Cleared Lands. The security shall be posted within 60 days of the effective date of the Final Order, and shall be in the form of cash or cash equivalent deposited in an Escrow Account, a Letter of Credit, or a Performance Bond. Escrow Agreements, Letters of Credit, or Bond shall be approved by the Department.
2. A variance status report shall be submitted by **June 1** of each year describing work done of the site during the previous year. The acres contoured, acres revegetated, acres in mining operations, and remaining acres requiring security shall be delineated on tables and arials submitted with the status report. An annual site inspection will be performed by Department staff to confirm the information submitted with the annual status reports.
3. The amount of security required shall be updated annually based on the approved variance status report. The posted security may be reduced following the successful completion of approved reclamation through the initial revegetation stage for the acreage listed in the table, or once acreage has been continuously in approved, active mining operations for a period of three (3) months. The security amount shall be adjusted annually for inflation by five percent (5%) each year pursuant to Section 120.542(1), F.S., and Rule 62C-16.0075(2)(e), F.A.C. Adjustment to the surety amount shall be effective July 1 of each year.
4. Forfeiture of the posted security shall not operate to relieve Mosaic Fertilizer, L.L.C. of its responsibility to reclaim all mandatory lands mined or disturbed at the Fort Green Mine.

5. Reclamation parcels FG-HC(15), FG-MYR(1), FG-WFHC(2), and FG-WFHC(4) will require additional sand tailings prior to reclamation. Reclamation parcels FG-PC(6), FG-PC(10) and FG-SP(13A) may also require sand tailings. Sand tailing deposition shall be initiated by **January 31, 2020**, unless another date is approved in writing by the Department. Annual updates to the sand tailings schedule will be submitted with the annual variance status reports by June 1 of each year. The updates shall include:
 - a) The amount of sand required to fill the remaining cuts,
 - b) The amount deposited during the previous year,
 - c) The future sand deposition schedule, and
 - d) The estimated date (month/year) of completion for sand tailings deposition.
6. Unless mining operations are initiated by **June 1, 2028**, for the acreage listed in Table 1, or unless a different schedule is approved in writing by the Department, reclamation for the acreage listed in Table 1 shall begin by **June 1, 2028**. Failure to complete reclamation through revegetation by **June 1, 2030**, or by a later date approved in writing by the Department, or within two (2) years of the completion of mining operations, whichever is applicable, will result in forfeiture of the security.
7. Pursuant to Rule 62C-16.0045(3), F.A.C., the Department shall review this variance at the end of the first five-year period and each subsequent five-year period thereafter. The Department shall review the file and inspect the project site for compliance with the terms of the variance and evaluate whether the conditions and factors justifying the issuance of the variance have changed so as to make the variance unnecessary. Mosaic shall submit to the Department any information necessary to complete this review.

The petitioner and interested parties having been advised of their rights under Chapter 120, F.S. and having failed or declined to file a petition, pursuant to section 120.569 and 120.57, F.S., are hereby deemed to have waived those rights. Acceptance of the variance constitutes notice and agreement that the Department will periodically review this variance for compliance, including site inspections where applicable, and may initiated enforcement action for violation of the conditions and requirements thereof.

It is therefore:

ORDERED by the State of Florida, Department of Environmental Protection that the variance (#0142476-076, MOS-FG-VA(2018)) from the reclamation timing requirements defined in Section 378.209(1), F.S. and Rule 62C-16.0051(12)(b), F.A.C., be and is hereby granted.

Any party to this Order has the right to seek judicial review of the Order, pursuant to section 120.68, F.S., by the filing of a Notice of Appeal, pursuant to the rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriated district court of appeal. The Notice of Appeal must be filed within 30 days from the date this Order is filed with the Clerk of the Department.

Executed in Tallahassee, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Orlando E. Rivera, PWS, CERP
Program Administrator
Mining and Mitigation Program

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this permit and all copies were sent on the filing date below to the following listed persons:

Alissa Powers – Manatee Co. Natural Resource Dept. – Alissa.Powers@mymanatee.org
Amanda Rotella – EPCHC – rotellaa@epchc.org
Amelia Savage – Hopping, Green & Sams, P.A. – amelias@hgslaw.com
Angela Bozeman – FDEP – Angela.Bozeman@dep.state.fl.us
Bartley E. Arrington – Mosaic Fertilizer, LLC – Bartley.Arrington@mosaicco.com
Beth Niece – Mosaic Fertilizer, LLC – Bethany.Niec@mosaicco.com
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Chanda Bennett, Polk County, Office of Planning & Development, ChandaBennett@polk-county.net
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Cheri Albin – Florida Park Service – Cheri.Albin@dep.state.fl.us
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Laura Morris – Mosaic Fertilizer, LLC – Laura.Morris@mosaicco.com

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USACE, Jacksonville District, Mining Team - CESAJ-Mine.Team@usace.army.mil

W.Ben Hart- W.Ben Hart & Associates- WBenHart@gmail.com

West Palmer – Hardee County Mining Department – west.palmer@hardeecounty.net

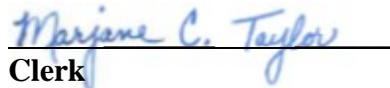
William Thomas Mims – T. Mims Corporation – mims2tom@aol.com

Zachary Hutchins – Mosaic Fertilizer, LLC – Zachary.Hutchins@mosaicco.com

Mining and Mitigation Program File

FILING AND ACKNOWLEDGMENT

FILED, on this date, pursuant to Section 120.52, F. S., with the designated Department Clerk, receipt of which is hereby acknowledged.


Clerk

8/27/2018

Date

5 Pages Attached

Attachments:

2018 Fort Green Variance North – Overview

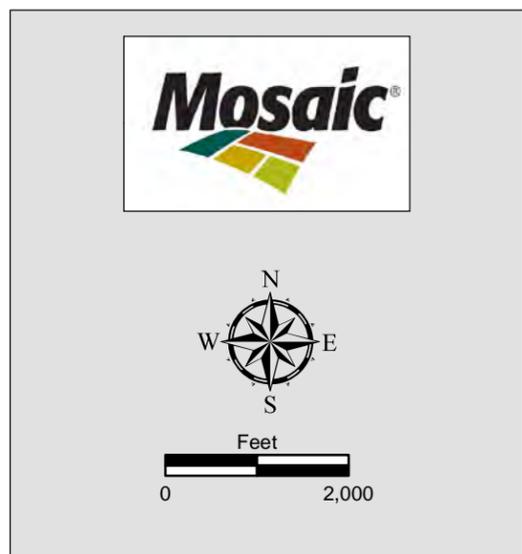
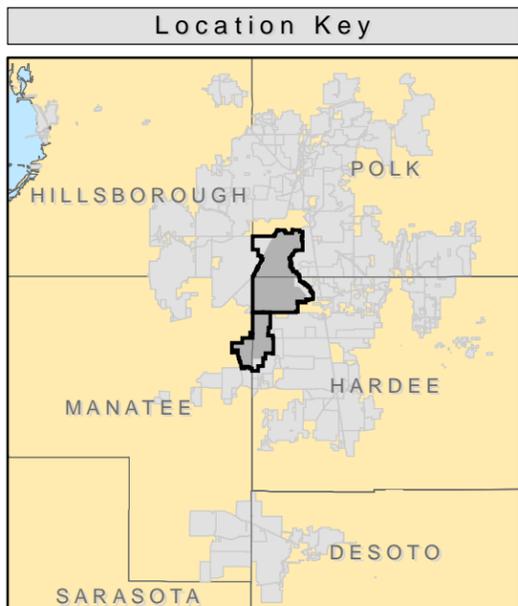
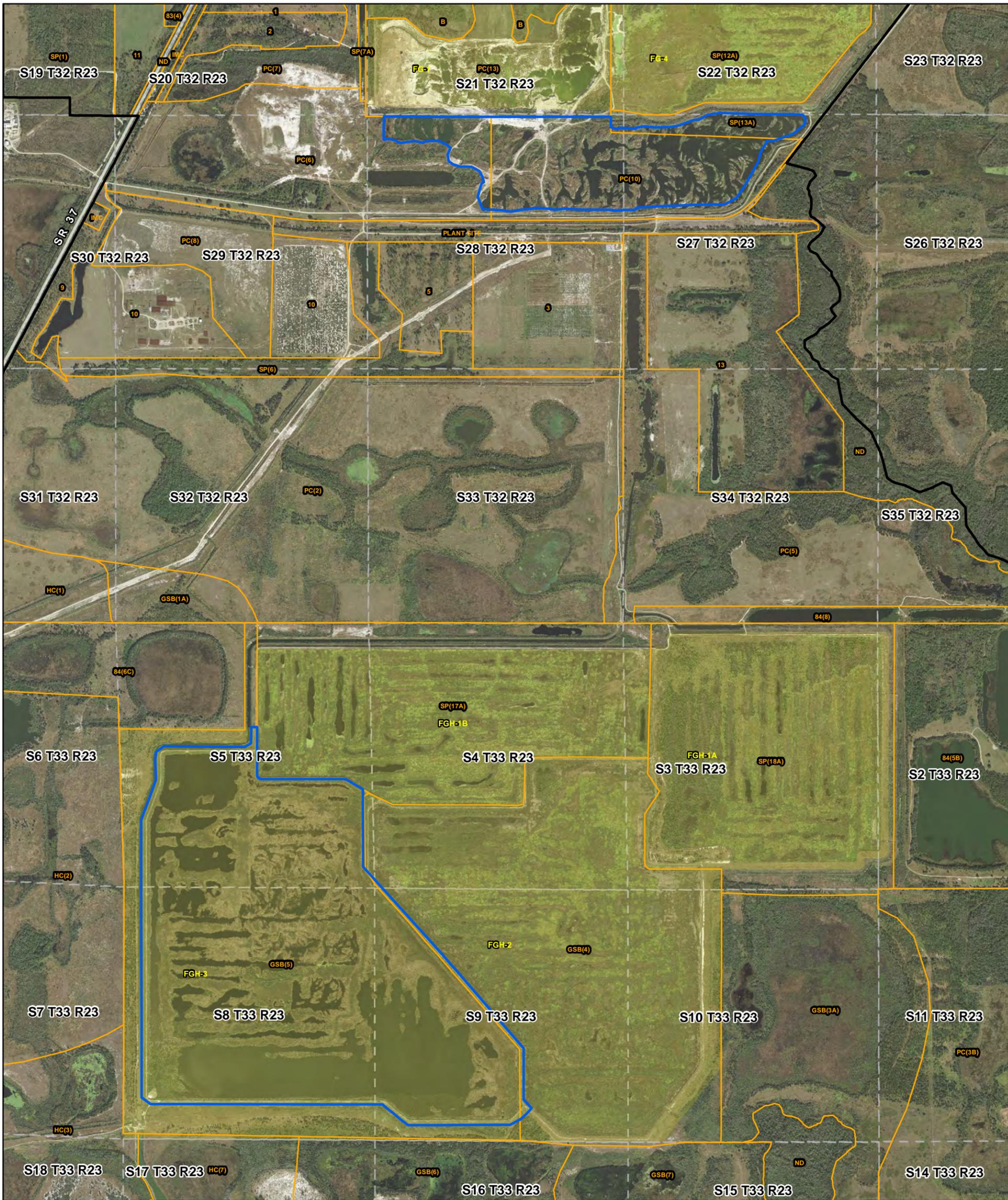
2018 Fort Green Variance South – Overview

2018 Fort Green Variance North – Acreage Types

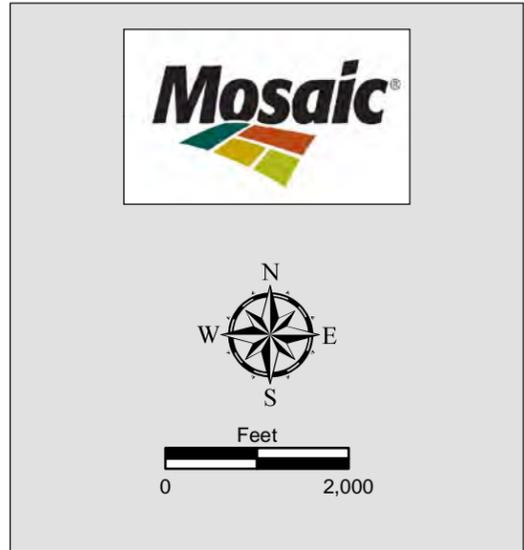
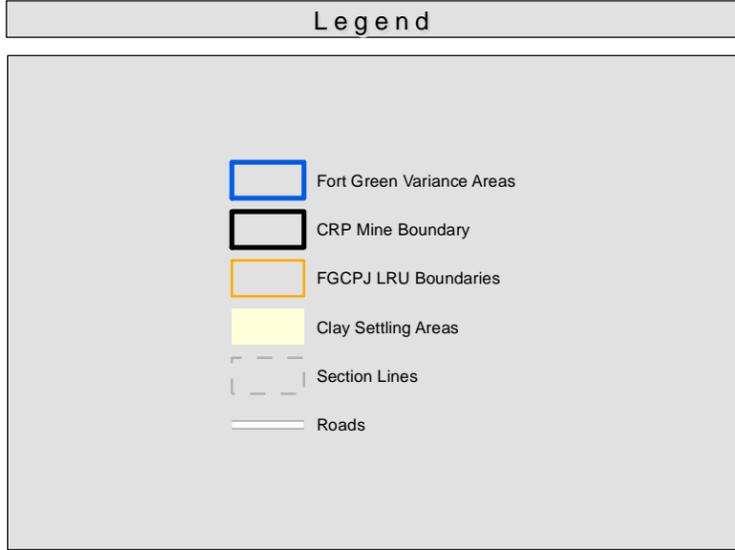
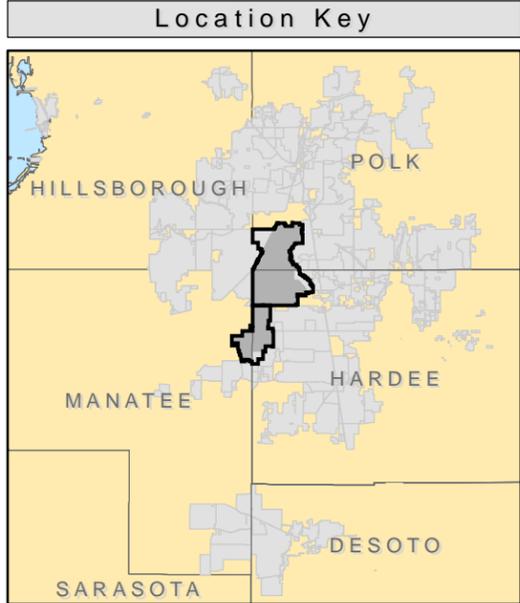
2018 Fort Green Variance Central – Acreage Types

2018 Fort Green Variance South – Acreage Types

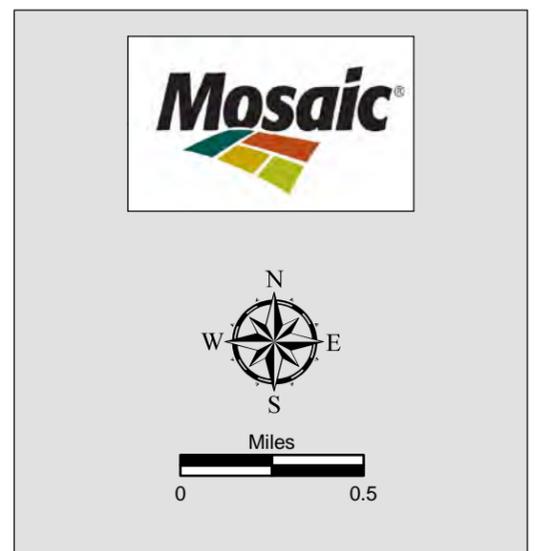
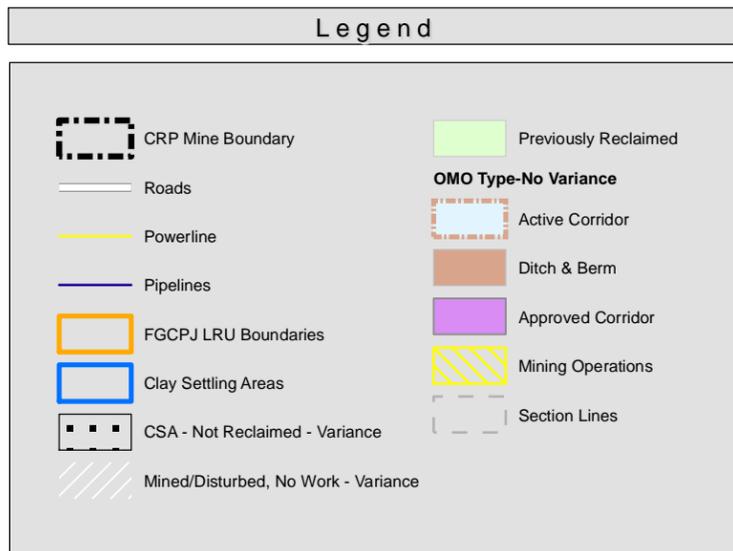
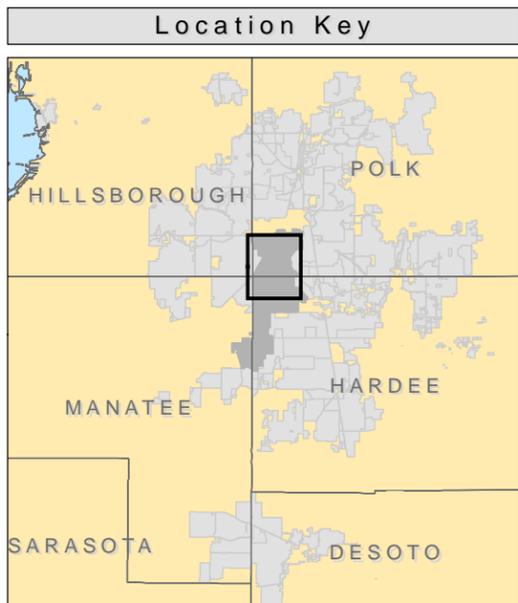
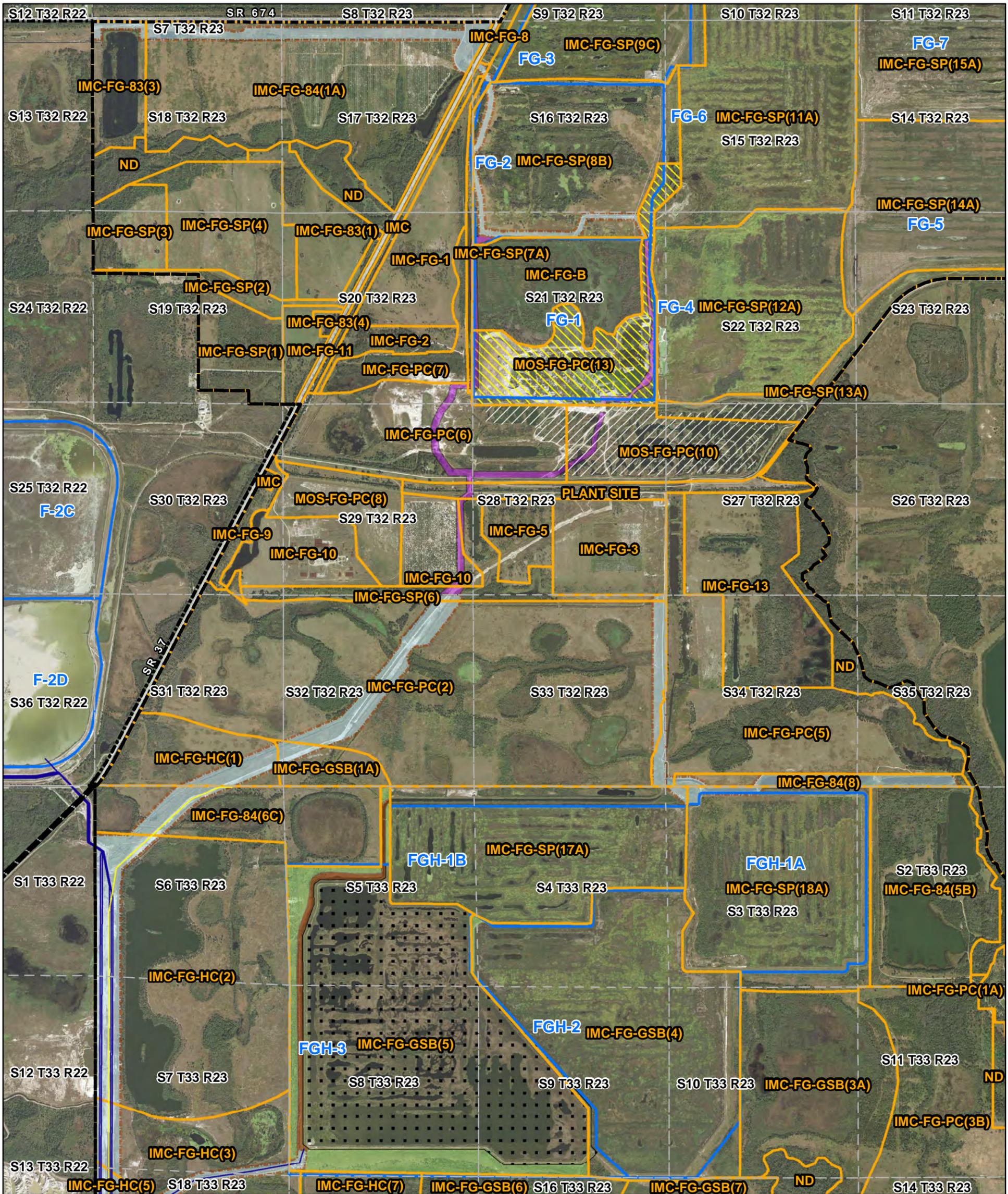
2018 Variance Renewal Fort Green Mine Variance Areas - North



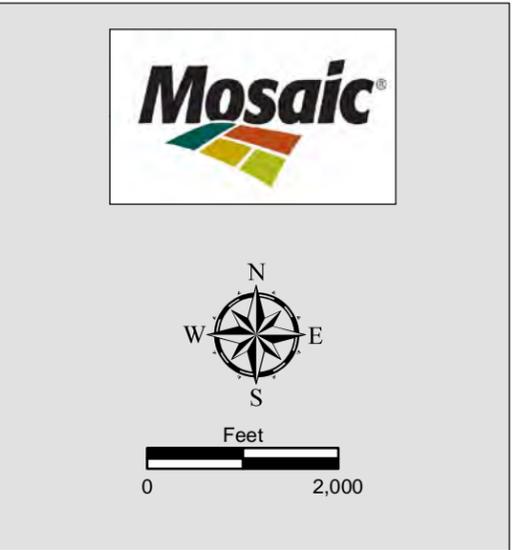
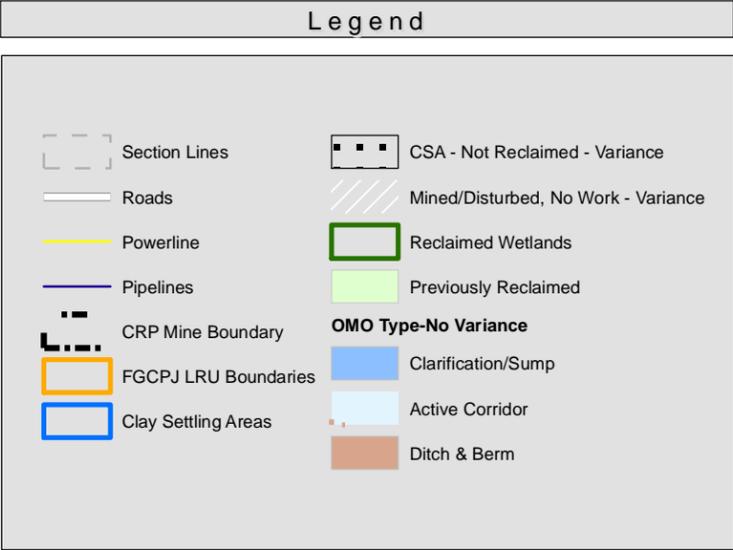
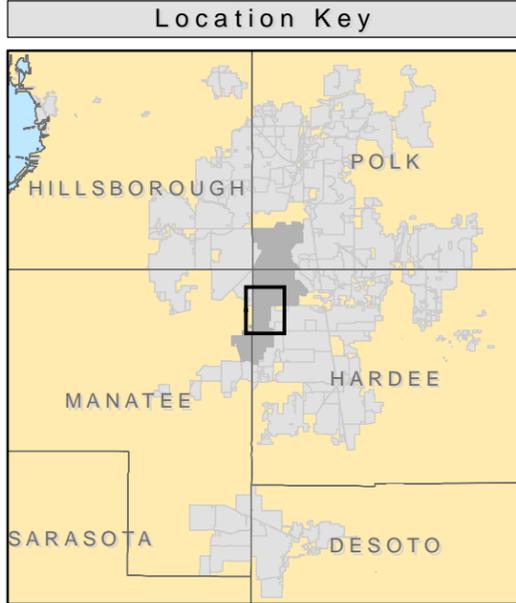
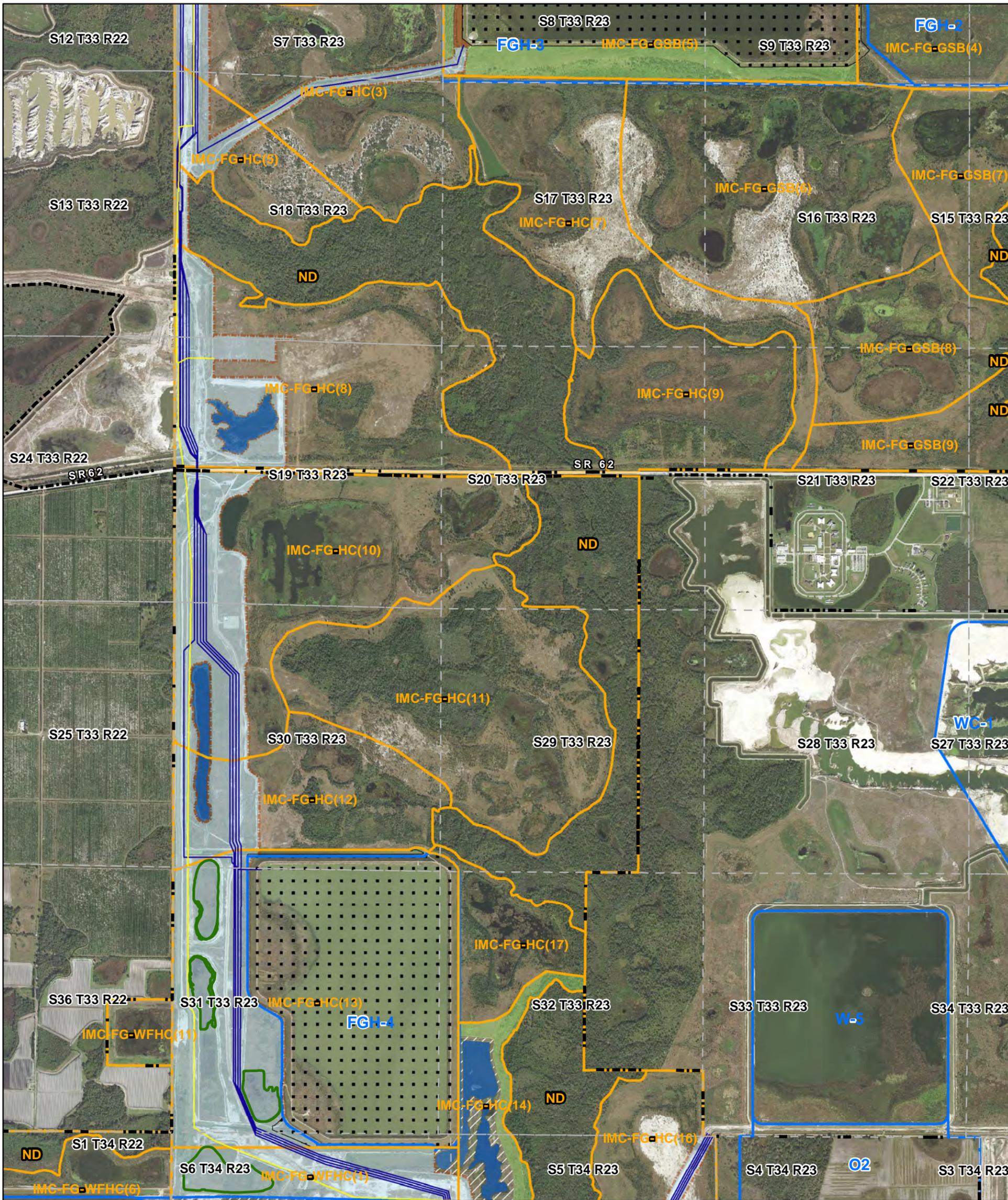
2018 Variance Renewal Fort Green Mine Variance Areas - South



2018 Variance Renewal Fort Green North



2018 Variance Renewal Fort Green Central



2018 Variance Renewal Fort Green South

