

DEQ – Simplot Orthophosphate VCO/CA Summary of Important Milestones and Actions

- Simplot acknowledges that the operations of the Don Plant contribute the vast majority of phosphorus to the Portneuf River through the Gypsum Stack and releases from the Phosphoric Acid Plant.
- Simplot is to take actions to help bring the Portneuf River back into compliance with the TMDL for total phosphorus:
 - 50% reduction in total phosphorus by 2013
 - 75% reduction in total phosphorus by 2015
 - 94% reduction in total phosphorus by 2021
 - This reduction meets the intended target of 75 ug/L.
 - If these targets are not met, Simplot must take additional action to accelerate the efforts to meet them.
- By April 11, 2009, Simplot will develop a **Remedial Action Plan** approved by DEQ to greatly reduce the sources of phosphate contamination to the Portneuf River.
- By April 11, 2009 Simplot will develop a **Ground Water and Surface Water Monitoring Program Plan** approved by DEQ to measure on-going progress of selected remediation remedies.
- Any new gypsum stacks must be built with DEQ approval for their construction, operation, and closure.
- This agreement also provides for \$150,000 for monitoring on the Portneuf River over ten years.
- This agreement also provides for \$100,000 for water quality improvements for the Upper Portneuf River over four years.
- This agreement also provides for the sharing of remedial plans and progress with the EPA and Shoshone-Bannock Tribes.

DEQ Position

- DEQ has been urging the J.R. Simplot Company for many years to address the orthophosphate contamination issue in the groundwater beneath the Don Plant and its subsequent impacts on the Portneuf River. We are happy to reach agreement to establish a path forward to remediate this issue.
- Having Simplot acknowledge and commit to greatly reduce their large contribution to the total phosphorus concentration seen in the Portneuf River is very important.
- DEQ understands that, over the next year, Simplot has a large responsibility to develop the appropriate remedial plans to address the issues outlined in the VCO/CA. These plans will be reviewed and approved by DEQ.