



# Hillsborough County Florida

A report presented to the  
Board of County Commissioners  
on April 12, 2022  
from Public Utilities Department  
regarding

**HILLSBOROUGH CONSOLIDATED MINES DRI #263  
2020/2021 ANNUAL REPORT OF OPERATIONS  
AND  
STAFF REVIEW OF COMPLIANCE**

Sign-Off Approvals	
Kevin Moran	3/22/22
Department Director	Date
Kevin Brickey	3/23/22
Management and Budget – Approved as to Financial Impact Accuracy	Date
Nancy Takemori	3/23/2022
County Attorney – Approved as to Legal Sufficiency	Date
Assistant County Administrator	Date

- Consent Section – Informational purposes only. *(No discussion anticipated)*
- Consent Section – Board requested report. *(No discussion anticipated)*
- Staff Reports Section

## **Annual Review of Development Order Compliance Assessment**

The Hillsborough Consolidated Mines Development of Regional Impact #213 was approved by the Hillsborough County Board of County Commissioners on March 23, 1995, covering 53,388 acres. The Hillsborough Consolidated Mines Development of Regional Impact #263 Substantial Deviation (DRI #263) was approved on March 11, 2008 and decreased the size to 48,115 acres. Subsequent land acquisitions have increased the total area regulated by DRI #263 to 48,734 acres. The development is located in southeast Hillsborough County and approved for Phosphate Mining. The project's build out date is December 22, 2030.

Pursuant to LDC Section 8.02.09, the phosphate mining permittee is required to submit an Annual Report of Operations containing a general review of mining operations and reclamation during the preceding reporting year and identify expected activities for the subsequent reporting year. The Annual Report of Operations submitted for the Hillsborough Consolidated Mines project has been reviewed by the County and other applicable agencies for compliance with the terms and conditions of the Development Order, Operating Permit, and approved plans. The review generated no adverse comments or recommendations and resulted in a finding that the Hillsborough Consolidated Mines project is operating in compliance with all applicable requirements.

### **Project Status**

The developer of record is Mosaic Fertilizer, LLC, (Mosaic). The authorized agent is Russell T. Schweiss. The Development Order has been amended nine times.

### **Development this Reporting Year:**

During this reporting year, the following development was reported:

Each year, Mosaic is required to furnish to the BOCC evidence of financial responsibility.

Mosaic's current year 2021/2022 proposed comprehensive (Hillsborough Consolidated Mines, Big Four Mine, and Hopewell Mine) financial responsibility agreement was reviewed, negotiated, and approved by Hillsborough County's Office of Management and Budget. This comprehensive financial responsibility agreement includes the following: (1) a Reclamation Surety Bond equal or greater than \$83,689,546.20 (2) an Environmental Liability Insurance Policy in the minimum amount of \$43,000,000, and (3) a Corporate Guarantee from the Mosaic Company of Delaware in the amount of \$9,658,080.00 to cover EPC wetland mitigation constructed but not yet released at \$6,354 per acre. The total amount of \$136,347,626.20 reported is based on the current level of the Reclamation Bond and Corporate Guarantee.

Phosphate mining continued in the Hillsborough Consolidated Mines with approximately 176.5 acres in the 2020/2021 report year. Reclamation activities during the 2020/2021 report year, included

1) Contouring, 444.3 acres, 2) Upland Planting, 268.8 acres, 3) Wetland Planting, 91.4 acres.

Since 1982, Mosaic and its predecessors, Mosaic Phosphates Company and IMC Phosphates Company have requested and obtained written reclamation release letters from the Florida Department of

Environmental Protection (FDEP) for certain FDEP Logical Reclamation Units in the Consolidated Mines. Additional releases were not approved this year.

#### Projected Development:

The total acreage expected to be mined in the Hillsborough Consolidated Mine during the report year 2021/2022 is approximately 195.1 acres. Reclamation activities expected during the report year 2021/2022 include 1) Contouring, 350 acres, 2) Upland Planting, 310 acres, and 3) Wetland Planting, 140 acres. Monitoring and maintenance of reclamation will continue as required by the County, Hillsborough County Environmental Protection Commission, Florida Department of Environmental Protection and Army Corps of Engineers.

#### **Review of Development Order Conditions**

A review of development order conditions as defined in Section III Amended Development Order Conditions of the Composite Development Order for Hillsborough County Mines, Consolidation and Extension Phases based on the information provided in the 2020/2021 Annual Report verifies compliance with the requirements of DRI 263 and existing SOPs are being followed. While the majority of the Section III conditions did not apply based on the 2020/2021 activities or will apply in the future, the following did apply and were found to be in compliance:

- 1) III.C.1. through 7. Water Management and Supply – Groundwater were found to be in compliance. Mosaic is in compliance with the consolidated water use permit issued from the SWFWMD and data provided in the DRI 263 Environmental Monitoring Report indicated ground water quality met or were below applicable ground water standards.
- 2) III.D.1. through 6. Water Management Surface Water were found to be in compliance. The DRI 263 Environmental Monitoring Report indicated surface water quality met or were below applicable surface water standards.
- 3) III.E.1. through 3. Soils were found to be in compliance.
- 4) III.G.1. Floodplains were found to be in compliance as no mining occurred in the 25-year floodplain
- 5) III.I.1,2, and 6. Vegetation were found to be in compliance, SOPs are being followed and permits are obtained for gopher tortoise relocations as required.

#### **Project History**

1. On July 21, 1993, the Board of County Commissioners (BOCC) adopted Resolution No. R93-0170, granting the consolidation of IMC's existing approved mines (Lonesome, Kingsford, and Four Corners) in Hillsborough County into one mine (DRI-213, Hillsborough County

Consolidated). The Development Order authorized changes to these mines (described below) during Phase I (also referred to as the "Consolidation Phase"). The changes to the original mines include the following: the removal of approximately 850 acres from the Lonesome Mine (LSM) site; the addition of 3,248 minable acres within the existing mines' boundaries; a revision to the mining schedule and equipment utilization; a time extension for mining; a revision to the clay and sand tailing storage areas and disposal methods; the approval of trucking as a method for transporting product from the plants; the addition of a railroad to connect all three mine plants; the upgrading of the Lonesome Plant operations; and additional 25-year floodplain, wetland and roadway crossings requirements.

2. On March 23, 1995, the BOCC adopted Resolution No. R95-062, amending the Development Order (DO) for the Hillsborough Consolidated Mines. This was Phase II, "the Extension Phase" of the project, and included the addition of 17,915 acres (14,706 minable acres). The amendment also extended the mining schedule to 2018 (a cumulative four year extension); extended the reclamation schedule (a cumulative 11 year extension); extended the Development Order by 14 years; added nine new tributary floodplain crossings; and revised tailing and clay disposal plans, including the size, capacity and general locations of nine clay settling ponds in the Expansion area. The amendment indicates which conditions are applicable to which parts of the project. Generally, the conditions of the older DRI's are applicable to the added areas, unless superseded by stricter conditions. The Development Order expires on December 31, 2027.
3. On April 25, 1996, the BOCC adopted Resolution No. R96-120, amending the DO to include approximately 35 additional acres.
4. On January 13, 1998, the BOCC adopted Resolution No. R98-012, amending the DO to include approximately 157 additional acres.
5. On September 26, 2000, the BOCC adopted Resolution No. R00-223, amending the DO to include approximately 357 additional acres.
6. On February 11, 2003, the BOCC adopted Resolution No. R03-026, amending the DO to temporarily authorize a different destination for the approved Lonesome Mine plant truck traffic, so all 160 trucks may travel north on CR 39 from the Lonesome Mine Plant site to the Tampa Bay Water Regional Reservoir site.
7. On October 25, 2004, IMC Phosphates Company merged with Cargill Crop Nutrition and was renamed Mosaic Phosphates Company.
8. On January 25, 2005, the BOCC adopted Resolution No. R05-021, amending the DO to include the approval of the addition and siting of the Central Screening Station.
9. On July 29, 2005, Mosaic Phosphates Company merged with and into Mosaic Fertilizer, LLC.

10. On March 11, 2008, the BOCC approved the DRI No. 263 Substantial Deviation and adopted Resolution No. 08-047, amending the DRI Development Order, Operating Permit, and Master Mine Plan. The Development Order authorized among other things the addition of seven parcels containing approximately 1,540 acres to form the Hillsborough County Mines Addition Area - DRI #263 (hereinafter "DRI #263 Addition Area Phase"); the removal of approximately 7,251.5 acres from the Lonesome and Four Corners Mine boundaries; the addition of a mine infrastructure corridor, including expanded use of approved Stream Crossing "O", together with a deletion of Stream Crossings D, M, Q, R, S, and T that will now remain undisturbed; the revision of mining plans and incorporation of clay settling area siting plans conceptually approved by the HCEPC on April 26, 2005 and July 7, 2005, as part of the Life of Mines application for wetland impacts and mitigation approval as depicted on Map 38H-4, Revised Clay Settling Area Locations, 2006 Revisions to MMRP - Revised 5/31/07; the revision of reclamation plans that reflect these changes as well as the reclamation already completed in the DRI #213 area; the updating of DRI #213 Development Order conditions that have been satisfied or are no longer applicable; the updating of the approved methods for transporting product from the plants; the transfer of approved product shipments from Lonesome to Four Corners; and the updating of the product shipment destination points and deletion of certain destination points and route segments; and except for the amendments specified herein the previous DRI and Operating Permit approvals and conditions set forth in the previous development orders shall remain in full force and effect.
11. On April 4, 2018, per Section 252.363, Florida Statutes and State of Florida Executive Order Numbers 17-204 and 17-260, the County recognized the extension of the Effective Period of Development Order from December 31, 2027 to December 22, 2030; Mining Completion Date from December 31, 2018 to December 22, 2021; and Reclamation Completion Date from December 31, 2026 to December 22, 2029.
12. On November 14, 2018, the BOCC adopted Resolution No. R18-0129, amending the requirement that the amount of clay produced in each county be disposed of in that county to allow existing clay settling areas (CSA) L-1, L-2, L-3, F-4, F-5, F-7 in Hillsborough County to accept clays from Hardee County until November 14, 2023.
13. On June 11, 2019, the BOCC adopted Resolution No. R19-082, amending the DO to remove 435 acres owned by Tampa Electric Company from the boundaries of DRI #263 and from the DRI #263 Composite Development Order and Operating Permit.