

RESOLUTION R-19-058

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PHOSPHATE MINING; ISSUING TO MOSAIC FERTILIZER, LLC AN OPERATING PERMIT FOR THE ALTMAN TRACT - PARCEL #4; AUTHORIZING CONTINUED MINING ACTIVITIES IN ACCORDANCE WITH THE APPROVED MASTER MINING AND RECLAMATION PLAN; ESTABLISHING CONDITIONS FOR MINING AND RECLAMATION ACTIVITIES OF THE ALTMAN TRACT – PARCEL #4, INCLUDING FINANCIAL ASSURANCE AND FINANCIAL RESPONSIBILITY; MINING AND RECLAMATION SCHEDULES; ENVIRONMENTAL MONITORING AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws, the Manatee County Phosphate Mining Code (Ordinance 04-39), Mosaic Fertilizer, LLC (Mosaic) has timely submitted unto the County of Manatee, Florida (County), an Application for the Operating Permit for the Altman Tract – Parcel #4, together with certain supplemental and supporting documents and materials to continue to conduct phosphate mining operations at said Altman Tract – Parcel #4 pursuant to Resolutions identified herein and upon the real property described and mapped in Exhibit A; and

WHEREAS, Mosaic, FKA IMC Phosphates Company, as successor in interest to W. R. Grace and Company, IMC Fertilizer, Inc., and IMC-Agrico, respectively, possesses a Master Mining Plan and Operating Permit for the Altman Tract – Parcel #4; and

WHEREAS, Mosaic currently owns and intends to operate and reclaim the Altman Tract – Parcel #4; and

WHEREAS, the original Master Mining Plan and Operating Permit for Four Corners Mine in Manatee County was adopted on February 22, 1981 (SE-852); and

WHEREAS, on January 25, 2001, Mosaic filed an Application for a Master Mining Plan for the Altman Tract - Parcel #4 Addition to be processed at the Four Corners Mine with the Manatee County Board of County Commissioners (hereinafter “Board”), pursuant to the provisions of Ordinance 81-22. It was later agreed for administrative purposes that the Altman Tract – Parcel #4 Master Mining Plan and Operating Permit be governed by its own Resolutions; and

WHEREAS, on January 15, 2009, the Board approved Ordinance 08-32, the Development Order for the Altman Tract – Parcel #4 Substantial Deviation which provides conditions on mining and reclamation activities; and

WHEREAS, on February 5, 2009, the Board approved a Master Mining Plan (Resolution R-09-010); and Operating Permit (Resolution R-09-011); and

WHEREAS, on February 27, 2014, the Board approved Resolution R-14-004 amending and renewing the Operating Permit; and

WHEREAS, on May 1, 2019, the County accepted a completed application from Mosaic for an Operating Permit, pursuant to the provisions of the Phosphate Mining Code and consistent with Resolution R-09-010 and Ordinance 08-32; and

WHEREAS, notice of the public hearing on the Operating Permit was published on August 28, 2019 in a newspaper of local circulation; and

WHEREAS, a duly-noticed public hearing pursuant to the Phosphate Mining Code, was held on September 10, 2019, to consider approving the Altman Tract – Parcel #4 Operating Permit, and during said public hearing the Board solicited, received and considered reports, comments and recommendations from interested citizens, County staff, consultants and Mosaic; and

WHEREAS, each of the conditions, limitations and restrictions included in this Operating Permit are reasonably necessary in order to avoid impacts that might otherwise result from the activities being permitted;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, to hereby issue Operating Permit No. R-19-058 for the Altman Tract – Parcel #4 in Manatee County, to allow continued mining activities in consideration of the provisions of the Phosphate Mining Code, and subject to the conditions, limitations and restrictions set forth as follows:

This Resolution constitutes a new Operating Permit for the Altman Tract - Parcel #4 as is described in Exhibit A. The original Operating Permit for the Altman Tract - Parcel #4 was adopted on February 5, 2009 (R-09-011) and amended on February 27, 2014 (R-14-004). This resolution shall not be construed to terminate the rights of the developer, if any, granted under Section 163.3167(10), Florida Statutes, to the extent such rights have previously been granted and not specifically herein or otherwise modified or amended.

1. Applicable Standards: On November 2, 2004, the County adopted Ordinance 04-39, (the “Manatee County Phosphate Mining Code”), codified as Chapter 2-20, Manatee County Code of Ordinances, amending and restating standards for mining activities in the County that were stated in previously adopted Ordinance No. 81-22 (the “Mining and Reclamation Ordinance”). In the Manatee County Phosphate Mining Code, the County specifically exempted vested mining activities from the standards set forth in the Manatee County Phosphate Mining Code, provided that such mining activities will be subject to the standards set forth in Ordinance 81-22. Because the application for the Master Mining Plan was received by the County prior to July 1, 2004, certain mining activities on Altman

Tract – Parcel #4 are exempt from the Manatee County Phosphate Mining Code and governed instead by the Mining and Reclamation Ordinance.

The Altman Tract - Parcel #4 wetland mitigation and post reclamation radiation standard are subject to the standards of the Phosphate Mining Code. The Altman Tract - Parcel #4 shall meet the financial responsibilities of the Phosphate Mining Code.

2. Operating Permit: The operating permit for Altman Tract - Parcel #4 is hereby approved for a period of five (5) years. The expiration date of this operating permit shall be five (5) years from the date of the adoption of this Resolution. This Resolution which constitutes the Operating Permit supersedes all prior resolutions, issuing, renewing, or modifying operating permit for Altman Tract - Parcel #4. If permits Mosaic to conduct mining and reclamation activities at the Altman Tract - Parcel #4 provided that such activities are conducted in compliance with the approved Master Mining Plan (R-09-010) and applicable ordinances as set forth in Condition 1, above. All such mining and reclamation activities shall be subject to the conditions, limitation and restrictions set forth in this Resolution.

3. Compliance with Other Approvals and Permits: All mining operations shall be conducted in strict compliance with Altman Tract - Parcel #4 Development Order (Ordinance 08-32), as amended by the Board, the approved Master Mining and Reclamation Plan (R-09-010), and all applicable approvals and permits issued by a federal or Florida governmental agency or entity. Violation of any of the terms and conditions of said approvals or permits shall be deemed a violation of this Operating Permit.

4. Reclamation and General Surety Bonds: In recognition of the different reclamation costs and the periods for physical land form, wetland and vegetative reclamation, the applicant shall post one or more reclamation bonds for particular reclamation units prior to mining. For upland reclamation, all such bonds may be proportionally reduced (for the completed earthwork, initial grassing, initial planting, erosion repair, replacement planting, and final completion guarantee) annually upon written acceptance of each stage of corresponding reclamation to the Director. The Director shall have a reasonable time to determine the completeness of the reclamation stages or provide notification to Developer of the deficiencies, together with the steps Developer must take to correct or cure any such deficiencies. The reduction of bonds in areas where wetland reclamation is required will occur when the wetland vegetation is established and when drainage from the wetland is restored to the Horse Creek Watershed.

A. Additional Financial Assurances: In addition to the Reclamation Bonding required by this Condition, Developer shall tender to the County an additional \$2 million in reclamation bonding, releasable upon a determination that the herbaceous wetland mitigation in Altman Tract - Parcel #4 has met the success criteria requirements in Ordinance 04-39 Reclamation Manual, Appendix E. The revised Reclamation and Additional Wetland Assurance Bond for Altman Tract- Parcel #4 shall continue to be evaluated and tender to the County during

the Annual Progress Report period. The current Reclamation and Additional Wetland Assurance Bond is provided in **Exhibit B**.

- B. In recognition that Mosaic is required to perform all the requirements of Resolution R-09-010 and the operating permit to the satisfaction of the County, Mosaic shall provide to the County an updated General Surety Bond rider in the amount of \$10,000.00 (existing bond form are provided in **Exhibit C**), which shall be posted no later than 60 days from adoption of this Operating Permit.

5. Insurance: The current insurance certification (attached in **Exhibit D**) meets the County Phosphate Mining Code requirements and shall be maintained during the life of this Operating Permit.

6. Mining and Reclamation Schedule: Mining and Reclamation shall proceed as defined in Resolution R-09-010. All reclamation shall be completed by December 31, 2024 or shall be extended as authorized by Ordinance 08-32 until all reclamation has been completed and released by the County.

- A. It is expressly recognized that the mining rates, location and schedules provided are based upon the estimated rates, and mining rates may vary depending upon market conditions. The five-year mining and reclamation maps, tables and schedules are attached hereto as **Exhibit F**. Reclamation shall proceed immediately following sand tailings placement and shall follow the reclamation schedule in Exhibit F, Table 35-4. Actual mining and reclaimed acreage shall be documented in the annual reports submitted to the County.
- B. Developer shall provide a thirty-foot (30') wide buffer zone around all wetlands in the Central Marsh Preservation Area as shown on DRI Exhibit DO-A to provide a transition into the preserved wetland areas and to protect the natural systems from development impact. No mining disturbance and no part of the BMP (perimeter) ditch and berm system may be located in this transition area. The total acreage mined at the conclusion of mining shall not exceed the total shown in **Exhibit F**.

7. Annual Report: To maintain consistency with previous approvals and as agreed by Mosaic and the County, Mosaic shall submit an annual progress report by July 31 of each year. Such submittal shall cover the period from July 1 through June 30 and shall consist of the information requirements of Ordinance 04-39. The Director shall have forty-five (45) days from the date of submittal to determine the completeness of the annual report. Upon acceptance of a complete report, the Director shall have a reasonable amount of time to review and approve the report or provide reasons why such submittals do not meet the requirements of this section.

The annual progress report shall contain those items as specified in the Phosphate Mining Code and this Operating Permit, as well as any reports or updates stipulated in the Master Mining Plan, including but not limited to:

- i. Requirements of the Phosphate Mining Code, including wetland reclamation monitoring reports,
- ii. Central Marsh fire management program update,
- iii. Contingency Plan update, as applicable,
- iv. Hurricane Procedures update, as applicable,
- v. Sand tailings balance for Altman Tract - Parcel #4, as applicable
- vi. Post-reclamation MIKE-SHE model update, as applicable
- vii. Wetland reclamation inspection point documentation, in accordance with Appendix E of Ordinance 04-39,
- viii. Stream restoration monitoring report, and
- ix. Wildlife reports, as applicable.

8. Monitoring Program: The environmental monitoring program for the Altman Tract - Parcel #4 is attached hereto and incorporated herein as **Exhibit E**, Monitoring Program requirements for the Altman Tract – Parcel #4. Developer shall submit all reports, text and data required by the monitoring plan to the County in a mutually acceptable electronic format. Hard copies shall be supplied upon request by the County. Revisions to this program must be consistent with Ordinance 08-32 and the Phosphate Mining Code and must be approved in writing by the Director.

9. Setback Requirements: As set forth in Ordinance 08-32, Development Condition K.(5), minimum mine cut setbacks and setbacks for the perimeter recharge ditch shall be maintained as follows:

- A. 1,000 feet of a habitable structure existing at the time of initial application for Master Mining Plan approval (January 25, 2001), unless waived by affected habitable structure owner; not applicable to this parcel. **Completed.**
- B. A minimum of 45 feet from an existing public right-of-way; in which the BMP ditch and berm system can be constructed, provided that Developer demonstrates that the proposed reduction will not impact the public right of way. Along SR. 62 a minimum of 75 feet will be setback from the existing public right-of-way; (50 foot setback from the Gulfstream Natural Gas System Easement) after which ditch and berm system can be constructed. **Completed.**
- C. 500 feet of the Developer's property line or 1000 feet of any wetlands or groves on adjoining property not owned by the applicant, unless waived by affected adjacent property owners in accordance with the Mining and Reclamation Ordinance 81-22. A setback waiver has been granted by the County and recorded by Manatee County Clerk of the Court in OR Book 1503, Pages 6078 to 6080. The granted setback waiver requires a minimum mining excavation setback of 50 feet from the common property, in which the BMP ditch and berm system can be constructed. **Completed.**

- D. Within the above described setback areas along SR. 62 and SR 37, the applicant shall construct an earthen berm, 5'-8' in height above the roadway elevation, prior to commencement of mining activities. Along SR. 62 a minimum of 75 feet will be setback from the existing public right-of-way; (50-foot setback from the Gulfstream Easement) after which ditch and berm system can be constructed. Within the above described setback area along SR 62 and SR 37, a buffer up to 20 feet will be left where existing trees will provide a visual barrier of the proposed mining activities. **Completed.**
- E. Nothing in this section shall prohibit the reduction of setbacks in accordance with the Phosphate Mining Code.

10. Water Quantity: Hydrologic modeling of the Altman Tract will be performed for both the pre-mining and post-reclamation landforms using the integrated surface and ground water model (i.e. MIKE-SHE or equivalent). The pre-mining and post reclamation models will be developed using the following data: **The pre-mining hydrologic model was completed in November 2010.**

- A. Topography of the pre-mining site from SWFWMD and of the post-reclamation site from Developer, along with site specific cross sections to define conveyance characteristics for culverts and ditched natural streams.
- B. Daily rainfall from the Four Corners Mine monitoring station and the nearest Southwest Florida Water Management District stations.
- C. Water level hydrographs, surface and groundwater, for the Central Marsh will be used in calibrating the pre-mining model. A minimum of one year of monthly water level readings will be used in calibrating the pre-mining model. **Completed.**
- D. Groundwater level hydrograph at the groundwater divide, surficial aquifer water levels from onsite data in combination with SWFWMD ROMP 40 (ID 273851082031501) wells for surficial aquifer and Floridian aquifer water levels. A minimum of one year of monthly water level readings will be used in calibrating the pre-mining model. **Completed.**
- E. Inflow and outflow data from the gaging stations at the entrance and exit from the tract along with downstream USGS gauging station data will be used in the pre-mining model. **Completed.**
- F. The pre-mining stratigraphic profile, which will be defined by prospect borings and other soil borings in preserved wetlands, the post-mining stratigraphic profile will be developed from observations made during mining and/or taken from the prospect logs.

- G. The location and geometry of spoil piles in the mined landform, which will be obtained from photogrammetric or lidar surveys performed after mining.
- H. Hydraulic conductivity, field capacity, and wilting point for the pre-mining stratigraphy, which will be obtained from both in situ and laboratory testing of the existing soils. Hydraulic conductivity, field capacity and wilting point of the overburden piles and tailings backfill in the post-reclamation stratigraphy which will be obtained from in situ and laboratory testing performed after mining and backfilling).
- I. Other wetland hydrographs, water levels, meteorological data, e.g., wind speed, relative humidity, temperature, etc., which will be obtained from onsite and/or the nearest existing meteorological station to enhance the pre-mining modeling. **Completed.**
- J. The post-reclamation hydrologic integrated surface and ground water modeling will be preformed after mining is completed to allow mapping of spoil placement and characterization of the post reclamation soils. The pre-mining calibration modeling will be used to develop a baseline for the post-reclamation modeling. The post-reclamation model will be used to adjust the final post reclamation stratigraphic / soil profile and topography to match / mimic the hydrologic response of the pre-mining model. The post-reclamation model will also be used to determine the elevation of the top of cut-down spoil piles and thickness of tailings fill required to maintain the groundwater outflow (base flow) to Central Marsh. **The Post-Reclamation MIKE-SHE model was approved in March 2012. Soil sampling events were performed to verify post-reclamation soil parameters in June 2011 and December 2015. A final soil sampling event shall occur on the south side of the Central Marsh (Reclamation Unit 3) to verify post reclamation soils are consistent with previous sampling events and the soil parameters utilized in the MIKE-SHE modeling.**
- K. The flow-duration curve from the hydrologic modeling performed for the pre-mining and post reclamation landforms will be within 5% of the pre-mining flow-duration curves to assure that the volume and timing of groundwater and surface water flow to the Altman Tract - Parcel #4 Central Marsh will be maintained. It is expected that greater attenuation in the peak flow will result from the post reclamation plan as a significant portion of the Altman area is now drained through agricultural ditches.

11. Recharge Ditch: To provide water quality protection to preservation and other surface waters adjacent and/or downstream from site preparation, mining operations, and reclamation activities shall be protected as follows:

- A. Prior to any clearing or mining operations, areas to be disturbed shall be severed from adjacent wetlands and waters of the state. This severance includes the construction of an isolation berm and ditch adjacent to, but upland of, the preservation areas / undisturbed lands. No ditch and berm construction shall be conducted within the 660-foot eagle management area (Figure DC-1, Exhibit F) during the eagle nesting season (October 1 to May 15 or until the young have fledged) unless otherwise approved by the US Fish and Wildlife Service and the Florida Wildlife and Conservation Commission. **Completed.**
- B. Ditch, berm, and retention systems shall be designed and constructed prior to initiation of mining operations to manage or prevent discharge from a 25-year, 24-hour storm event. **Completed.**
- C. The protective ditch and berm shall remain in place until mining operations and reclamation have been completed, monitoring indicates that no violations of State Water Quality Standards are expected to occur, and the FDEP has determined that the restored wetlands are adequately stabilized and sufficiently acclimated to ambient hydrological conditions. At that time, the berm and ditch shall be returned to grade and revegetated according to R-09-010 criteria. **Approximately 20,000 linear feet of recharge ditch has been removed, including along the Eagle Management Area in Section 11, Range 22E, Township 33S. Approximately 45,000 linear feet of recharge ditch is remaining.**
- D. There shall be no discharges unless specifically authorized by this permit or the Developer's industrial NPDES permit.
- E. Developer shall ensure the proper functioning of perimeter recharge ditches by having qualified personnel inspect the perimeter recharge ditches once each day. A report of the daily inspection shall be maintained on site for a period of three (3) years. The reports shall be made available for examination by an authorized Department representative upon notification to Developer. Developer shall submit SWFWMD monitoring program data annually or upon request to the Director. If preserved wetlands show signs of stress, Developer shall notify the FDEP in writing, copying the County. Upon approval, the Developer shall take remedial actions, including altering mining operations and reclamation procedures, modifying the recharge ditch, providing additional sources of water, and conducting additional monitoring, as necessary.
- F. Developer shall install piezometers in the surficial aquifer at representative locations along the perimeter of the property boundary or recharge ditches adjacent to the property boundary. Developer shall determine groundwater

elevations weekly, and to the Director, as required in accordance with Mosaic's Water Use Permit reporting schedule.

- G. In the event that inspections and piezometer readings, as described in Conditions 11.E and 11.F, above, reveal that the perimeter recharge ditches are not functioning properly, the County shall have the authority and ability to require corrective actions, as necessary, to achieve the performance standards set forth in Developer's Integrated Water Use Permit with Southwest Florida Water Management District.
- H. Flow will be monitored in the restored SR 37 stream and Central Marsh during mining operations and reclamation using continuous gauges at monitoring points A, B and C (Figure 1, Exhibit E). Flow shall be monitored continuously during mining operations (and reclamation until release) and if flow is present at A, then flow shall also be present at B. Low flows at A, B, and C shall be within the historical seasonal ranges for these sites. If this is not the case, Developer shall notify the County and FDEP and take remedial actions such as modifying the recharge ditch, increase water levels in the recharge ditch (or pressure in recharge wells if used), altering mining and reclamation procedures, etc, as necessary. Continuous recording gauges shall be installed at Locations A, B and C prior to clearing for mine development and will include surveyed flow way cross sections at gauge locations (A, B and C).

12. Recharge Wells: Recharge wells shall be used only if the recharge ditch fails to perform, as outlined in Condition 11 above, and only if properly permitted pursuant to Florida Department of Environmental Protection (FDEP) and Southwest Florida Water Management District (SWFWMD) regulations.

13. Reclamation Standards: In order to ensure the successful establishment of upland vegetation and suitable upland habitat diversity, Developer shall comply with the provisions of the Phosphate Mining Ordinance (Ordinance 81-22) and Chapter 62-672 and 62C-16 F.A.C.

- A. In addition, in order to minimize surface radiation impacts, Developer will place the lower leach zone and matrix, when not removed as a product to be processed, at the toe of the spoil in such a manner that its burial will be as deep or deeper than its in-situ position in the stratigraphic column.
- B. Best Management Practices shall be used to accelerate the natural development of those areas intended to support native forested and unforested wetland vegetation associations as identified in Ordinance 08-32.
- C. The Altman Tract - Parcel #4 wetland mitigation areas shall comply with the provisions of Ordinance 04-39 - Reclamation Manual, Appendix E.

14. Reclamation Inspection Points: Reclamation inspections for construction, maintenance and monitoring for Altman Tract - Parcel #4 wetlands as required by Ordinance 04-39 - Reclamation Manual, Appendix E are set forth below.

- A. **Wetland Reclamation Inspection Points by the County:** Inspections will be planned at certain reclamation milestones to ensure compliance with the basic elements of the approved reclamation plan and Reclamation Manual. To accommodate scheduling, a notice will be given to County Staff 15 days in advance to setup an inspection date and time. If no response is received from the County within the 15 day notification period reclamation will proceed to the next phase. The required/planned inspection points are:
- i. When overburden is pushed down to a set grade & sand tailings are deposited at the reclamation site,
 - ii. After the overburden and/or topsoil has been applied,
 - iii. At the completion of final grading, and
 - iv. When final planting / mulching is completed.

In addition, as-built surveys, or a statement from the project reclamation engineer that the site was constructed per the approved reclamation plan will be submitted at the completion of final grading including topsoiling (i.e. third inspection point). The as-built survey or statement will include grading, soil stratification details, soil source, water control structures, if any, and soil cap tolerance (generally expected to be +6 inches). Also, the landward extent of the mitigation areas will be clearly marked with stakes or poles so that the mitigation site will be visible for review.

- B. **Maintenance:** All wetlands proposed for mitigation will be maintained on a regular basis as determined by the type and scope of maintenance required. Data collected during routine maintenance monitoring events will be reviewed and any necessary maintenance will be scheduled and conducted as needed. Manual or chemical treatment shall be implemented if cogon grass (*Imperata cylindrica*) coverage exceeds ten (10) percent on reclaimed sites or 5 percent within 300 feet of any reclaimed wetland.
- C. **Monitoring:** The vegetation at the mitigation sites will be monitored in accordance with the Ordinance 04-39 Reclamation Manual, Appendix E, and as outlined below. In addition, the hydrology of representative wetland types will also be monitored/analyzed using piezometers, staff gauges at quarterly intervals. Monitoring and maintenance will continue until success criteria have been met. Wetland monitoring reports will be submitted semi-annually, with one quantitative and one qualitative report per year, until success criteria are achieved or the site is released by the County. Monitoring reports will be submitted to Parks and Natural Resources Department within 90 days

following each monitoring event. Monitoring reports will contain, at a minimum, the following information:

- i. Permanently marked photo stations and transect locations,
- ii. Transect/quadrat information in table form,
- iii. Organic soil depth (or lack thereof) at wetland quadrat,
- iv. Soil stabilization measures used,
- v. Percent survival of planted trees and shrubs (first annual report only),
- vi. Aerial coverage of sampled species and number of trees and/or shrubs per acre,
- vii. Percent coverage of nuisance species,
- viii. Indicator status (OBL, FAWC, FAC, FACU, UPL) in all quadrats and tree and/or shrub belt transects,
- ix. List other species observed within the community but not sampled, indicating relative abundance (abundant, common, rare),
- x. The number, species, size, planting locations/zones, and planting dates (beginning and ending) of plants replanted, if necessary, to meet required coverage and survival requirements,
- xi. Qualitative (visual) water quality observations,
- xii. Provide water level reading at each monitoring location,
- xiii. Record wildlife observations / usage during monitoring events
- xiv. Overall ecological evaluation, and
- xv. Problems encountered and corrective actions implemented or needed (ex: nuisance vegetation removal, measures taken during flood/drought conditions, etc.)

15. Wetland Mitigation Success Criteria: Developer shall reclaim the Altman Tract - Parcel #4 wetland mitigation as shown in R-09-010 in accordance with the Ordinance 04-39 Reclamation Manual, Appendix E criteria and FDEP ERP Permit #0155875-009/010 requirements. If these requirements conflict, then the most restrictive requirements shall apply to the mitigation.

16. Roadway Crossings: The establishment of crossing points on County roads for purposes of access, movement of mining machinery, or mineral transport pipelines shall not be permitted without the prior written approval of the Director. The Director shall be sent copies of all crossing permit applications at the time of application for the crossings of SR 37 or other roads. **Completed.**

17. Export and Sale of Material: There shall be no sale of overburden, sand, or sand tailings from the Altman Tract - Parcel #4. An equivalent amount of overburden and sand tailings originating from the Altman Tract - Parcel #4 shall be used for reclamation within Manatee County.

18. SR 37 Stream Restoration Mitigation Project: The stream restoration project shall be constructed, maintained and released in accordance with Resolution R-09-010, Condition 25.

19. Plant Safety Plans: Altman Tract - Parcel #4 has no plant or plant site within its boundary.

20. Conservation Easement: The Developer is required in Ordinance 08-32 and Resolution R-09-010 to dedicate to FDEP, with Manatee County as a named beneficiary, a total of 552 acres of land in perpetual easement. The easement was to be offered in two phases, Category A and Category B, as follows:

- A. All land preserved from mining operations on the Altman Tract (520 acres aka Central Marsh), except a dragline crossing adjacent to State Road (SR) 37 and an access corridor along the property boundary south of the headwater marsh, are designated as Category A easement and shall constitute Preservation Areas where no wetland disturbance will occur. **Completed. The Conservation Easement is recorded in BK 2311 PG 6793 (35 pages)**
- B. The dragline crossing adjacent to SR 37 and the access corridor (32.7 acres disturbed but not mined) are designated as Category B easement lands and shall constitute Conservation Areas. A Perpetual Conservation Easement shall be provided to Manatee County within one hundred and twenty (120) days of receipt of reclamation release per Ordinance 04-39. The Developer shall dedicate Category B Conservation Areas in accordance with Resolution R-09-010, Condition 27.
- C. Perpetual Conservation Easements shall be recorded by Developer in public records.

21. Texaco Tract Wetland Contract: The Developer has obtained all applicable permitting approvals for the Texaco Tract (aka Wingate East Mine). The Texaco Tract Wetland contract remains in full force until Condition 37 of R-09-010 has been met.

22. Sand Tailings: Until such time as sand tailings placement is complete, a sand tailings balance sheet shall be provided as part of the Annual Progress Report in accordance with Condition 16 of R-09-010.

23. Pipelines: All pipelines shall be installed, maintained and inspected in accordance with Condition 20 of R-09-010.

24. Technological Process Improvements: Improvements to the mine's operation that implement the Best Possible Technology (BPT) requirements of the Phosphate Mining Code, and the Best Management Practices (BMP) requirements of the Development Order have been implemented. Furthermore, the Director may approve the construction

of these types of improvements in conjunction with the issuance of appropriate County Permits, provided said improvements are consistent with R-09-010 and this Operating Permit.

25. Absolute Liability: Pursuant to the Phosphate Mining Code, each applicant for an operating permit, submitting its application to the County, agrees that it shall be subject to strict liability to the County, without necessity of a showing of fault or negligence, for any cost or damages incurred by the County as a direct result of (i) any failure or breach of an dam, spillway, or other outlet structure of a clay settling area, or (ii) any failure of the applicant to comply with the requirements of this Operating Permit. Costs or damages for which an applicant shall be liable shall include, without limitation, costs and damages incurred by the County (a) through the exercise of its police powers to contain, remove or clean up the results of any aforementioned failure or breach, and to restore the water quality affected thereby, and (b) to carry out reclamation of mined lands or otherwise correct incidents of non-compliance with the Phosphate Mining Code, to the extent that the security provided to the County to pay the cost of same is not adequate or available to pay such costs or damages.

26. Contingency Plans: Altman Tract - Parcel #4 has no waste clay settling areas. Developer shall continue to utilize the approved Four Corners Spill Notification, Containment and Contingency Plan for clay settling areas F-1, F-3A& B and F-9, as approved and updated regularly, as required by the Phosphate Mining Code.

27. Radiation: Radiation standards shall be maintained as follows:

- A. For the Altman Tract - Parcel #4, the radiation standards shall be maintained in accordance with Ordinance 04-39.
- B. Any building shall be designed and constructed and all reclamation shall be done to provide protection against gamma radiation and radon gas accumulation and emanation in accordance with the most stringent applicable state and federal requirements.
- C. This section shall be subject to any restrictions set forth in Section 553.98, Florida Statutes.
- D. Confirmation of baseline radiation monitoring: Baseline radiation monitoring in the area to be mined or disturbed during the initial year of the operating permit shall be conducted in advance of mining disturbance as detailed in Section 7 of Exhibit E – Environmental Monitoring Plan. In addition, annual radiation monitoring will be kept in advance of mining disturbance and baseline monitoring shall be submitted with the annual reports, as completed by Florida Department of Health (DOH). No mining disturbance shall take place until written confirmation is provided to the County that DOH has conducted the baseline monitoring.

28. Performance Standards: All mining activities shall comply with Section 2-20-21(9), (14) - (16) of the Phosphate Mining Code and the Manatee County Noise Ordinance (Ordinance 16-08). Hours for operations of the mine are typically 24 hours per day, 7 days per week. Mosaic shall supply the County with any further noise monitoring data it collects.

Operational lighting shall be mitigated by the installation of the berm in the setback area described in Condition 9, above. Further, explosive blasting for any aspect of the mining operation shall be prohibited.

29. Submission of Documents: Unless otherwise specified, any documents, materials, notices, or other findings or submissions required under the terms of the permit shall be submitted to the Director in accordance with Paragraph 33 below. Developer shall also concurrently provide the Director with copies of correspondence to any other governmental agency relating to the Altman Tract – Parcel #4. Developer shall notify the County of any complaint by a third party received by Developer which potentially relates to the operation of the Altman Tract – Parcel #4.

If the County has reason to believe there are any inadequacies or omissions in the materials, notices or other filings submitted in accordance with this Operating Permit, the County shall notify Developer in writing of the specific inadequacies or deficiencies with a list of steps to be taken by Developer to correct or cure any such deficiencies. If such matters are not resolved in a timely manner, they will be referred to enforcement provisions of this Operating Permit.

30. Subsequent Permit Procedure: Future applications for new Operating Permits shall follow the procedures set forth in Section 2-20-52 of the Phosphate Mining Code.

31. Violations: All of the conditions, limitations and restrictions set forth in this Operating Permit are deemed to be essential and material to the issuance hereof, and any breach, default or violation of any one or more of said conditions, limitations and restrictions shall be deemed a breach, default and violation of the Operating Permit. Developer shall have an affirmative duty to promptly notify the Director in writing of any known violation of the terms and conditions associated with all applicable approvals and permits issued by any federal or Florida governmental agency or entity, as well as any other known violations of the conditions, limitations and restrictions set forth in the Operating Permit.

32. Enforcement: Enforcement for violations of this Operating Permit shall be in accordance with Article VI of Chapter 2-20, Phosphate Mining Code.

33. Notice: All notices, requests and annual reports provided for herein shall be in writing and shall be hand-delivered or sent through the U.S. Postal System, addressed as follows:

To the County: Manatee County Parks and Natural Resources Department
P.O. Box 1000
Bradenton, FL 34206
Attn: Director

Hand Delivery: Manatee County Parks and Natural Resources Department
1112 Manatee Avenue West, Suite 203
Bradenton, Florida 34205

To Developer: Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, Florida 33547
Attn: Russell Schweiss
Vice President – Mine Permitting, Land Management, and Public
Affairs

or addressed to either party at such other address or as such party shall hereafter furnish to the other party in writing. If any such notice, request or authorization is delivered by hand, it shall be deemed to have been received when so delivered. If any such notice, request or authorization is delivered through the U.S. Mail, it shall be by registered mail, postage paid and return receipt requested, and shall be deemed to have been delivered when deposited in the U.S. Postal System.

34. Severability: If any section, sentence, clause, phrase or word of this Resolution is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidation shall not affect the remaining portions of this Resolution, and those remaining provisions shall be deemed to be valid as if such invalid parts had not been included herein.

35. Definitions: Except as specifically defined herein, terms used in this Resolution shall be defined in a manner consistent with and as set forth in Manatee County Phosphate Mining Code, Ordinance 08-32 and the Master Mining and Reclamation Plan Resolution R-09-010, which may be amended from time to time.

- i. Department – shall mean the Manatee County Parks and Natural Resources Department. Written approvals, as required herein, shall be issued by the Department Director, or his or her designee.
- ii. Director – shall mean the Director of the Manatee County Parks and Natural Resources Department, or his or her designee.

36. Effective Date: This Resolution shall become effective upon adoption by the Board and shall be valid for a term of five (5) years from its effective date subject to the provisions of the Phosphate Mining Code, Section 2-20-52, “Subsequent Permit Procedures”.

ADOPTED, with a quorum present and voting, this 10th day of September, 2019.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

Stephen R. Johnson

Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT
COURT AND COMPTROLLER**

Debi Johnson

Deputy Clerk

Attachments:

Exhibit A:	Legal Description
Exhibit B:	Existing Reclamation Surety Bond
Exhibit C:	Existing General Surety Bond
Exhibit D:	Certificate of Insurance
Exhibit E:	Environmental Monitoring Program
Exhibit F:	Mining and Reclamation Schedule