

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



SB
7/11/88

Certified Mail

Clerk to Board of
County Commissioners
Room # 214-H
P. O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

April 28, 1988

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Attn: Julia Greene
Executive Director

Re: Resolution No. R88-0086 - Development Order for
IMC/Kingsford Mine Extension - DRI #120

Dear Ms. Greene:

Enclosed please find an executed copy of the subject
Resolution which we are providing for your files.

This Resolution was approved by the Hillsborough County
Board of County Commissioners on March 29, 1988.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: *Edna L. Fitzpatrick*
Edna L. Fitzpatrick
Deputy Clerk

ELF/lt

cc: Board files (orig.)
State of Florida Dept. of Community Affairs
Richard E. Davis, Attorney for IMC Fertilizer, Inc.
Anita Bing, Asst. County Attorney
Silvina Kade, H.C. Planning & Zoning Dept.

Enclosure

120
Master DO file

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #120 DEVELOPMENT ORDER
IMC KINGSFORD MINE EXTENSION

Upon motion of Commissioner Talley, seconded by Commissioner Poe, the following Resolution was adopted this 29th day of March, 1988.

WHEREAS, in June 1986, IMC FERTILIZER, INC. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, as amended; and

WHEREAS, in June, 1984 IMC Fertilizer proposed to amend its mining permit to include an additional 1,059 acres, thereby extending the life of the mine to 2007, which acreage was subsequently expanded to 1,693 acres, and the total acreage being approximately TWO-THOUSAND-SEVEN-HUNDRED-FIFTY-TWO ACRES, located in southeastern Hillsborough County, hereinafter referred to as the IMC KINGSFORD MINE EXTENSION; and

WHEREAS, such amendment was declared by the Board of County Commissioners to be a substantial deviation to Development Order 74-8; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, as amended, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, as amended, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval at a duly noticed public hearing held March 3, 1988 and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on March 29, 1988, held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA

I. FINDINGS OF FACT

- A. IMC Fertilizer, Inc. hereinafter referred to as the "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses marked "A" which were filed with the Tampa Bay Regional Planning Council and those other governmental agencies listed in the applicant's affidavit attached hereto as Attachment A and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development

Approval, Sufficiency Responses and other exhibits duly submitted and recorded.

- B. The real property which is the subject of the Application is legally described as set forth in Attachment B attached hereto and made a part hereof by reference.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Attachment A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
 - 2. The development is consistent with local land development regulations.
 - 3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes, as amended.
- C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, as amended, within the terms and conditions of this Development Order and the Application.
- D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.
- E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as AGRICULTURAL which permits mining activities and RURAL RESIDENTIAL.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the revised Development Order of Hillsborough County in response to the Application for Development Approval for the IMC KINGSFORD MINE EXTENSION. This Development Order amends the previous Development Order of January 15, 1975 to allow mining of an additional 2,289 acres, extension of the mining period to 2007, and change the anniversary date of the annual report.
- B. The legal description set forth in Attachment B is hereby incorporated into and by reference made a part of this Development Order.

- C. All provisions contained within the Application shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The Definitions contained in Chapter 380, Florida Statutes, as amended, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the IMC KINGSFORD MINE EXTENSION, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms and conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, as amended, and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. The Planning and Zoning Department of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Zoning Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Zoning Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Planning and Zoning Department may issue a notice of such noncompliance to the Developer, or the Planning and Zoning Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of

Community Affairs Form BLWM-07-85 as amended. The developer must comply with the anniversary date contained in the 1975 Development Order until July 30, 1988. On July 30, 1988, and annually thereafter, the developer shall file an annual report by July 30th for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Hillsborough County Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order; and
5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.

- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review unless stated otherwise in this Development Order.
- M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes, as amended.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The cumulative rate of mining shall not exceed the following proposed Mining and Reclamation schedule:

| YEAR ENDING (6/30) | MINEABLE AREA | ANNUAL MINED AREA | CUMULATIVE MINED AREA | RECLAMATION AREA | | CUMULATIVE COMPLETE |
|-----------------------|------------------|-------------------------|-----------------------------|------------------|--------------|------------------------|
| | | | | STARTED | COMPLETED | |
| 1986 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1987 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1988 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1989 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1990 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1991 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1992 | 2,253 | 36 | 36 | 0 | 0 | 0 |
| 1993 | 2,156 | 22 | 131 | 0 | 0 | 0 |
| 1994 | 2,150 | 0 | 131 | 36 | 0 | 0 |
| 1995 | 2,150 | 8 | 139 | 95 | 36 | 36 |
| 1996 | 2,023 | 127 | 266 | 0 | 95 | 131 |
| 1997 | 1,662 | 361 | 627 | 0 | 0 | 131 |
| 1998 | 1,307 | 275 | 902 | 121 | 0 | 131 |
| 1999 | 954 | 433 | 1,335 | 361 | 121 | 252 |
| 2000 | 690 | 264 | 1,599 | 41 | 361 | 613 |
| 2001 | 291 | 399 | 1,998 | 534 | 41 | 654 |
| 2002 | 3 | 288 | 2,286 | 347 | 534 | 1,180 |
| 2003 | 0 | 3 | 2,289 | 463 | 333 | 1,521 |
| 2004 | 0 | 0 | 2,289 | 288 | 463 | 1,984 |
| 2005 | 0 | 0 | 2,289 | 3 | 302 | 2,286 |
| 2006 | 0 | 0 | 2,289 | 0 | 3 | 2,289 |
| 2007 | 0 | 0 | 2,289 | 0 | 0 | 2,289 |
| TOTAL | | 2,289 | | 2,289 | 2,289 | |

LIFE OF MINE EXTENSION: 1992-2007
(Includes Reclamation)

2. The reclamation plan shall include the conditions and conceptual plan modifications approved by the Florida Department of Natural Resources (FDNR) and by the Florida Land and Water Adjudicatory Commission on August 25, 1987. These conditions are appended as Attachment C. If the Developer elects to amend the proposed Mining and Reclamation Schedule, he shall submit said amendments to the Hillsborough County Planning and Zoning Department and Development Review Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of the rate of mining if the terms of this Order are otherwise fully complied with. Any significant departure from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes.
3. Mining of the mine extension area shall begin within five years of the effective date of this Development Order.
4. This Development Order shall remain in effect for a period up to and including March 3, 2012. No development shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.
5. The development shall not be subject to down-zoning, or intensity reduction until March 3, 2012, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

revisions draft said 2007
Five years more than requested in application usually 3. D.
PCP

B. Transportation

1. No private access to public roads shall be interrupted unless adequate alternative access exists to that parcel.
2. IMC shall be held responsible for any damage caused by IMC to public streets or roads used for mining activities as reasonably determined by the Hillsborough County Engineering Department. The Hillsborough County Engineering Department shall monitor structural conditions of public roads throughout the mining of the site. The results of this monitoring shall be reported in the Annual Report. Upon completion of mining activities, the Engineering Department shall assess the amount of structural degradation which has occurred based on IMC mining related traffic and a determination of appropriate remedial action to be taken by IMC shall be made. IMC shall be required to undertake the remedial action as determined by the County.

Good (not in TBRPC)
Good (not in TBRPC)

C. Soils

1. The methods indicated on page 14-4 of the Application to overcome problems associated with the particular soil types for pond and earth embankments and the mining mitigation measures described on page 22-10 of the Application shall be implemented.

OK (5.)

D. Air Quality

1. If any proposed change to this Development Order is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it

would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analysis and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

OK
(6.)

- 2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-3,13-4, 14-6 and 14-7 of the Application shall be required.

E. Water Management

* *... needed for samples locations, projects & ... to be reviewed ... Hillsborough County FDER, SWFWMD*

1. Groundwater Monitoring

- a. A groundwater monitoring program in accordance with the Hillsborough County requirements and FDER and SWFWMD regulations shall be required to monitor any potential adverse impacts to the wells or surface water features of adjacent property owners.

OK
(7.F.)
... Home ... concerns ...

IMC shall provide relief for any property owner whose well is demonstrated to be adversely affected by IMC's mining operations. Relief shall include but is not limited to, replacement or modification of an existing well, or provision of an alternate water supply. A continuous provision of potable water shall be made available to affected parties at the expense of IMC. Relief shall be required regardless of whether mining operations are otherwise consistent with state and local permits.

... could be permanent

- 2) Prior to any mining activity within 700 feet of IMC's property boundary, IMC will prepare a groundwater monitoring plan for said mining area. The groundwater monitoring plan will show all neighboring wells of any depth within 500 feet of IMC's property line and the monitoring plan will propose monitoring wells at IMC's property line to measure the mining's potential effect on water level and water quality within the aquifer of concern. Hillsborough County Development Review Department, the Southwest Florida Water Management District, the Environmental Protection Commission of Hillsborough County and Hillsborough County Planning and Zoning Department shall approve the required groundwater monitoring plan. The groundwater monitoring plan shall begin one (1) year prior to the mining of each unit. Background monitoring of the respective groundwater level shall take place on a monthly basis and monitoring of the groundwater quality shall take place on a quarterly basis.

- a) Surficial Aquifer Monitoring. Prior to mining activity in each area, IMC shall submit a monitoring plan to be approved in accordance with paragraph (2) above. Upon approval of the plan, IMC shall construct the necessary wells and initiate monitoring for a period of not less than one year prior to commencement of mining and continue such monitoring until mining and reclamation activity in the respective unit has ceased. All monitoring data shall be transmitted to the Hillsborough County Department of Development Review on a monthly basis unless otherwise directed.

The monitoring plan for each mine unit shall also include a map/aerial photograph depicting the location of all perennial surface water features

and surficial aquifer wells within 500 feet of IMC's property boundary. Based on the location, size, number and density of surface water features and surficial aquifer wells IMC will construct surficial aquifer monitor wells at its property boundary adjacent to the active mine cuts. When mining is within 700 ft. of the property line, surficial aquifer water levels shall be measured weekly and water quality tested monthly. Water quality testing shall consist of the following parameters:

*limited parameters
with Pete Clark
primary parameters
no mining*

1. Temperature
2. Conductivity
3. pH
4. Turbidity
5. Color

Radioactive *Some Algae* *26 E118*
Radon *man made Beta*

The number of monitor wells in each mine unit and the exact placement shall be jointly agreed upon by IMC and the review agencies noted in paragraph (2) above. The agreed upon number of monitor wells and their placement shall be a function of the location, size, number and density of surface water features and surficial aquifer wells within 500 feet of IMC's property boundary, the hydraulic properties of the aquifer and the geometry of each active mine unit. The analytical solution to the number and placement of monitor wells shall be based on aquifer hydraulics, empirical data to be supplied by IMC, and the potential drawdown cone to be induced by the mine cuts in the respective mine unit. Based on the results of the analytical solution, monitor wells will be placed along the property boundary at a spacing interval which shall permit an accurate monitoring of potential drawdown effects. At no time will the spacing between consecutive monitor wells be more than 1,320 feet.

*no drawdown
no mining
no primary
no secondary
no tertiary
no drinking
wells - parameters
confined to no drawdown
no mining
no mining*

Floridan Aquifer Monitoring. The same plan of monitoring shall be required for Floridan Aquifer wells. However, the requirement to monitor Floridan Aquifer levels at the property boundary shall be waived if one or a combination of the following conditions can be met:

- (i) Floridan Aquifer withdrawals take place in wells located internally 660 feet or more from IMC's property boundary.
- (ii) Analytical and/or computer modeling of potential drawdown effects show that land owners will not be adversely affected.

*no mining
no mining*

*Drawdown should be monitored
for primary no secondary standards
Hillsborough County and other applicable agencies have the right to impose a more stringent monitoring program for the surficial aquifer, the intermediate aquifer, the Floridan aquifer, or any other aquifers if Hillsborough County or another applicable agency finds such a program necessary.*

Monitoring data for water quality shall be collected using the key indicators, as identified above, of the secondary parameters of Chapter 17.22, Florida Administrative Code. Monitoring data for water level shall be the free standing water elevation in the monitoring wells. If relief is determined to be required through the monitoring process, the Board shall determine the required action to be taken based upon the findings of the monitoring

report. IMC shall provide all monitoring data on water levels and quality to the responsible monitoring agency to determine what if any adverse impact has occurred to adjacent property water wells, lakes, ponds or other standing bodies of water.

2. Surface Water Monitoring

Not strong enough
7.E. in TBRPC report
We reviewed this surface water monitoring - here it is left to agency discretion - included baseline data = monitoring

In order to protect water quality in the Alafia River there shall be no degradation of water quality standards by stormwater exiting the site. If any of the regulatory agencies or jurisdictions deems water quality monitoring necessary, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 F.A.C. shall require corrective measures as set forth by FDER. The following shall apply:

- 1) Sampling locations and frequencies shall be determined to the satisfaction of the jurisdictional agency(ies).
- 2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with United States Environmental Protection Agency (USEPA) and FDER Quality Control Standards and Requirements.
- 3) The monitoring results shall be submitted to the Environmental Protection Commission (EPC) of Hillsborough County and other jurisdictional agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

3. The terms and conditions of SWFWMD Consumptive Use Permit (CUP) 203053, dated March 3, 1987, shall apply.

4. Prior to the issuance of any mining unit authorization or building permits the Master Drainage Plan and drainage calculations shall be submitted to TBRPC for review and shall be approved by Hillsborough County and SWFWMD. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective individual mining units shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

5. Drainage, stormwater management, water recirculation and pipeline installations shall meet the following specifications:

- a. Stormwater runoff and stream discharges from active mining areas shall not cause violation of Class III water quality standards in the receiving stream. Stormwater runoff from areas disturbed by mining activities shall be retained within the mine water recirculation system. Discharge from the mine water system shall occur only through NPDES permitted points.
- b. IMC shall be responsible for maintaining the drainage system including channels, culvert and erosion protection facilities. Any transfer of this responsibility from IMC to subsequent owners shall require the approval of Hillsborough County and SWFWMD.

Good
OK (7.A.)
except TBRPC report specified NPDES points should be Fig. 22C-1 in the ADA
claim extension would not require new NPDES points or discharge
3. under Mining activities pg. 318 C-1, ADA also in TBRPC report

OK (7.B.)

OK
(M.C.)

K
(7.1.1)

- c. Best Management Practices for reducing adverse water quality impacts, as recommended by Hillsborough County and SWFWMD shall be implemented.
- d. Best Available Technology shall be employed to reduce or eliminate backwater effects occurring as a result of the dragline or utility crossings (or any other structures) of the tributaries of the Alafia River.
 - 1) Pipelines shall be placed above the 100-year flood elevation and isolated from tributaries by berms.
 - 2) Pipelines shall be jacketed and spill containment areas outside the floodplain will be provided.
 - 3) Pipelines will be routinely inspected by operating personnel and the system will be shutdown if a spill occurs.

6. The following criteria shall be addressed in all future mining unit applications on this project:

- a. The developer must demonstrate that the actual area of shallow depressions provided within any project phase corresponds, at a minimum, to the "ponding factor" assumptions included in the ADA calculations.
- b. The ultimate (design) condition of the post-developed pasture/rangeland shall be assumed to correspond to that resulting from grazing or similar use which might reduce the density of vegetative cover, unless it can be demonstrated that such a condition will never occur.
- c. The assumed "hydrologic soil group" designations for the post-developed soils shall be indicated on the construction/site plans. These assumed designations shall be formally verified, in writing, by an appropriate U.S. Soil Conservation Service official prior to the submittal of plans for review and after the reclamation is completed. Appropriate modifications to the stormwater management system will be required if the in-place post-development soils do not function as originally assumed.
- d. Changes to the ADA calculations/plans resulting from the above conditions will be reviewed as a part of the formal review of the various project phases.

7. The developer is to donate all necessary drainage easements to the County as required by the County policy in effect at the time of mine plan approval.

8. All major drainage outfalls and/or conveyance areas are to be designed to comply with the appropriate County policy in effect at the time of mine plan approval.

9. All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project at the time of construction plan submittal and review, are to be improved where necessary and as required by the County Development Review Department - Engineering Section and the County Engineer.

F. Wetlands

1. The portions of the IMC Kingsford Mine S/D site which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be so designated on the General Site Development Plan submitted to Hillsborough County.

ATTACHMENT D
Developer Commitments

IMC KINGSFORD MINE SUBSTANTIAL DEVIATION

DEVELOPER COMMITMENTS

GENERAL PROJECT

1. Existing streams, watershed boundaries and NPDES discharge points will not change as a result of the proposed development. (ADA*, 11-12)
2. "This development does not change the mining rate, water use or employment levels." (ADA, 12-1)
3. "Agreement lands will be rezoned and included in the Hillsborough County Mining and Reclamation Plan as they are acquired." (ADA, 12-3)
4. "IMC will continue to abide by the 1974 DRI Development Order conditions, as amended. IMC accepts these conditions as applying to the extension area, as is applicable." (AI*, 12)
5. "IMC commits to abide by the rules and regulations of the various governmental bodies which have authority to regulate the mine activity, as is shown on page 9-1 of ADA." (AI, 12)
6. "IMC plans to reclaim the land to a soil capable of growing row crops, but will plant this land to pasture." (AI,9)

ENVIRONMENTAL AND NATURAL RESOURCES

Soils

The on-site soil inspection will be made during the wetland jurisdictional determination by FDER and Hillsborough County EPC. This information will be part of the Mining Unit Plan Submittal to Hillsborough County. (ADA, 14-1)

Water

1. "IMC proposes to continue its existing surface water quality monitoring as required by the existing permits listed below:

NPDES Permit No. (USEPA) FL0000256
Date Issued: 08-01-85, Expires 7-31-90
Florida DER Renewal Permit I053-97272 is in review process."
(ADA, 15-35)
2. "IMC will maintain watershed boundaries in the approximate premining locations and not cause any significant increase in the stormwater runoff peak flows." (AI, 12)
3. "IMC will plug all wells that are to be mined. They will be plugged according to SWFWMD standards and rules." (AI, 12)

4. "IMC is required to limit the change in the water table at our boundary by no more than three feet and incorporate special design measures to meet this requirement if needed." (AI, 94)

Wetlands

1. "Of the 258 acres of wetlands on site, 138 will be undisturbed and 120 will be mined or disturbed. The 120 acres that will be disturbed/mined fall into two categories: 116 acres of freshwater swamp which are adjacent to the 25-year floodplains, and four acres of an isolated depression/freshwater marsh (located in Section 34)." (ADA, 16-3)
2. "The IMC mine schedule also calls for mining only one side of the stream at a time. The water supplied from the other side of the stream will prevent significant dewatering during mining. An augmentation (rim) ditch will also be installed along the wetland border during mining. This ditch will be supplied with water which will help maintain groundwater levels and baseflow of the adjacent stream." (AI, 36)
3. "IMC will have jurisdictional boundaries of all wetland areas determined, surveyed and mapped. These surveys will be included as part of the mining unit plan before any mining activity is conducted along or in wetland areas." (AI, 12)

Floodplains

1. "The mine plan includes crossings of the stream and tributaries with draglines, pipelines and roads. These activities will be done in such a manner so as to not affect the stream flow capacity, and the crossing area will be reclaimed following the completion of use." (ADA, 17-1)
2. "The mining is planned to stop at the 25-year floodplain boundary. For this reason, the outer edge of the 100-year floodplain may be disturbed by the mining, but will be restored through the reclamation of the mine area." (ADA, 17-1)
3. IMC is planning to mine the AMAX parcel, which was part of the Big Four Mine DRI. The floodplain of Boggy Branch is not to be mined. (AI, 7)
4. There are no other crossings within the 100-year floodplain that are not already shown for the 25-year floodplain. (AI/SS*, 38)

Vegetation and Wildlife

1. "IMC will make a reasonable effort to find and relocate any Eastern indigo snakes or gopher tortoises prior to clearing of land for mining." (AI, 12)
2. "The threatened plant species, needle palm (Rhapidophyllum hystrix), is located in a seepage area adjacent to Halls Branch in Section 10, Township 31 South, Range 22 East. The wetlands within the DRI study area of the Kingsford Mine Extension that are within the 25-year floodplain will be preserved. If needle palms occur in wetlands planned for mining, they will be transplanted by a qualified licensed

individual to undisturbed wetlands or suitable wetland reclamation sites, as their size permits." (AI, 54)

3. "Approximately 14 needle palms (Rhapidophyllum hystrix) were observed adjacent to Halls Branch in Section 10, T31S, R22E. Some of the individuals were within the 25-year floodplain and some were outside of the 25-year floodplain within the adjacent forested wetlands. IMC is willing to preserve all of these needle palms." (AI/SS, 42)
4. The 88 acres of Palmetto Prairie shown in Table 38H-7 of the ADA will not be mined or disturbed. (AI, 99)
5. The Sand Pine Scrub areas on-site (both 1974 and 1986 DRI areas) are not scheduled for mining until 1996 and 1998, therefore determination of the success of the experimental sand pine reclamation required in the original Development Order will not be made until 1995. The above-referenced Sand Pine Scrub areas will remain undisturbed pending the 1995 determination. (AI, 102)
6. IMC is planning to work with the Florida Game and Fresh Water Fish Commission (FGFWFC) in designing and implementing an appropriate management and protection plan for the endangered and threatened wildlife species present on-site. The program is expected to include transplanting of endangered or threatened plant species, relocation of gopher tortoises, and reclamation of habitat for endangered or threatened species. The details of the plan will be worked out in cooperation with the FGFWFC and will be submitted to TBRPC when complete. (AI/SS, 40)
7. There are suitable reclaimed sites available now for relocation of the gopher tortoises and indigo snakes at the Kingsford Mine in Polk County. (AI/SS, 43)

Historical and Archaeological

"IMC will either protect or mitigate the three significant archaeological sites (8Hi-2155, 8Hi-2164 and 8Hi-2167)." (AI, 12)

PUBLIC FACILITIES

Transportation

1. "There will be no need for improvements to the existing rail systems or facilities other than routine maintenance." (ADA, 31-10)
2. "The county road (dirt) along the southern boundary of Section 3 (T31S, R22E) will be closed or relocated so that the existing area may be mined...This is contingent upon the purchase of the land in this area, and County approval." (ADA, 38A-11)

MINING

Activities

1. Stream crossings for access to mining areas will be permitted with the FDER and Hillsborough County (EPC) as necessary, and done in a manner which will prevent unacceptable disturbance to the stream or water quality. IMC will attempt to obtain permission to use a neighbor's property to go around the stream and eliminate the need for the crossing. (ADA, 38A-11)
2. "The extension of the Kingsford Mine will not change the existing annual rate of water use but will extend the requirements by about six years." (ADA, 38C-1)
3. "All process water is discharged through existing NPDES permitted discharge points...This extension will not require any new discharge points, and will not change the amount of discharge." (ADA, 38C-1)
4. "No significant change in water withdrawal rates from the Floridan Aquifer Systems are planned by IMC...The extended duration of pumping at the Beneficiation Plant (Polk County) is not expected to have a net withdrawal effect on the Floridan Aquifer. These withdrawals will be monitored by IMC as a condition of the present Consumptive Use Permit, and the existing groundwater level monitoring program will continue with data forwarded to Hillsborough County." (ADA, 38D-1)
5. "Prior to dewatering of mining cuts within 700 feet of an IMC property line a ditch is constructed and piezometers installed to allow monitoring of the surficial water level. When mining is within 700 feet of the property line the piezometers are monitored once per week. If this monitoring indicates that mining is lowering the water table, the perimeter ditch is flooded...The perimeter ditch is maintained in a flooded condition as long as the surficial water table needs recharge to maintain its level. IMC routinely monitors the water table along the property line both before and after mining, and complies with all conditions of the CUP." (ADA, 38D-2)
6. "Proper access and toe roads will be constructed and maintained to facilitate adequate dike inspections. Grass on the dikes will be maintained to prevent erosion. Constant supervision of safe freeboard levels will be a regular function of plant management. All findings will be reported in compliance with Chapter 17-9, F.A.C." (ADA, 38E-1)
7. "There will be no on-site processing of the phosphate ore on the proposed Kingsford Mine Extension. All mineable matrix will be pumped to IMC's existing Kingsford beneficiation plant in Polk County...All waste clays and most of the sand tails will be returned to Hillsborough County." (ADA, 38F-1)
8. Mining of the extension area will require an additional 38,000 acre-feet of clay settling capacity. This additional capacity is incorporated into the K-10 area. (AI, 85)

9. The clay now in K-2 will be dredged out and pumped into the K-10 area. The K-10 area will be mined and the settling area built as soon as possible. (AI, 85)

Reclamation

1. "Approximately 1,678 acres or 61.0 percent of the extension area will be reclaimed to improved pasture. Six acres will remain as citrus groves and eight acres will remain as palmetto prairie. Approximately 822 acres or 29.8 percent will be planted to upland forests including: 1) sand pine scrub, 2) mixed forest and 3) planted forest. Wetlands will occupy 215 acres or approximately 7.8 percent of the extension area. A large percentage of the wetlands will include 138 acres of undisturbed freshwater swamp habitat located within the stream floodplains. Approximately 37 additional acres will be reclaimed as freshwater swamp. The remaining wetlands will be reclaimed as mixed wetland forest and freshwater swamp." (ADA, 12-8)
2. "IMC intends to plant at least 10 percent of the pasture land areas with mixed forest." (ADA, 38H-23)
3. The northern area will be reclaimed using tailings for fill, the western area will be graded overburden with minor tailing fill and the central and south portion will be used for waste clay disposal. (ADA, 12-9 and 12-10)
4. "The tailing areas will be planted with several cover crops to provide needed humus prior to planting the trees and shrubs." (ADA, 38H-25)
5. IMC will take reasonable precautions, such as plowing fire breaks, to protect reclaimed vegetation from wildfire. (ADA, 38H-35)
6. "IMC will reclaim all mined or disturbed land to Department of Natural Resources and Hillsborough County standards." (AI, 13)
7. "IMC will reclaim at least equal acres of mixed forest wetland along each stream system as was mined or disturbed." (AI, 13)
8. "The dragline crossings will be restored to approximately original contour and replanted with indigenous native species. Freshwater marshes will be graded to provide sufficient water supply to support wetland vegetation and will be selectively mulched with soil borrowed from other marshes to be disturbed, if available." (ADA, 38H-37)
9. IMC is currently working with staff of the Hillsborough County Attorneys office to develop an effective mechanism to accomplish the buyer notification to subsequent landowners that the land has been reclaimed at the time of the title transfer. (AI/SS, 52)

- * ADA = Application for Development Approval
- AI = Additional Information
- AI/SS = Additional Information, Second Submittal

3. The natural resources within the unmined portions of the predetermined flood plain of any river or stream within the mine which are not mined because of any prohibition imposed by law, ordinance, or regulation, adopted by any governmental body or agency acting within the scope of their authority, shall be protected from adverse impacts related to mining or reclamation activities, pursuant to Rule 16C-16, F.A.C.
4. The conceptual plan is a general over-all plan which explains how and when all affected lands in the mine area have been or are to be reclaimed. Approval of this conceptual plan modification does not relieve the company of the obligation to comply with the standards and criteria set forth in Chapter 16C-16, F.A.C., and any inconsistencies between this conceptual plan and those standards and criteria shall be resolved in favor of the specific standards and criteria of Rule 16C-16, F.A.C.
5. In restoring drainage patterns, the Department and the operator reserve the right to reexamine in each reclamation and restoration program application the placement and configuration of the lakes, streams and wetlands which have been proposed in the conceptual plan to assure that the natural functions of the lakes, streams and wetlands are restored in accordance with the provisions of the then existing standards and criteria of Chapter 16C-16, F.A.C.
6. Areas to be reclaimed as pasture or improved pasture shall incorporate clumps or windrows of trees so that every ten acres shall have some trees. Areas to be reclaimed as cropland or citrus shall have windrows of trees along major access roads and between fields.

SPECIAL CONDITIONS

1. IMC shall install continuous monitoring devices on waste clay lines at the Kingford Mine to determine the dry tonnage of clay produced annually (the percent solids of clays introduced into each pond) and the size distribution of the waste clay material being discharged.
2. IMC shall encourage and conduct improvements in the sand tails capping technology (application of less than ten feet of sand tails on a pond, in order to increase the percent solids of the clays at the time of reclamation).
3. The P-1 reclamation monitoring program (crustal development) shall be written in concise form and submitted to the DNR to include:
 - a) GEMCO effectiveness
 - b) % solids (eg., cores)
 - c) acceleration of overall pond consolidation
 - d) development of dewatering techniques
4. IMC shall re-evaluate the K-7, K-8 and K-10 disposal methodology with consideration of items 1 through 3 to include computer modeling of all waste disposal methods. The re-evaluation shall be completed prior to activation of settling area K-7 as a waste clay disposal area.

Kingsford Mine Extension ADA/DRI
October 16, 1987
Page Three

5. Within two months from the approval of the Kingsford conceptual modification, items 1 through 4 shall be presented to the DNR in written format detailing the work items and time schedule for compliance. Interim progress reports shall be submitted to the Bureau every six months from the date of approval.

The Bureau is currently involved in meetings and discussions with IMC, New Wales concerning inclusion of the Kingsford K-9 area (previously planned as clay settling) within the New Wales chemical plant gypsum stack expansion area. It is the Bureau's understanding that a separate ADA/DRI will be required for the New Wales gypsum stack expansion area. The DNR reclamation application will be submitted simultaneously with the ADA/DRI. Bureau of Mine Reclamation review of the IMC New Wales ADA/DRI (submission planned for January 1988) will therefore coincide with Bureau review of the gypsum stack expansion reclamation plans.

Staff appreciates the opportunity to comment and should any questions arise, please call me at (904)488-8217.

RB/bcj

Enclosure

a. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required, at minimum:

- (1) No significant hydroperiod alteration shall be permitted in conservation or preservation areas identified on the General Site Development Plan.
- (2) To prevent encroachment into the regionally significant floodplain wetlands on-site, no mining shall be allowed in the 25-year floodplain. Furthermore, mining in the 100-year floodplain, shall only be permitted in accordance with Hillsborough County Mining Ordinance No. 87-27.
- (3) All wetland losses in conservation areas shall require 1:1 in-kind wetland replacement. Wetland losses in preservation areas shall require greater than 1:1 in-kind replacement. Mitigation for wetland losses shall be described in detail in the approved Reclamation Plan prior to the wetlands being disturbed.
- (4) All mitigation areas and littoral shelves shall be monitored semi-annually for a period of up to five years. Monitoring shall include species diversity and composition and efforts to control exotic species encroachment. Additional planting may be required to achieve 80-85 percent of natural cover rate over a two to five year period.

G. Vegetation & Wildlife

1. As designated in the Application, the Sand Pine Scrub parcels contained within the proposed extension area (1986) and the original DRI area (1974) shall be preserved as habitat for endangered and/or threatened species, since this ecosystem is one of the most unique and rapidly diminishing ones in Florida. A determination shall be made by 1995 by the Environmental Protection Commission (EPC) of Hillsborough County and the Florida Department of Natural Resources (FDNR) as to whether the experimental sand pine planting required in the original Development Order is successful and whether IMC can mine the two referenced Sand Pine Scrub areas and mitigate them through re-creation. If mining of the Sand Pine Scrub areas is approved, a written plan shall be submitted to Hillsborough County and FDNR for approval providing for successful, functioning alternate Sand Pine Scrub areas to be in place prior to or concurrent with disturbance of the original areas.
(K) (1.3.)
2. In the event that any species listed in Sections 39.27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC).
JK (1.4.)
3. Relocation of the gopher tortoises observed on-site to a suitable location may be considered as an alternative to preservation of the tortoise communities, if deemed acceptable by the FGFWFC.
JK (1.7.)
4. The needle palm, a threatened plant species, shall be relocated by qualified personnel and shall be successfully established prior to total disturbance of its original location, or the species shall be preserved and protected in its original location.
OK (1.2.)
5. There shall be no permanent impervious surfaces constructed within the 25-year floodplain. Detailed plans and schedules for each floodplain crossing shall be included in the individual mining unit plans and shall meet the following standards subject to the provisions of Hillsborough County Mining Ordinance 87-27
OK (1. F. 1.7.)

(These standards are revised from page 15-37 of the ADA):

- a. Crossings shall be scheduled for low water-flow periods.
- b. Crossings and culverts shall be designed to handle the 100-year flood event.
- c. Removal of vegetation shall be minimized. Clearing width shall be limited to 175 feet maximum, and the length of each crossing shall be specified as required by Hillsborough County Ordinance 87-27. *TBRPC said specified in D.O.*
- d. Fill material used in the streams for the crossings shall be clean sand.
- e. Siltation control devices shall be used in the streams as needed.
- f. Any fill material required for the dragline crossing will be placed no sooner than three days before the crossing, and removed within two days after the crossing. Regrassing shall be initiated immediately, and trees shall be replaced after the final crossing at that site, at the appropriate seasonal time.

6. In regard to retaining dikes:

- OK
I.G.L.R.*
- a. An IMC dam inspector shall inspect all dikes and dams weekly. An IMC engineer shall inspect and document the condition of all dikes and dams each month. The inspection reports shall be filed with mine and corporate management, and shall be available for periodic FDER inspection.
 - b. Annual reports bearing the seal of a qualified soil engineering consultant which document the condition of all dikes shall be filed with IMC Management, FDER and the Hillsborough County Planning and Zoning and Development Review Departments.

(L.H. 1-9)

7. Mining and Reclamation Plans shall include the following (revised from page 12-10 of the Application):

- a. Preservation of the 25-year floodplain wetlands, and restoration of all forest (wooded wetland) areas, within or along the edge of the 100-year floodplain which are disturbed due to mining or associated activities at a density equal to that previous to the disturbance.
- b. Replacement of at least equal acres and natural density of hardwood forest as existed before mining, including xeric forest.
- c. Maintenance of the existing watershed boundaries.
- d. Provision of at least 10 percent forest in pasture land area for wildlife habitat.
- e. Commitment by the Developer to maintain all reclamation areas per Department of Natural Resources (DNR) and County regulations. *Per the TBRPC com.*
- f. Implementation of the mining mitigation measures identified on page 22-10 of the Application, at minimum.
- g. Use of the toe spoiling mining technique for all overburden containing matrix or leach zone material.

- OK
(I.I.)*
8. The applicant shall document to EPC and the TBRPC its efforts to negotiate crossings of upland "agreement" lands with property owners prior to any Mining Unit approvals of crossings of

tributaries of the South Prong Alafia River, in an effort to avoid such tributary crossings entirely.

H. Archaeological and Historical Resources

- OK (3.)
1. Archaeological sites 8Hi-2155, 8Hi-2164, and 8Hi-2167 shall be preserved as open space since they are considered regionally significant by the Florida Division of Historical Resources. If preservation of these regionally significant resources is not possible, project impact to the three sites shall be mitigated through archaeological salvage excavation by a professionally capable agency and shall include a report on the test excavations. Clearance from the Division of Historical Resources shall be required prior to commencement of mining in these areas.
 2. Should additional archaeological or historical resources be located during mining activities, the ultimate disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.
- OK (4.)

I. Public Facilities

- OK (8.)
inclusive but not inclusive of water availability is covered by E. 3. of this report.
1. Prior to individual mining unit approvals for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services (EMS) capabilities and facilities are available to service the development.
 2. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
 3. All on-site wells shall be maintained, operated or plugged in accordance with SWFWMD regulations by the Developer.
- SWFWMD regulations
relieve - the on-site wells on the extension property

J. Energy Conservation

- OK (9. & 10.)
1. The energy conservation measures referenced on page 25-5 of the Application shall be required. The following energy conservation measures shall also be implemented if economically feasible:
 - a. Energy policies, energy use monitoring and energy conservation shall be established for the IMC Kingsford Mine S/D using a qualified energy use analyst.
 - b. Programs shall be instituted to promote energy conservation by employees.
- TBRPC "and water"

K. Equal Opportunity

- OK (TBRPC)
1. The Developer shall seek, urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

L. General

- OK (13.)
1. Any approval of the IMC KINGSFORD MINE EXTENSION shall at minimum, satisfy the provisions of Chapter 380.06(15), F.S.
 2. All of the final Developer's commitments set forth in the Application, as summarized in pages 21-25 of the TBRPC DRI Report and attached hereto as Attachment D shall be honored, except as they may be superseded by specific terms of the Development Order and amended Mining and Reclamation Plan.
 3. Should the project depart significantly from the parameters set forth in the Application, the project shall be subject to a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.
- OK (14.)

ATTACHMENT A
Applicant's Affidavit

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Richard E. Davis, as attorney for IMC Fertilizer, Inc., to me well known, who being by me first duly sworn, says upon oath as stated below:

1. International Minerals and Chemical Corporation filed its application for development approval for the Kingsford Mine Extension on June 25, 1986. The first additional information submittal was filed on November 20, 1986. The second additional information submittal was filed on April 15, 1987.

2. The aforementioned documents were filed with the Tampa Bay Regional Planning Council and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit A.



Richard E. Davis
Attorney for
IMC Fertilizer, Inc.

Sworn to and subscribed before me this 15th day of
April, 1988.



Notary Public

(Notarial Seal)

My Commission Expires:

My Commission Expires
April 15, 1992
LAWSON & COY. FIRE INSURANCE INC.

99881103REDAff:126



DISTRIBUTION LIST

Additional Information to the Application for Development Approval
of a Development of Regional Impact for International Minerals & Chemi-
cal Corporation's Kingsford Mine Extension.

| | |
|---|---------------------------------------|
| Mr. W. H. Holmes Attention: Mr. Greg Czerepak District Planning Engineer Florida Department of Transportation P. O. Box 1249 Bartow, Florida 33830 | 1 Copy of Additional Information |
| Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Boulevard Suite 404 Tampa, Florida 33609 | 1 Copy of Additional Information |
| Mr. Howard Glassman Florida Department of Transportation Mail Station 28 605 Suwannee Street Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Ms. Marianne G. Korosy DRI Coordinator Department of Environmental Regulation 7601 Highway 301 North Tampa, Florida 33610 | 2 Copies of Additional Information |
| Mr. Mike Allen Office of Environmental Services Game and Fresh Water Fish Commission 610 South Meridian Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. Steve Minnis Planning Department Southwest Florida Water Mgt. Dist. 2379 Broad Street Brooksville, Florida 33512-9712 | 4 Copies of Additional Information |

DISTRIBUTION LIST (Cont.)

| | |
|---|---------------------------------------|
| Mr. Bill Howell Bureau of Biol. & Inter. Services Department of Natural Resources 3900 Commonwealth Blvd., Room 508 Tallahassee, Florida 32303 | 2 Copies of Additional Information |
| Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132 | 1 Copy of Additional Information |
| Mr. James Murley, Chief Attn: Mr. Ed Lehman Dept. of Community Affairs Division of Local Resource Mgt. 1571 Executive Center Circle, East Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. A. J. Salem Planning Division U.S. Army Corps of Engineers P. O. Box 4970 Jacksonville, Florida 32232-0019 | 1 Copy of Additional Information |
| Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, East Suite 211 Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. Gene Heath, General Manager West Coast Reg. Water Supply Authority 1535 Landmark Drive, Suite 211 Clearwater, Florida 33519 | 1 Copy of Additional Information |
| Mr. William Saalman, III District Conservation USDA Soil Conservation Service 5539 State Road 579 Seffner, Florida 33584 | 1 Copy of Additional Information |

DISTRIBUTION LIST (Cont.)

| | |
|--|--|
| Mr. Jim Muller Florida Natural Areas Inventory 254 E. Sixth Avenue Tallahassee, Florida 32303 | 1 Copy of Additional Information for Questions 11, 12 and 18 |
| Mr. Sydney Park-Brown Horticulture and Water Management Hillsborough County 3339 S. R. 579 Seffner, Florida 33584 | 1 Copy of Additional Information |
| Ms. Shirley Gersholowitz DRI Coordinator Hillsborough Cnty. Dept. of Dev. Coord. P. O. Box 1110 Tampa, Florida 33601 | 25 Copies of Additional Information |
| Mr. Brian Sadt DRI Coordinator Central Florida Regional Pln. Cncl. P. O. Box 2089 Bartow, Florida 33830 | 1 Copy of Additional Information |
| Mr. Merle Bishop Planning Director Polk County P. O. Box 1909 Bartow, Florida 33830 | 1 Copy of Additional Information |



Approval, Sufficiency Responses and other exhibits duly submitted and recorded.

- B. The real property which is the subject of the Application is legally described as set forth in Attachment B attached hereto and made a part hereof by reference.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Attachment A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
 - 2. The development is consistent with local land development regulations.
 - 3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes, as amended.
- C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, as amended, within the terms and conditions of this Development Order and the Application.
- D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.
- E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as AGRICULTURAL which permits mining activities and RURAL RESIDENTIAL.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the revised Development Order of Hillsborough County in response to the Application for Development Approval for the IMC KINGSFORD MINE EXTENSION. This Development Order amends the previous Development Order of January 15, 1975 to allow mining of an additional 2,289 acres, extension of the mining period to 2007, and change the anniversary date of the annual report.
- B. The legal description set forth in Attachment B is hereby incorporated into and by reference made a part of this Development Order.

Richard Ake
Clerk of the Circuit Court
Hillsborough County, Florida



SB

Certified Mail

Clerk to Board of
County Commissioners
Room # 214-H
P. O. Box 1110
Tampa, Florida 33601
Telephone 272-5845

April 28, 1988

Tampa Bay Regional Planning Council
9455 Koger Boulevard
St. Petersburg, Florida 33702

Attn: Julia Greene
Executive Director

Re: Resolution No. R88-0086 - Development Order for
IMC/Kingsford Mine Extension - DRI #120

Dear Ms. Greene:

Enclosed please find an executed copy of the subject
Resolution which we are providing for your files.

This Resolution was approved by the Hillsborough County
Board of County Commissioners on March 29, 1988.

Sincerely,

RICHARD AKE
CLERK OF CIRCUIT COURT

By: Edna L. Fitzpatrick
Edna L. Fitzpatrick
Deputy Clerk

ELF/lt

cc: Board files (orig.)
State of Florida Dept. of Community Affairs
Richard E. Davis, Attorney for IMC Fertilizer, Inc.
Anita Bing, Asst. County Attorney
Silvina Kade, H.C. Planning & Zoning Dept.

Enclosure

120
Master D.O. File

RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA
DRI #120 DEVELOPMENT ORDER
IMC KINGSFORD MINE EXTENSION

Upon motion of Commissioner Talley, seconded by Commissioner Poe, the following Resolution was adopted this 29th day of March, 1988.

WHEREAS, in June 1986, IMC FERTILIZER, INC. filed an Application for Development Approval of a Development of Regional Impact with the Hillsborough County Board of County Commissioners pursuant to the provisions of Section 380.06, Florida Statutes, as amended; and

WHEREAS, in June, 1984 IMC Fertilizer proposed to amend its mining permit to include an additional 1,059 acres, thereby extending the life of the mine to 2007, which acreage was subsequently expanded to 1,693 acres, and the total acreage being approximately TWO-THOUSAND-SEVEN-HUNDRED-FIFTY-TWO ACRES, located in southeastern Hillsborough County, hereinafter referred to as the IMC KINGSFORD MINE EXTENSION; and

WHEREAS, such amendment was declared by the Board of County Commissioners to be a substantial deviation to Development Order 74-8; and

WHEREAS, the described project lies within the unincorporated area of Hillsborough County; and

WHEREAS, the Board of County Commissioners as the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes, as amended, is authorized and empowered to consider Applications for Development Approval for Developments of Regional Impact; and

WHEREAS, the public notice requirements of Section 380.06, Florida Statutes, as amended, have been satisfied; and

WHEREAS, the Zoning Hearing Master appointed pursuant to the Zoning Code of Hillsborough County (Ordinance 85-10), has reviewed the Application for Development Approval at a duly noticed public hearing held March 3, 1988 and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Hillsborough County has on March 29, 1988, held a duly noticed public hearing on said Application for Development Approval and has heard and considered testimony and other documents and evidence; and

WHEREAS, the Board of County Commissioners has received and considered the report and recommendation of the Tampa Bay Regional Planning Council; and

WHEREAS, the Board of County Commissioners has solicited, received and considered reports, comments and recommendations from interested citizens, County and City agencies as well as the review and report of Hillsborough County Administration.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF HILLSBOROUGH COUNTY, FLORIDA

I. FINDINGS OF FACT

- A. IMC Fertilizer, Inc. hereinafter referred to as the "Developer", submitted to Hillsborough County, Florida, an Application for Development Approval and Sufficiency Responses marked "A" which were filed with the Tampa Bay Regional Planning Council and those other governmental agencies listed in the applicant's affidavit attached hereto as Attachment A and incorporated herein by reference. Hereinafter, the word "Application" shall refer to the Application for Development

Approval, Sufficiency Responses and other exhibits duly submitted and recorded.

- B. The real property which is the subject of the Application is legally described as set forth in Attachment B attached hereto and made a part hereof by reference.
- C. The proposed development is not an Area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- D. All development will occur in accordance with this Development Order and Application.
- E. A comprehensive review of the impact generated by the development has been conducted by the Hillsborough County Administration, the Hillsborough County Environmental Protection Commission, the Hillsborough County City-County Planning Commission, and the Tampa Bay Regional Planning Council and other affected agencies.

II. CONCLUSIONS OF LAW

- A. Based upon the compliance with the terms and conditions of this Development Order, provisions of the Application as set forth in Attachment A, the reports, recommendations and testimony heard and considered by the Zoning Hearing Master, it is concluded that:
 - 1. The development will not unreasonably interfere with the achievement of the objectives of the Adopted Land Development Plan applicable to the area.
 - 2. The development is consistent with local land development regulations.
 - 3. The development is consistent with the report and recommendation of the Tampa Bay Regional Planning Council.
- B. In considering whether the development should be approved subject to conditions, restrictions, and limitations, Hillsborough County has considered the criteria stated in subsection 380.06(14), Florida Statutes, as amended.
- C. The review by Hillsborough County, the Hillsborough County City-County Planning Commission, the Tampa Bay Regional Planning Council, and other participating agencies and interested citizens indicates that impacts are adequately addressed pursuant to the requirements of Section 380.06, Florida Statutes, as amended, within the terms and conditions of this Development Order and the Application.
- D. The Application for Development Approval is approved subject to all terms and conditions of this Development Order.
- E. The Horizon 2000 Land Use Plan Map for Hillsborough County designates the area within which this land lies as AGRICULTURAL which permits mining activities and RURAL RESIDENTIAL.

III. GENERAL PROVISIONS

- A. This resolution shall constitute the revised Development Order of Hillsborough County in response to the Application for Development Approval for the IMC KINGSFORD MINE EXTENSION. This Development Order amends the previous Development Order of January 15, 1975 to allow mining of an additional 2,289 acres, extension of the mining period to 2007, and change the anniversary date of the annual report.
- B. The legal description set forth in Attachment B is hereby incorporated into and by reference made a part of this Development Order.

- C. All provisions contained within the Application shall be considered conditions of this Development Order unless inconsistent with the terms and conditions of this Development Order, in which case the terms and conditions of this Development Order shall control.
- D. The Definitions contained in Chapter 380, Florida Statutes, as amended, shall govern and apply to this Development Order.
- E. This Development Order shall be binding upon the Developer and his heirs, assignees or successors in interest including any entity which may assume any of the responsibilities imposed on the Developer by this Development Order. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created or designated as successors in interest to, or which otherwise possesses any of the powers and duties of any branch of government or governmental agency.
- F. In the event that any portion or section of this Development Order is determined to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or sections of this Development Order which shall remain in full force and effect.
- G. Whenever this Development Order provides for or otherwise necessitates reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Board of County Commissioners of Hillsborough County to review developments set forth under applicable laws and rules governing Developments of Regional Impact.
- H. In each instance in this Development Order where the Developer is responsible for ongoing maintenance of facilities at the IMC KINGSFORD MINE EXTENSION, the Developer may transfer any or all of his responsibilities to improve and maintain those facilities to an appropriate private body created to perform such responsibilities. Provided, however, that before such transfer may be effective, the body to which responsibility has been or will be transferred must be approved by the County and/or other agencies having jurisdiction, concurrent or otherwise, now or later, upon determination that the entity in question can and will be responsible to provide maintenance as required in this Development Order, which approval shall not be unreasonably withheld.
- I. Development activity constituting a substantial deviation from the terms and conditions of this Development Order or other changes to the approved development plans which create a reasonable likelihood of additional adverse regional impact, or any other regional impact not previously reviewed by Hillsborough County and the Tampa Bay Regional Planning Council shall result in further Development of Regional Impact review pursuant to Chapter 380.06, Florida Statutes, as amended, and may result in Hillsborough County ordering a termination of development activity pending such review.
- J. The Planning and Zoning Department of Hillsborough County shall be responsible for monitoring all terms and conditions of this Development Order. For purposes of this condition, the Planning and Zoning Department may rely upon or utilize information supplied by any Hillsborough County department or agency having particular responsibility over the area or subject involved. The Planning and Zoning Department shall report to the Board of County Commissioners any findings of deviation from the terms and conditions of this Development Order. In the event of a deviation, the Planning and Zoning Department may issue a notice of such noncompliance to the Developer, or the Planning and Zoning Department may immediately recommend that the Board of County Commissioners establish a hearing to consider such deviations.
- K. The Developer shall file an annual report in accordance with Section 380.06(18), Florida Statutes, as amended, and appropriate rules and regulations. The report shall be submitted on Florida Department of

Community Affairs Form BLWM-07-85 as amended. The developer must comply with the anniversary date contained in the 1975 Development Order until July 30, 1988. On July 30, 1988, and annually thereafter, the developer shall file an annual report by July 30th for each following year until and including such time as all terms and conditions of this Development Order are satisfied. Such report shall be submitted to the Hillsborough County Planning and Zoning Department which shall, after appropriate review, submit it for review by the Board of County Commissioners. The Board of County Commissioners shall review the report for compliance with the terms and conditions of this Development Order. The Developer shall be notified of any Board of County Commissioners' hearing wherein such report is to be reviewed. The receipt and review by the Board of County Commissioners shall not be considered a substitute or a waiver of any terms or conditions of this Development Order. This report shall contain:

1. The information required by the State Land Planning Agency to be included in the Annual Report, which information is described in the Rules and Regulations promulgated by the State Land Planning Agency pursuant to Section 380.06, Florida Statutes; and
 2. A description of all development activities proposed to be conducted under the terms of this Development Order for the year immediately following the submittal of the annual report; and
 3. A statement listing all Applications for Incremental Review required pursuant to this Development Order or other applicable local regulations which the Developer proposes to submit during the year immediately following submittal of the annual report; and
 4. A statement setting forth the name(s) and address of any heir, assignee or successor in interest to this Development Order; and
 5. A statement describing how the Developer has complied with each term and condition of this Development Order applicable when the Annual Report was prepared.
- L. The provisions of this Development Order shall not be construed as a waiver of or exception to any rule, regulation or ordinance of Hillsborough County, its agencies and commissions, and to the extent that further review is provided for in this Development Order or required by Hillsborough County, said review shall be subject to all applicable rules, regulations and ordinances in effect at the time of the review unless stated otherwise in this Development Order.
- M. This Development Order shall become effective upon adoption by the Board of County Commissioners of Hillsborough County in accordance with Section 380.06, Florida Statutes, as amended.

IV. SPECIFIC CONDITIONS

A. Phasing Schedule and Deadlines

1. The cumulative rate of mining shall not exceed the following proposed Mining and Reclamation schedule:

| YEAR ENDING (6/30) | MINEABLE AREA | ANNUAL MINED AREA | CUMULATIVE MINED AREA | RECLAMATION AREA | | CUMULATIVE COMPLETE |
|--------------------------|------------------|-------------------------|-----------------------------|------------------|-----------|------------------------|
| | | | | STARTED | COMPLETED | |
| 1986 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1987 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1988 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1989 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1990 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1991 | 2,289 | 0 | 0 | 0 | 0 | 0 |
| 1992 | 2,253 | 36 | 36 | 0 | 0 | 0 |
| 1993 | 2,156 | 95 | 131 | 0 | 0 | 0 |
| 1994 | 2,158 | 0 | 131 | 36 | 0 | 0 |
| 1995 | 2,150 | 0 | 139 | 95 | 36 | 36 |
| 1996 | 2,023 | 127 | 266 | 0 | 95 | 131 |
| 1997 | 1,662 | 361 | 627 | 0 | 0 | 131 |
| 1998 | 1,307 | 275 | 902 | 121 | 0 | 131 |
| 1999 | 954 | 433 | 1,335 | 361 | 121 | 252 |
| 2000 | 690 | 264 | 1,599 | 41 | 361 | 613 |
| 2001 | 291 | 399 | 1,998 | 534 | 41 | 654 |
| 2002 | 3 | 288 | 2,286 | 347 | 534 | 1,188 |
| 2003 | 0 | 3 | 2,289 | 463 | 333 | 1,521 |
| 2004 | 0 | 0 | 2,289 | 288 | 463 | 1,984 |
| 2005 | 0 | 0 | 2,289 | 3 | 302 | 2,286 |
| 2006 | 0 | 0 | 2,289 | 0 | 3 | 2,289 |
| 2007 | 0 | | | | | |
| TOTAL | | 2,289 | | 2,289 | 2,289 | |

LIFE OF MINE EXTENSION: 1992-2007
(Includes Reclamation)

2. The reclamation plan shall include the conditions and conceptual plan modifications approved by the Florida Department of Natural Resources (FDNR) and by the Florida Land and Water Adjudicatory Commission on August 25, 1987. These conditions are appended as Attachment C. If the Developer elects to amend the proposed Mining and Reclamation Schedule, he shall submit said amendments to the Hillsborough County Planning and Zoning Department and Development Review Department for review and approval as required by law, which approval shall not be withheld for mere acceleration or deceleration of the rate of mining if the terms of this Order are otherwise fully complied with. Any significant departure from the phasing schedule set forth in the Application shall be subject to a substantial deviation determination pursuant to Chapter 380.06(19), Florida Statutes.
3. Mining of the mine extension area shall begin within five years of the effective date of this Development Order.
4. This Development Order shall remain in effect for a period up to and including March 3, 2012. No development shall be approved after expiration of the Development Order. Any development activity for which plans have been submitted to the County for its review and approval prior to the expiration date of this Development Order may be completed in accordance with the requirements of the Development Order, if approved. This Development Order may be extended by the Board of County Commissioners of Hillsborough County on the finding of excusable delay in any proposed development activity. However, any application for extension must be filed with Hillsborough County a minimum of thirty (30) days prior to the expiration date of this Order.
5. The development shall not be subject to down-zoning, or intensity reduction until March 3, 2012, unless the local government can demonstrate that substantial changes in the conditions underlying the approval of the Development Order have occurred, or the Development Order was based on substantially inaccurate information provided by the Developer, or that the change is clearly established by local government to be essential to the public health, safety, or welfare.

B. Transportation

1. No private access to public roads shall be interrupted unless adequate alternative access exists to that parcel.
2. IMC shall be held responsible for any damage caused by IMC to public streets or roads used for mining activities as reasonably determined by the Hillsborough County Engineering Department. The Hillsborough County Engineering Department shall monitor structural conditions of public roads throughout the mining of the site. The results of this monitoring shall be reported in the Annual Report. Upon completion of mining activities, the Engineering Department shall assess the amount of structural degradation which has occurred based on IMC mining related traffic and a determination of appropriate remedial action to be taken by IMC shall be made. IMC shall be required to undertake the remedial action as determined by the County.

C. Soils

1. The methods indicated on page 14-4 of the Application to overcome problems associated with the particular soil types for pond and earth embankments and the mining mitigation measures described on page 22-10 of the Application shall be implemented.

D. Air Quality

1. If any proposed change to this Development Order is determined to be a substantial deviation, Hillsborough County shall determine whether the nature of the proposed change(s) is such that it

would require a re-analysis of the air quality impacts of this project or if such proposed change includes uses which are determined to be point sources of air pollution. If a re-analysis is warranted as determined by Hillsborough County, the Developer shall perform point source air quality analysis and the Developer shall take remedial measures as required by Hillsborough County, all in accordance with applicable law.

2. The measures to reduce erosion, fugitive dust and air emission stated on pages 13-3,13-4, 14-6 and 14-7 of the Application shall be required.

E. Water Management

1. Groundwater Monitoring

- a. A groundwater monitoring program in accordance with the Hillsborough County requirements and FDER and SWFWMD regulations shall be required to monitor any potential adverse impacts to the wells or surface water features of adjacent property owners.
 - 1) IMC shall provide relief for any property owner whose well is demonstrated to be adversely affected by IMC's mining operations. Relief shall include but is not limited to, replacement or modification of an existing well, or provision of an alternate water supply. A continuous provision of potable water shall be made available to affected parties at the expense of IMC. Relief shall be required regardless of whether mining operations are otherwise consistent with state and local permits.
 - 2) Prior to any mining activity within 700 feet of IMC's property boundary, IMC will prepare a groundwater monitoring plan for said mining area. The groundwater monitoring plan will show all neighboring wells of any depth within 500 feet of IMC's property line and the monitoring plan will propose monitoring wells at IMC's property line to measure the mining's potential effect on water level and water quality within the aquifer of concern. Hillsborough County Development Review Department, the Southwest Florida Water Management District, the Environmental Protection Commission of Hillsborough County and Hillsborough County Planning and Zoning Department shall approve the required groundwater monitoring plan. The groundwater monitoring plan shall begin one (1) year prior to the mining of each unit. Background monitoring of the respective groundwater level shall take place on a monthly basis and monitoring of the groundwater quality shall take place on a quarterly basis.
- a) Surficial Aquifer Monitoring. Prior to mining activity in each area, IMC shall submit a monitoring plan to be approved in accordance with paragraph (2) above. Upon approval of the plan, IMC shall construct the necessary wells and initiate monitoring for a period of not less than one year prior to commencement of mining and continue such monitoring until mining and reclamation activity in the respective unit has ceased. All monitoring data shall be transmitted to the Hillsborough County Department of Development Review on a monthly basis unless otherwise directed.

The monitoring plan for each mine unit shall also include a map/aerial photograph depicting the location of all perennial surface water features

and surficial aquifer wells within 500 feet of IMC's property boundary. Based on the location, size, number and density of surface water features and surficial aquifer wells IMC will construct surficial aquifer monitor wells at its property boundary adjacent to the active mine cuts. When mining is within 700 ft. of the property line, surficial aquifer water levels shall be measured weekly and water quality tested monthly. Water quality testing shall consist of the following parameters:

1. Temperature
2. Conductivity
3. pH
4. Turbidity
5. Color

The number of monitor wells in each mine unit and the exact placement shall be jointly agreed upon by IMC and the review agencies noted in paragraph (2) above. The agreed upon number of monitor wells and their placement shall be a function of the location, size, number and density of surface water features and surficial aquifer wells within 500 feet of IMC's property boundary, the hydraulic properties of the aquifer and the geometry of each active mine unit. The analytical solution to the number and placement of monitor wells shall be based on aquifer hydraulics, empirical data to be supplied by IMC, and the potential drawdown cone to be induced by the mine cuts in the respective mine unit. Based on the results of the analytical solution, monitor wells will be placed along the property boundary at a spacing interval which shall permit an accurate monitoring of potential drawdown effects. At no time will the spacing between consecutive monitor wells be more than 1,320 feet.

b) Floridan Aquifer Monitoring. The same plan of monitoring shall be required for Floridan Aquifer wells. However, the requirement to monitor Floridan Aquifer levels at the property boundary shall be waived if one or a combination of the following conditions can be met:

- (i) Floridan Aquifer withdrawals take place in wells located internally 660 feet or more from IMC's property boundary.
- (ii) Analytical and/or computer modeling of potential drawdown effects show that land owners will not be adversely affected.

Hillsborough County and other applicable agencies have the right to impose a more stringent monitoring program for the surficial aquifer, the intermediate aquifer, the Floridan aquifer, or any other aquifers if Hillsborough County or another applicable agency finds such a program necessary.

Monitoring data for water quality shall be collected using the key indicators, as identified above, of the secondary parameters of Chapter 17.22, Florida Administrative Code. Monitoring data for water level shall be the free standing water elevation in the monitoring wells. If relief is determined to be required through the monitoring process, the Board shall determine the required action to be taken based upon the findings of the monitoring

report. IMC shall provide all monitoring data on water levels and quality to the responsible monitoring agency to determine what if any adverse impact has occurred to adjacent property water wells, lakes, ponds or other standing bodies of water.

2. Surface Water Monitoring

a. In order to protect water quality in the Alafia River there shall be no degradation of water quality standards by stormwater exiting the site. If any of the regulatory agencies or jurisdictions deems water quality monitoring necessary, the Developer shall provide a water quality monitoring program to the satisfaction of the regulatory agency(ies). Any violation of Chapter 17-3 F.A.C. shall require corrective measures as set forth by FDER. The following shall apply:

- 1) Sampling locations and frequencies shall be determined to the satisfaction of the jurisdictional agency(ies).
- 2) All water quality analytical methods and procedures shall be thoroughly documented and shall comply with United States Environmental Protection Agency (USEPA) and FDER Quality Control Standards and Requirements.
- 3) The monitoring results shall be submitted to the Environmental Protection Commission (EPC) of Hillsborough County and other jurisdictional agency(ies). Should the monitoring indicate that applicable state water quality standards are not being met, the violation shall be reported to Hillsborough County immediately and all construction within the project where the violation is noted shall cease until the violation is corrected; or if specific construction activities can be identified as causing the violation, all such activity shall cease until the violation is corrected.

3. The terms and conditions of SWFWMD Consumptive Use Permit (CUP) 203053, dated March 3, 1987, shall apply.

4. Prior to the issuance of any mining unit authorization or building permits the Master Drainage Plan and drainage calculations shall be submitted to TBRPC for review and shall be approved by Hillsborough County and SWFWMD. The drainage system shall be designed to meet all applicable Hillsborough County and SWFWMD regulations. The County drainage criteria in existence at the time of construction of the respective individual mining units shall be the prevailing criteria to use for design and construction unless other affected agencies' drainage criteria are more restrictive. If flooding conditions exist downstream of the DRI's outfall, more restrictive criteria may apply.

5. Drainage, stormwater management, water recirculation and pipeline installations shall meet the following specifications:

- a. Stormwater runoff and stream discharges from active mining areas shall not cause violation of Class III water quality standards in the receiving stream. Stormwater runoff from areas disturbed by mining activities shall be retained within the mine water recirculation system. Discharge from the mine water system shall occur only through NPDES permitted points.
- b. IMC shall be responsible for maintaining the drainage system including channels, culvert and erosion protection facilities. Any transfer of this responsibility from IMC to subsequent owners shall require the approval of Hillsborough County and SWFWMD.

- c. Best Management Practices for reducing adverse water quality impacts, as recommended by Hillsborough County and SWFWMD shall be implemented.
 - d. Best Available Technology shall be employed to reduce or eliminate backwater effects occurring as a result of the dragline or utility crossings (or any other structures) of the tributaries of the Alafia River.
 - 1) Pipelines shall be placed above the 100-year flood elevation and isolated from tributaries by berms.
 - 2) Pipelines shall be jacketed and spill containment areas outside the floodplain will be provided.
 - 3) Pipelines will be routinely inspected by operating personnel and the system will be shutdown if a spill occurs.
6. The following criteria shall be addressed in all future mining unit applications on this project:
- a. The developer must demonstrate that the actual area of shallow depressions provided within any project phase corresponds, at a minimum, to the "ponding factor" assumptions included in the ADA calculations.
 - b. The ultimate (design) condition of the post-developed pasture/rangeland shall be assumed to correspond to that resulting from grazing or similar use which might reduce the density of vegetative cover, unless it can be demonstrated that such a condition will never occur.
 - c. The assumed "hydrologic soil group" designations for the post-developed soils shall be indicated on the construction/site plans. These assumed designations shall be formally verified, in writing, by an appropriate U.S. Soil Conservation Service official prior to the submittal of plans for review and after the reclamation is completed. Appropriate modifications to the stormwater management system will be required if the in-place post-development soils do not function as originally assumed.
 - d. Changes to the ADA calculations/plans resulting from the above conditions will be reviewed as a part of the formal review of the various project phases.
7. The developer is to donate all necessary drainage easements to the County as required by the County policy in effect at the time of mine plan approval.
8. All major drainage outfalls and/or conveyance areas are to be designed to comply with the appropriate County policy in effect at the time of mine plan approval.
9. All drainage facilities within the confines of this project and all drainage facilities outside the confines necessary for the proper functioning of this project at the time of construction plan submittal and review, are to be improved where necessary and as required by the County Development Review Department - Engineering Section and the County Engineer.

F. Wetlands

- 1. The portions of the IMC Kingsford Mine S/D site which meet the definition of preservation and conservation areas, as defined in the Council's adopted growth policy, Future of the Region, Sections 10.1.2 and 10.3.1, shall be so designated on the General Site Development Plan submitted to Hillsborough County.

- a. In order to protect the natural values of preserved/conserved wetland areas, the following shall be required, at minimum:
- (1) No significant hydroperiod alteration shall be permitted in conservation or preservation areas identified on the General Site Development Plan.
 - (2) To prevent encroachment into the regionally significant floodplain wetlands on-site, no mining shall be allowed in the 25-year floodplain. Furthermore, mining in the 100-year floodplain, shall only be permitted in accordance with Hillsborough County Mining Ordinance No. 87-27.
 - (3) All wetland losses in conservation areas shall require 1:1 in-kind wetland replacement. Wetland losses in preservation areas shall require greater than 1:1 in-kind replacement. Mitigation for wetland losses shall be described in detail in the approved Reclamation Plan prior to the wetlands being disturbed.
 - (4) All mitigation areas and littoral shelves shall be monitored semi-annually for a period of up to five years. Monitoring shall include species diversity and composition and efforts to control exotic species encroachment. Additional planting may be required to achieve 80-85 percent of natural cover rate over a two to five year period.

G. Vegetation & Wildlife

1. As designated in the Application, the Sand Pine Scrub parcels contained within the proposed extension area (1986) and the original DRI area (1974) shall be preserved as habitat for endangered and/or threatened species, since this ecosystem is one of the most unique and rapidly diminishing ones in Florida. A determination shall be made by 1995 by the Environmental Protection Commission (EPC) of Hillsborough County and the Florida Department of Natural Resources (FDNR) as to whether the experimental sand pine planting required in the original Development Order is successful and whether IMC can mine the two referenced Sand Pine Scrub areas and mitigate them through re-creation. If mining of the Sand Pine Scrub areas is approved, a written plan shall be submitted to Hillsborough County and FDNR for approval providing for successful, functioning alternate Sand Pine Scrub areas to be in place prior to or concurrent with disturbance of the original areas.
2. In the event that any species listed in Sections 39.27.003-.005, F.A.C., are observed frequenting the site for nesting, feeding, or breeding, proper protection/mitigation measures shall be employed immediately in cooperation with the Florida Game and Fresh Water Fish Commission (FGFWFC).
3. Relocation of the gopher tortoises observed on-site to a suitable location may be considered as an alternative to preservation of the tortoise communities, if deemed acceptable by the FGFWFC.
4. The needle palm, a threatened plant species, shall be relocated by qualified personnel and shall be successfully established prior to total disturbance of its original location, or the species shall be preserved and protected in its original location.
5. There shall be no permanent impervious surfaces constructed within the 25-year floodplain. Detailed plans and schedules for each floodplain crossing shall be included in the individual mining unit plans and shall meet the following standards subject to the provisions of Hillsborough County Mining Ordinance 87-27

(These standards are revised from page 15-37 of the ADA):

- a. Crossings shall be scheduled for low water-flow periods.
 - b. Crossings and culverts shall be designed to handle the 100-year flood event.
 - c. Removal of vegetation shall be minimized. Clearing width shall be limited to 175 feet maximum, and the length of each crossing shall be specified as required by Hillsborough County Ordinance 87-27.
 - d. Fill material used in the streams for the crossings shall be clean sand.
 - e. Siltation control devices shall be used in the streams as needed.
 - f. Any fill material required for the dragline crossing will be placed no sooner than three days before the crossing, and removed within two days after the crossing. Regrassing shall be initiated immediately, and trees shall be replaced after the final crossing at that site, at the appropriate seasonal time.
6. In regard to retaining dikes:
- a. An IMC dam inspector shall inspect all dikes and dams weekly. An IMC engineer shall inspect and document the condition of all dikes and dams each month. The inspection reports shall be filed with mine and corporate management, and shall be available for periodic FDER inspection.
 - b. Annual reports bearing the seal of a qualified soil engineering consultant which document the condition of all dikes shall be filed with IMC Management, FDER and the Hillsborough County Planning and Zoning and Development Review Departments.
7. Mining and Reclamation Plans shall include the following (revised from page 12-10 of the Application):
- a. Preservation of the 25-year floodplain wetlands, and restoration of all forest (wooded wetland) areas, within or along the edge of the 100-year floodplain which are disturbed due to mining or associated activities at a density equal to that previous to the disturbance.
 - b. Replacement of at least equal acres and natural density of hardwood forest as existed before mining, including xeric forest.
 - c. Maintenance of the existing watershed boundaries.
 - d. Provision of at least 10 percent forest in pasture land area for wildlife habitat.
 - e. Commitment by the Developer to maintain all reclamation areas per Department of Natural Resources (DNR) and County regulations.
 - f. Implementation of the mining mitigation measures identified on page 22-10 of the Application, at minimum.
 - g. Use of the toe spoiling mining technique for all overburden containing matrix or leach zone material.
8. The applicant shall document to EPC and the TBRPC its efforts to negotiate crossings of upland "agreement" lands with property owners prior to any Mining Unit approvals of crossings of

tributaries of the South Prong Alafia River, in an effort to avoid such tributary crossings entirely.

H. Archaeological and Historical Resources

1. Archaeological sites 8Hi-2155, 8Hi-2164, and 8Hi-2167 shall be preserved as open space since they are considered regionally significant by the Florida Division of Historical Resources. If preservation of these regionally significant resources is not possible, project impact to the three sites shall be mitigated through archaeological salvage excavation by a professionally capable agency and shall include a report on the test excavations. Clearance from the Division of Historical Resources shall be required prior to commencement of mining in these areas.
2. Should additional archaeological or historical resources be located during mining activities, the ultimate disposition of such resources shall be determined in cooperation with the Division of Historical Resources and Hillsborough County.

I. Public Facilities

1. Prior to individual mining unit approvals for the development, the Developer shall verify to the satisfaction of Hillsborough County that adequate Emergency Management Services (EMS) capabilities and facilities are available to service the development.
2. The collection, transportation and disposal of solid waste is controlled by Hillsborough County ordinance and shall take place in accordance with the terms of said ordinance.
3. All on-site wells shall be maintained, operated or plugged in accordance with SWFWMD regulations by the Developer.

J. Energy Conservation

1. The energy conservation measures referenced on page 25-5 of the Application shall be required. The following energy conservation measures shall also be implemented if economically feasible:
 - a. Energy policies, energy use monitoring and energy conservation shall be established for the IMC Kingsford Mine S/D using a qualified energy use analyst.
 - b. Programs shall be instituted to promote energy conservation by employees.

K. Equal Opportunity

1. The Developer shall seek, urge and encourage all contractors and subcontractors to involve minority groups in the development of the project. All office and commercial establishment areas shall be available to all, on a fair and impartial basis.

L. General

1. Any approval of the IMC KINGSFORD MINE EXTENSION shall at minimum, satisfy the provisions of Chapter 380.06(15), F.S.
2. All of the final Developer's commitments set forth in the Application, as summarized in pages 21-25 of the TBRPC DRI Report and attached hereto as Attachment D shall be honored, except as they may be superseded by specific terms of the Development Order and amended Mining and Reclamation Plan.
3. Should the project depart significantly from the parameters set forth in the Application, the project shall be subject to a substantial deviation determination, pursuant to Subsection 380.06(19), Florida Statutes.

ATTACHMENT A
Applicant's Affidavit

AFFIDAVIT

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I hereby certify that on this day before me, the undersigned notary public authorized in this State and County named above to administer oaths and take acknowledgments, personally appeared Richard E. Davis, as attorney for IMC Fertilizer, Inc., to me well known, who being by me first duly sworn, says upon oath as stated below:

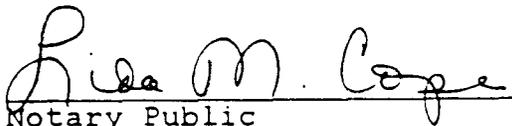
1. International Minerals and Chemical Corporation filed its application for development approval for the Kingsford Mine Extension on June 25, 1986. The first additional information submittal was filed on November 20, 1986. The second additional information submittal was filed on April 15, 1987.

2. The aforementioned documents were filed with the Tampa Bay Regional Planning Council and those other governmental agencies described in the distribution list attached to this Affidavit as Exhibit A.



Richard E. Davis
Attorney for
IMC Fertilizer, Inc.

Sworn to and subscribed before me this 15th day of April, 1988.



Notary Public

(Notarial Seal)

My Commission Expires:

My Commission Expires: April 13, 1992
LISA M. COPE, Notary Public
LISA M. COPE, Notary Public, Inc.

99881103REDAff:126



DISTRIBUTION LIST

Additional Information to the Application for Development Approval
of a Development of Regional Impact for International Minerals & Chemi-
cal Corporation's Kingsford Mine Extension.

| | |
|---|---------------------------------------|
| Mr. W. E. Holmes Attention: Mr. Greg Czerepak District Planning Engineer Florida Department of Transportation P. O. Box 1249 Bartow, Florida 33830 | 1 Copy of Additional Information |
| Mr. Richard Adair Florida Department of Transportation 4950 West Kennedy Boulevard Suite 404 Tampa, Florida 33609 | 1 Copy of Additional Information |
| Mr. Howard Glassman Florida Department of Transportation Mail Station 28 605 Suwannee Street Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Ms. Marianne G. Korosy DRI Coordinator Department of Environmental Regulation 7501 Highway 301 North Tampa, Florida 33610 | 2 Copies of Additional Information |
| Mr. Mike Allen Office of Environmental Services Game and Fresh Water Fish Commission 220 South Meridian Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. Steve Minnis Planning Department Southwest Florida Water Mgt. Dist. 2379 Broad Street Brooksville, Florida 33512-9712 | 4 Copies of Additional Information |

DISTRIBUTION LIST (Cont.)

| | |
|---|---------------------------------------|
| Mr. Bill Howell Bureau of Biol. & Inter. Services Department of Natural Resources 3900 Commonwealth Blvd., Room 508 Tallahassee, Florida 32303 | 2 Copies of Additional Information |
| Mr. Dennis Harmon, Chief Bureau of Economic Analysis Florida Department of Commerce 406 Fletcher Building Tallahassee, Florida 32399-8132 | 1 Copy of Additional Information |
| Mr. James Murley, Chief Attn: Mr. Ed Lehman Dept. of Community Affairs Division of Local Resource Mgt. 2571 Executive Center Circle, East Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. A. J. Salem Planning Division U.S. Army Corps of Engineers P. O. Box 4970 Jacksonville, Florida 32232-0019 | 1 Copy of Additional Information |
| Mr. Connor Davis Marine Fisheries Commission 2562 Executive Center Circle, East Suite 211 Tallahassee, Florida 32399 | 1 Copy of Additional Information |
| Mr. Gene Heath, General Manager West Coast Reg. Water Supply Authority 1105 Landmark Drive, Suite 211 Clearwater, Florida 33519 | 1 Copy of Additional Information |
| Mr. William Saalman, III District Conservation USDA Soil Conservation Service 5539 State Road 579 Seffner, Florida 33584 | 1 Copy of Additional Information |

DISTRIBUTION LIST (Cont.)

| | |
|--|--|
| Mr. Jim Muller Florida Natural Areas Inventory 254 E. Sixth Avenue Tallahassee, Florida 32303 | 1 Copy of Additional Information for Questions 11, 12 and 18 |
| Mr. Sydney Park-Brown Horticulture and Water Management Hillsborough County 5339 S. E. 579 Seffner, Florida 33584 | 1 Copy of Additional Information |
| Ms. Shirley Gersholowitz DRI Coordinator Hillsborough Cnty. Dept. of Dev. Coord. P. O. Box 1110 Tampa, Florida 33601 | 25 Copies of Additional Information |
| Mr. Brian Sadt DRI Coordinator Central Florida Regional Pln. Cncl. P. O. Box 2089 Bartow, Florida 33830 | 1 Copy of Additional Information |
| Mr. Merle Bishop Planning Director Polk County P. O. Box 1909 Bartow, Florida 33830 | 1 Copy of Additional Information |

ATTACHMENT B
Legal Description

The property which is the subject of the application for development approval is comprised of 2752 acres and is referred to as the Extension Area. The total acreage including the Extension Area and the original Development of Regional Impact approved in 1974 is 9163 acres and is legally described as follows:

EXTENSION AREA

In Township 30 South, Range 22 East, Hillsborough County, Florida:

Section 24:

The SE-1/4, Less the Seaboard Systems Railroad right-of-way.

and,

The W-3/4 of S-1/2 of NE-1/4 Less the Seaboard Systems Railroad right-of-way, and Less the following described parcel: Commence at the southwest corner of the NE-1/4 of said Section 24; run thence North 1127.94 feet to a steel rod for a Point of Beginning; thence North 208.71 feet to another steel rod; thence East 208.71 feet; thence South 208.71 feet; thence West 208.71 feet to the Point of Beginning.

and,

The NW-1/4 of SE-1/4 of NW-1/4.

and,

The E-1/2 of SE-1/4 of NW-1/4.

and,

The E-1/2 of NE-1/4 of SW-1/4, Less the following described parcel: The South 162 feet of the N-1/4 of said E-1/2 of NE-1/4 of SW-1/4, Less the West 326.5 feet thereof.

and,

The SE-1/4 of SW-1/4, Less the West 360 feet of the East 547.60 feet of the S-1/4 thereof.

Section 25:

The W-1/2 of SW-1/4.

and,

The S-1/2 of SE-1/4 of NW-1/4.

and,

The N-1/2 of NW-1/4.

Section 26:

The SW-1/4

and,

The SE-1/4 of SW-1/4 of NW-1/4.

and,

The S-3/4 of W-1/2 of SE-1/4 of NW-1/4.

and,

The E-1/2 of SE-1/4 of NW-1/4, Less the West 330 feet of the North 660 feet thereof.

and,

The S-3/4 of W-1/2 of SE-1/4.

and,

The E-1/2 of SE-1/4.

and,

The West 825 feet of the SW-1/4 of NE-1/4, Less the South 245 feet thereof and Less the West 15 feet thereof.

and,

That part of the SW-1/4 of NE-1/4 described as follows: Beginning at a point lying 210 feet North of the southeast corner of said SW-1/4 of NE-1/4; run thence West 210 feet; thence North 210 feet; thence East 210 feet; thence South 210 feet to the Point of Beginning.

and,
The S-1/2 of SE-1/4 of NE-1/4.
and,
The N-3/4 of NE-1/4 of NE-1/4.

Section 33:

The S-3/4 of E-1/2.

Section 34:

The SW-1/4.
and,
The E-1/2 of NW-1/4.
and,
The NW-1/4 of NW-1/4.
and,
The South 515 feet of the SW-1/4 of NW-1/4.
and,
The W-1/2 of NW-1/4 of NE-1/4.
and,
The SW-1/4 of NE-1/4.
and,
The NW-1/4 of SE-1/4.

Section 35:

The N-3/4 of NW-1/4 of NE-1/4.
and,
The N-3/4 of E-1/2 of NW-1/4.
and,
The W-1/2 of NW-1/4.
and,
The NE-1/4 of NW-1/4 of SW-1/4, Less the South 7 acres thereof.
and,
The N-1/2 of NW-1/4 of NW-1/4 of SW-1/4, Less the West 395 feet thereof, and Less the East 25 feet of the West 420 feet of the North 105 feet thereof.

In Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 2:

The SW-1/4 of NW-1/4, Less the following described parcel: Beginning at the southeast corner of said SW-1/4 of NW-1/4; run thence N 89°08'W, 81.7 feet; thence N 1°48'40"E, 665 feet; thence S 88°11'20"W, 19.6 feet; thence N 0°57'E, 664.8 feet; thence East 102.5 feet to the northeast corner of said SW-1/4 of NW-1/4; thence S 1°26'W, 1329.6 feet to the Point of Beginning.

Section 3:

The N-1/2 of NW-1/4.
and,
The N-3/4 of SW-1/4 of NW-1/4.
and,
The SE-1/4 of NW-1/4.
and,
The SW-1/4.
and,
The N-1/2 of SE-1/4.
and,
The W-3/4 of S-1/2 of SE-1/4.

Section 9:

The N-1/2 of NE-1/4 of NE-1/4.
and,
The North 315 feet of the West 420 feet of the NE-1/4 of SE-1/4.

Section 10:

The N-1/2 of NW-1/4.
and,
The W-1/2 of NE-1/4.
and,
The SE-1/4 of NE-1/4.
and,
The SE-1/4.

Section 14:

The NW-1/4 of NW-1/4.

Section 23:

The NW-1/4 of NW-1/4.
and,
The W-1/2 of SW-1/4 of NW-1/4.

Section 25:

The N-1/2 of NE-1/4.

The following lands which are included in the 1985 Kingsford Mine Extension DRI were previously included in the 1974 DRI as Mineral Rights only:

In Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 3:

The E-1/2 of NW-1/4.
and,
The NW-1/4 of NW-1/4.

Section 10:

The N-1/2 of NW-1/4.
and,
The NW-1/4 of NE-1/4.
and,
The SE-1/4 of NE 1/4.
and,
the NE-1/4 of SE-1/4.

ORIGINAL DEVELOPMENT OF REGIONAL IMPACT

Township 30 South, Range 22 East, Hillsborough County, Florida:

Section 25:

E-1/2, and E-1/2 of SW-1/4, and N-1/2 of SE-1/4 of NW-1/4, and SW-1/4 of NW-1/4.

Section 35:

NE-1/4 of NE-1/4, and S-3/4 of E-1/2, and S-1/4 of NW-1/4 of NE-1/4, and E-1/2 of SW-1/4, and S-1/2 of SE-1/4 of NW-1/4, and S-3/4 of W-1/2 of SW-1/4, and south seven acres of NE-1/4 of NW-1/4 of SW-1/4.

Section 36:

All, less SW-1/4 of NW-1/4.

Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 1: All.

Section 2:

All, less S-1/2 of NW-1/4.

Section 3:

E-1/2 of SE-1/4 of SE-1/4.

Section 4:

SW-1/4 of SE-1/4.

Section 9:

All that part lying north of Jameson Road, less N-1/2 of NE-1/4 of NE-1/4 and less one acre square in the NW-1/4 of NE-1/4 and less the north 420' of the west 315' of NE-1/4 of SE-1/4.

Section 10:

NE-1/4 of NE-1/4, and S-1/2 of NW 1/4.

Section 11: All.

Section 12: All.

Section 13: All.

Section 14:

All, less the NW-1/4 of NW-1/4.

Section 23:

E-3/4 of N-1/4.

Section 24:

N-1/4, and S-3/4 of E-1/4.

Township 30 South, Range 22 East, Hillsborough County, Florida:

Section 36:

SW-1/4 of NW-1/4.

Township 31 South, Range 22 East, Hillsborough County, Florida:

Section 3:

SW-1/4 of NE-1/4, and E-1/2 of NW-1/4, and NW-1/4 of NW-1/4.

Section 4:

NE-1/4 of NE-1/4, and E- 1/2 of SE-1/4, and NW-1/4 of SE-1/4.

Section 9:

That part of NW-1/4 of SW-1/4 lying south of Jameson Road.

Section 10:

SE-1/4 of NE-1/4, and NW-1/4 of NE-1/4, and NE-1/4 of SE-1/4, and N-1/2 of NW-1/4.

ATTACHMENT D
Developer Commitments

DRI #120

IMC KINGSFORD MINE SUBSTANTIAL DEVIATION

DEVELOPER COMMITMENTS

GENERAL PROJECT

1. Existing streams, watershed boundaries and NPDES discharge points will not change as a result of the proposed development. (ADA*, 11-12)
2. "This development does not change the mining rate, water use or employment levels." (ADA, 12-1)
3. "Agreement lands will be rezoned and included in the Hillsborough County Mining and Reclamation Plan as they are acquired." (ADA, 12-3)
4. "IMC will continue to abide by the 1974 DRI Development Order conditions, as amended. IMC accepts these conditions as applying to the extension area, as is applicable." (AI*, 12)
5. "IMC commits to abide by the rules and regulations of the various governmental bodies which have authority to regulate the mine activity, as is shown on page 9-1 of ADA." (AI, 12)
6. "IMC plans to reclaim the land to a soil capable of growing row crops, but will plant this land to pasture." (AI,9)

ENVIRONMENTAL AND NATURAL RESOURCES

Soils

The on-site soil inspection will be made during the wetland jurisdictional determination by FDER and Hillsborough County EPC. This information will be part of the Mining Unit Plan Submittal to Hillsborough County. (ADA, 14-1)

Water

1. "IMC proposes to continue its existing surface water quality monitoring as required by the existing permits listed below:

NPDES Permit No. (USEPA) FL0000256
Date Issued: 08-01-85, Expires 7-31-90
Florida DER Renewal Permit I053-97272 is in review process."
(ADA, 15-35)
2. "IMC will maintain watershed boundaries in the approximate premining locations and not cause any significant increase in the stormwater runoff peak flows." (AI, 12)
3. "IMC will plug all wells that are to be mined. They will be plugged according to SWFWMD standards and rules." (AI, 12)

4. "IMC is required to limit the change in the water table at our boundary by no more than three feet and incorporate special design measures to meet this requirement if needed." (AI, 94)

Wetlands

1. "Of the 258 acres of wetlands on site, 138 will be undisturbed and 120 will be mined or disturbed. The 120 acres that will be disturbed/mined fall into two categories: 116 acres of freshwater swamp which are adjacent to the 25-year floodplains, and four acres of an isolated depressional/freshwater marsh (located in Section 34)." (ADA, 16-3)
2. "The IMC mine schedule also calls for mining only one side of the stream at a time. The water supplied from the other side of the stream will prevent significant dewatering during mining. An augmentation (rim) ditch will also be installed along the wetland border during mining. This ditch will be supplied with water which will help maintain groundwater levels and baseflow of the adjacent stream." (AI, 36)
3. "IMC will have jurisdictional boundaries of all wetland areas determined, surveyed and mapped. These surveys will be included as part of the mining unit plan before any mining activity is conducted along or in wetland areas." (AI, 12)

Floodplains

1. "The mine plan includes crossings of the stream and tributaries with draglines, pipelines and roads. These activities will be done in such a manner so as to not affect the stream flow capacity, and the crossing area will be reclaimed following the completion of use." (ADA, 17-1)
2. "The mining is planned to stop at the 25-year floodplain boundary. For this reason, the outer edge of the 100-year floodplain may be disturbed by the mining, but will be restored through the reclamation of the mine area." (ADA, 17-1)
3. IMC is planning to mine the AMAX parcel, which was part of the Big Four Mine DRI. The floodplain of Boggy Branch is not to be mined. (AI, 7)
4. There are no other crossings within the 100-year floodplain that are not already shown for the 25-year floodplain. (AI/SS*, 38)

Vegetation and Wildlife

1. "IMC will make a reasonable effort to find and relocate any Eastern indigo snakes or gopher tortoises prior to clearing of land for mining." (AI, 12)
2. "The threatened plant species, needle palm (Rhapidophyllum hystrix), is located in a seepage area adjacent to Halls Branch in Section 10, Township 31 South, Range 22 East. The wetlands within the DRI study area of the Kingsford Mine Extension that are within the 25-year floodplain will be preserved. If needle palms occur in wetlands planned for mining, they will be transplanted by a qualified licensed

individual to undisturbed wetlands or suitable wetland reclamation sites, as their size permits." (AI, 54)

3. "Approximately 14 needle palms (Rhapidophyllum hystrix) were observed adjacent to Halls Branch in Section 10, T31S, R22E. Some of the individuals were within the 25-year floodplain and some were outside of the 25-year floodplain within the adjacent forested wetlands. IMC is willing to preserve all of these needle palms." (AI/SS, 42)
4. The 88 acres of Palmetto Prairie shown in Table 38H-7 of the ADA will not be mined or disturbed. (AI, 99)
5. The Sand Pine Scrub areas on-site (both 1974 and 1986 DRI areas) are not scheduled for mining until 1996 and 1998, therefore determination of the success of the experimental sand pine reclamation required in the original Development Order will not be made until 1995. The above-referenced Sand Pine Scrub areas will remain undisturbed pending the 1995 determination. (AI, 102)
6. IMC is planning to work with the Florida Game and Fresh Water Fish Commission (FGFWFC) in designing and implementing an appropriate management and protection plan for the endangered and threatened wildlife species present on-site. The program is expected to include transplanting of endangered or threatened plant species, relocation of gopher tortoises, and reclamation of habitat for endangered or threatened species. The details of the plan will be worked out in cooperation with the FGFWFC and will be submitted to TBRPC when complete. (AI/SS, 40)
7. There are suitable reclaimed sites available now for relocation of the gopher tortoises and indigo snakes at the Kingsford Mine in Polk County. (AI/SS, 43)

Historical and Archaeological

"IMC will either protect or mitigate the three significant archaeological sites (8Hi-2155, 8Hi-2164 and 8Hi-2167)." (AI, 12)

PUBLIC FACILITIES

Transportation

1. "There will be no need for improvements to the existing rail systems or facilities other than routine maintenance." (ADA, 31-10)
2. "The county road (dirt) along the southern boundary of Section 3 (T31S, R22E) will be closed or relocated so that the existing area may be mined...This is contingent upon the purchase of the land in this area, and County approval." (ADA, 38A-11)

MINING

Activities

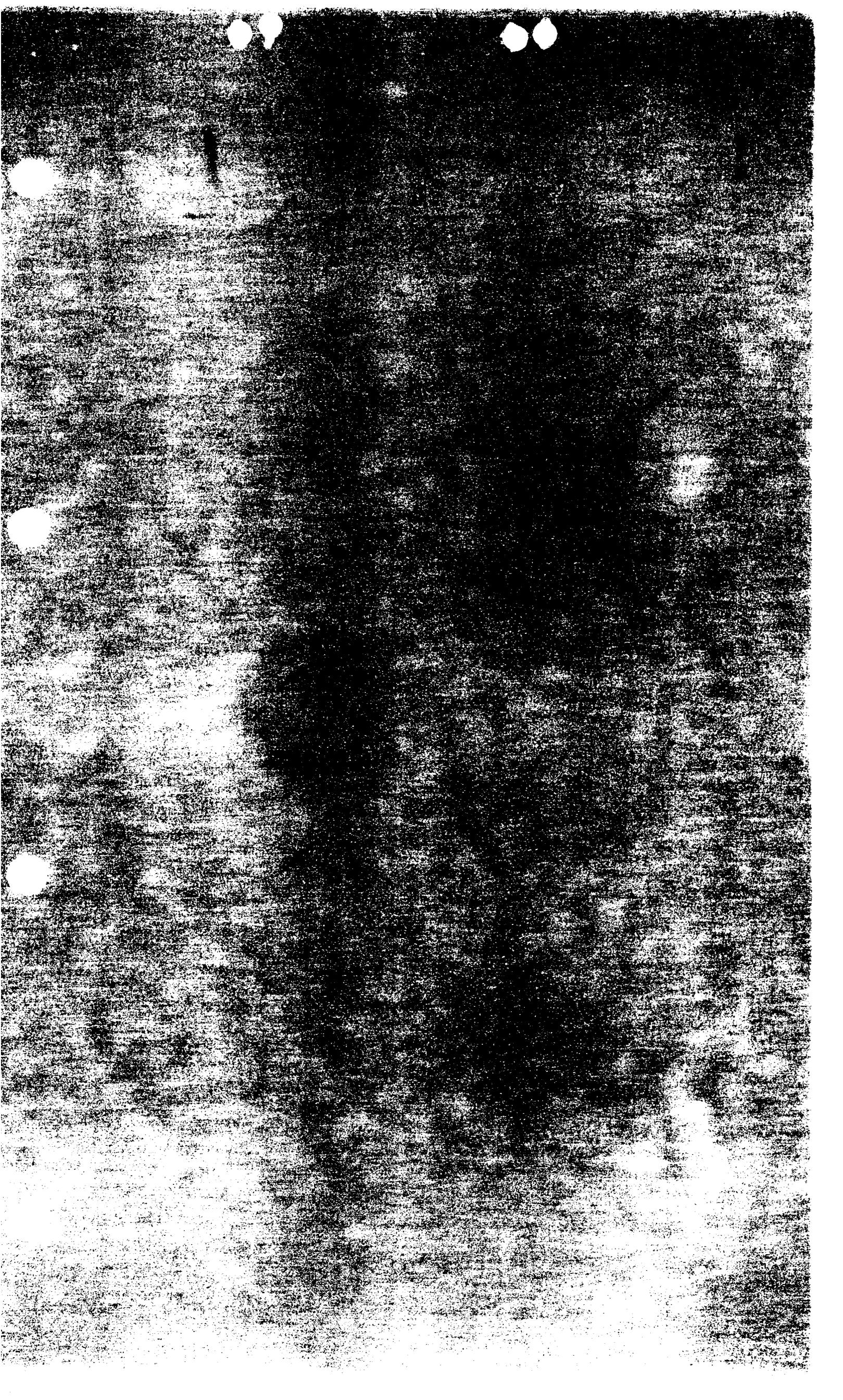
1. Stream crossings for access to mining areas will be permitted with the FDER and Hillsborough County (EPC) as necessary, and done in a manner which will prevent unacceptable disturbance to the stream or water quality. IMC will attempt to obtain permission to use a neighbor's property to go around the stream and eliminate the need for the crossing. (ADA, 38A-11)
2. "The extension of the Kingsford Mine will not change the existing annual rate of water use but will extend the requirements by about six years." (ADA, 38C-1)
3. "All process water is discharged through existing NPDES permitted discharge points...This extension will not require any new discharge points, and will not change the amount of discharge." (ADA, 38C-1)
4. "No significant change in water withdrawal rates from the Floridan Aquifer Systems are planned by IMC...The extended duration of pumping at the Beneficiation Plant (Polk County) is not expected to have a net withdrawal effect on the Floridan Aquifer. These withdrawals will be monitored by IMC as a condition of the present Consumptive Use Permit, and the existing groundwater level monitoring program will continue with data forwarded to Hillsborough County." (ADA, 38D-1)
5. "Prior to dewatering of mining cuts within 700 feet of an IMC property line a ditch is constructed and piezometers installed to allow monitoring of the surficial water level. When mining is within 700 feet of the property line the piezometers are monitored once per week. If this monitoring indicates that mining is lowering the water table, the perimeter ditch is flooded...The perimeter ditch is maintained in a flooded condition as long as the surficial water table needs recharge to maintain its level. IMC routinely monitors the water table along the property line both before and after mining, and complies with all conditions of the CUP." (ADA, 38D-2)
6. "Proper access and toe roads will be constructed and maintained to facilitate adequate dike inspections. Grass on the dikes will be maintained to prevent erosion. Constant supervision of safe freeboard levels will be a regular function of plant management. All findings will be reported in compliance with Chapter 17-9, F.A.C." (ADA, 38E-1)
7. "There will be no on-site processing of the phosphate ore on the proposed Kingsford Mine Extension. All mineable matrix will be pumped to IMC's existing Kingsford beneficiation plant in Polk County...All waste clays and most of the sand tails will be returned to Hillsborough County." (ADA, 38F-1)
8. Mining of the extension area will require an additional 38,000 acre-feet of clay settling capacity. This additional capacity is incorporated into the K-10 area. (AI, 85)

9. The clay now in K-2 will be dredged out and pumped into the K-10 area. The K-10 area will be mined and the settling area built as soon as possible. (AI, 85)

Reclamation

1. "Approximately 1,678 acres or 61.0 percent of the extension area will be reclaimed to improved pasture. Six acres will remain as citrus groves and eight acres will remain as palmetto prairie. Approximately 822 acres or 29.8 percent will be planted to upland forests including: 1) sand pine scrub, 2) mixed forest and 3) planted forest. Wetlands will occupy 215 acres or approximately 7.8 percent of the extension area. A large percentage of the wetlands will include 138 acres of undisturbed freshwater swamp habitat located within the stream floodplains. Approximately 37 additional acres will be reclaimed as freshwater swamp. The remaining wetlands will be reclaimed as mixed wetland forest and freshwater swamp." (ADA, 12-8)
2. "IMC intends to plant at least 10 percent of the pasture land areas with mixed forest." (ADA, 38H-23)
3. The northern area will be reclaimed using tailings for fill, the western area will be graded overburden with minor tailing fill and the central and south portion will be used for waste clay disposal. (ADA, 12-9 and 12-10)
4. "The tailing areas will be planted with several cover crops to provide needed humus prior to planting the trees and shrubs." (ADA, 38H-25)
5. IMC will take reasonable precautions, such as plowing fire breaks, to protect reclaimed vegetation from wildfire. (ADA, 38H-35)
6. "IMC will reclaim all mined or disturbed land to Department of Natural Resources and Hillsborough County standards." (AI, 13)
7. "IMC will reclaim at least equal acres of mixed forest wetland along each stream system as was mined or disturbed." (AI, 13)
8. "The dragline crossings will be restored to approximately original contour and replanted with indigenous native species. Freshwater marshes will be graded to provide sufficient water supply to support wetland vegetation and will be selectively mulched with soil borrowed from other marshes to be disturbed, if available." (ADA, 38H-37)
9. IMC is currently working with staff of the Hillsborough County Attorneys office to develop an effective mechanism to accomplish the buyer notification to subsequent landowners that the land has been reclaimed at the time of the title transfer. (AI/SS, 52)

- * ADA = Application for Development Approval
AI = Additional Information
AI/SS = Additional Information, Second Submittal



Reclamation Plan Conditions

ATTACHMENT C

State of Florida



Department of Natural Resources

RECEIVED
Memorandum

File #.....

October 16, 1987

TO: William Howell
Bureau of Biological and
Interpretive Services

THROUGH: Jeremy A. Craft, Director *JAC*
Division of Resource Management

FROM: Randall K. Bushey, Chief *RK Bushey*
Bureau of Mine Reclamation

SUBJECT: Kingsford Mine Extension ADA/DRI

RECEIVED
OCT 21 1987

Div. of Resource Mgmt.
Dept. of Natural Resources

The Bureau of Mine Reclamation has reviewed the Application for Development Action (DRI) concerning the west extension to the IMC Fertilizer, Inc. (IMC) Kingford Mine. Bureau comments were forwarded to the Tampa Bay Regional Planning Council on July 17, 1986. On December 1, 1986, additional information on the DRI was received by our office. Bureau comments on the additional information were forwarded on December 16, 1986. On April 22, 1987, our office received a second submittal of additional information. The Bureau response to this second submittal, forwarded May 7, 1987 noted discrepancies existing at that time between the ADA/DRI and the Kingsford conceptual plan modification. The discrepancies involved the boundaries of the proposed K-10 settling area, the planned status of the K-9 settling/gypsum disposal area, and additional properties (agreement lands) included in the ADA/DRI but not included in the conceptual plan modification. Bureau communications with IMC Fertilizer, Inc. concluded that the issue of agreement lands would be resolved with the conceptual plan at a later date.

As the result of several meetings and much discussion between IMC Fertilizer, Inc. and the Bureau of Mine Reclamation, staff recommended that the Kingford conceptual plan modification be approved with conditions. The conditions were developed to address the preservation of unmined areas, the quality of reclamation, the restoration of drainage patterns, and the reduction of clay settling area dimensions through a re-evaluation of current waste clay and sand-tailings disposal methodology. On August 25, 1987, the Governor and Cabinet approved the Kingsford conceptual plan modification with the following eleven conditions.

CONDITIONS TO APPROVAL OF CONCEPTUAL PLAN MODIFICATION IMC-K-CPA

1. Approval of this conceptual plan shall not constitute a statement, admission, or waiver by the State of Florida concerning the ownership of any interest in lands within the conceptual plan.
2. Conditions adopted in the approval of the special application for the mine are hereby reaffirmed and incorporated into the conceptual plan.

3. The natural resources within the unmined portions of the predetermined flood plain of any river or stream within the mine which are not mined because of any prohibition imposed by law, ordinance, or regulation, adopted by any governmental body or agency acting within the scope of their authority, shall be protected from adverse impacts related to mining or reclamation activities, pursuant to Rule 16C-16, F.A.C.
4. The conceptual plan is a general over-all plan which explains how and when all affected lands in the mine area have been or are to be reclaimed. Approval of this conceptual plan modification does not relieve the company of the obligation to comply with the standards and criteria set forth in Chapter 16C-16, F.A.C., and any inconsistencies between this conceptual plan and those standards and criteria shall be resolved in favor of the specific standards and criteria of Rule 16C-16, F.A.C.
5. In restoring drainage patterns, the Department and the operator reserve the right to reexamine in each reclamation and restoration program application the placement and configuration of the lakes, streams and wetlands which have been proposed in the conceptual plan to assure that the natural functions of the lakes, streams and wetlands are restored in accordance with the provisions of the then existing standards and criteria of Chapter 16C-16, F.A.C.
6. Areas to be reclaimed as pasture or improved pasture shall incorporate clumps or windrows of trees so that every ten acres shall have some trees. Areas to be reclaimed as cropland or citrus shall have windrows of trees along major access roads and between fields.

SPECIAL CONDITIONS

1. IMC shall install continuous monitoring devices on waste clay lines at the Kingford Mine to determine the dry tonnage of clay produced annually (the percent solids of clays introduced into each pond) and the size distribution of the waste clay material being discharged.
2. IMC shall encourage and conduct improvements in the sand tails capping technology (application of less than ten feet of sand tails on a pond, in order to increase the percent solids of the clays at the time of reclamation).
3. The P-1 reclamation monitoring program (crustal development) shall be written in concise form and submitted to the DNR to include:
 - a) GEMCO effectiveness
 - b) % solids (eg., cores)
 - c) acceleration of overall pond consolidation
 - d) development of dewatering techniques
4. IMC shall re-evaluate the K-7, K-8 and K-10 disposal methodology with consideration of items 1 through 3 to include computer modeling of all waste disposal methods. The re-evaluation shall be completed prior to activation of settling area K-7 as a waste clay disposal area.

Kingsford Mine Extension ADA/DRI
October 16, 1987
Page Three

5. Within two months from the approval of the Kingsford conceptual modification, items 1 through 4 shall be presented to the DNR in written format detailing the work items and time schedule for compliance. Interim progress reports shall be submitted to the Bureau every six months from the date of approval.

The Bureau is currently involved in meetings and discussions with IMC, New Wales concerning inclusion of the Kingsford K-9 area (previously planned as clay settling) within the New Wales chemical plant gypsum stack expansion area. It is the Bureau's understanding that a separate ADA/DRI will be required for the New Wales gypsum stack expansion area. The DNR reclamation application will be submitted simultaneously with the ADA/DRI. Bureau of Mine Reclamation review of the IMC New Wales ADA/DRI (submission planned for January 1988) will therefore coincide with Bureau review of the gypsum stack expansion reclamation plans.

Staff appreciates the opportunity to comment and should any questions arise, please call me at (904)488-8217.

RB/bcj

Enclosure