



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

December 20, 2024

Mr. Patrick Kane
Vice President, EHS Enterprise Operations
Mosaic Fertilizer, LLC
13830 Circa Crossing Drive
Lithia, Florida 33547

Dear Mr. Kane:

Mosaic Fertilizer, LLC (Mosaic) has asked the U.S. Environmental Protection Agency to approve, under 40 CFR 61.206, the use of phosphogypsum in a small-scale pilot road project on Mosaic's property at its New Wales facility in Mulberry, Florida. This letter serves as official notice of approval of your request, subject to the terms and conditions described below.

The EPA's approval of this request was based on the following findings:

- Mosaic's request is complete per the requirements of 40 CFR 61.206(b).
- Mosaic's risk assessment is technically acceptable and indicates that the potential radiological risks from the proposed project meet the regulatory requirements of 40 CFR 61.206(c); that is, the project poses no greater radiological risk than maintaining the phosphogypsum in a stack.

Consistent with the process described in Section 2.4 of the 2005 guidance document "Applying to EPA for Approval of Other Uses of Phosphogypsum: Preparing and Submitting a Complete Petition Under 40 CFR 61.206, A Workbook," the EPA published a notice of pending approval in the Federal Register on October 9, 2024, and opened a 30-day public comment period, which was extended to November 23, 2024. The EPA has reviewed the comments received, and found that none contain new information which would call into question the technical basis of the risk assessment for this pilot project. Complete documentation of the EPA's review, including public comments and the agency's response to comments, may be found in e-Docket EPA-HQ-OAR-2024-0446, accessible at <https://www.regulations.gov/docket/EPA-HQ-OAR-2024-0446>.

The EPA's approval of this small-scale pilot project is contingent upon the following conditions:


1. The approval is valid only for the construction of the specific pilot project as described by the applicant, specifically:

- Phosphogypsum for the pilot project will be taken from the New Wales South stack.
 - Four sections of test road containing phosphogypsum in the road base, each 500 feet long and 24 feet wide, will be constructed in place of the existing road adjacent to the New Wales stacks. Four control sections of road not containing phosphogypsum will also be constructed, each 300 feet long and 24 feet wide.
 - Test road sections will contain no more than 50% phosphogypsum by weight in a single 10-inch layer of road base.
 - Phosphogypsum will not be included in pavement, nor extend beyond paved areas of the road.
 - No changes may be made to the design of the pilot project without the EPA's approval.
2. Mosaic shall perform sampling that conforms with §61.207 on the actual phosphogypsum used for the project prior to its removal from the stack. Mosaic must submit the results of sampling for radium-226, including raw analytical data, to the EPA prior to the construction of the test road base containing phosphogypsum.
 3. Mosaic must provide a written project schedule to the EPA at least 30 days prior to beginning construction of the test road base, so that the EPA may, at its option, observe construction of the pilot project. Mosaic shall provide written project status updates to the EPA every 90 days after submittal of the initial project schedule, until submittal of the final report in fulfillment of condition 8.
 4. Mosaic must return any phosphogypsum that is unused in the road construction to the stack upon completion of the pilot project construction. Mosaic must likewise return to the stack any phosphogypsum that is removed as part of road maintenance and not reincorporated into the road base.
 5. Mosaic shall inform all workers involved in the test road construction that phosphogypsum contains elevated levels of naturally occurring radionuclides and instruct them in proper industrial hygiene prior to working on the project.
 6. Mosaic shall meet all of the applicable requirements of 40 CFR 61.200-210. This approval does not supersede the requirements of any other Federal or State regulation.
 7. Mosaic shall complete all environmental sampling as described in the document *Beneficial Use of Mosaic Phosphogypsum*, for a minimum of 18 months. Mosaic shall submit all sampling results, including reports and raw analytical data, to the EPA no more than 60 days after they are generated.
 8. Within 90 days of completing the test phase, Mosaic shall submit to the EPA and to the Florida Department of Environmental Protection a complete final report on the test, including conclusions on the suitability of phosphogypsum as a component of road base.

This approval is pursuant to 40 CFR Part 61, Subpart R, promulgated under the authority of the Clean Air Act. This approval does not relieve Mosaic from responsibility to comply with all other federal, state, or local laws, regulations, or restrictions on the use of phosphogypsum. Any use of phosphogypsum not consistent with the limitations set forth in this approval shall be construed as unauthorized distribution of phosphogypsum and may constitute a violation of or noncompliance with 40 CFR Part 61, Subpart R. Approval by the EPA is specific to the pilot project as described in the Mosaic request. Any other instance of use of phosphogypsum requires a separate request and approval.

Please contact Jonathan Walsh at 202-342-9238 or walsh.jonathan@epa.gov for any further assistance.

Sincerely,



Joseph Goffman
Assistant Administrator

cc: Karen Bennett, Earth and Water Law
Jonathan Edwards, EPA
Lee Veal, EPA
Tom Peake, EPA
Jonathan Walsh, EPA
John Coates, Florida DEP