

RESOLUTION R-04-203

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PHOSPHATE MINING, APPROVING AN AMENDED AND RESTATED MASTER MINE PLAN FOR THE WINGATE CREEK MINE; TO AUTHORIZE TRANSFER OF THE MASTER MINE PLAN TO CARGILL FERTILIZER, LLC; TO RENEW THE MASTER MINE PLAN TO ENSURE IT IS CONSISTENT WITH THE AMENDED DRI DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE; TO EXTEND THE DURATION OF THE MASTER MINE PLAN; TO AMEND SECTION 3 TO DELETE CERTAIN LANDS FROM THE PLAN; TO AMEND SECTION 12 TO PROPOSE A NEW OUTFALL LOCATION FOR #001, SUBJECT TO FDEP APPROVAL; TO AMEND SECTION 16 TO UPDATE THE ENVIRONMENTAL MONITORING PROGRAM; TO AMEND SECTION 17 TO MODIFY THE TRANSPORTATION ROUTES; TO AMEND SECTION 18 TO UPDATE AERIAL PHOTOS; TO AMEND SECTION 19 TO UPDATE THE RECLAMATION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws (Mining Code), Wingate Creek Holdings, LLC, as successor in title to Nu-Gulf Industries, Inc. (NGI), has timely submitted unto the County of Manatee, Florida, (County) an Application for transfer and renewal of a Master Mine Plan together with certain supplemental and supporting documents and materials to conduct phosphate mining operations at said Wingate Creek Mine pursuant to the Resolutions and upon the real property described and mapped in Exhibit "A"; and

WHEREAS, pursuant to the provisions of Chapter 2-20 of the Manatee County Code of Laws (Mining Code), Cargill Fertilizer, LLC, as successor in title to Wingate Creek Holdings, LLC was substituted as the Applicant for Wingate Creek Holdings, LLC; and

WHEREAS, Nu-Gulf Industries, Inc. has an approved Master Mine Plan for the Wingate Creek Mine; and

WHEREAS, the original Master Mine Plan for the Wingate Creek Mine in Manatee County was adopted on October 11, 1975. This Master Mining Plan was subsequently amended by Resolutions R-88-236 (approving a settlement agreement whereunder Manatee County acquired portions of the mine property lying within the Lake Manatee Watershed), R-91-250(amending the Master Mine Plan to conform to the Amended DRI Development Order) and R-97-242 (amending the Master Mine Plan to conform to the Amended DRI Development Order); and

WHEREAS, CARGILL FERTILIZER, LLC currently owns and intends to operate and reclaim the Wingate Creek Mine; and

WHEREAS, on May 5, 2004, Manatee County accepted a complete amended application from CARGILL FERTILIZER, LLC for transfer, renewal and Amendment to the Master Mine Plan for the Wingate Creek Mine with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 2-20 of the Manatee County Code of Laws; and

WHEREAS, notice of the public hearings was published on July 30, 2004 and August 2, 2004 in a newspaper of local circulation; and

WHEREAS, the Manatee County Planning Commission held a duly-noticed public hearing on the transfer, renewal and amendment to the Master Mine Plan on August 12, 2004 and has solicited, received and considered all testimony, reports, comments, evidence and recommendations from interested citizens, County agencies, and the applicant; and

WHEREAS, the Manatee County Planning Commission has filed a recommendation on this application; and

WHEREAS, the Board of County Commissioners of Manatee County, on August 24, 2004, held a duly-noticed public hearing on the transfer, renewal and Amendment to the Master Mine Plan and has solicited, received, and considered all testimony, reports, comments, evidence, and recommendations from interested citizens, County agencies and the applicant; and

WHEREAS, the Manatee County Board of County Commissioners has received and considered the review and report of the Manatee County Planning Commission; and

WHEREAS, the Board of County Commissioners of Manatee County finds that the application to transfer, renew and amend the Master Mine Plan meets the standards for Master Mining Plan approval in Section 2-20-23 of the Manatee County Code of Laws, the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended).

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Manatee County, Florida, as follows:

1. Approval of Amended and Restated Master Mine Plan: The application for the transfer, renewal and Amendment of the Master Mine Plan of CARGILL FERTILIZER, LLC (hereinafter "Cargill") for the Wingate Creek Mine is hereby approved, with such changes as are necessary to reflect Stipulation 10 through 22 to Section 4.C. of Ordinance No. 04-21. Accordingly, the Amended and Restated Master Mine Plan for the Wingate Creek Mine attached hereto as Exhibit "B" and incorporated herein by reference is hereby approved.

The Amended and Restated Master Mine Plan approved pursuant to this Resolution reflects, among others, the following changes to the existing Master Plan for the Wingate Creek Mine:

A. Section 3 of the approved Master Mine Plan is amended to reflect the deletion of 80.75 acres along the East side of Logue Road, known as tract WC-4(A), to recognize that this parcel was mined, reclaimed, released from reclamation, and sold to another party by Cargill's predecessors in title to the Wingate Creek Mine. The legal description of Section 8 of the Master Mine Plan no longer includes tract WC-4(A).

B. Section 12 of the approved Master Mine Plan is amended to authorize a new outfall location for outfall #001, which is expressly subject to FDEP approval. The purpose of the relocation is to improve the efficiency of water disposal and to allow the elimination of a water return ditch east of the Clay Settling Area which will allow an enhancement to the restoration of Wingate Creek.

C. Section 16 of the approved Master Mine Plan is amended to provide an updated Environmental Monitoring Program in compliance with monitoring requirements of Manatee County and changes two background monitoring sites that are more reflective of upstream and downstream conditions.

D. Section 17 of the approved Master Mine Plan is amended to remove all transportation routes on State Road 64 and changes the approved Duette Road transportation route to change the destinations in Polk County from Mulberry Phosphates located on SR 60 to Cargill's Green Bay Plant located at 4390 C.R. 640, Bartow, FL and the Bartow Plant located at 3200 Highway 60 West, Bartow, FL. The transportation route to Polk County shall expire on July 31, 2011.

E. Section 18 of the approved Master Mine Plan is amended to reflect updated Aerial Photographs.

F. Section 19 of the approved Master Mine Plan is amended with an updated reclamation schedule to be consistent with the extension of time to complete reclamation as authorized in the Amended Development Order. This schedule reflects Cargill's goal to complete reclamation at reclamation sites west of the mine entrance road in three years from approval of the Operating Permit. All reclamation shall be completed by July 31, 2015.

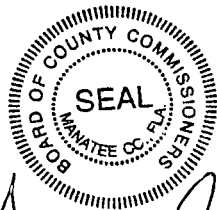
The Master Mine Plan approved for the Wingate Creek Mine pursuant to Resolution 97-242 is replaced and superseded by the Amended and Restated Master Mine Plan. The approval granted pursuant to this Resolution authorizes Cargill's application for the transfer, renewal and amendment of the Operating Permit for the Wingate Creek Mine to be considered for approval pursuant to Chapter 2-20 (The Manatee County Mining and Reclamation Ordinance), but does not entitle Cargill to receive such approval.

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

3. Effective Date: This Resolution shall become effective upon its adoption according to law.

Attachments: Exhibit A - Property Description and Map
Exhibit B – Amended and Restated Master Mine Plan

ADOPTED, with a quorum present and voting, this 24th day of August, 2004.



MANATEE COUNTY
BOARD OF COUNTY COMMISSIONERS

By [Signature]
Chairman

ATTEST: [Signature]
R. B. Shore,
Clerk of Circuit Court

Exhibit "A" - Property Descriptions and Map

**Cargill Fertilizer, LLC.
Wingate Creek Mine
Manatee County, Florida**

**LEGAL DESCRIPTION*
(Less Texaco Tract)
Exhibit "A"**

Parcel A

There is no Parcel A

Parcel B

Beginning at the Northeast corner of Section 31, Township 34 South, Range 22 East, thence South 03 degrees 05'41" West, a distance of 5596.62 feet to the Southeast corner of said Section 31, thence South 85 degrees 55'55" East, along the North line of Section 6, Township 35 South, Range 22 East, a distance of 181.26 feet to the Northeast corner of said Section 6, thence South 00 degrees 10'08" West a distance of 4313.15 feet to the Northerly right of way line of S.R. 64, thence South 89 degrees 46'04" West along the said Northerly right of way line, a distance of 5135.87 feet to the Easterly right of way line of S.R. 39, thence Northerly along said Easterly right of way line the following six courses: North 00 degrees 22'15" East a distance of 547.42 feet to the P.C. of a curve to the left having a radius of 5829.59 feet, thence Northerly along the arc of said curve a distance of 1100.10 feet through a central angle of 11 degrees 47'07" to the P.T. of said curve, thence North 00 degrees 22'15" East a distance of 1542.85 feet, thence North 00 degrees 39'05" East a distance of 5306.50 feet to the North line of Section 31, Township 34 South, Range 22 East, thence South 88 degrees 59'12" East along said North line a distance of 5482.62 feet to the Point of Beginning, lying and being in SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST and SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST and SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, Manatee County, Florida.

Less and except the following two parcels:

Parcel 1:

From the Northeast corner of Section 1, Township 35 South, Range 21 East, run North 87 degrees 08'37" West along the North line of said Section 1, a distance of 102.88 feet to the East right of way line of S.R. 39, thence South 00 degrees 22'15" West along said East line, a distance of 1050.00 feet to the Point of Beginning, thence continuing Southerly along said East right of way line the following five courses: thence South 00 degrees 00'15" West, a distance of 492.85 feet to the P.C. of a curve to the left having a radius of 5629.58 feet; thence Southerly on the arc of said curve to the left, a distance of 1157.96 feet through a central angle of 11 degrees 47'07" to the P.T., thence South 11 degrees 24'52" East a distance of 299.77 feet to the P.C. of a curve to the right having a radius of 5829.58 feet, thence Southerly along the arc of said curve to the right, distance

of 1199.10 feet through a central angle of 11 degrees 47'07" to the P.T. thence South 00 degrees 22'15" West a distance of 547.42 feet to the Northerly right of way line of S.R. 64, thence North 89 degrees 46'04" East on said North right of way line, a distance of 1836.35 feet, thence North 00 degrees 22'15" East a distance of 1754.87 feet, thence North 89 degrees 37'45" West, a distance of 959.03 feet, thence North 34 degrees 58'09" West a distance of 1348.48 feet, thence North 00 degrees 22'15" East, a distance of 800.00 feet thence North 89 degrees 37'45" West, a distance of 400.00 feet to the Point of Beginning.

Lying and being in SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, and SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, Manatee County, Florida; and

Parcel 2

Commencing at the Northwest corner of Section 31, Township 34 South, Range 22 East, thence run South 88 degrees 59'12" East, a distance of 100.00 feet to the Point of Beginning; also being a point on the Easterly right of way line of State Road 39 (Logue Road); thence South 88 degrees 59'12" East along the Northerly line of said Section 31, 1300.00 feet; thence South 01 degrees 00'48" West, a distance of 700.00 feet; thence South 88 degrees 59'12" East, a distance of 330.00 feet; thence South 01 degrees 00'48" West, a distance of 700.00 feet; thence North 88 degrees 59'12" West, a distance of 330.0 feet; thence South 01 degrees 00'48" West, a distance of 700.00 feet; thence North 88 degrees 59'12" West, a distance of 650.00 feet; thence South 01 degrees 00'48" West, a distance of 900.00 feet; thence North 88 degrees 59'12" West, a distance of 631.06 feet; thence North 00 degrees 39'06" East along said Easterly right of way line of State Road 39 (Logue Road), a distance of 3000.06 feet to the Point of Beginning.

LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST.

CONTAINING 80.75 ACRES.

Parcel C

Beginning at the Southeast corner of Section 28, Township 34 South, Range 22 East, thence North 89 degrees 11'57" West, a distance of 5281.33 feet to the Southwest corner of said Section 28, thence North 88 degrees 43'52" West, a distance of 5424.50 feet to the Southwest corner of Section 29, Township 34 South, Range 22 East, thence North 01 degrees 01'47" West, along the West line of said Section 29, a distance of 2633.20 feet to the East ¼ corner of Section 30, Township 34 South, Range 22 East, thence North 88 degrees 48'07" West, along the South line of the Northeast ¼ of said Section 30, a distance of 2388.95 feet, thence North 01 degrees 00'59" East, a distance of 1408.27 feet, thence North 58 degrees 32'10" East, a distance of 2231.23 feet, thence North 08 degrees 14'52" West, a distance of 226.69 feet, thence North 41 degrees 44'44" East, a distance of 3357.00 feet, thence East a distance of 1200.00 feet, thence South, a distance of 517.52 feet, thence East a distance of 7808.85 feet to the East line of Section 21, Township 34 South, Range 22 East, thence South 00 degrees 17'16" West a distance of 2414.64 feet to

the Southwest corner of said Section 21, thence South 00 degrees 08'00" East, a distance of 5246.25 feet to the Point of Beginning, lying and being in SECTIONS 19, 20, 21, 28 and 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, Manatee County, Florida.

Parcel D:

That portion of the South half (S ½) of Section 30, Township 34 South, Range 22 East, Manatee County, Florida described as follows:

Begin at the Southeast corner of Section 30, Township 34 South, Range 22 East, Manatee County, Florida for a Point of Beginning; proceed Northerly along the East section line of Section 30 a distance of 753.92 feet, thence South 34 degrees 43'52" West a distance of 904.78 feet, thence Easterly along the South section line of Section 30 a distance of 520.00 feet to the Point of Beginning.

* Section 3 of the Master Mine Plan indicates that the sum of the acres on the above described parcels total 3,024.48 more or less.

RANGE 21 EAST
RANGE 22 EAST

19

20

21

30

29

28

31

32

33

TWP. 34 S.
TWP. 35 S.

NOTE: Does not include Texaco Tract.

Property

6

5

4

Cargill
Fertilizer, LLC

**WINGATE MINE
Property Boundary
Exhibit "A"**

DWG. NoTexacoBase.dwg TRH

DATE: AUGUST, 2004

FIGURE 1

Copies:

1- CAO

1- EMD - Rob Brown

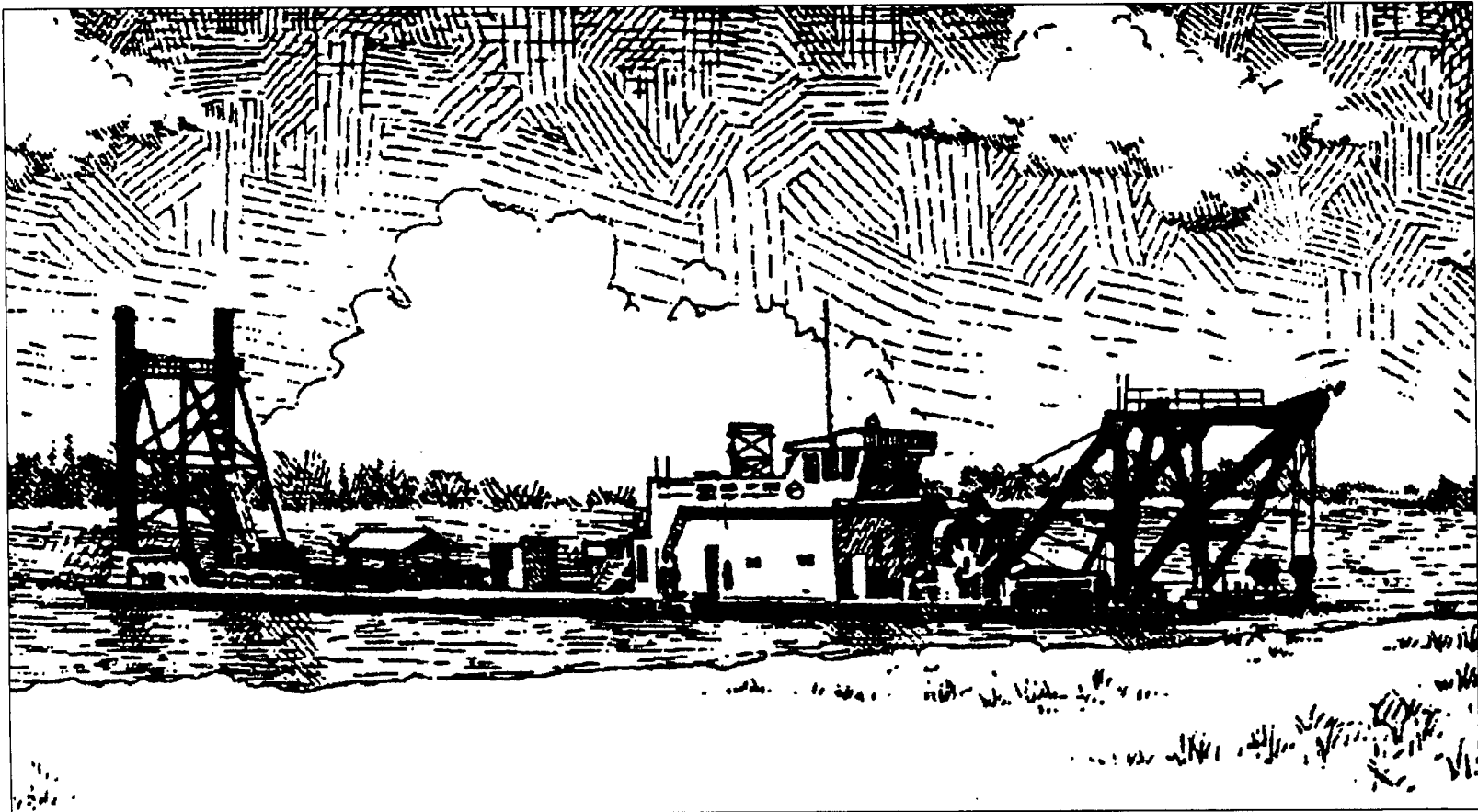
} without
Ex. B

8/27/04

DEV

Exhibit B.

CargillTM LLC
Wingate Creek Mine



Master Mine Plan Update
July 2004

INTRODUCTION

Summary

Cargill Fertilizer, LLC (Cargill) acquired the Wingate Creek Mine facility from Nu-Gulf Wingate Holdings, LLC on March 21, 2004. As part of the acquisition process, Cargill submitted applications to renew the operating permit for the facility as well as transfer the Master Mine Plan and file a DRI NOPC with Manatee County and the Tampa Bay Regional Planning Council to extend the life of mine beyond the mine out date projected for the site. As part of the discussion with county staff on the project, Cargill agreed to update the master mine plan to more accurately reflect the current status of the mine under Cargill.

Background

On January 28, 1975 the Board of County Commissioners (BOCC), adopted a resolution granting Special Exception and approving the Master Mine Plan for the Wingate Creek Mine. Also, at this time the Board issued the DRI Development Order under a separate approval. These items were modified on April 12, 1977 to delete the construction of two secondary dams which would have been located on the East Fork of the Manatee River and Wingate Creek. Subsequent to this activity, a resolution was adopted on February 28, 1978 for the issuance of the Operating Permit.

Since the issuance of the original Master Mine Plan, Operating Permit and DRI, the facility amended the DRI numerous times to reflect changing economic conditions, add or modify trucking routes and conditions, and delete property. The two most recent Amendment resolutions were R-98-182 and R-99-89. R-98-182 was issued to approve the use of an additional haul route between the mine and Mulberry. R-99-89 contained extensive development conditions and agreements binding on the mine operator.

On June 21, 2002, Nu-Gulf Wingate Holdings, LLC (NGI) submitted a timely request for renewal of the five year Operating Permit for the mine. The county did not approve the application and Cargill subsequently purchased the facility on March 21, 2004. As part of the purchase, Cargill submitted requests to transfer and renew the operating permit. This master mine plan update is submitted as part of the operating permit and NOPC review process.

General Document Information

This Master Mine Plan update is formatted to follow NGI's approved 1997 Master mine plan update. Each item of the codified Mining and Reclamation Ordinance 2-20-21 and 2-20-22 (Ordinance 81-22) is copied and underlined, followed by the response. Maps and tables are updated as necessary to reflect current plans and schedules.

**MASTER MINE PLAN
2004 UPDATE**

CARGILL FERTILIZER, LLC.
Wingate Creek Mine
Manatee County, Florida

Prepared For: Manatee County
Date: July, 2004

TABLE OF CONTENTS



MASTER MINE PLAN

1. Applicant
2. Applicant's Agent
3. Property Legal Description
4. Materials to be Mined
5. Geology
6. Process Description
7. Permanent Structures
8. Clay Dams/Recirculation Facilities
9. Well Inventory
10. Water Balance
11. Hydrology
12. Outfalls
13. Water Use Permit
14. Air Emissions
15. Nonpoint Source Outfall
16. Environmental Monitoring Program
17. Transportation Analysis
18. Aerial Photograph/Overlays
19. Reclamation Plan
20. Certification
21. Fee
22. Additional Information
23. Appendix A
24. Appendix B

1 APPLICANT

The name, address and telephone number of the applicant and, if different, of the owner of the property within the area of the master mining plan. If the applicant and/or property owner are not individual natural persons or individual business entities. The application shall fully identify each person or entity having a interest in the mining activities or ownership of the land, and shall specifically identify the nature of such interests:

NAME: Cargill Fertilizer, LLC

ADDRESS: 38651 S.R. 64 -E.
Myakka City, FL 34251

TELEPHONE NO: (941) 322-6800

FAX NO: (941) 322-6850

2 APPLICANT'S AGENT

The name, address and telephone number of the applicant's agent residing in the county upon whom service of legal papers may be made and who may be contacted in case of need:

NAME: Carol Masio McGuire

ADDRESS: Holland & Knight LLP
1401 Manatee Avenue West, Suite 1200
Bradenton, FL 34205-6702

TELEPHONE NO: (941) 745-8135

FAX NO: (941) 747-9774

3 PROPERTY LEGAL DESCRIPTION

The legal description of all lands in or contiguous to the mine site upon which any mining activities are proposed, indicating whether owned, leased or under option by the applicant;

The Wingate Creek Mine consists of 3,024.48 acres, more or less, all of which is owned by Cargill Fertilizer, LLC. This acreage reflects the 2003 deletion of 80.75 acres by NGI from the property acreage stated in the 1997 update. The acreage was conveyed to Mr. Manfull. The legal description provided is the description used for the recent property ownership transfer to Cargill.

Prepared for: Cargill Wauchula
Description: Wingate Mine

Date: March 3, 2004
File: 13101LGL.doc

LEGAL DESCRIPTION

EXHIBIT "A"

Parcel A

There is no Parcel A

Parcel B

Beginning at the Northeast corner of Section 31, Township 34 South, Range 22 East, thence South 03 degrees 05'41" West, a distance of 5596.62 feet to the Southeast corner of said Section 31, thence South 85 degrees 55'55" East, along the North line of Section 6, Township 35 South, Range 22 East, a distance of 181.26 feet to the Northeast corner of said Section 6, thence South 00 degrees 10'08" West a distance of 4313.15 feet to the Northerly right of way line of S.R. 64, thence South 89 degrees 46'04" West along the said Northerly right of way line, a distance of 5135.87 feet to the Easterly right of way line of S.R. 39, thence Northerly along said Easterly right of way line the following six courses: North 00 degrees 22'15" East, a distance of 547.42 feet to the P.C. of a curve to the left having a radius of 5829.59 feet, thence Northerly along the arc of said curve a distance of 1199.10 feet through a central angle of 11 degrees 47'07" to the P.T. of said curve, thence North 11 degrees 24'52" West a distance of 299.77 feet to the P.C. of a curve to the right having a radius of 5629.59 feet, thence Northerly along the arc of said curve, a distance of 1157.96 feet through a central angle of 11 degrees 47'07" to the P.T. of said curve, thence North 00 degrees 22'15" East a distance of 1542.85 feet, thence North 00 degrees 39'05" East a distance of 5306.50 feet to the North line of Section 31, Township 34 South, Range 22 East, thence South 88 degrees 59'12" East along said North line a distance of 5482.62 feet to the Point of Beginning, lying and being in SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST and SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST and SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, Manatee County, Florida.

Less and except the following two parcels:

Parcel 1:

From the Northeast corner of Section 1, Township 35 South, Range 21 East, run North 87 degrees 08'37" West along the North line of said Section 1, a distance of 102.88 feet to the East right of way line of S.R. 39, thence South 00 degrees 22'15" West along said East line, a distance of 1050.00 feet to the Point of Beginning, thence

continuing Southerly along said East right of way line the following five courses: thence South 00 degrees 00'15" West, a distance of 492.85 feet to the p.c. of a curve to the left having a radius of 5629.58 feet; thence Southerly on the arc of said curve to the left, a distance of 1157.96 feet through a central angle of 11 degrees 47'07" to the P.T., thence South 11 degrees 24'52" East a distance of 299.77 feet to the P.C. of a curve to the right having a radius of 5829.58 feet, thence Southerly along the arc of said curve to the right, distance of 1199.10 feet through a central angle of 11 degrees 47'07" to the P.T. thence South 00 degrees 22'15" West a distance of 547.42 feet to the Northerly right of way line of S.R. 64, thence North 89 degrees 46'04" East on said North right of way line, a distance of 1836.35 feet, thence North 00 degrees 22'15" East a distance of 1754.87 feet, thence North 89 degrees 37'45" West, a distance of 959.03 feet, thence North 34 degrees 58'09" West a distance of 1348.48 feet, thence North 00 degrees 22'15" East, a distance of 800.00 feet thence North 89 degrees 37'45" West, a distance of 400.00 feet to the Point of Beginning.

Lying and being in SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, and SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, Manatee County, Florida; and

Parcel 2

COMMENCING AT THE NORTHWEST CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE RUN S 88 DEGREES 59'12" E, A DISTANCE OF 100.00 FEET TO THE POINT OF BEGINNING; ALSO BEING A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD); THENCE S 88 DEGREES 59'12" E ALONG THE NORTHERLY LINE OF SAID SECTION 31, 1300.00 FEET; THENCE S 01 DEGREES 00'48" W, A DISTANCE OF 700.00 FEET; THENCE S 88 DEGREES, 59'12" E, A DISTANCE OF 330.00 FEET; THENCE S 01 DEGREES 00'48" W, A DISTANCE OF 700.00 FEET; THENCE N 88 DEGREES 59'12" W, A DISTANCE OF 330.00 FEET; THENCE S 01 DEGREES 00'48" W, A DISTANCE OF 700.00 FEET; THENCE N 88 DEGREES 59'12" W, A DISTANCE OF 650.00 FEET; THENCE S 01 DEGREES 00'48" W, A DISTANCE OF 900.00 FEET; THENCE N 88 DEGREES 59'12" W, A DISTANCE OF 631.06 FEET; THENCE N 00 DEGREES 39'06" E ALONG SAID EASTERLY RIGHT OF WAY LINE OF STATE ROAD 39 (LOGUE ROAD), A DISTANCE OF 3000.06 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST.
CONTAINING 80.75 ACRES.

Parcel C

Beginning at the Southeast corner of Section 28, Township 34 South, Range 22 East, thence North 89 degrees 11'57" West, a distance of 5281.33 feet to the Southwest corner of said Section 28, thence North 88 degrees 43'52" west, a distance of 5424.50 feet to the Southwest corner of Section 29, Township 34 South, Range 22 East, thence North 01 degrees 01'47" West, along the West line of said Section 29, a distance of 2633.20 feet to the East ¼ corner of Section 30, Township 34 South, Range 22 East, thence North 88 degrees 48'07" west, along the South line of the Northeast ¼ of said Section 30, a distance of 2388.95 feet, thence North 01 degrees 00'59" East a distance of 1408.27 feet, thence North 58 degrees 32'10" East, a distance of 2231.23 feet, thence North 08 degrees 14'52" West, a distance of 226.69 feet, thence North 41 degrees 44'44" East, a distance of 3357.00 feet, thence East a distance of 1200.00 feet, thence South, a distance of 517.52 feet, thence East a distance of 7808.85 feet to the East line of section 21, Township 34 South, Range 22 East, thence South 00 degrees 17'16" West a distance of 2414.64 feet to the Southeast corner of said Section 21, thence South 00 degrees 08'00" East, a distance of 5246.25 feet to the Point of Beginning, lying and being in SECTIONS 19, 20, 21, 28, 29 and 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, Manatee County, Florida.

Parcel D:

That portion of the South half (S 1/2) of Section 30, Township 34 South, Range 22 East, Manatee County, Florida described as follows:

Begin at the Southeast corner of Section 30, Township 34 South, Range 22 East, Manatee County, Florida for a Point of Beginning; proceed Northerly along the East section line of Section 30 a distance of 753.92 feet, thence S 34°43'52" W a distance of 904.78 feet, thence Easterly along the South section line of Section 30 a distance of 520.00 feet to the Point of Beginning.

Parcel N

The South ½ of the Southwest ¼ of the Southeast ¼ and the South ½ of the Southeast ¼ of the Southwest ¼ of Section 13, all of Sections 22, 23, 24, 25, less the Southeast ¼ of the Southwest ¼ of said Section 25, all of Sections 26, 27 and 34, Township 34 South, Range 22 East, Public Records of Manatee County, Florida.

Less and except the following four parcels:

Parcel 1:

Commence at the Northwest corner of SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, thence South 05 degrees 43'32" West, along the West line of said Section 25, a distance of 2502.5 feet more or less to the intersection with the Westerly maintained right-of-way of "Duette Road" as described and recorded in Road Plat Book

8, Pages 180 through 270, Public Records of Manatee County, Florida, thence North 46 degrees 11'57" East along said Westerly maintained right-of-way, a distance of 100.75 feet for a Point of Beginning, thence North 43 degrees 33'58" West a distance of 14.26 feet to a point on the arc of a curve whose radius point lies a distance of 1208.00 feet thence run Northerly along the arc of said curve, through a central angle of 43 degrees 12'53" curve to a point on the arc of a curve whose radius point lies North 43 degrees 33'58" West, and Northerly along the arc of said curve, through a central angle of 43 degrees 12'53" a distance of 911.12 feet, thence South 86 degrees 46'51" East, radial to last described curve, a distance of 84.00 feet, to a point on the arc of a curve whose radius point lies North 86 degrees 46'51" West, a distance of 1292.00 feet, thence run Southerly, along the arc of said curve, through a central angle of 43 degrees 12'53" a distance of 974.48 feet, thence North 43 degrees 33'58" West, radial to last described curve, a distance of 69.74 feet to the Point of Beginning, being and lying in SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, Manatee County, Florida.

Less maintained right-of-way for Duette Road.

Parcel 2:

COMMENCING AT THE SOUTHWEST CORNER OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE RUN S 86°15'49" E ALONG THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 2679.68 FEET TO THE SOUTH ¼ CORNER ALSO BEING THE POINT OF BEGINNING; THENCE N 00°22'45" E, A DISTANCE OF 1299.46 FEET TO THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF MCLOUD ROAD; THENCE SOUTHEASTERLY ALONG SAID MAINTAINED RIGHT OF WAY LINE THE FOLLOWING SEVEN COURSES: THENCE S 40°52'11" EAST A DISTANCE OF 320.71 FEET; THENCE S 60°39'46" E, A DISTANCE OF 1820.14 FEET; THENCE S 54°51'00" E, A DISTANCE OF 248.43 FEET; THENCE S 63°56'46" E, A DISTANCE OF 221.41 FEET; THENCE S 43°43'23" E, A DISTANCE OF 47.50 FEET; THENCE S 24°47'14" E, A DISTANCE OF 48.85 FEET; THENCE S 02°53'59" W, A DISTANCE OF 110.09 FEET; THENCE N 83°19'41" W ALONG THE SOUTH LINE OF SAID SECTION 25, A DISTANCE OF 2270.32 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 35.10 ACRES.

Parcel 3

BEGINNING AT THE SOUTHEAST CORNER OF SECTION 26, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE RUN N 88°46'01" W ALONG THE SOUTH LINE OF SAID SECTION 26, A DISTANCE OF 2046.09 FEET TO THE

EASTERLY MAINTAINED RIGHT OF WAY LINE OF DUETTE ROAD; THENCE NORTHERLY ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING FOUR COURSES: THENCE N 34°22'38" E, A DISTANCE OF 668.82 FEET; THENCE N 40°25'10" E, A DISTANCE OF 699.23 FEET; THENCE N 38°16'50" EAST, A DISTANCE OF 532.91 FEET; THENCE N 59°46.20" E, A DISTANCE OF 20.13 FEET TO A POINT ON THE SOUTHERLY MAINTAINED RIGHT OF WAY LINE OF MCLOUD ROAD; THENCE EASTERLY ALONG SAID SOUTHERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 82°03'22" E, A DISTANCE OF 1056.10 FEET; THENCE S 79°14'24" E, A DISTANCE OF 38.71 FEET; THENCE N 86°11'25" E, A DISTANCE OF 23.76 FEET; THENCE S 81°38'47" E, A DISTANCE OF 1060.53 FEET; THENCE S 81°00'48" E, A DISTANCE OF 59.63 FEET; THENCE S 00°30'11" W, A DISTANCE OF 1329.21 FEET; THENCE N 86°15'49" W ALONG THE SOUTHERLY LINE OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, A DISTANCE OF 1340.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTIONS 25 AND 26, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA. CONTAINING 93.96 ACRES, MORE OR LESS.

Parcel 4:

COMMENCE AT THE SE CORNER OF THE SW $\frac{1}{4}$ OF SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE N 00°25'16" E, ALONG THE EAST LINE OF SAID SW $\frac{1}{4}$ A DISTANCE OF 1280.81 FEET TO THE NE CORNER OF THE SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ OF SAID SECTION 25, FOR A POINT OF BEGINNING; THENCE CONTINUE N 00°25'16" E, ALONG THE EAST LINE OF SAID SW $\frac{1}{4}$ A DISTANCE OF 19.10 FEET TO THE INTERSECTION WITH THE SOUTHERLY MAINTAINED RIGHT OF WAY OF MCLOUD ROAD; THENCE N 74°56'23" W, ALONG SAID MAINTAINED RIGHT OF WAY, A DISTANCE OF 78.63 FEET; THENCE N 85°38'42" W, ALONG SAID MAINTAINED RIGHT OF WAY, A DISTANCE OF 512.26 FEET, THENCE N 85°29'31" W, ALONG SAID MAINTAINED RIGHT OF WAY A DISTANCE OF 543.53 FEET; THENCE N 85°50'25" W, ALONG SAID MAINTAINED RIGHT OF WAY A DISTANCE OF 209.75 FEET TO THE INTERSECTION WITH THE NORTHERLY EXTENSION OF THE WEST LINE OF SAID SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$, THENCE S 00°30'36" W, ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 37.11 FEET TO THE NW CORNER OF SAID SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ THENCE S 85°46'47" E ALONG THE NORTH LINE OF SAID SE $\frac{1}{4}$ OF THE SW $\frac{1}{4}$ A DISTANCE OF 1338.58 FEET TO THE POINT OF BEGINNING, BEING AND LYING IN SECTION 25, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

4 MATERIALS TO BE MINED

The materials to be mined; estimated yearly production of ore, product and by-product; and a map of the locations of the proposed units to be mined, the sequence of mining and the estimated periods of time involved. The applicant shall identify on suitable maps or charts to the extent practicable, all reductions from the setback requirements of section 2-20-33(b) that the applicant intends to request over the life of the mine. The applicant shall forecast impacts of the proposed mining activities both with and without said reductions. However, the mere inclusion of said proposed reductions in the master mining plan shall not entitle the applicant to rely thereupon, nor shall it relieve the applicant of fulfilling the requirements of section 2-20-33(b):

The end product of the mining process is phosphate rock. Under the current mining schedule, which assumes a 3rd quarter of 2004 mining start-up, mining of currently permitted reserves will be completed in 2011. The estimated yearly production is summarized in the following table and shown on the corresponding mining sequence map.

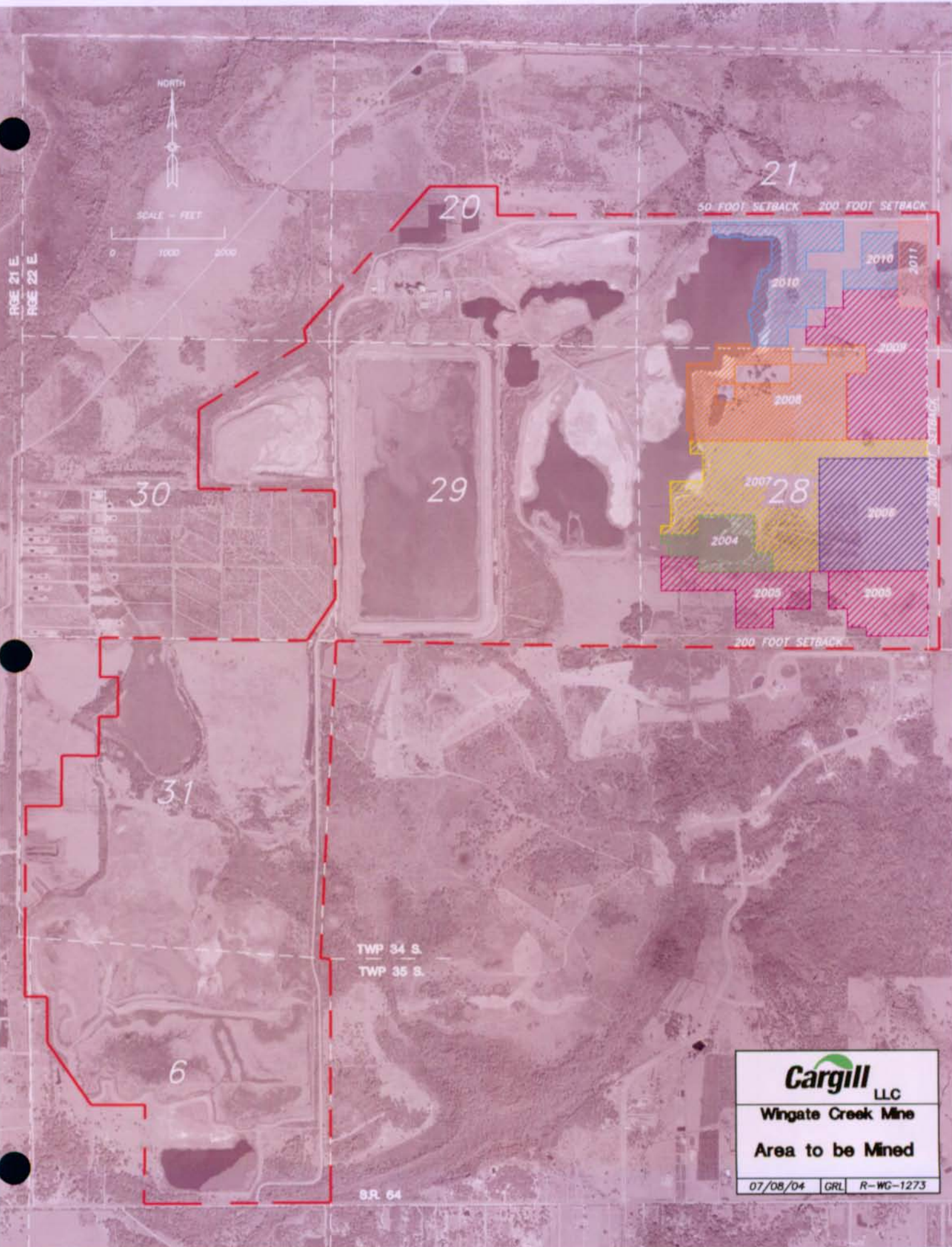
Setback requirements defined in the 1997 Master Mine Plan Update include a 50' setback from mining along the north property boundaries in Section 21, Township 34 South, Range 22 East and a 200' setback from the property boundary in Section 28, Township 34 South, Range 24 East. Additionally, a 200' setback is adjacent to the Texaco tract east of the currently permitted property. Cargill will address removing the setback from the Texaco tract, which is currently owned by Cargill in a future Master Mine Plan update and notice of proposed change to the development of regional impact development order. The setbacks are identified on the following map (map # R-WG-1273).

WINGATE CREEK MINE

Estimated Production Schedule

Year	Acres	Total Product Tons(000)	Tailings Tons(000)	Clay Tons (000)	Overburden Yards ³ (000)	Matrix Yards ³ (000)
2004*	29	451	1,461	458	2,782	1,770
2005	92	1,216	4,156	913	7,340	4,997
2006	93	1,188	4,045	836	7,420	4,882
2007	109	1,294	4,096	852	8,697	5,317
2008	91	1,024	4,308	858	7,260	4,208
2009	98	1,252	4,119	873	7,819	5,145
2010	93	910	3,358	611	7404	3,741
2011	23	228	839	153	1,851	935
TOTAL	628	7,563	26,382	5,554	50,573	30,995

*Assumes September 2004 start-up.



5 GEOLOGY

An abstract and interpretation of the results of exploratory drilling showing the elevation of the top and base of the ore zone, the geologic nature of the confining bed and overlying materials, and the preoperational water levels encountered in the drilling of auger holes;

Geologic information was obtained in conjunction with the hydrology studies that were conducted in 1974 by P. E. LaMoreaux and Associates, Inc. and in 1975 by Richard C. Fountain and Associates. These investigations along with the geology information contained in the ADA/DRI are on file with Manatee County. The results of their findings are summarized in the following paragraphs.

The Wingate Creek Mine property is underlain by various geological formations which range in age from Recent to Cretaceous. The attached drawing represents the generalized stratigraphy of this area. The stratigraphy in the upper 100 feet of sediments was developed in the course of exploration core borings taken on the property to determine the characteristics of the phosphate deposits. This series of sediments represents the unit in which the shallow unconfined aquifer system is found. The Hawthorn formation is encountered in the lower portion of the section and identifies the lower mining limit (bedrock). Above the Hawthorn formation are phosphate deposits which generally range in thickness from 30 to 50 feet. Overlying the phosphate matrix is the overburden which consists of 35 to 40 feet of barren sands.

Pleistocene Series

The deposits of Pleistocene age generally consist of a clean medium to fine-grained white sand with interlayered reddish-brown iron cemented sands commonly termed "Hard Pan". This unit is a portion of the overburden which overlies the phosphate deposits on the property. Underlying this lithology is a medium to fine-grained tan sand portion of the overburden. These sands and intermittent hard pan layers overlie the phosphate matrix which is in the upper one-half to two-thirds of its thickness characteristically a medium-grained sand containing minor amounts of clay and intermittent clay layers.

Pliocene Series

The Bone Valley formation of Pliocene Age is the formation in which the majority of the phosphate matrix occurs. As described above, the upper one-half to two-thirds of the phosphate matrix consists of a medium grained phosphatic sand and core borings indicate that this lithology grades rather sharply downward into a sandy calcareous clay with interlayered thin lenses of limestone. The lower portion of this unit then grades downward into the carbonaceous calcareous phosphatic clays of the Hawthorn formation which is Miocene in age.

Miocene Series

The Hawthorn formation is represented throughout the subject property by an upper sequence of dense phosphatic clays and interlayered intermittent limestone lenses. The Hawthorn formation is a very complex series of clays and limestones. Indications from drilling into this formation, on the Wingate Creek Mine, are that the upper Hawthorn clays are highly plastic and tend, after a short period of time, to close any uncased hole which penetrates them.

The Tampa limestone of Miocene Age underlies the Hawthorn formation of the property and consists of a fairly well crystalline dolomitic limestone containing occasional stringers and lenses of chert. This formation is generally fossiliferous and lies at approximately 330 feet below ground surface and has a thickness of approximately 180 to 200 feet.

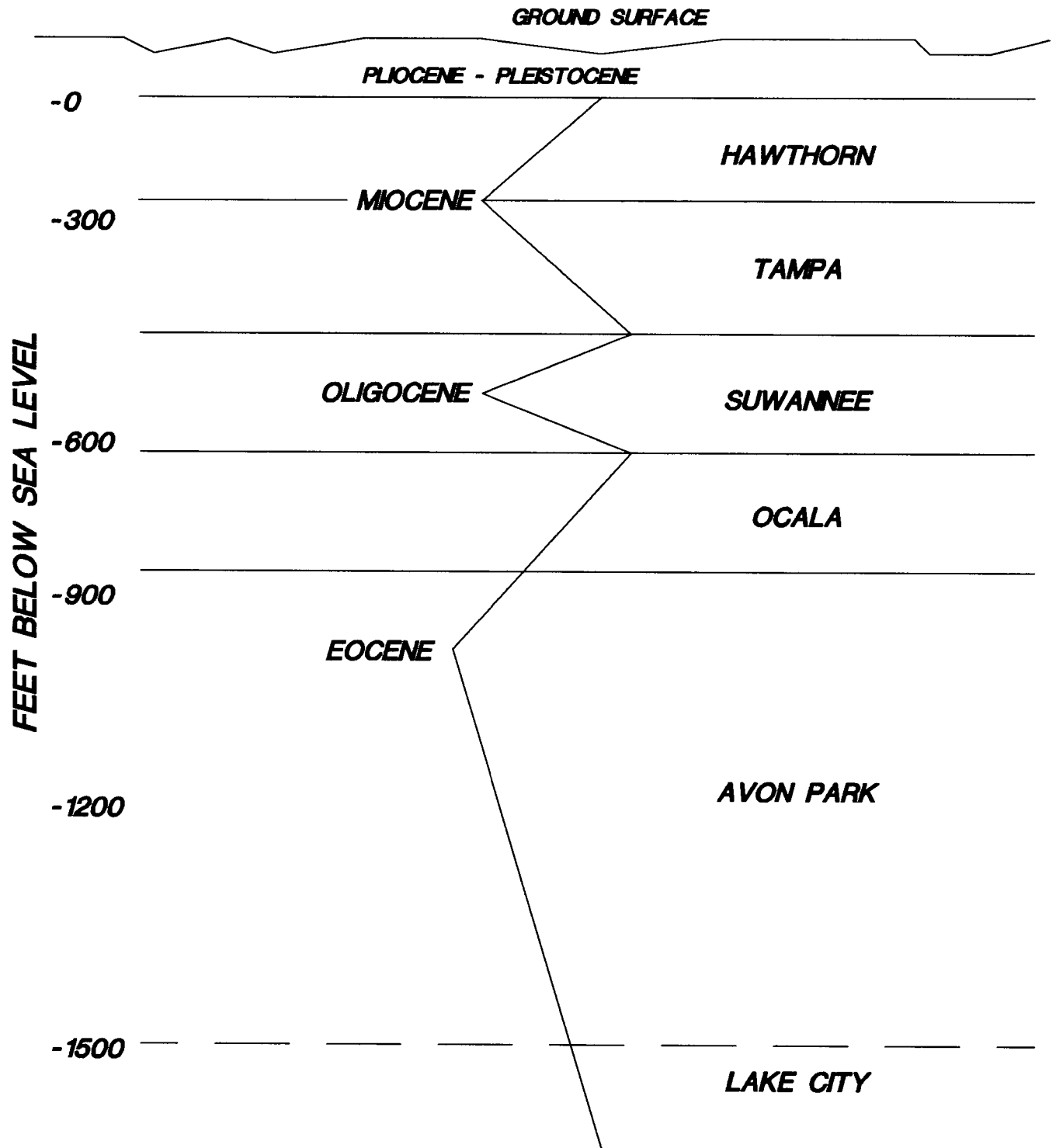
Pre-Miocene Age Rocks

Rocks of Oligocene through Eocene Age are considered to be the prime source of artesian water in this area of Manatee County. The Suwannee limestone lies unconformably below the Tampa formation at an average depth of 520 feet below land surface in the area. The Suwannee formation is generally a creamy-white to tan granular porous limestone of varying degrees of hardness containing some lenses of crystalline dolomitic limestone. This formation is generally fossiliferous and is considered to be the most productive source of shallow artesian water generally tapped by domestic and agricultural wells in this portion of the county.

Underlying the Suwannee limestone of the Oligocene Age are the Ocala and Avon Park limestones of Eocene Age, which are found at an average depth of 725 feet and 945 feet below ground surface, respectively. The Ocala limestone is a chalky white to cream, highly fossiliferous limestone, which unconformably overlies the granular to crystalline dolomitic limestone of the Avon Park formation.

Underlying the Avon Park formation and found at a depth estimated to be 1,575 to 1,600 feet below land surface in the area, is the Lake City limestone which is a cream and tan chalky to granular dolomitic limestone containing interlayered gypsum. Rocks older than Eocene Age in eastern Manatee County are only known from a few deep oil test wells and this data indicates that rocks of Cretaceous Age occur at a depth of approximately 5,000 feet below land surface in the eastern portion of the county.

Generalized Geologic Cross Section



6 PROCESS DESCRIPTION

A description of the beneficiation process used in the mine, including a schematic description of the process and process reagents to be used, along with their chemical composition and estimated application rate;

The mine is a surface phosphate mining and beneficiation operation, which uses conventional phosphate mining and processing technology with two exceptions. First, instead of using large electric draglines to remove the overburden sands and phosphate matrix (ore), Cargill uses electrically powered dredges. Second, instead of disposing of the sand and clay residuals from the beneficiation process in above grade clay settling and sand fill reclamation areas, Cargill combines these two materials to produce a sand/clay mixture which is hydraulically deposited in dredged areas to provide fill for land reclamation. A flow sheet detailing Cargill's operations at the Wingate Creek Mine is included in this section.

The facility is divided into three process groups: mining, phosphate rock production and reclamation.

Mining

Two large hydraulic dredges are used in the mining area. The overburden dredge removes 35-40 feet of barren sands and hydraulically backfills previously mined out areas. Where areas of hardpan are encountered in the overburden, innovations in dredge cutterhead technology or other mechanical devices will be explored to expedite hardpan removal. Facility operations will not use explosive blasting for hardpan fracturing or in any other aspect of the mining operation. Overburden material is deposited in such a manner so as to create the desired post-reclamation land forms. Once the overburden has been removed, the phosphate production dredge hydraulically pumps 30-50 feet of matrix to the processing plant.

Beneficiation Facility

At the beneficiation plant, a conventional washing and flotation process is employed. The plant is divided into three areas: the washer, feed preparation and the flotation plant.

Washer

Matrix, which is composed of phosphate rock, clays and sand tailings, first enter the washer. The matrix is sized to remove large clay pieces, which are reduced in size using high pressure water. The process stream is then diverted to shaker screens where phosphate pebble is mechanically removed. Material smaller than 1/2" and larger than 1 millimeter is conveyed to a pebble storage pile. Material larger than 1/2", referred to as reject rock, is generally discarded because of the high concentration of limestone present.

Feed Preparation

The remainder of the stream is then pumped to the feed preparation area where clays finer than 150 mesh are removed. Employing conventional hydrocyclones, the separated clay material flows through a pipeline to the Clay Settling Area (CSA) where it then consolidates. Flotation feed reports to a storage tank for processing in the flotation plant.

Flotation Plant

Flotation feed is pumped to the flotation plant for further processing. Float feed is primarily quartz sand with a variable amount of sand size phosphate grains entrained. The flotation process separates the phosphatic sand from the quartz sand using a two step flotation process. In the first step, reagents are added that selectively attach to phosphate minerals. The reagent attracts air bubbles in a flotation cell causing the phosphatic sand to float away from the quartz sand which is recovered and sent to the sand/clay mix station. The reagents from the first step are then removed from the phosphate sand and a second reagent is added that selectively attaches to quartz sand, which is now a small percentage of the flotation feed which is know at this point as rougher concentrate. The remaining quartz sand is then floated from the phosphatic sand, leaving phosphate concentrate, which is recovered as a product and conveyed to a storage pile.

Reclamation

Sand tailings generated from the flotation plant are pumped to a reclamation mixing station situated east of the clay settling area (CSA). A third dredge, floating in the CSA, pumps consolidated clays to the mixing station. This sand/clay mixture is then pumped to mined out areas and used to backfill these sites. Once these sites are brought back to natural grade, a capping of topsoil is placed over the area and vegetation is planted.

REAGENTS ESTIMATED APPLICATION RATE

<u>REAGENT</u>	<u>Lbs./Ton Conc.</u>	<u>Usage (Tons/Day)</u>
Sulfuric Acid	11.6	17.2
Caustic	7.0	11.1
Amine	0.9	1.3
Fuel Oil	5.0	7.4
Fatty Acid	11.7	17.3

A scientific study on the fate of reagents conducted by the Florida Institute of Phosphate Research indicates that the reagents used in the flotation process rapidly degrade and do not have a lasting impact on the environment.

SULFURIC ACID (H_2SO_4) - The sulfate enters into the sulfur cycle. The hydrogen ion (acidity) reacts almost immediately with the alkalinity in the rock and other reagents and the resulting pH of the water and slurry flows is normal.

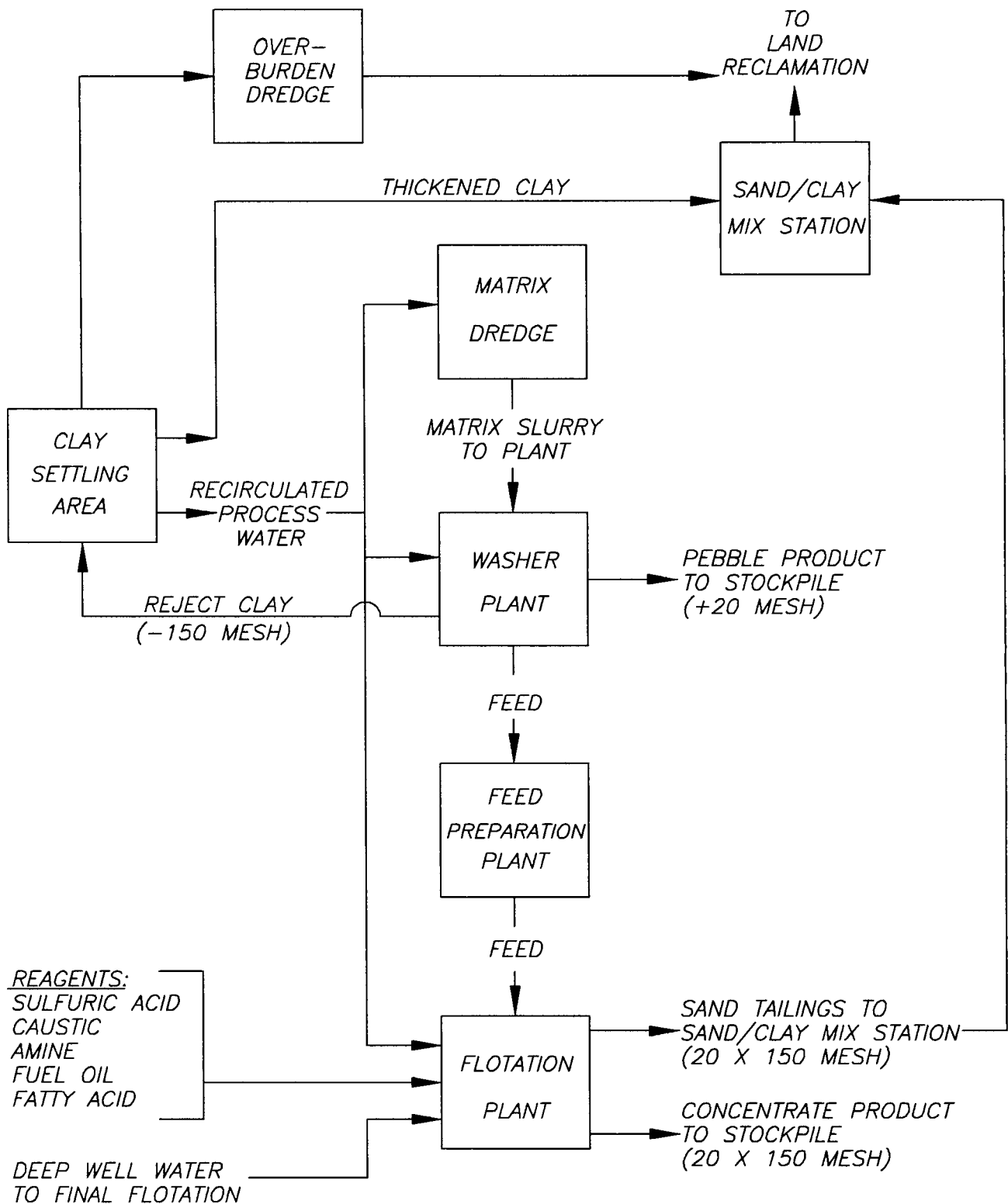
CAUSTIC - Caustic is used as a pH adjuster for process water in the flotation system and is added in small amounts that are essentially neutralized when added to the large volume of water.

AMINE - The relatively small amount of amine biodegrades or is distributed in the clay solids. Amines have a strong affinity for clay surfaces, resulting in negligible quantities in the water phase.

FUEL OIL - This substance evaporates, forms emulsions and can be used up as food for bacteria. Much of the oil biodegrades or is absorbed by the clay, and does not enter the water cycle. Sand tailings produced by the operations is tested annually for VOCs as a requirement of the FDEP NPDES permit. The specific parameters tested are listed in the NPDES Permit included in Section 12 of this document.

FATTY ACID - Reacts with the phosphate rock, clays and cations in the water to form insoluble, biodegradable soaps. This reagent rapidly biodegrades.

Simplified Flowsheet of the Wingate Creek Mine



7 PERMANENT STRUCTURES

The purpose of any physical plant, structure, permanent pipeline or any other nonmobile object constructed as part of the proposed mining activities;

The permanent structures are all located at the beneficiation plant site. The attached drawing shows the locations of these structures.

Washer

The facility with a series of screens and scrubbing equipment used to remove oversized materials and fine clays from the pebble product.

Feed Preparation

The section of the beneficiation plant that removes clays from the phosphate stream using conventional hydrocyclones and coarse sand size particles from fine particles.

Flotation

The section of the beneficiation plant that removes quartz sand from the concentrate product through the use of reagents.

Reagent Tank Farm

Storage site for sulfuric acid, caustic, amine, fuel oil, and fatty acid, and mobile equipment diesel fuels, prior to use.

Waste Clay Transport Pipeline

The clay pipeline allows for the gravity flow of the clays from the feed preparation plant to the clay settling area.

Product Stockpiles

The pebble and concentrate stockpiles are storage areas for these products while awaiting shipment.

Reject Pebble Stockpile

The storage area for off-spec product.

Scale House

The facility for weighing shipments and purchased supplies used at the flotation plant.

Main Substation

Florida Power & Light substation for distribution to the plant, mine site, and reclamation areas.

Warehouse

Maintenance parts and consumables storage facility.

Maintenance Shops

General maintenance repair facilities.

Offices

The main office building for housing supervisory and clerical personnel.



SCALE - FEET



RGE 21 E
RGE 22 E

20

21

See Map R-WG-1276a
for detail.

PERMANENT
STRUCTURES

30

29

28

31

TWP 34 S.
TWP 35 S.

6

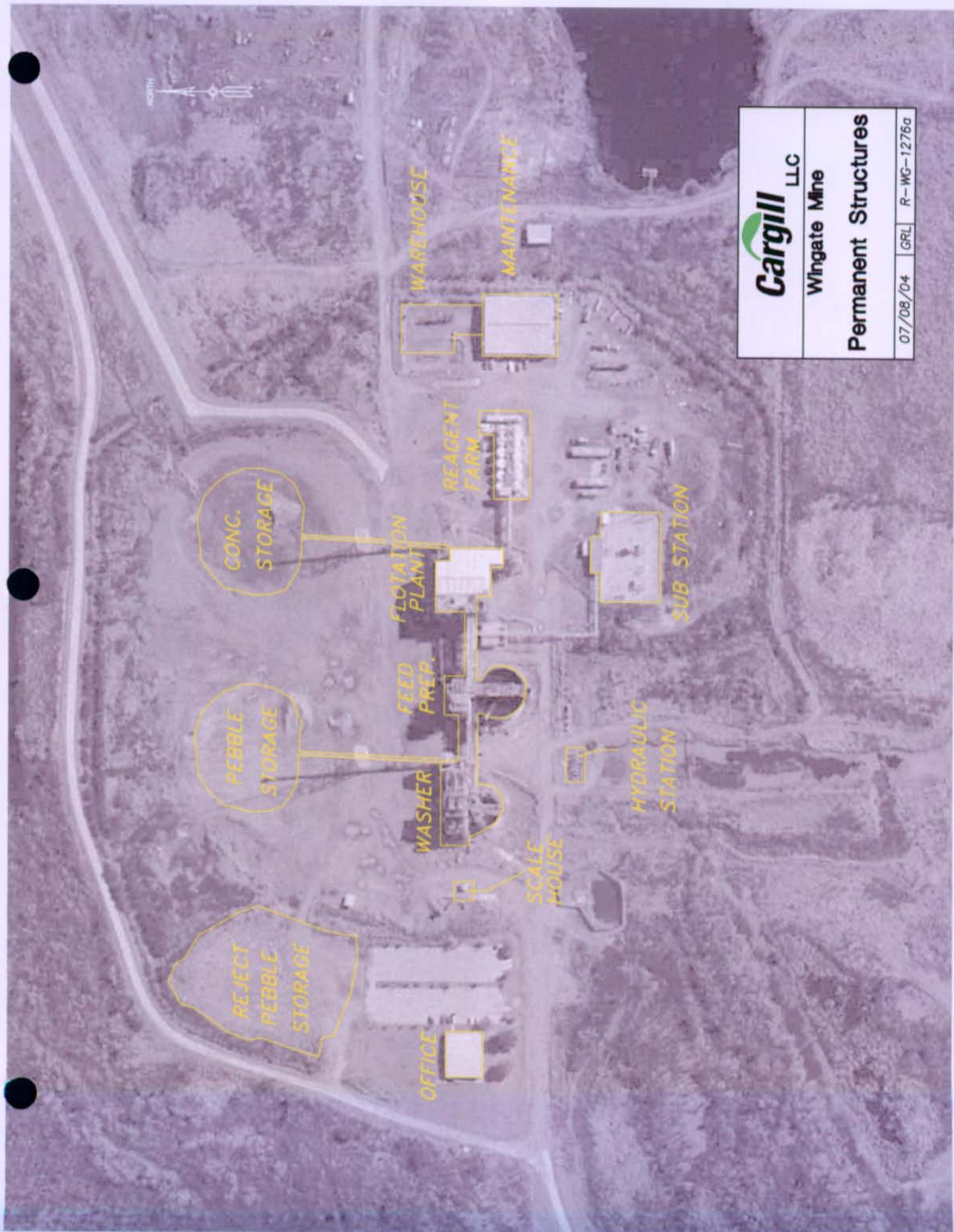
S.R. 64

Cargill
LLC

Wingate Creek Mine

Permanent Structures

07/08/04 GRL R-WG-1276



Cargill LLC		
Wingate Mine		
Permanent Structures		
07/08/04	GRL	R-WG-1276a



8 CLAY DAM/RECIRCULATION FACILITIES

The location and dimension of proposed slime ponds. Water recirculation facilities, and other impoundments, including the heights of dams and minimum freeboard;

One conventional clay settling area and four sand/clay mix areas identified as areas 1 thru 4 on the attached drawing, have been constructed at the Wingate Creek Mine. Area 5 is not an impoundment; it is presently used as a water clarification pond. After sand/clay mix areas 1 through 4, as shown on attached waste disposal plan, are filled to their required reclamation elevations, area 5 will be backfilled with sand tailings. Areas 6 and 7 are proposed for future sand/clay mix disposal to achieve the desired ground elevation prior to reclamation.

A detailed report regarding all of the above described areas was submitted to Manatee County in February, 1993. The "Waste Disposal Plan, 1992 Sand/Clay Mix Modeling" report was prepared in conjunction with the Conceptual Reclamation Plan modification CP(B). The modification was required by Manatee County and FDEP, Bureau of Mine Reclamation as specified in R-88-236.

The elevation of the clay settling area dam and the heights of the sand/clay mix berms are presented in the following listing.

Existing Areas

o Conventional Clay Settling Area			
	Top of Dam	143'	MSL
	Minimum Freeboard	5'	
	Maximum Top of Clay	138'	MSL
	Built on Natural Ground	100'	MSL
	Storage Depth	38'	
	Storage Capacity	9,000	Acre-ft.
	Acres at Dam Toe	320	
	Ponded Acres	237	
o Sand/Clay Mix Area 1 - 52.4 Acres			
o Sand/Clay Mix Area 2 - 65.7 Acres			
o Sand/Clay Mix Area 3 - 16.8 Acres			
o Sand/Clay Mix Area 4 - 25.5 Acres			

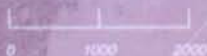
Proposed Areas

o Sand/Clay Mix Area 6 - 101 Acres			
o Sand/Clay Mix Area 7 - 284 Acres			

All of the reclamation areas are designed with a 13' berm height that includes 5' of freeboard. This criteria allows for a sand/clay mix fill height of 8' above grade as required by the "Waste Disposal Plan, 1992 Sand/Clay Mix Modeling" report.



SCALE - FEET



RGE 21 E
RGE 22 E

20

21

AREA 7

29

SETTLING AREA

AREA 6

28

30

31

LEGEND



ACTIVE S/C MIX AREAS (1-4)



SAND TAILS DISPOSAL (FROM STORAGE)



FUTURE S/C MIX AREAS (6-7)

TWP 34 S.
TWP 35 S.

AREA 2

6

AREA 3

AREA 4

AREA 5

SR 64

Cargill

LLC

Wingate Creek Mine
WASTE DISPOSAL
PLAN

07/09/04 GRL R-WG-1277

9 WELL INVENTORY

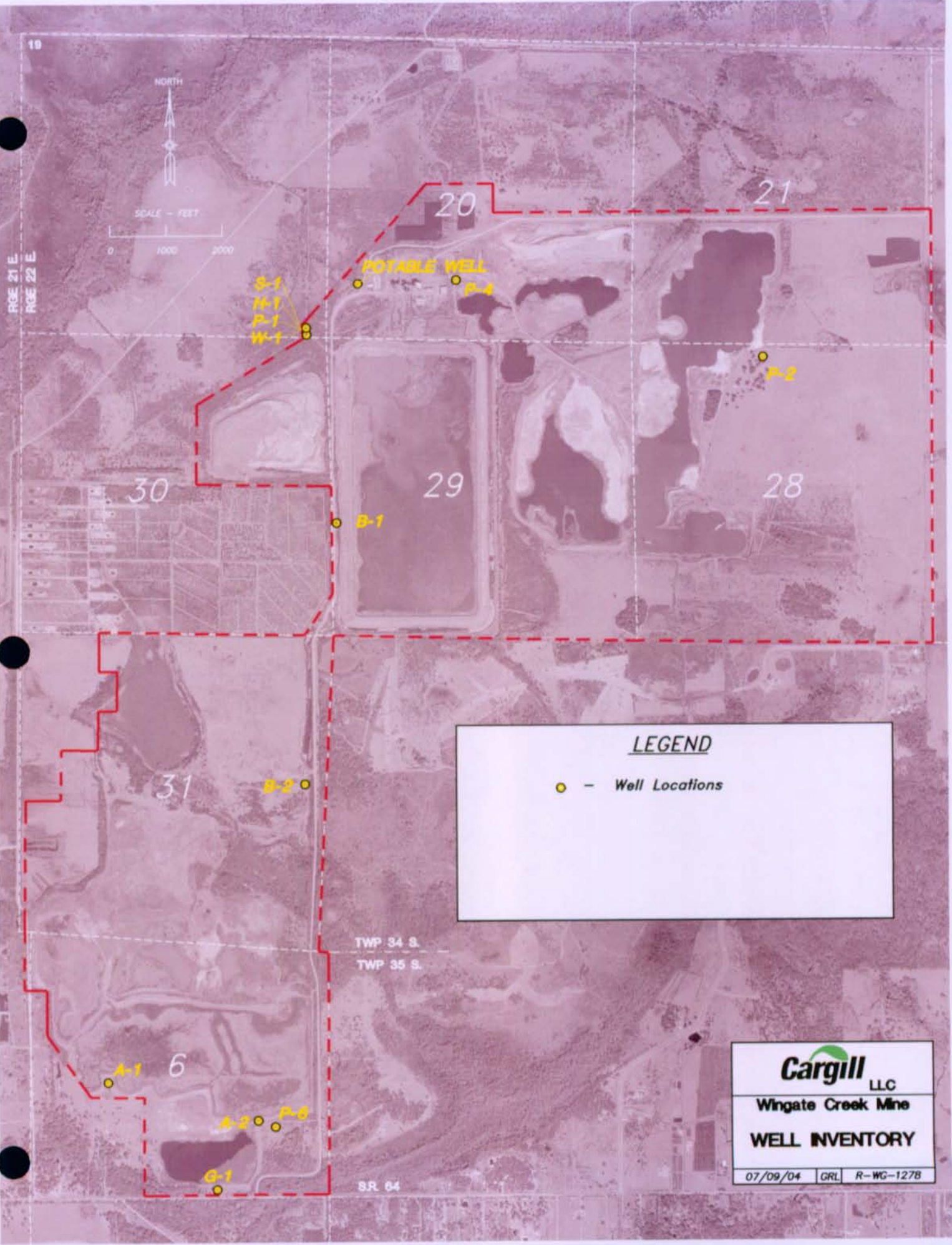
An inventory of all existing wells on the property, including locations, estimated annual extraction rates, water use and proposed disposition of wells;

The following listing is for wells currently included with the SWFWMD Water Use Permit or otherwise identified as water withdrawal wells located within the property boundaries for the Wingate Creek Mine. Shallow ground water monitoring wells are listed separately in section 16 of this document. Attached map (#R-WG-1278) depicts the location of the wells.

Wingate Creek Mine Well Inventory

ID#	ID#		Tot.	Depth	Con-	Pump	<u>Withdrawal Rate</u>				
SWF	<u>Status (Check):</u>			Line	Str.	Cap.					
WMD	Own.	Dia.	DEP.	Cased	Date	(gpm)	Avg. Ann.	Peak Mth.	Mon	Stby	Cap
1	P-1	12	1225	750	UNK	2700	2,270,000	3,880,000	Q		
2	P-2	16	1244	703	UNK						X
16	P-4	16	1250	UNK	UNK	4250	3,580,000	6,130,000	Q		
20	P-6	6	600	90	1990	235	320,000	340,000			
18	B-1	6	300	UNK	UNK		120,000	140,000			
19	B-2	6	450	UNK	UNK		120,000	140,000			
10	A-1	12	1250	UNK	UNK						X
11	A-2	12	1250	UNK	UNK						X
12	G-1	4	550	UNK	UNK				X		
5	H-1	4	200	130	UNK				L		
6	S-1	4	650	510	UNK				L		
3	W-1	6	1225	760	UNK				L		

Diameter: In inches
 Depth: In feet
 Withdrawal rate: In gallons per day



LEGEND

● - Well Locations

Cargill LLC

Wingate Creek Mine

WELL INVENTORY

07/09/04 GRL R-WG-1278

10 WATER BALANCE

Engineering estimates of the monthly water balance for the projected highest, lowest and average annual rainfall sequence for the operating life of the mine, accounting for:

- a. All sources of water input to water recirculation facilities and ore processing steps, including water contained in overburden and matrix, pump seal water, and deep well and surface makeup: and
- b. All water outputs and losses from the system, including but not limited to water contained in overburden, product, clay, reject materials, tailings, evaporation, seepage, and discharges to ground and surface waters.

The applicant shall also provide an explanation of computational methods and assumptions.

The monthly water balance estimates for the projected highest, lowest and average annual rainfall sequence are attached.

Water Balance

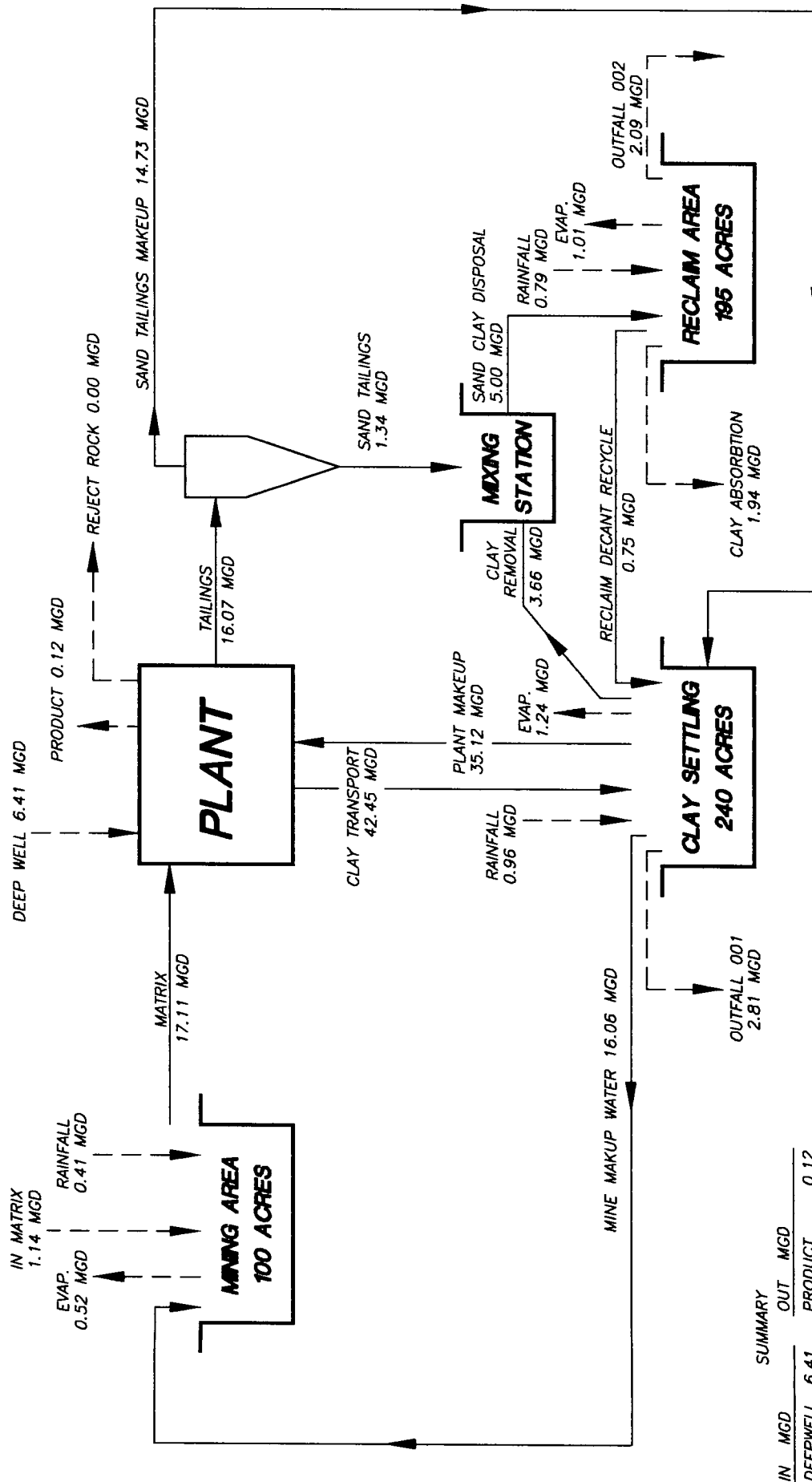
This facility uses reclamation techniques that vary from the techniques used by the majority of mining facilities in the industry. With the incorporation of a sand/clay mixing system, only one clay storage area is in use. Due to this limited storage space available for water recirculation the facility does not have the capability to store storm water and must outfall excess water from the property through two NPDES outfalls. Outfall discharge is regulated by a State NPDES permit, and must meet State water quality standards and/or permit limits. Outfall discharge volumes vary with rainfall volume, which in turn, varies with the seasons of the year.

Water Balance Assumptions

- o The water balances are based on the annual budgeted production rate of 1.54 million tons per year.
- o All process tonnages are at constant rates:
 - Matrix - 23,650 TPD at 20% moisture
 - Product - 4,217 TPD at 12% moisture
 - Reject Rock - 78 TPD at 12% moisture
 - Clay - 2,680 TPD
 - Tailings - 16,676 TPD
- o Matrix is pumped to the plant at 25% solids
- o Clays gravity flow to the CSA at 1.5% solids

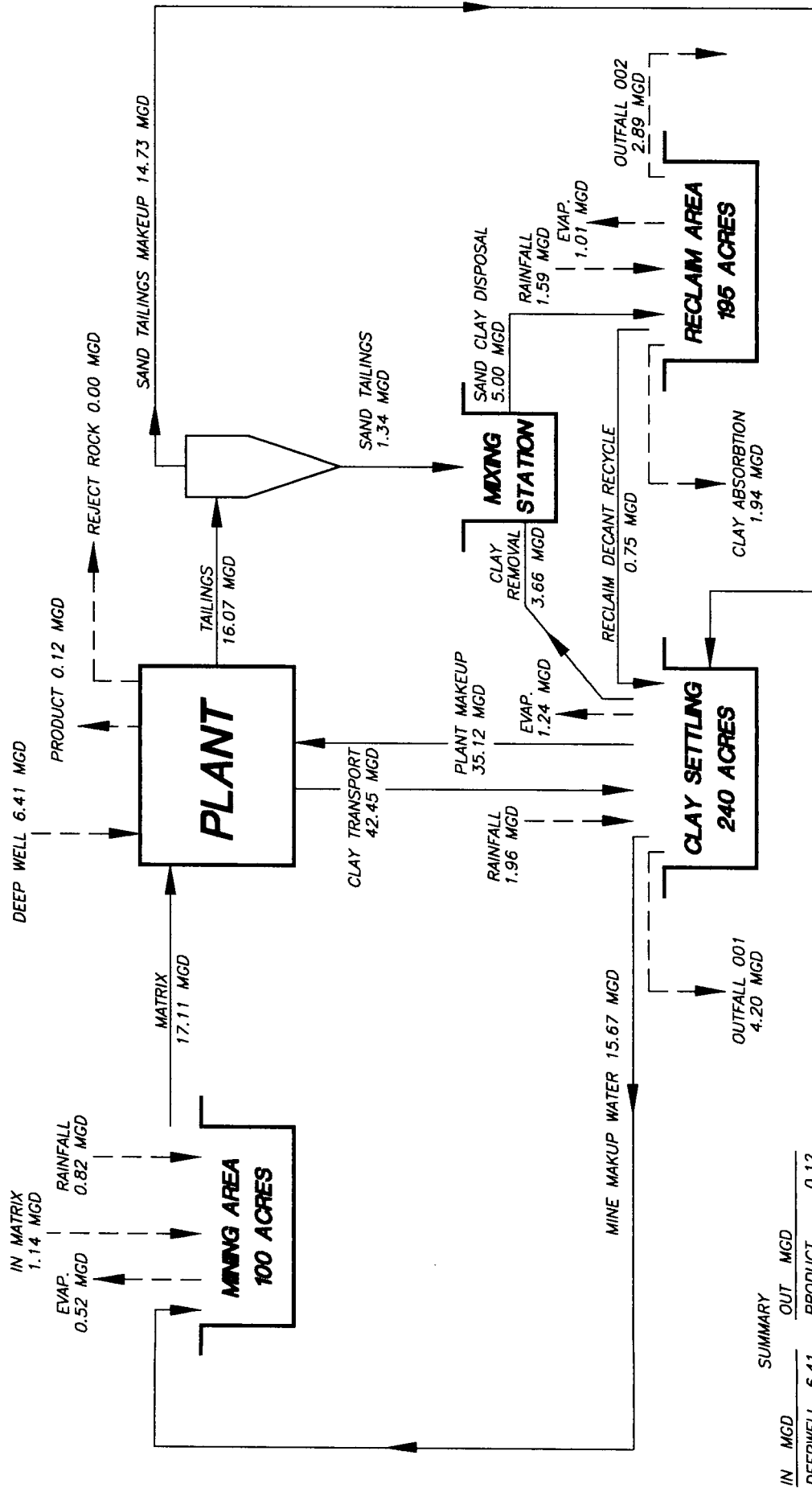
- o Clays are pumped to the sand/clay mix station at 15% solids
- o Clays in the sand/clay mix reclamation areas remain at 25% solids
- o Tailings are pumped to the sand/clay mix station at 20% solids
- o Tailings cyclone underflow at the sand/clay mix station are 75% solids
- o Evaporation is constant at 70 inches per year

Wingate Creek Mine Water Balance Average Month 4.5 Inches Rainfall



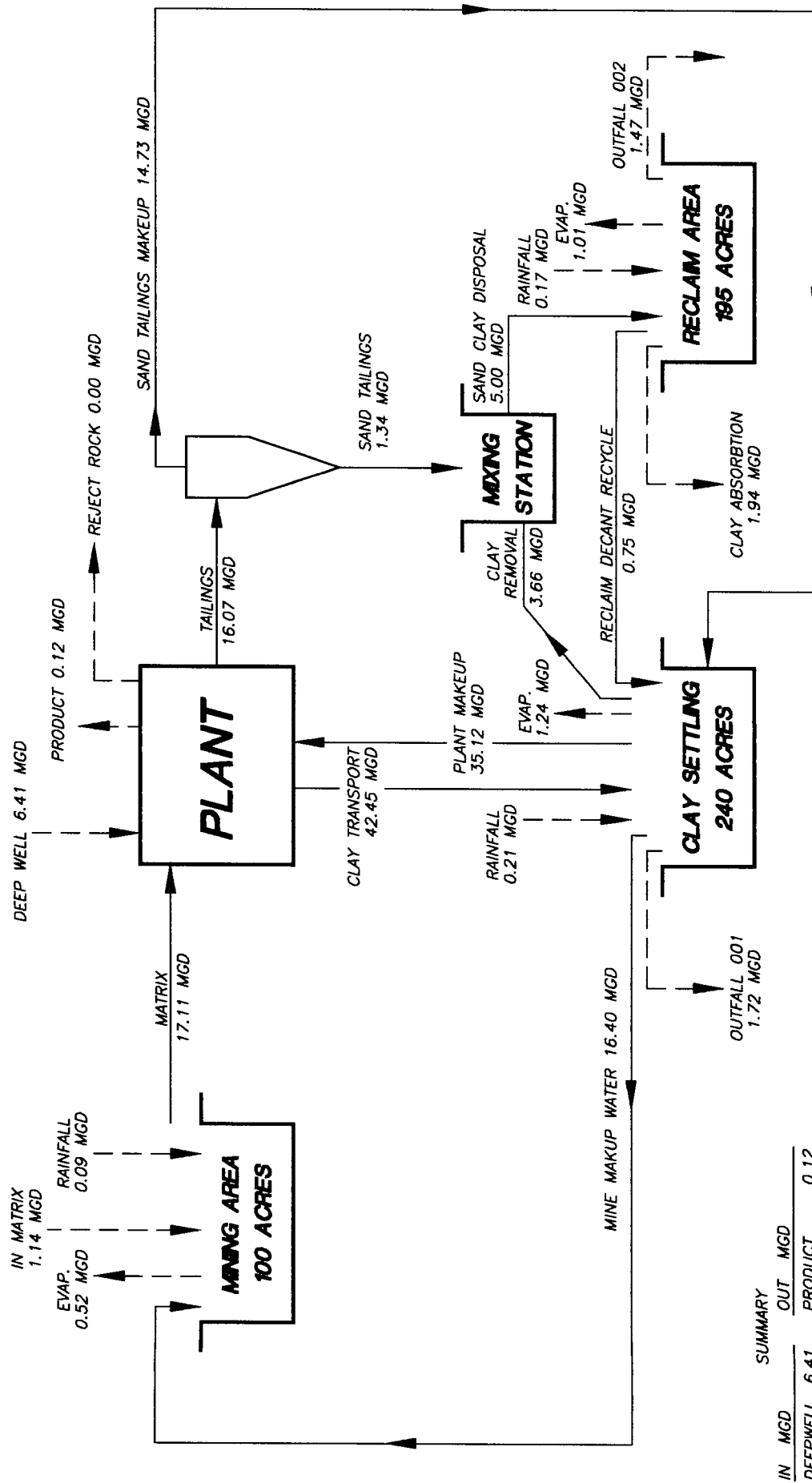
SUMMARY		IN MGD	OUT MGD
DEEPWELL	6.41	PRODUCT	0.12
MATRIX	1.14	ABSORPTION	1.94
RAINFALL	2.18	EVAPORATION	2.77
	9.73	OUTFALL	4.90
			9.73

Wingate Creek Mine **Water Balance Wettest Month** **July - 9.0 Inches Rainfall**



SUMMARY		OUT	MGD
IN	MGD		
DEEPWELL	6.41	PRODUCT	0.12
MATRIX	1.14	ABSORPTION	1.94
RAINFALL	4.37	EVAPORATION	2.77
		OUTFALL	7.09
			11.92

Wingate Creek Mine Water Balance Driest Month December - 1.0 Inches Rainfall



SUMMARY	
IN MGD	OUT MGD
DEEPWELL 6.41	PRODUCT 0.12
MATRIX 1.14	ABSORPTION 1.94
RAINFALL 0.47	EVAPORATION 2.77
	OUTFALL 3.19
	<u>8.02</u>

11 HYDROLOGY

An assessment of the impact of the proposed mining activities on surface and groundwater hydrology, including effects on peak and average stream base flow;

Hydrology studies were conducted in 1974 by P.E. LaMoreaux and Associates, Inc. and in 1975 by Richard C. Fountain and Associates. These investigations along with the hydrology information contained in the ADA/DRI are on file with Manatee County. The results of their findings are summarized in the following paragraph.

The analysis of the surface water conditions of the Wingate Creek Mine prepared by P. E. LaMoreaux and Associates, Inc. indicated that dredge mining of the property will have little if any adverse effect on stream flow in the area. Information gathered in the course of the Richard C. Fountain and Associates study substantiated these findings. In addition, their investigation and analysis of the groundwater conditions in the area of the Mine property showed the facility, with its required withdrawal from the groundwater system will not pose any adverse impact on the total water resources of the region.

In addition to the original hydrology studies, NGI was requested to perform a hydrological analysis in conjunction with the Final Agency Order pertaining to Conceptual Reclamation Plan CP(B). This analysis compares the pre-mining and post-reclamation storm water discharge from the Wingate Creek Mine. It was prepared by Schreuder & Davis, Inc. and found to be acceptable by FDNR, (now FDEP-BMR), in October, 1992. A copy of this report is on file with Manatee County and a summary of the results of the report is attached to this section. Pre and post mining topography maps (map #s R-WG-1282 & R-WG-1283) follow the reclamation section of this document.



3.0 SIMULATION RESULTS

In the area of the Wingate Creek Mine, the total 25-year/24-hour storm rainfall is 8.5 inches (Southwest Florida Water Management District, 1988). A Type II Modified rainfall distribution was used in the simulations. The SW model input files for the 25-year/24-hour design storm simulation for pre-mining and post-reclamation conditions are provided in Appendices A and B.

The differences between peak discharges simulated for pre-mining and post-reclamation conditions are small (less than five percent) for all four subbasins (Table 6). The discharge hydrographs for each of the subbasins are shown in Figures 9 through 12. The total post-reclamation discharge from subbasins 2 and 4 (Table 6) exceed the pre-mining discharges by 2 and 1 percent, respectively. Because numerical models are a simplified representation of the real system, there is some uncertainty in the input parameter values which is reflected in the results. Therefore, SDI feels that small increases in the model simulated total discharges between the pre-mined and post-reclamation conditions are de minimus given the real-world approximation required in numerical simulations.

Table 6. Peak and Total Discharges for the (8.5 inches) 25-Year/24-Hour Type II Modified Design Storm Simulation.

Subbasin #	Peak Discharge (cfs)			Total Discharge (acre-ft)		
	Pre-Mining	Post-Reclamation	% Difference	Pre-Mining	Post-Reclamation	% of Pre-Mining
1	940	896	-4.7	959	961	100
2	268	268	0	242	248	102
3	581	569	-2.1	832	833	100
4	219	219	0	163	165	101



12 OUTFALLS

Engineering estimates certified by a registered professional engineer of the quantity, frequency and duration of any discharges or disposal of water, liquid waste or sewage, or of any solid wastes produced by the proposed mining activities. The applicant shall also specify the physical, chemical and radiological properties; the points and methods of disposal (whether on or off the applicant's property); the proposed time schedule for such disposal; and estimates of the flow rates in receiving streams at the times of wastewater discharges. Such estimates shall separately and specifically identify and quantify discharges of all substances that could be generated by mining activities for which the state has promulgated water quality standards;

Water is discharged at the Wingate Creek Mine from two permitted outfalls which are required for the monitoring of water quality and quantity. In May 1995 FDEP was granted authority by the USEPA to administer their NPDES program. Subsequently, FDEP issued Permit No. FL0032522 which combined NPDES Permit No. FL0032522 and State Permit IO41-260708A. Water volumes are quantified in the Water Balance section (10) of this document.

In order to enhance water disposal efficiency and future reclamation efforts, Cargill plans to request the relocation of outfall 001 during the period of the operating permit. The planned location of the outfall will be on the south side of a clarification pond located adjacent to the west side of Wingate Creek in Section 29 Township 34 South, Range 24 East. This move will allow Cargill to eliminate a water return ditch east of the clay settling area, providing more area for improvements in the restoration of Wingate Creek. The outfall relocation is contingent on approval by all reviewing agencies and departments. The proposed new location is shown on the following drawing.

Treatment of sewage is performed by a 5,000 gal./day extended aeration sewage plant. The treated effluent reports into the Mine's recycle water system. FDEP Permit No. FLA012622 authorizes the operation of the sewage treatment plant.

FDEP Permit No. FL0032522 authorizes the discharge of sand tailings that are generated as a result of the beneficiation process.

Other solid wastes produced by the activities at the Wingate Creek Mine are all disposed of or recycled by licensed contractors. These items include used oil, oil filters, grease, batteries, fluorescent lamps, tires, scrap metal and general trash.

o Oil

Spent oil is generated from mobile equipment. These oils are collected in 5 gallon or 55 gallon drums and transferred to a stationary bulk 550 gallon container which is situated in a containment area. This tank is pumped out by certified, approved and audited used oil recyclers.

Approximate generation rate: 7,500 gallons/year.

- o Oil Filters

Used oil filters which are generated by mobile equipment are collected and stored in 55 gallon drums situated in the tank farm containment area and picked up by approved and audited waste contractors.

Approximate generation rate: 8 drums/year.

- o Grease

Grease is used to lubricate rotational equipment throughout the plant. Empty grease drums are cleaned of residual greases, crushed and recycled for scrap metal. Spent greases and other used lubricants are placed in drums and shipped for disposal by incineration by an audited waste broker.

Approximate generation rate: 40 drums/year.

- o Batteries

Alkaline, NiCad and other small batteries generated by the mine are collected and stored in a designated area in the warehouse until they are picked up for disposal by an audited waste broker. The waste broker packages the batteries and ships them to a recycling facility.

Approximate generation rate: 1 drums/year.

- o Tires

Used tires which are generated from mobile equipment are exchanged by the tire distributor.

Approximate generation rate: 15 tires/month.

- o Scrap Metal

Metal that wears out in the processing of phosphate is collected in roll-off dumpsters and picked up by an approved scrap dealer.

Approximate generation rate: 500 cubic yards/year.

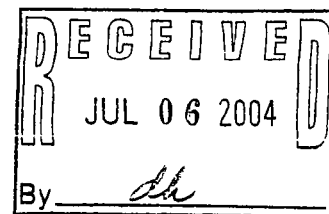
- o General Office Trash

Six 4 and 6 cubic yard dumpsters are located throughout the mine site and are emptied weekly by Manatee County Public utilities Department.

Approximate generation rate: 1,000 cubic yards/year.



Department of Environmental Protection



Jeb Bush
Governor

Colleen M. Castille
Secretary

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

July 2, 2004

Orig. File: P-60-13
XC. File: P-50-51
D. WATERS
T. ABEL
M. DENEVE
D. JELTERSON
D. AHRENS

Cargill Fertilizer, L.L.C.
8813 Highway 41 South
Riverview, FL 33569-4865

Attn.: E. Ozzie Morris
Senior Vice President

Re.: Notice of Permit Transfers

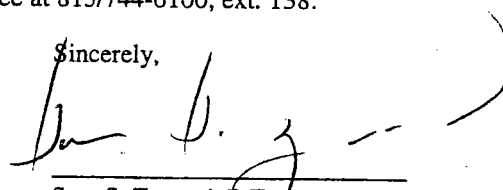
<u>FACILITY</u>	<u>FACILITY NO.</u>	<u>PA FILE NUMBER</u>
Riverview Chemical Complex	FL0000761	FL0000761-008/TWF/MT
Mulberry Chemical Complex	FL0000671	FL0000671-004/TWF/MT
Green Bay Chemical Complex	FL0000752	FL0000752-006/TWF/MT
Fort Meade Mine	FL0001198	FL0001198-002/TWF/MT
Bartow Phosphate Complex	FL0001589	FL0001589-013/TWF/MT
Wingate Creek Mine	FL0032522	FL0032522-004/TWF/MT
Hookers Prairie Mine	FL0033294	FL0033294-006/TWF/MT
South Fort Meade Mine	FL0037958	FL0037958-010/TWF/MT
Riverview Closed Phosphogypsum Stack	FL0177130	FL0177130-002/TWF/MT
Bartow Phosphogypsum Stack Closure	FL0267911	FL0267911-004/TWF/MT
Green Bay Phosphogypsum Stack Closure	FLA267929	FLA267929-005/TWF/MT

Dear Mr. Morris:

This letter is in response to the requested permit transfers for all of Cargill Fertilizer's facilities referenced above, which are located in Hillsborough, Polk, Hardee and Manatee Counties. The above referenced permits formerly issued to Cargill Fertilizer, Incorporated have now been transferred to Cargill Fertilizer, L.L.C. with the same dates of expiration previously established and henceforth will continue to be referenced under the above referenced permit numbers. A copy of this letter must be attached to each of the above-referenced permits becoming a part of that particular permit with all other conditions remaining the same.

If you have any questions, please do not hesitate to contact this office at 813/744-6100, ext. 138.

Sincerely,


Sam S. Zamani, R.E.
Administrator
Phosphate Management
Bureau of Mine Reclamation

SSZ/fc

CERTIFICATE OF SERVICE

The undersigned duly designated deputy clerk hereby certifies that this NOTICE OF PERMIT and all copies were mailed by certified mail before the close of business on the date indicated below to the listed persons.

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to
s.120.52(11), Florida Statutes, with the
designated Department Clerk, receipt of
which is hereby acknowledged.

Janet Ofray 7/2/04
Clerk Date

cc: Elsa A. Potts, P.E., FDEP-WM/TLH
Michael J. Tanski, FDEP-BWFR/TLH
Roosevelt Childress, EPA-Region IV/ATL
Sam A. Elrabi, P.E., EPCHC-IW/TPA
Neal M. Parker, Sr., P.G., MCEMD
Doug Knight, Hardee Co. Planning & Development
John Ryan, Sarasota County Water Resources
David B. Jellerson, P.E., Cargill Fertilizer

PHOSPHATE MANAGEMENT FACILITY PERMIT

PERMITTEE:

Mr. Richard C. Hughes
Manager
NU-GULF INDUSTRIES, INC.
38651 State Road 64 East
Myakka City, Florida 34251

PERMIT NO.: FL0032522 [MAJOR]
FILE NUMBER: FL0032522-001-IW1S
ISSUE DATE: April 6, 2000
EXPIRATION DATE: April 5, 2005
PERMIT WRITER: Danielle D. Henry

FACILITY:

Wingate Creek Mine
Three miles north of S.R. 64 and five miles west of the Hardee/Manatee County line
Manatee County

Latitude: 27° 27' 39" N Longitude: 82° 08' 50" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, applicable rules of the Florida Administrative Code, and constitutes authorization to discharge to waters of the State under the National Pollutant Discharge Elimination System. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

WASTEWATER TREATMENT AND EFFLUENT DISPOSAL:

Nu-Gulf Industries, Inc.'s Wingate Creek Mine operations include phosphate mining and beneficiation facilities, phosphatic clay settling area, sand tailings disposal areas and a mine water recirculation system. The activities include the mining and washing of phosphate ore. The mined ore is slurried into a pit and pumped to the beneficiation plant where the fine clays and sand are separated from the phosphate rock (product) by washing, screening and double flotation. The generated wet phosphate rock is transported to another location for further processing. The separated clays are pumped to the settling area (see Table 2). Sand tailings are pumped as a slurry to mined areas for use as reclamation fill. The monitoring requirements for ground water discharges from sand tailings areas are also covered under this permit. Decanted water from the clay settling areas is returned to the beneficiation plant for reuse and discharged, as necessary, through outfalls (see Table 1) authorized by this permit. Stormwater runoff from each area including the plant as well as deep well water utilized for the amine flotation process is also combined with other industrial wastewater streams. Each of

these portions are managed in the water recovery and recirculation system. During operation activities, heavy equipment (such as dozers and scrapers) is periodically rinsed on the concrete floor of the flotation plant, utilizing high-pressure deep well water as the only cleaning agent. This rinse/wash water is conveyed to the clay settling area. Raw materials fed to the plant are ore matrix and water pumped through pipelines. Reagents utilized during the feed preparation and flotation processes occurring in the beneficiation plant include caustic soda for pH control, fatty acid blends, fuel oils, amines and sulfuric acid. A site map of the facility is included as Attachment A of this permit.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Part I, Part II, Part III, Part IV, Part V, Part VI, Part VII and Part VIII of this permit.

I. Effluent Limitations and Monitoring Requirements:

This mine system discharges excess wastewater and stormwater from the designated Outfalls as follows:

Outfall 001 discharges mine recirculation water and stormwater into Wingate Creek, a tributary of the Myakka River. Outfall 002 discharges mine recirculation water and stormwater into Johnson Creek, a tributary of the Myakka River. The Myakka River flows into Myakka Lake and Charlotte Harbor and eventually to the Gulf of Mexico.

TABLE 1

OUTFALL NO.	LATITUDE	LONGITUDE	CLASS
001	27° 29' 09" N	82° 07' 45" W	III
002	27° 27' 39" N	82° 08' 50" W	III

A. Surface Water Discharge

- During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee is authorized to discharge process generated wastewaters and mine dewatering discharges from the mining and beneficiation of phosphate rock, storm water runoff, and treated sanitary wastewater from Outfalls 001 and 002. Such discharge shall be monitored by the permittee as specified below. If there is no discharge from the facility on a day scheduled for sampling, the sample shall be collected on the day of the next discharge.

OUTFALL 001:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Monthly Minimum	Monthly Average	Monthly Maximum	Frequency	Sample Type
Flow (MGD)	N/A	Report	Report	Continuous	Recorder
Total Non-filterable Residue [TSS] (mg/l)	N/A	30	60	1/Week	24-Hour Composite

OUTFALL 001 (continued):

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Monthly Minimum	Monthly Average	Monthly Maximum	Frequency	Sample Type
Total Non-volatile, Non-filterable Residue [FS] *** (mg/l)	N/A	12	25	1/Week	24-Hour Composite
Total Phosphorus [as P] * (mg/l)	N/A	3.0	5.0	1/Week	24-Hour Composite
Total Phosphorus [as P] (lbs/day) [See Condition I.A.2 below]	N/A	N/A	Report	1/Week	Calculation
pH (standard units)	6.0	Report	8.5	1/Week	Grab
Specific Conductance (µmhos/centimeter)	N/A	Report	See Condition I.A.5	1/Week	Grab
Dissolved Oxygen (mg/l)	5.0	Report	N/A	1/Week	Grab
Temperature (°F)	N/A	Report	Report	1/Week	Grab
Oil and Grease (mg/l)	N/A	Report	5.0	1/Week	Grab
Total Nitrogen [as N] (mg/l)	N/A	3.0 **	4.0 **	1/Week	Grab
Total Nitrogen [as N] (lbs/day) [See Condition I.A.2 below]	N/A	Report	Report	1/Week	Calculation
Total Nitrogen [as N] (lbs/year)	N/A	N/A	33,581**	1/Year	Calculation
Chlorophyll-a (µg/l)	N/A	N/A	Report	1/Month	Grab
Gross Alpha Particle Activity (pCi/l)	N/A	N/A	15.0 See Condition I.A.10.	1/Month	24-Hour Composite
Combined Radium [Ra ²²⁶⁺²²⁸] (pCi/l)	N/A	N/A	5.0 See Condition I.A.11.	1/Month	24-Hour Composite
Toxicity	See Condition I.A.4				

OUTFALL 002:

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Monthly Minimum	Monthly Average	Monthly Maximum	Frequency	Sample Type
Flow (MGD)	N/A	Report	Report	Continuous	Recorder
Total Non-filterable Residue [TSS] (mg/l)	N/A	30	60	1/Week	24-Hour Composite
Total Non-volatile, Non-filterable Residue [FS] *** (mg/l)	N/A	12	25	1/Week	24-Hour Composite
Total Phosphorus [as P] * (mg/l)	N/A	3.0	5.0	1/Week	24-Hour Composite
Total Phosphorus [as P] (lbs/day) [See Condition I.A.2 below]	N/A	N/A	Report	1/Week	Calculation
pH (standard units)	6.0	Report	8.5	1/Week	Grab

OUTFALL 002 (continued):

Parameters (units)	Discharge Limitations			Monitoring Requirements	
	Monthly Minimum	Monthly Average	Monthly Maximum	Frequency	Sample Type
Specific Conductance (µmhos/centimeter)	N/A	Report	See Condition I.A.5	1/Week	Grab
Dissolved Oxygen (mg/l)	5.0	Report	N/A	1/Week	Grab
Temperature (°F)	N/A	Report	Report	1/Week	Grab
Oil and Grease (mg/l)	N/A	Report	5.0	1/Week	Grab
Total Nitrogen [as N] (mg/l)	N/A	3.0 **	4.0 **	1/Week	Grab
Total Nitrogen [as N] (lbs/day) [See Condition I.A.2 below]	N/A	Report	Report	1/Week	Calculation
Total Nitrogen [as N] (lbs/year)	N/A	N/A	41,571 **	1/Year	Calculation
Chlorophyll-a (µg/l)	N/A	N/A	Report	1/Month	Grab
Gross Alpha Particle Activity (pCi/l)	N/A	N/A	15.0 See Condition I.A.10.	1/Month	24-Hour Composite
Combined Radium [Ra ²²⁶⁺²²⁸] (pCi/l)	N/A	N/A	5.0 See Condition I.A.11.	1/Month	24-Hour Composite
Toxicity	See Condition I.A.4				

* Total phosphorus shall be for monitoring and reporting only, except: if monitoring data shows total phosphorus levels exceed 3 mg/l monthly average for more than one 30-day period per calendar year, the permittee, upon written notification by the Department, shall prepare and file within 120 days (unless the time is extended by the Department) a study consisting of the following: (1) a chronology of at least one year's discharge data; (2) an assessment of the cause and origin of the phosphorus constituent of the discharge; (3) description of the discharger's current maintenance operation and management practices directly related to the control of phosphorus; (4) an evaluation of the environmental significance of the phosphorus levels; and (5) an identity of reasonable methods to abate, to the extent practicable, the influx of phosphorus into the discharge. Upon receipt of the report, the Department shall require the applicant to publish a public notice in a newspaper of general circulation in the affected area which states that the report was received and where it is available for public inspection. The Department shall evaluate the report and may amend the discharger's permit to reflect additional requirements (subject to administrative and judicial review), including the implementation of cost-effective management practices or technological advances which reduce or eliminate the phosphorus in the discharge to the maximum extent practicable.

** Total nitrogen target values (goals) which shall be for monitoring and reporting purposes only. [See Part I.A.12. on page 6 of 20]

*** To correct for losses during the testing and analysis, the analytic results from the above specified tests for non-filterable, non-volatile residue (fixed solids) shall be multiplied by a factor of 1.1 to be reported as total non-volatile, non-filterable residue.

- The reported nutrient loading for Nitrogen and Phosphorus in Condition I.A.1. above is to be calculated using the daily flow recorded for the day on which the sample is taken.
- The discharge of nutrients shall be limited in accordance with Rule 62.302.530(48) a. and b, F.A.C.

4. In order to provide the Department with reasonable assurance that the discharge from Outfalls 001 and 002 do not violate the Acute toxicity requirements of Section 62-302.500, F.A.C., the permittee shall perform the toxicity tests as specified below and submit the results to the Department.

The permittee shall initiate the series of tests described below, beginning in the first testing period following the effective date of this permit, to evaluate whole effluent toxicity of the discharge from Outfalls 001 and 002. All test species, procedures and quality assurance criteria used shall be in accordance with Methods for Measuring Acute Toxicity of Effluents to Freshwater and Marine Organisms, EPA/600/4-90/027F, or the most current edition. The control water and dilution water used will be moderately hard water as described in EPA/600/4-90/027F, Table 6, or the most current edition. A standard reference toxicant (SRT) quality assurance (QA) acute toxicity test shall be conducted concurrently or no greater than 30 days before the date of the "routine" test, with each species used in the toxicity tests. The results of all toxicity tests shall be submitted with the discharge monitoring report (DMR). Any deviation of the bioassay procedures outlined herein shall be submitted in writing to the Department for review and approval prior to use.

- a. (1) The permittee shall conduct 96-hour acute static renewal toxicity tests using the daphnid, Ceriodaphnia dubia, and the bannerfin shiner, Cyprinella leedsi. All tests will be conducted on single grab samples of 100% whole effluent and on a control.
- (2) If control mortality exceeds 10% for either species in any test, the test(s) for that species (including the control) shall be repeated. A test will be considered valid only if control mortality does not exceed 10% for either species. If, in any separate grab sample test, 100% mortality occurs prior to the end of the test, and control mortality is less than 10% at that time, that test (including the control) shall be terminated with the conclusion that the sample demonstrates unacceptable acute toxicity.
- b. (1) The toxicity tests specified above shall be conducted once during the months of December, January and February, and again during the months of July, August and September, but not to exceed two tests per year. Samples shall be collected only during actual discharge events. These tests are referred to as "routine" tests. The permittee shall monitor the toxicity, as described above, for the life of this permit.
- (2) Results from "routine" tests shall be reported according to EPA/600/4-90/027F, Section 12, Report Preparation (or the most current edition), and shall be submitted to the Department.
- c. (1) All "routine" test shall be conducted using a control (0% effluent) and a test concentration of 100% final effluent.
- (2) Mortalities of greater than 50% in a 100% effluent in any "routine" sample or an LC50 of less than 100% effluent in any additional definitive test will constitute a violation of these permit conditions, and Rule 62-302.200(1), Rule 62-302.500(1)(d) and Rule 62-4.244(3)(a), F. A. C.
- d. (1) If unacceptable acute toxicity (greater than 20% mortality of either test species in any grab sample test) is found in a "routine" test, the permittee shall conduct three additional tests on each species indicating unacceptable toxicity. The first additional test will include four grab samples taken as described in 1.a. and run as four separate definitive analyses. The second and third additional definitive tests will be run on a single grab sample collected on the day and time when the greatest

toxicity was identified in the first additional definitive test. Results for each additional test will include the determination of LC50 values with 95% confidence limits.

- (2) The first additional test shall be conducted using a control (0% effluent) and a minimum of five dilutions: 100%, 50%, 25%, 12.5% and 6.25% effluent. The dilution series may be modified in the second and third test to more accurately identify the toxicity, such that at least two dilutions above and two dilutions below the target toxicity and a control (0% effluent) are run.
 - (3) For each additional test, the sample collection requirements and the test acceptability criteria specified in Section 1 above must be met for the test to be considered valid. The first test shall begin within two weeks of the end of the "routine" tests, and shall be conducted weekly thereafter until *three* additional, valid tests are completed. The additional tests will be used to determine if the toxicity found in the "routine" test is still present.
 - (4) Results from additional tests, required due to unacceptable acute toxicity in the "routine" tests, shall be submitted in a single report prepared according to EPA/600/4-90/027F, Section 12, or the most current edition and submitted within 45 days of completion of the additional, valid tests. Upon completion of the third additional test, the permittee will schedule to meet with the Department within 30 days of the report submittal to identify the cause(s) and corrective actions (if applicable) necessary to remedy the unacceptable acute toxicity.
 - (5) If acute toxicity is found, chronic toxicity testing may be required.
5. Specific Conductance shall not be increased more than 50% above background or to 1275 umhos/cm, whichever is greater.
 6. The permittee shall ensure that the water quality standards for Class III surface waters as defined in Sections 62-302.500, 62-302.510 and 62-302.530, F.A.C., are not violated at the points of discharge.
 7. There shall be no discharge of floating solids or visible foam in other than trace amounts.
 8. The discharge shall not cause a visible sheen on the receiving water.
 9. The parameter "Oil & Grease" (O&G) shall be analyzed using EPA Method 1664 or a Department approved equivalent method.
 10. During the monthly sampling event performed in accordance with the monitoring requirements of Condition I.A.1. above, a properly preserved sample must be taken for the determination of Gross Alpha Particle Activity as well as Combined Radium (Ra ²²⁶ & ²²⁸). The sample must be first analyzed for Gross Alpha Particle Activity. If the total value of the Gross Alpha Particle Activity exceeds the MCL of 15 pCi/l, the Combined Radium (Ra ²²⁶ & ²²⁸) sample shall be analyzed and reported.
 11. This parameter represents the Gross Alpha Particle Activity including Radium 226, but excluding Radon and Uranium. [Section 62-302.530(58)(b) F.A.C.]
 12. The permittee shall strive to achieve the target values (concentration and/or loading goals) for total nitrogen (as N), from Outfalls 001 and 002 as listed in Part I.A.1. If a total nitrogen target value (concentration or load) is exceeded for any outfall authorized by this permit, the permittee shall notify the Department and within 7 days submit a written explanation for the exceedance. The permittee shall also describe all

pollution prevention projects, implementation of BMPs, etc. and what follow-up action is necessary, if any, to provide reasonable assurance that the requirements of Florida Administrative Code Rule 62-302.530(48) [Nutrients] will be met.

13. Until a Total Maximum Daily Load (TMDL) for total nitrogen is determined for this facility and this permit modified pursuant to Florida Administrative Code Rules 62-4.080 and 62-620.325, the permittee shall strive to achieve the target values (concentration and/or loading) for total nitrogen (as N), from Outfalls 001 and 002 as listed in Part I. A. 1.

B. Other Limitations And Monitoring And Reporting Requirements

1. Monitoring results obtained for each calendar month shall be summarized and reported on a Discharge Monitoring Report (DMR), Form 62-620.910(10), postmarked no later than the 28th day of the following month. For example, data for the month of January shall be submitted by February 28. Signed copies of the DMR shall be submitted to the address specified below:

**Florida Department of Environmental Protection
Wastewater Program Management Section, Mail Station 3551
Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400**

If no discharge occurs during the reporting period, sampling requirements of this permit do not apply but the statement "No discharge" shall be written on the DMR form and submitted in a timely manner. If, during the term period of this permit, the facility ceases operations which includes the discharge, the Department shall be notified immediately. Such notification shall be in writing.

All DMR forms for surface water reporting, including toxicity DMR forms, must be submitted every month. If an analysis is not required by condition of this permit for that reporting period, "NODI=9" is to be entered in the space provided for that result. All analytical result reporting spaces/blanks on the DMR forms must be completed unless "No Discharge" is marked.

2. The Department may impose a maximum discharge limit on these outfalls at a later date as determined by the Department and/or the Southwest Florida Water Management District (SWFWMD). The permittee shall submit monthly the following information for the determination of a maximum allowable discharge rate, as required by Rules 40D-4.053(1)(d) & (e), F.A.C.
 - a. Sampling date.
 - b. Daily discharge rate in cfs.
 - c. Daily rainfall data in inches.
 - d. Dates for the period in which reported rainfall occurred if not a 24-hour period.

All correspondence and information required under this specific condition shall be forwarded to the Southwest Florida Water Management District, Tampa Subdistrict Office, 7601 U.S. Highway 301 North, Tampa, Florida 33637, and the Environmental Resource Section of the Department's Southwest District Office.

3. Unless specified otherwise in this permit, all other reports and notifications required by this permit, including twenty-four hour notifications, shall be submitted to or reported to the Department at the address specified below:

**State of Florida
Department of Environmental Protection
Bureau of Mine Reclamation
Phosphate Management
8407 Laurel Fair Circle
Tampa, FL 33610-7355
Ph: 813/744-6100, ext. 138
Fax: 813/744-6457**

4. The permittee shall provide safe access points for obtaining representative samples which are required by this permit.
5. The permittee shall ensure that all laboratory analytical data submitted to the department as required by this permit is from a laboratory which has a currently valid and Department-approved Comprehensive Quality Assurance Plan (ComQAP) [or a ComQAP pending approval] for all parameters being reported as required by Chapter 62-160, Florida Administrative Code.

II. Industrial Sludge Management Requirements:

The permittee shall store waste phosphatic clays or sand/clay mixtures in impoundments (CSA's) per Rule 62-672, F.A.C. The Department approved impoundment is listed in TABLE 2.

Table 2

CSA DESIGNATION	LOCATION		SIZE	MINIMUM DAM CREST HEIGHT	MAXIMUM WATER ELEVATION	CSA STATUS
	Latitude	Longitude	Acres	Feet MSL	Feet MSL	
CSA	27° 29' 11"N	82° 08' 44"W	240	143	138	Active

III. Groundwater Monitoring Requirements

1. a. Should the analyses required under Condition No. IV.1. below show one or more of the listed compounds at or above the limits of detection, then the permittee has the option to immediately resample the discharge for verification purposes. A decision not to resample shall constitute verification. Upon verification, the Department will determine the need for monitor wells based upon the level of organic compounds verified, current environmental health standards, Department regulations and impact on ground water quality based on any prior ground water monitoring data obtained as a requirement to meet these permit conditions.
- b. Should the Department determine that ground water monitoring is not required at this time, the permittee shall continue the surface water sampling and analyses as outlined in Condition IV.1 below.

- c. If the Department determines the need for ground water monitor wells, the permittee shall submit a ground water monitoring plan within ninety (90) days of the Department's request for such plan. Upon receiving Department approval, the permittee shall implement the plan according to Department directives.
2. The permittee shall follow sampling procedures as specified in "Standard Operating Procedures and Quality Assurance Manual (U.S. Environmental Protection Agency, Surveillance and Analysis Division)" and "Supplement A to the Standard Operating Procedures and Quality Assurance Manual (Florida Department of Environmental Regulation - Tallahassee Solid Waste Section)".
3. The ground water zone of discharge shall extend horizontally from the ground water discharge site boundary to the permittee's property line, and vertically to the base of the shallow water table aquifer according to Section 62-522.410, F.A.C.
4. The permittee shall ensure that the water quality standards for Class G-II groundwater are not exceeded at the boundary of the ground water zone of discharge according to Sections 62-520.420 and 62-520.400 F.A.C.
5. The permittee shall ensure that the minimum criteria for groundwater specified in Section 62-520.400, F.A.C., are not violated within or outside the ground water zone of discharge.

IV. Other Land Application Requirements:

1. During the period beginning on the effective date and lasting through the expiration date of this permit, the permittee shall sample and analyze the effluent from the sand tailings discharge annually for the following compounds as listed below. The sample shall be collected at the closest point possible to a sand tailings discharge pipe where a clear sample can be obtained. Such discharge into the sand tailings area shall be monitored by the permittee as specified below:

Number	Compound	EPA Test Method	Limit of Detection (µg/l)
1.	Acrolein	624/603	50
2.	Acrylonitrile	624/603	50
3.	Benzene	624	1
4.	Bromodichloromethane	624	5
5.	Bromoform	624	5
6.	Bromomethane	624	5
7.	Carbon Tetrachloride	624	3
8.	Chlorobenzene	624	5
9.	Chloroethane	624	5
10.	2-Chloroethylvinylether	624	5
11.	Chloroform	624	5
12.	Chloromethane	624	5
13.	Dibromochloromethane	624	5
14.	Dichlorodifluoromethane	624	5
15.	1, 1-Dichloroethane	624	5

Sand tailings Discharge Parameters (continued):

Number	Compound	EPA Test Method	Limit of Detection (µg/l)
16.	1, 2-Dichloroethane	624	3
17.	1, 1-Dichloroethylene	624	5
18.	Trans-1,2-Dichloroethene	624	5
19.	1, 2-Dichloropropane	624	5
20.	CIS-1,3 -Dichloropropene	624	5
21.	Trans-1,3 -Dichloropropene	624	5
22.	Ethylbenzene	624	5
23.	Methylene Chloride	624	5
24.	1,1,2,2-Tetrachloroethane	624	5
25.	Tetrachloroethene	624	3
26.	1,1,1-Trichloroethane	624	5
27.	1,1,2-Trichloroethane	624	5
28.	Trichloroethene	624	3
29.	Trichlorofluoromethane	624	5
30.	Toluene	624	5
31.	Vinyl Chloride	624	1
32.	1,2-Dibromoethane (EDB)	DEP/GC/EC	0.02

V. Operation And Maintenance Requirements:

A. Operation Of Treatment And Disposal Facilities

1. The permittee shall ensure that the operation of the pollution control facilities described in this permit shall be under the supervision of a person who is qualified by formal training and/or practical experience in the field of water pollution control.
2. The permittee shall insure that the operation and maintenance of any clay settling area and its spillways is in strict accordance with the provisions of Chapter 62-672, F.A.C.
3. The permittee shall assure that all active and retired dams are inspected in accordance with Rule 62-672, F.A.C.
4. The permittee shall ensure that vegetative cover adequate to inhibit wind and water erosion is established and maintained on all exposed dam surfaces. The permittee shall maintain such vegetation sufficiently low to permit visual inspection of the soil surfaces in the critical areas outlined in Section 62-672.400, F.A.C.
5. The permittee shall ensure that each active clay settling area specified in this permit will not be operated with a fluid level greater than the maximum design fluid level listed in Part II., Table 2.
6. Any above natural grade earthen embankment and dam construction during reclamation which will be subject to more than five (5) feet of differential head and which, in the event of failure, could result in a release of wastewater onto adjacent property or into State waters shall be certified for safety and stability by an engineer registered in the State of Florida and experienced in the field of construction and

maintenance of dams. A copy of the inspection report shall be furnished upon receipt by the permittee, to the Department for review. The permittee shall employ established best management practices for the review, operation, and any new construction of all non-Chapter 62-672, F.A.C. dams and impoundments.

B. Record Keeping Requirements:

The permittee shall maintain the following records on the site of the permitted facility and make them available for inspection:

1. Records of all compliance monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, including, if applicable, a copy of the laboratory certification showing the certification number of the laboratory, for at least three years from the date the sample or measurement was taken;
2. Copies of all reports, other than those required in items 1. and 6. of this section, required by the permit for at least three years from the date the report was prepared, unless otherwise specified by Department rule;
3. Records of all data, including reports and documents used to complete the application for the permit for at least three years from the date the application was filed, unless otherwise specified by Department rule;
4. A copy of the current permit;
5. A copy of any required record drawings;
6. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date on the logs or schedule

VI. Compliance Schedules And Self-Imposed Improvement Schedules:

1. The permittee shall achieve compliance with the conditions of this permit in accordance with the following schedule:

All permit conditions: Operational level shall be attained on the effective date of this permit

2. The permittee shall notify the Manatee County Public Health Unit (MCPHU) immediately upon discovery of an event such as a spill, or dam release which creates a potential threat to the water quality of the Myakka River.
3. The permittee shall submit to the Department's Phosphate Management Program within sixty (60) days from completion of construction of any clay settling area, a completed "Certification of Completion of Construction" form (Attachment B), the final dam construction package as required by Section 62-672.300(6)(a), F.A.C., and a set of "record" drawings, each signed and sealed by a Professional Engineer registered in the State of Florida. The "record drawings" shall show all construction details and any deviations from the approved pre-construction design. All deviations not previously reported to the Department shall be described in detail and the reasons therefore enumerated.

VII. Other Specific Conditions:

A. Specific Conditions Applicable To All Permits:

1. There shall be no discharge of wastewater from this facility to State ground or surface waters, except as authorized by this permit.
2. The permittee shall not allow any wastewater to deliberately bypass the existing pollution control facility without prior approval from the Department. Any bypass of the treatment facility or unauthorized discharge which is not included in the monitoring specified in Condition I.A.1 is to be monitored for flow and all other required parameters. For parameters other than flow, at least one grab sample per day shall be monitored. Daily flow shall be monitored or estimated, as appropriate, to obtain reasonable data. All monitoring results shall be reported to the Department within twenty-four hours of receipt and labeled as a bypass event. [See Condition I.B.3.]
3. If significant historical or archaeological artifacts are discovered at any time within the project site, the permittee shall immediately notify the District Office and the Bureau of Historic Preservation, Division of Archives, History and Records Management, R.A. Gray Building, Tallahassee, Florida 32301.
4. Where required by Chapter 471 (P.E.) or Chapter 492 (P.G.) Florida Statutes, applicable portions of reports to be submitted under this permit, shall be signed and sealed by the professional(s) who prepared them.
5. The permittee shall notify the Department's Phosphate Management program within twenty-four hours of any problems that may seriously hinder compliance with this permit. Notification to the Department shall be by phone (813/744-6100, ext. 138) or facsimile (813/744-6457) if after working hours. The Department may require a detailed written report describing the problem, remedial measures taken to assure compliance and measures taken to prevent recurrence of the problem.
6. The permittee shall report all critical (having potential to significantly pollute surface or ground waters) spills of liquid or liquid-solid materials, not confined to a building or similar containment structure, to the Department by phone (813/744-6100, ext. 138) or facsimile (813/744-6457) if after working hours, within twenty-four hours after the discovery and submit a written report within forty-eight hours, excluding weekends, from the original notification. The written report shall include, but not be limited to, a detailed description of how the spill occurred, the name and chemical make-up (include any MSDS sheets) of the substance, the amount spilled, the time and date of the spill, the name and title of the person who first reported the spill, the areal size of the spill and surface types (impervious, ground, water bodies, etc.) it impacted, the cleanup procedures taken and status of completion, and include a map or aerial photograph showing the extent and paths of the material flow.
7. This document satisfies Phosphate Management permitting requirements only and does not authorize operation of this facility prior to obtaining all other permits required by local, State and federal agencies.
8. All documents submitted pursuant to the conditions of this permit shall be accompanied by a cover letter stating the name and date of the document submitted, the file number and project name of the permit involved, and the number (s) of the specific condition (s) affected. All submittals shall be signed by the permittee or the permittee's authorized representative whose name is on file with the Department.

9. In accordance with Rule 62-620.325, F.A.C., this permit may be revised to comply with any newly adopted rules and regulations adopted by the Department, that are applicable to this facility. The Department shall allow the permittee a reasonable amount of time to come into compliance with such conditions.

B. Specific Conditions Related To Dam Construction:

1. A Memorandum of Agreement (Attachment C) between the Department and Nu-Gulf Industries, Inc., for the Wingate Creek Mine, was signed on February 9, 1998. The purpose of this Agreement is to implement the recommendations of the Department's Technical Advisory Forum for clay settling areas and non-clay phosphate mining impoundments as set forth in its final Report of Investigation, issued in October 1995. The permittee shall comply with all provisions of the signed Agreement, which is incorporated herein by reference.
2. The permittee shall ensure that construction of any clay settling area, including dams and spillways, shall be in strict accordance with the provisions of Chapter 62-672, F.A.C.
3. The permittee shall notify the Department's Phosphate Management Program at least 48 hours prior to the date on which construction or shaping of any new dam will begin so that a site inspection may be performed. [Section 62-672.300(5)(a), F.A.C.]
4. After completion of construction and before the above-grade deposition of industrial waste behind the dam, the permittee shall contact the Department to arrange for a departmental representative to inspect the facility in the company of the permittee. [Section 62-672.300(6), F.A.C.]

C. Duty to Reapply

1. The permittee shall submit an application to renew this permit at least 180 days before the expiration date of this permit.
2. The permittee shall apply on the appropriate form listed in Rule 62-620.910, F.A.C., and in the manner established in Rules 62-620.400 through 62-620.460, F.A.C., including submittal of the appropriate processing fee set forth in Rule 62-4.050, F.A.C.
3. An application filed in accordance with subsections 1. and 2. of this part shall be considered timely and sufficient. When an application for renewal of a permit is timely and sufficient, the existing permit shall not expire until the Department has taken final action on the application for renewal or until the last day for seeking judicial review of the agency order or a later date fixed by order of the reviewing court.
4. The late submittal of a renewal application shall be considered timely and sufficient for the purpose of extending the effectiveness of the expiring permit only if it is submitted and made complete before the expiration date.

D. Specific Conditions Related to Best Management Practices Condition

1. BMP Plan

For purposes of this part, the terms "pollutant" or "pollutants" refer to any substance listed as toxic under Section 307(a)(1) of the Clean Water Act (the "Act"), oil, as defined in Section 311(a)(1) of the Act, and any substance listed as hazardous under Section 311 of the act. The permittee shall develop and implement

a best Management Practices (BMP) plan which prevents, or minimizes the potential for, the release of pollutants from ancillary activities, including material storage areas; plant site runoff; in-plant transfer, process and material handling areas; loading and unloading operations; and sludge and waste disposal areas, to the waters of the State through plant site runoff; spillage or leaks; sludge or waste disposal; or drainage from raw material storage.

2. Implementation

The plan, as submitted to the Department, shall be adhered to in its entirety. The permittee shall notify the Department of any deviation from this plan.

3. General Requirements

The BMP plan shall:

- a. Be documented in narrative form, and shall include any necessary plot plans, drawings or maps.
- b. Establish specific objectives for the control of pollutants.
 - (1) Each facility component or system shall be examined for its potential for causing a release of significant amounts of pollutants to waters of the State due to equipment failure, improper operation, natural phenomena such as rain or snowfall, etc.
 - (2) Where experience indicates a reasonable potential for equipment failure (e.g., a tank overflow or leakage), natural conditions (e.g., precipitation), or other circumstances to result in significant amounts of pollutants reaching surface waters, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be discharged from the facility as a result of each condition or circumstance.
- c. Establish specific best management practices to meet the objectives identified under Paragraph b. of this subsection, addressing each component or system capable of causing a release of significant amounts of pollutants to the waters of the State, and identifying specific preventative or remedial measures to be implemented.
- d. Include any special conditions established in Section B of this part.
- e. Be reviewed by plant engineering staff and plant manager.

4. Documentation

The permittee shall maintain the BMP plan at the facility and shall make the plan available to the Department upon request.

5. BMP Plan Modification

The permittee shall amend the BMP plan whenever there is a change in the facility or change in the operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

6. Modification for Ineffectiveness

If the BMP plan proves to be ineffective in achieving the general objective of preventing the release of significant amounts of pollutants to surface waters and the specific objectives and requirements under Paragraphs b. and c. of Condition VII.D.3., the permit shall be subject to modification pursuant to Rule 62-620.325, F.A.C., to incorporate revised BMP requirements.

E. Specific Conditions Related To Existing Manufacturing, Commercial, Mining, And Silviculture Wastewater Facilities Or Activities

1. Existing manufacturing, commercial, mining, and silvicultural wastewater facilities or activities that discharge into surface waters shall notify the Department as soon as they know or have reason to believe:
 - a. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - (1) One hundred micrograms per liter;
 - (2) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
 - (3) Five times the maximum concentration value reported for that pollutant in the permit application; or
 - (4) The level established in the permit by the Department that exceeds the levels in subparagraphs (a)1., 2., and 3. of this section. The level established in the permit shall not exceed the technology-based treatment requirements appropriate to the permittee established in Chapter 62-660, F.A.C.
 - b. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following levels:
 - (1) Five hundred micrograms per liter,
 - (2) One milligram per liter for antimony,
 - (3) Ten times the maximum concentration value reported for that pollutant in the permit application, or
 - (4) The level established in the permit by the Department that exceeds the levels in subparagraphs (b)1., 2., and 3. of this section. The level established in the permit shall not exceed the technology-based treatment requirements appropriate to the permittee established in Chapter 62-660, F.A.C.
2. The permittee shall ensure that retirement and abandonment of any clay settling area, including dams and spillways, shall be in strict accordance with the provisions of Chapter 62-672, F.A.C.

VIII. General Conditions:

1. The terms, conditions, requirements, limitations and restrictions set forth in this permit are binding and enforceable pursuant to Chapter 403, Florida Statutes. Any permit noncompliance constitutes a violation of Chapter 403, Florida Statutes, and is grounds for enforcement action, permit termination, permit revocation and reissuance, or permit revision. [Section 62-620.610(1), F.A.C.]
2. This permit is valid only for the specific processes and operations applied for and indicated in the approved drawings or exhibits. Any unauthorized deviations from the approved drawings, exhibits, specifications or conditions of this permit constitute grounds for revocation and enforcement action by the Department. [Section 62-620.610(2), F.A.C.]
3. As provided in Subsection 403.087(6), F.S., the issuance of this permit does not convey any vested rights or any exclusive privileges. Neither does it authorize any injury to public or private property or any invasion of personal rights, nor authorize any infringement of federal, state, or local laws or regulations.

- This permit is not a waiver of or approval of any other Department permit or authorization that may be required for other aspects of the total project which are not addressed in this permit. [Section 62-620.610(3), F.A.C.]
4. This permit conveys no title to land or water, does not constitute state recognition or acknowledgment of title, and does not constitute authority for the use of submerged lands unless herein provided and the necessary title or leasehold interests have been obtained from the State. Only the Trustees of the Internal Improvement Trust Fund may express State opinion as to title. [Section 62-620.610(4), F.A.C.]
 5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [Section 62-620.610(5), F.A.C.]
 6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [Section 62-620.610(6), F.A.C.]
 7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [Section 62-620.610(7), F.A.C.]
 8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [Section 62-620.610(8), F.A.C.]
 9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules. [Section 62-620.610(9), F.A.C.]
 10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to

the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [Section 62-620.610(10), F.A.C.]

11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [Section 62-620.610(11), F.A.C.]
12. Unless specifically stated otherwise in Department rules, the permittee, in accepting this permit, agrees to comply with changes in Department rules and Florida Statutes after a reasonable time for compliance; provided, however, the permittee does not waive any other rights granted by Florida Statutes or Department rules. A reasonable time for compliance with a new or amended surface water quality standard, other than those standards addressed in Rule 62-302.500, F.A.C., shall include a reasonable time to obtain or be denied a mixing zone for the new or amended standard. [Section 62-620.610(12), F.A.C.]
13. The permittee, in accepting this permit, agrees to pay the applicable regulatory program and surveillance fee in accordance with Rule 62-5.052, F.A.C. [Section 62-620.610(13), F.A.C.]
14. This permit is transferable only upon Department approval in accordance with Rule 62-620.340, F.A.C. The permittee shall be liable for any noncompliance of the permitted activity until the transfer is approved by the Department. [Section 62-620.610(14), F.A.C.]
15. The permittee shall give the Department written notice at least 60 days before inactivation or abandonment of a wastewater facility and shall specify what steps will be taken to safeguard public health and safety during and following inactivation or abandonment. [Section 62-620.610(15), F.A.C.]
16. The permittee shall apply for a revision to the Department permit in accordance with Rules 62-620.300, 62-420 or 62-620.450, F.A.C., as applicable, at least 90 days before construction of any planned substantial modifications to the permitted facility is to commence or with Rule 62-620.300 for minor modifications to the permitted facility. A revised permit shall be obtained before construction begins except as provided in Rule 62-620.300, F.A.C. [Section 62-620.610(16), F.A.C.]
17. The permittee shall give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. The permittee shall be responsible for any and all damages which may result from the changes and may be subject to enforcement action by the Department for penalties or revocation of this permit. The notice shall include the following information:
 - a. A description of the anticipated noncompliance;
 - b. The period of the anticipated noncompliance, including dates and times; and
 - c. Steps being taken to prevent future occurrence of the noncompliance. [Section 62-620.610(17), F.A.C.]

18. Sampling and monitoring data shall be collected and analyzed in accordance with Rule 62-4.246, Chapter 62-160 and 62-601, F.A.C., and 40 CFR 136, as appropriate.
 - a. Monitoring results shall be reported at the intervals specified elsewhere in this permit and shall be reported on a Discharge Monitoring Report (DMR), DEP Form 62-620.910(10).
 - b. If the permittee monitors any contaminate more frequently than required by the permit, using Department approved test procedures, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
 - c. Calculations for all limitations, which require averaging of measurements, shall use an arithmetic mean unless otherwise specified in this permit.
 - d. Any laboratory test required by this permit for domestic wastewater facilities shall be performed by a laboratory that has been certified by the Department of Health and Rehabilitative Services (DHRS) under Chapter 10D41, F.A.C., to perform the test. In domestic wastewater facilities, on-site tests for dissolved oxygen, pH, and total chlorine residual shall be performed by a laboratory certified to test for those parameters or under the direction of an operator certified under Chapter 61E12-41, F.A.C.
 - e. Under Chapter 62-160, F.A.C., sample collection shall be performed by following the protocols outlined in "DER Standard Operating Procedures for Laboratory Operations and Sample Collection Activities" (DER-QA-001/92). Alternatively, sample collection may be performed by an organization that has an approved Comprehensive Quality Assurance Plan (CompQAP) on file with the Department. The CompQAP shall be approved for collection of samples from the required matrices and for the required tests. [Section 62-620.610(18), F.A.C.]
19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [Section 62-620.610(19), F.A.C.]
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - a. The following shall be included as information which must be reported within 24 hours under this condition:
 - (1) Any unanticipated bypass which causes any reclaimed water or the effluent to exceed any permit limitation or results in an unpermitted discharge,
 - (2) Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 - (3) Violation of a maximum monthly discharge limitation for any of the pollutants specifically listed in the permit for such notice, and

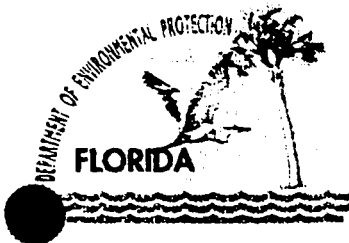
- (4) Any unauthorized discharge to surface or groundwater.
- b. If the oral report has been received within 24 hours, the noncompliance has been corrected, and the noncompliance did not endanger health or the environment, the Department shall waive the written report. [Section 62-620.610(20), F.A.C.]
- 21. The permittee shall report all instances of noncompliance not reported under Conditions VIII. 18. and 19. of this permit at the time monitoring reports are submitted. This report shall contain the same information required by Condition VIII. 20. of this permit. [Section 62-620.610(21), F.A.C.]
- 22. Bypass Provisions.
 - a. Bypass is prohibited, and the Department may take enforcement action against a permittee for bypass, unless the permittee affirmatively demonstrates that:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required under Condition VIII. 22. b. of this permit.
 - b. If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass. The permittee shall submit notice of an unanticipated bypass within 24 hours of learning about the bypass as required in Condition VIII. 20. of this permit. A notice shall include a description of the bypass and its cause; the period of the bypass, including exact dates and times; if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
 - c. The Department shall approve an anticipated bypass, after considering its adverse effect, if the permittee demonstrates that it will meet the three conditions listed in Condition VIII. 22. a.1. through 3. of this permit.
 - d. A permittee may allow any bypass to occur which does not cause reclaimed water or effluent limitations to be exceeded if it is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of Condition VIII. 22. a. through c. of this permit. [Section 62-620.610(22), F.A.C.]
- 23. Upset Provisions
 - a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and that the permittee can identify the cause(s) of the upset;

- (2) The permitted facility was at the time being properly operated;
 - (3) The permittee submitted notice of the upset as required in Condition VIII. 20. of this permit; and
 - (4) The permittee complied with any remedial measures required under Condition VIII. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review. [Section 62-620.610(23), F.A.C.]

Executed in Tampa, Florida.

FLORIDA DEPARTMENT OF
ENVIRONMENTAL PROTECTION

Sam Zamani, P.E.
Administrator
Phosphate Management



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

PERMITTEE:

Cargill Fertilizer, Inc.

PERMIT NUMBER:

FLA012622

PA FILE NUMBER:

FLA012622-003-DW4P

ISSUANCE DATE:

February 14, 2003

EXPIRATION DATE:

February 13, 2008

RESPONSIBLE AUTHORITY:

Mr. Thomas E. Myers, III, P.E.
Vice President, Minerals Technology
3900 Peebles Road
Ft. Meade, FL 33841

(813) 671-6209

FACILITY:

Wingate Creek Mine WWTF
38651 SR 64 East
Myakka City, FL 34251
Manatee County
Latitude: 27° 30' 14" N Longitude: 82° 08' 01" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

An existing 0.005 MGD Annual Average Daily Flow Type III extended aeration domestic wastewater treatment plant consisting of: one (1) equalization basin of 35 gallons, one (1) aeration basin of 5,000 gallons, one (1) clarifier of 81 ft² surface area and 3,000 gallons, one (1) chlorine contact chamber of 650 gallons, and one (1) aerobic digester of 1,210 gallons. This plant is operated to provide secondary treatment with basic disinfection.

REUSE:

Land Application: An existing 0.005 MGD annual average daily flow (AADF) permitted capacity Part VII Industrial Reuse System FL0032522 (R-001). R-001 consists of a 50,000 gallon polishing pond which flows to a 237-acre clay settling pond with a capacity of 363 MGD and is located approximately at latitude 27° 30' 14" N, longitude 82° 08' 01" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Pages 1 through 15 of this permit.



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

David B. Struhs
Secretary

STATE OF FLORIDA DOMESTIC WASTEWATER FACILITY PERMIT

PERMITTEE:

Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
PA FILE NUMBER: FLA012622-003-DW4P
ISSUANCE DATE: February 14, 2003
EXPIRATION DATE: February 13, 2008

RESPONSIBLE AUTHORITY:

Mr. Arthur Roth
Authorized Representative
666 Third Avenue
New York, NY 10017-4011

(941) 322-1341

FACILITY:

Wingate Creek Mine WWTP
38651 SR 64 East
Myakka City, FL 34251
Manatee County
Latitude: 27° 30' 14" N Longitude: 82° 08' 01" W

This permit is issued under the provisions of Chapter 403, Florida Statutes, and applicable rules of the Florida Administrative Code. The above named permittee is hereby authorized to operate the facilities shown on the application and other documents attached hereto or on file with the Department and made a part hereof and specifically described as follows:

TREATMENT FACILITIES:

An existing 0.005 MGD annual average daily flow (12MADF) Type III extended aeration domestic wastewater treatment plant consisting of: one (1) equalization basin of 35 gallons, one (1) aeration basin of 5,000 gallons, one (1) clarifier of 81 ft² surface area and 3,000 gallons, one (1) chlorine contact chamber of 650 gallons, and one (1) aerobic digester of 1,210 gallons. This plant is operated to provide secondary treatment with basic disinfection.

REUSE:

Land Application: An existing 0.005 MGD annual average daily flow (12MADF) permitted capacity Part VII Industrial Reuse System FL0032522 (R-001). R-001 consists of a 50,000 gallon polishing pond which flows to a 237-acre clay settling pond with a capacity of 363 MGD and is located approximately at latitude 27° 30' 14" N, longitude 82° 08' 01" W.

IN ACCORDANCE WITH: The limitations, monitoring requirements and other conditions set forth in Pages 1 through 15 of this permit.

"More Protection, Less Process"

Printed on recycled paper.

FACILITY: Wingate Creek Mi VWTP
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

2. Reclaimed water samples shall be taken at the monitoring site locations listed in Permit Condition I. A. 1. and as described below:

Monitoring Location Site Number	Description of Monitoring Location
EFA-01	After disinfection and prior to discharge to the Part VII reuse system.
FLW-01	Flow measurement by the elapsed time meters on the lift station.

3. The twelve-month average daily flow to reuse system R-001 shall not exceed 0.005 mgd, calculated as a rolling average.
4. A designated elapsed time meter for each pump and a known pumping rate for each pump shall be utilized to measure flow. The meters and the rate for each pump shall be calibrated at least annually. [62-601.200(17) and .500(6)]
5. The arithmetic mean of the monthly fecal coliform values collected during an annual period shall not exceed 200 per 100 mL of reclaimed water sample. The geometric mean of the fecal coliform values for a minimum of 10 samples of reclaimed water, each collected on a separate day during a period of 30 consecutive days (monthly), shall not exceed 200 per 100 mL of sample. No more than 10 percent of the samples collected (the 90th percentile value) during a period of 30 consecutive days shall exceed 400 fecal coliform values per 100 mL of sample. Any one sample shall not exceed 800 fecal coliform values per 100 mL of sample. Note: To report the 90th percentile value, list the fecal coliform values obtained during the month in ascending order. Report the value of the sample that corresponds to the 90th percentile (multiply the number of samples by 0.9). For example, for 30 samples, report the corresponding fecal coliform number for the 27th value of ascending order. [62-610.510 and 62-600.440(4)(c)]
6. A minimum of 0.5 mg/L total residual chlorine must be maintained for a minimum contact time of 15 minutes based on peak hourly flow. [62-610.510 and 62-600.440(4)(b)]

FACILITY: Wingate Creek M WWTP
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

2. Samples shall be taken at the monitoring site locations listed in Permit Condition I. B. 1 and as described below:

Monitoring Location Site Number	Description of Monitoring Location
FLW-01	Flow measurement by the elapsed time meters on the lift station.
INF-01	At headworks, prior to treatment and ahead of return activated sludge line.

3. The three-month average daily flow to the treatment plant shall not exceed 0.005 mgd.
4. Influent samples shall be collected so that they do not contain digester supernatant or return activated sludge, or any other plant process recycled waters. [62-601.500(4)]
5. A designated elapsed time meter for each pump and a known pumping rate for each pump shall be utilized to measure flow. The meters and the rate for each pump shall be calibrated at least annually. [62-601.200(17) and .500(6)]
6. Parameters which must be monitored as a result of a surface water discharge shall be analyzed using a sufficiently sensitive method in accordance with 40 CFR Part 136. Parameters which must be monitored as a result of a ground water discharge (i.e., underground injection or land application system) shall be analyzed in accordance with Chapter 62-601, F.A.C. [62-620.610(18)]
7. The permittee shall provide safe access points for obtaining representative influent, reclaimed water, and effluent samples which are required by this permit. [62-601.500(5)]
8. Monitoring requirements under this permit are effective on the first day of the second month following permit issuance. Until such time, the permittee shall continue to monitor and report in accordance with previously effective permit requirements, if any. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department Discharge Monitoring Reports (DMRs) in accordance with the frequencies specified by the REPORT type (i.e., monthly, toxicity, quarterly, semiannual, annual, etc.) indicated on the DMR forms attached to this permit. Monitoring results for each monitoring period shall be submitted in accordance with the associated DMR due dates below.

REPORT Type	Monitoring Period	Due Date
Monthly or Toxicity	first day of month – last day of month	28 th day of following month
Quarterly	January 1 - March 31 April 1 – June 30 July 1 – September 30 October 1 – December 31	April 28 July 28 October 28 January 28
Semiannual	January 1 – June 30 July 1 – December 31	July 28 January 28
Annual	January 1 – December 31	January 28

DMRs shall be submitted for each required monitoring period including months of no discharge. The permittee shall make copies of the attached DMR form(s) and shall submit the completed DMR form(s) to the Department at the address specified in Permit Condition I.B. 9 and be postmarked by the twenty-eighth (28th) of the month following the month of operation.

[62-620.610(18)][62-601.300(1), (2), and (3)]

9. During the period of operation authorized by this permit, the permittee shall complete and submit to the Department on a monthly basis Discharge Monitoring Report(s) (DMR), Form 62-620.910(10), as attached to

FACILITY: Wingate Creek Mi VWTP
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NU ER: FLA012622
COUNTY: Manatee

7. The permittee shall keep hauling records to track the transport of residuals between facilities. The hauling records shall contain the following information:

Required of Source Facility	Required of RMF
1. Date and Time Shipped	1. Date and Time Received
2. Amount of Residuals Shipped	2. Amount of Residuals Received
3. Degree of Treatment (if applicable)	3. Name and ID Number of Source Facility
4. Name and ID Number of Residuals Management Facility or Treatment Facility	4. Signature of Hauler
5. Signature of Responsible Party at Source Facility	5. Signature of Responsible Party at Residuals Management Facility or Treatment Facility
6. Signature of Hauler and Name of Hauling Firm	

These records shall be kept for five years and shall be made available for inspection upon request by the Department. A copy of the hauling records information maintained by the source facility shall be provided upon delivery of the residuals to the residuals management facility or treatment facility. The permittee shall report to the Department within 24 hours of discovery any discrepancy in the quantity of residuals leaving the source facility and arriving at the residuals management facility or treatment facility. [62-640.880(4)]

8. Storage of residuals or other solids at the permitted facility shall require prior written notification to the Department if the storage lasts longer than 30 days. [62-640.300(4)]

III. GROUND WATER REQUIREMENTS

Section III is not applicable to this facility.

IV. ADDITIONAL REUSE AND LAND APPLICATION REQUIREMENTS

Part VII Industrial Uses of Reclaimed Water (R-001)

1. Advisory signs shall be posted around the portion of the industrial site in which reclaimed water is used and at the main entrances to the industrial site to notify employees at the industrial site and the public of the nature of the reclaimed water use. [62-610.658(1)]
2. Cross-connections to the potable water system are prohibited. [62-610.660(1)]
3. There shall be readily identifiable "non-potable" or "do not drink" notices, marking, or coding on application/distribution facilities and appurtenances. [62-610.660(2)]
4. The return of reclaimed water to the reclaimed water distribution system after it has been delivered to the industrial facility is prohibited. [62-610.660(3)]

FACILITY: Wingate Creek Mi VWTP
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

- i. Copies of the logs and schedules showing plant operations and equipment maintenance for three years from the date of the logs or schedules. The logs shall, at a minimum, include identification of the plant; the signature and certification number of the operator(s) and the signature of the person(s) making any entries; date and time in and out; specific operation and maintenance activities; tests performed and samples taken; and major repairs made. The logs shall be maintained on-site in a location accessible to 24-hour inspection, protected from weather damage, and current to the last operation and maintenance performed.

[62-620.350]

VI. SCHEDULES

There are no scheduled improvements at the time of renewal.

VII. INDUSTRIAL PRETREATMENT PROGRAM REQUIREMENTS

This facility is not required to have a pretreatment program at this time. [62-625.500]

VIII. OTHER SPECIFIC CONDITIONS

1. If the permittee wishes to continue operation of this wastewater facility after the expiration date of this permit, the permittee shall submit an application for renewal, using Department Forms 62-620.910(1) and (2), no later than one-hundred and eighty days (180) prior to the expiration date of this permit. [62-620.410(5)]
2. Florida water quality criteria and standards shall not be violated as a result of any discharge or land application of reclaimed water or residuals from this facility. [62-610.850(1)(a) and (2)(a)][62-640.700(2)(b)]
3. In the event that the treatment facilities or equipment no longer function as intended, are no longer safe in terms of public health and safety, or odor, noise, aerosol drift, or lighting adversely affects neighboring developed areas at the levels prohibited by Rule 62-600.400(2)(a), F.A.C., corrective action (which may include additional maintenance or modifications of the permitted facilities) shall be taken by the permittee. Other corrective action may be required to ensure compliance with rules of the Department. Additionally, the treatment, management, use or land application of residuals shall not cause a violation of the odor prohibition in Rule 62-296.320(2), F.A.C. [62-600.410(8) and 62-640.400(6)]
4. The deliberate introduction of stormwater in any amount into collection/transmission systems designed solely for the introduction (and conveyance) of domestic/industrial wastewater; or the deliberate introduction of stormwater into collection/transmission systems designed for the introduction or conveyance of combinations of storm and domestic/industrial wastewater in amounts which may reduce the efficiency of pollutant removal by the treatment plant is prohibited, except as provided by Rule 62-610.472, F.A.C. [62-604.130(3)]
5. Collection/transmission system overflows shall be reported to the Department in accordance with Permit Condition IX. 20. [62-604.550] [62-620.610(20)]
6. The operating authority of a collection/transmission system and the permittee of a treatment plant are prohibited from accepting connections of wastewater discharges which have not received necessary pretreatment or which contain materials or pollutants (other than normal domestic wastewater constituents):
 - a. Which may cause fire or explosion hazards; or
 - b. Which may cause excessive corrosion or other deterioration of wastewater facilities due to chemical action or pH levels; or

FACILITY: Wingate Creek Mi 7WTP
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

5. This permit does not relieve the permittee from liability and penalties for harm or injury to human health or welfare, animal or plant life, or property caused by the construction or operation of this permitted source; nor does it allow the permittee to cause pollution in contravention of Florida Statutes and Department rules, unless specifically authorized by an order from the Department. The permittee shall take all reasonable steps to minimize or prevent any discharge, reuse of reclaimed water, or residuals use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [62-620.610(5)]
6. If the permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee shall apply for and obtain a new permit. [62-620.610(6)]
7. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control, and related appurtenances, that are installed and used by the permittee to achieve compliance with the conditions of this permit. This provision includes the operation of backup or auxiliary facilities or similar systems when necessary to maintain or achieve compliance with the conditions of the permit. [62-620.610(7)]
8. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit revision, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [62-620.610(8)]
9. The permittee, by accepting this permit, specifically agrees to allow authorized Department personnel, including an authorized representative of the Department and authorized EPA personnel, when applicable, upon presentation of credentials or other documents as may be required by law, and at reasonable times, depending upon the nature of the concern being investigated, to:
 - a. Enter upon the permittee's premises where a regulated facility, system, or activity is located or conducted, or where records shall be kept under the conditions of this permit;
 - b. Have access to and copy any records that shall be kept under the conditions of this permit;
 - c. Inspect the facilities, equipment, practices, or operations regulated or required under this permit; and
 - d. Sample or monitor any substances or parameters at any location necessary to assure compliance with this permit or Department rules.[62-620.610(9)]
10. In accepting this permit, the permittee understands and agrees that all records, notes, monitoring data, and other information relating to the construction or operation of this permitted source which are submitted to the Department may be used by the Department as evidence in any enforcement case involving the permitted source arising under the Florida Statutes or Department rules, except as such use is proscribed by Section 403.111, Florida Statutes, or Rule 62-620.302, Florida Administrative Code. Such evidence shall only be used to the extent that it is consistent with the Florida Rules of Civil Procedure and applicable evidentiary rules. [62-620.610(10)]
11. When requested by the Department, the permittee shall within a reasonable time provide any information required by law which is needed to determine whether there is cause for revising, revoking and reissuing, or terminating this permit, or to determine compliance with the permit. The permittee shall also provide to the Department upon request copies of records required by this permit to be kept. If the permittee becomes aware of relevant facts that were not submitted or were incorrect in the permit application or in any report to the Department, such facts or information shall be promptly submitted or corrections promptly reported to the Department. [62-620.610(11)]

FACILITY: Wingate Creek Mi WWT
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

160.300(4), F.A.C., shall be performed by a laboratory certified test for those parameters or under the direction of an operator certified under Chapter 62-620, F.A.C.

- e. Under Chapter 62-160, F.A.C., field procedures for sample collection and laboratory methods shall be performed by following the protocols described in DEP-SOP-001/01 (January 2002). Alternate field procedures and laboratory methods may be used where they have been approved according to the requirements of Rules 62-160.220, 62-160.330, and 62-160.600, F.A.C.

[62-620.610(18)]

19. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule detailed elsewhere in this permit shall be submitted no later than 14 days following each schedule date. [62-620.610(19)]
20. The permittee shall report to the Department any noncompliance which may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the permittee becomes aware of the circumstances. A written submission shall also be provided within five days of the time the permittee becomes aware of the circumstances. The written submission shall contain: a description of the noncompliance and its cause; the period of noncompliance including exact dates and time, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- a. The following shall be included as information which must be reported within 24 hours under this condition:
1. Any unanticipated bypass which causes any reclaimed water or effluent to exceed any permit limitation or results in an unpermitted discharge,
 2. Any upset which causes any reclaimed water or the effluent to exceed any limitation in the permit,
 3. Violation of a maximum daily discharge limitation for any of the pollutants specifically listed in the permit for such notice, and
 4. Any unauthorized discharge to surface or ground waters.
- b. Oral reports as required by this subsection shall be provided as follows:
1. For unauthorized releases or spills of treated or untreated wastewater reported pursuant to subparagraph a.4 that are in excess of 1,000 gallons per incident, or where information indicates that public health or the environment will be endangered, oral reports shall be provided to the **STATE WARNING POINT TOLL FREE NUMBER (800) 320-0519**, as soon as practical, but no later than 24 hours from the time the permittee becomes aware of the discharge. The permittee, to the extent known, shall provide the following information to the State Warning Point:
 - a) Name, address, and telephone number of person reporting;
 - b) Name, address, and telephone number of permittee or responsible person for the discharge;
 - c) Date and time of the discharge and status of discharge (ongoing or ceased);
 - d) Characteristics of the wastewater spilled or released (untreated or treated, industrial or domestic wastewater);
 - e) Estimated amount of the discharge;
 - f) Location or address of the discharge;

FACILITY: Wingate Creek M WWT
PERMITTEE: Nu-Gulf Wingate Holdings, LLC

PERMIT NUMBER: FLA012622
COUNTY: Manatee

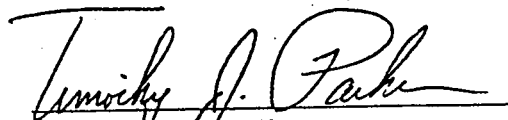
23. Upset Provisions

- a. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that the permittee can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated;
 3. The permittee submitted notice of the upset as required in Permit Condition IX. 20. of this permit; and
 4. The permittee complied with any remedial measures required under Permit Condition IX. 5. of this permit.
- b. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.
- c. Before an enforcement proceeding is instituted, no representation made during the Department review of a claim that noncompliance was caused by an upset is final agency action subject to judicial review.

[62-620.610(23)]

Executed in Tampa, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL
PROTECTION



Timothy J. Parker, P.E.
Water Facilities Administrator
Southwest District
3804 Coconut Palm Drive
Tampa, FL. 33619-1352

DEPARTMENT OF ENVIRONMENTAL PROTECTION DISCHARGE MONITORING REPORT - PART A

When Completed mail this report to: Department of Environmental Protection, Wastewater Facilities Management Section, MS 3551, 2600 Blair Stone Road, Tallahassee, FL 32399-2400

PERMITTEE NAME: Cargill Fertilizer, Inc.
MAILING ADDRESS: 3900 Peoples Road
Ft. Meade, FL 33841

FACILITY: Wingate Creek Mine WWTF
LOCATION: 38651 SR 64 East
Myakka City, FL 34251

COUNTY: Manatee

PERMIT NUMBER FLA012622

LIMIT: Final
CLASS SIZE: N/A

REPORT: Monthly
GROUP: Domestic

MONITORING GROUP NUMBER: R-001
MONITORING GROUP DESC: Part VII Industrial Reuse

NO DISCHARGE FROM SITE: ☐

MONITORING PERIOD From: To:

Parameter	Sample Measurement	Quantity or Loading	Units	Quality or Concentration	Units	No. Ex.	Frequency of Analysis	Sample Type
Flow	Sample Measurement							
PARM Code 50050 Y	Permit Requirement	0.005 (An. Avg.)	MGD				5 Days/Week	Calculated
Mon. Site No. FLW-01	Sample Measurement							Roll. 12 Mo. Avg.
Flow	Sample Measurement							
PARM Code 50050 I	Permit Requirement	0.005 (3MADF)	MGD				5 Days/Week	Elapsed Time Meter
Mon. Site No. FLW-01	Sample Measurement							
Percent Capacity, (TMADE/Permitted Capacity) x 100	Sample Measurement							
PARM Code 00180 G	Permit Requirement	Report (Mo. Avg.)	%				Monthly	Calculated
Mon. Site No. FLW-01	Sample Measurement							
BOD, Carbonaceous 5 day, 20C	Sample Measurement							
PARM Code 80082 Y	Permit Requirement	20.0 (An. Avg.)	MG/L				Monthly	Grab
Mon. Site No. EFA-01	Sample Measurement							
BOD, Carbonaceous 5 day, 20C	Sample Measurement							
PARM Code 80082 I	Permit Requirement	30.0 (Mo. Avg.)	MG/L				Monthly	Grab
Mon. Site No. EFA-01	Sample Measurement							
Solids, Total Suspended	Sample Measurement							
PARM Code 00530 Y	Permit Requirement	20.0 (An. Avg.)	MG/L				Monthly	Grab
Mon. Site No. EFA-01	Sample Measurement							
Solids, Total Suspended	Sample Measurement							
PARM Code 00530 I	Permit Requirement	30.0 (Mo. Avg.)	MG/L				Monthly	Grab
Mon. Site No. EFA-01	Sample Measurement							

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

NAME/TITLE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	SIGNATURE OF PRINCIPAL EXECUTIVE OFFICER OR AUTHORIZED AGENT	TELEPHONE NO	DATE (YY/MM/DD)

COMMENT AND EXPLANATION OF ANY VIOLATIONS (Reference all attachments here):

PA File No. FLA012622-004-DWF/MT

Version 3-30-04

DISCHARGE MONITORING REPORT - PART A (Continued)

FACILITY NAME: Wingate Creek Mine WWTF

PERMIT NUMBER: FLA012622

MONITORING GROUP NUMBER: R-001

Manatee

MONITORING PERIOD From: To

Parameter	Sample Measurement	Quantity or Loading	Units	Quality or Concentration		Units	No. Ex.	Frequency of Analysis	Sample Type
pH	Sample Measurement								
PARM Code 00400 I Mon. Site No. EFA-01	Permit Requirement			6.0 (Min.)	8.5 (Max.)	SU		5 Days/Week	Grab
Coliform, Fecal	Sample Measurement								
PARM Code 74055 Y Mon. Site No. EFA-01	Permit Requirement			200 (An. Avg.)		#/100ML		Monthly	Grab
Coliform, Fecal	Sample Measurement								
PARM Code 74055 I Mon. Site No. EFA-01	Permit Requirement			Report (Mo. Geo. Mean)	800 (Max.)	#/100ML		Monthly	Grab
Total Residual Chlorine (For Disinfection)	Sample Measurement								
PARM Code 50060 A Mon. Site No. EFA-01	Permit Requirement			0.5 (Min.)		MG/L		5 Days/Week	Grab
Nitrogen, Nitrate, Total (as N)	Sample Measurement								
PARM Code 00620 I Mon. Site No. EFA-01	Permit Requirement			Report		MG/L		Monthly	Grab
BOD, Carbonaceous 5 day, 20C	Sample Measurement								
PARM Code 80082 G Mon. Site No. INF-01	Permit Requirement			Report (Mo. Avg.)		MG/L		Monthly	Grab
Solids, Total Suspended	Sample Measurement								
PARM Code 00530 G Mon. Site No. INF-01	Permit Requirement			Report (Mo. Avg.)		MG/L		Monthly	Grab

DAILY SAMPLE RESULTS - PART B

Permit Number: FLA012622

Facility: Wingate Creek Mine WWTF

Monitoring Period From: _____ To: _____

County: Manatee

	Flow (MGD)	CBOD5 (MG/L)	Fecal Coliform Bacteria (#/100ML)	Nitrogen, Nitrate, Total (as N) (MG/L)	pH (SU)	TSS (MG/L)	TRC (For Disinfect.) (MG/L)	CBOD5 (MG/L)	TSS (MG/L)
Code	50050	80082	74055	00620	00400	00530	50060	80082	00530
Mon. Site	FLW-01	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	EFA-01	INF-01	INF-01
1									
2									
3									
4									
5									
6									
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22									
23									
24									
25									
26									
27									
28									
29									
30									
31									
Total									
Mo. Avg.									

PLANT STAFFING:

Day Shift Operator	Class: _____	Certificate No: _____	Name: _____
Evening Shift Operator	Class: _____	Certificate No: _____	Name: _____
Night Shift Operator	Class: _____	Certificate No: _____	Name: _____
Lead Operator	Class: _____	Certificate No: _____	Name: _____

INSTRUCTIONS FOR COMPLETING THE WASTEWATER DISCHARGE MONITORING REPORT

The DMR consists of four parts--A, B, C, and D--all of which may or may not be applicable to every facility. Facilities may have one or more Part A's for reporting effluent data. All domestic wastewater facilities will have a Part B for reporting daily sample results. Part C is only applicable for domestic wastewater facilities with limited wet weather discharges permitted under Chapter 62-610.860, F.A.C. Part D is used for reporting ground water monitoring well data.

Hard copies and/or electronic copies of the required parts of the DMR were provided with the permit. All required information shall be typed or printed in ink.

In addition to filling in numerical results on various parts of the DMR, the following codes should be used and an explanation provided where appropriate. Note: Codes used by the lab for raw data may be different.

CODE	DESCRIPTION/INSTRUCTIONS	CODE	DESCRIPTION/INSTRUCTIONS
ANC	Analysis not conducted.	NOD	No discharge from/to site.
DRY	Dry Well	OPS	Operations were shutdown so no sample could be taken.
FLD	Flood disaster.	OTH	Other. Please enter an explanation of why monitoring data were not available.
IFS	Insufficient flow for sampling.	SEF	Sampling equipment failure.
LS	Lost sample.		
MNR	Monitoring not required this period.		

When reporting analytical results that fall below a laboratory's reported method detection limits or practical quantification limits, the following instructions should be used:

- Results greater than or equal to the PQL shall be reported as the measured quantity.
- Results less than the PQL and greater than or equal to the MDL shall be reported as the laboratory's MDL value. These values shall be deemed equal to the MDL when necessary to calculate an average for that parameter and when determining compliance with permit limits.
- Results less than the MDL shall be reported by entering a less than sign ("<") followed by the laboratory's MDL value, e.g. < 0.001. A value of one half the MDL or half the effluent limit, whichever is lower, shall be used for that sample when necessary to calculate an average for that parameter. Values less than the MDL are considered to demonstrate compliance with an effluent limitation.

PART A - DISCHARGE MONITORING REPORT (DMR)

Part A of the DMR is comprised of one or more sections, each having its own header information. Facility information is preprinted in the header as well as the monitoring group number, whether the limits and monitoring requirements are interim or final, and the required submittal frequency (e.g. monthly, annually, quarterly, etc.) Submit Part A based on the required reporting frequency in the header and the instructions shown in the permit. The following blanks in the header should be completed by the permittee or authorized representative:

No Discharge From Site: Check this box if no discharge occurs and, as a result, there are no data or codes to be entered for all of the parameters on the DMR for the entire monitoring group number. If there was no discharge of effluent for a particular outfall, reuse, or land application system and the DMR monitoring group includes other monitoring locations (e.g., influent sampling); the "NOD" code should be used to individually denote those parameters for which there was no discharge.

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Sample Measurement: Before filling in sample measurements in the table, check to see that the data collected correspond to the limit indicated on the DMR (i.e. interim or final) and that the data correspond to the monitoring group number in the header. Enter the data or calculated results for each parameter on this row. Be sure the result being entered corresponds to the appropriate statistical base code (e.g. annual average, monthly average, single sample maximum, etc.).

No. Ex.: Enter the number of sample measurements during the monitoring period that exceeded the permit limit for each parameter. If none, enter zero.

Frequency of Analysis: The shaded areas in this column contain the minimum number of times the measurement is required to be made according to the permit. Enter the actual number of times the measurement was made in the space above the shaded area.

Sample Type: The shaded areas in this column contain the type of sample (e.g. grab, composite, continuous) required by the permit. Enter the actual sample type that was taken in the space above the shaded area.

Signature: This report must be signed in accordance with Rule 62-620.305, F.A.C. Type or print the name and title of the signing official. Include the telephone number where the official may be reached in the event there are questions concerning this report. Enter the date when the report is signed.

Comment and Explanation of Any Violations: Use this area to explain any exceedances, any upset or by-pass events, or other items which require explanation. If more space is needed, reference all attachments in this area.

PART B - DAILY SAMPLE RESULTS

Month/Year: Enter the month and year during which the data on this report were collected and analyzed.

Three-month Average Daily Flow: Calculate and enter the three-month average daily flow to the treatment facility.

(TMADE/Permitted Capacity) x 100: Divide the three-month average daily flow by the permitted capacity of the treatment facility, multiply by 100, and enter this value.

Daily Monitoring Results: Record the results of daily monitoring for the parameters required to be sampled by your permit. Record the data in the units indicated.

Plant Staffing: List the name, certificate number, and class of all state certified operators operating the facility during the monitoring period. Use additional sheets as necessary.

Type of Effluent Disposal or Reclaimed Water Reuse: Enter the type of effluent disposal or reclaimed water reuse (e.g. surface water discharge, ocean outfall, slow rate land application-public access, slow rate land application-restricted public access, rapid rate land application, absorption field, underground injection).

Limited Wet Weather Discharge Activated: If this plant does not have a limited wet weather discharge permitted under the provision of Rule 62-610.860, F.A.C., check 'Not Applicable.' If the plant activated the wet weather discharge during the reporting month, check 'Yes' and attach PART C - LIMITED WET WEATHER DISCHARGE.

PART C - LIMITED WET WEATHER DISCHARGE

This part is to be completed and submitted each month reclaimed water or effluent is discharged by a limited wet weather discharge permitted under Rule 62-610.860, F.A.C. For months with no discharge, Part C need not be submitted. All information is to be provided for each day on which the limited wet weather discharge was activated.

Month/Year: Enter the month and year during which the data on this report were collected and analyzed.

Rainfall Information: Enter the name and location of the rainfall gauging station, the source of climatological (normal rainfall) data, the cumulative rainfall for the average rainfall year, and the cumulative rainfall to date for this calendar year. The cumulative rainfall for the average rainfall year is the amount of rain, in inches, which falls during an average rainfall year from January through the month for which this part contains data. The cumulative rainfall to date for this calendar year is the total amount of rain, in inches, that has been recorded since January 1 of the current year through the month for which this DMR contains data.

Date: Enter the date on which the discharge occurred.

Duration of Discharge: Enter the number of hours, to the nearest 0.1 of an hour (0.1 hr. = 6 min.) during each day of discharge that reclaimed water was actually discharged to surface waters.

Gallons Discharged: Enter the quantity in millions of gallons of reclaimed water discharged during the period shown in duration of discharge. Show the units as millions of gallons (mg), accurate to the nearest 0.01.

Average Discharge Flow Rate: Divide gallons discharged by duration of discharge (converted into days). Record in million gallons per day (MGD).

Average Upstream Flow Rate: Enter the average flow rate in the receiving stream upstream from the point of discharge for the period shown in duration of discharge. The average flow rate can be calculated based on two measurements; one made at the start and one made at the end of the discharge period. Measurements are to be made at the upstream gauging station described in the permit.

Stream Dilution Factor: Enter the actual stream dilution ratio accurate to the nearest 0.1. To calculate the factor, divide the average upstream flow rate by the average discharge flow rate.

CBOD: Enter the average CBOD, of the reclaimed water discharged during the period shown in duration of discharge.

TKN: Enter the average TKN of the reclaimed water discharged during the period shown in duration of discharge.

Total P: Enter the cumulative number of days since January 1 of the current year during which the limited wet weather discharge was activated divided by the total number of days since January 1 of the current year multiplied by 100%.

Reason for Discharge: Provide a brief explanation of the factors contributing to the need to activate the limited wet weather discharge.

PART D - GROUND WATER MONITORING REPORT

Monitoring Period: Enter the month, day, and year for the first and last day of the monitoring period (i.e. the month, the quarter, the year, etc.) during which the data on this report were collected and analyzed.

Date Sample Obtained: Enter the date the sample was taken. Also, check whether or not the well was purged before sampling.

Sampling Methods: Indicate the procedure used to collect the sample (e.g. airlift, bucket/bailer, centrifugal pump, etc.)

Samples Filtered: Indicate whether the sample obtained was filtered by laboratory (L), filtered in field (F), or unfiltered (N).

Preservatives Added: State what preservatives were added to the sample.

Analysis Method: Indicate the analytical method used. Record the method number from Chapter 62-160 or Chapter 62-601, F.A.C., or from other sources.

Analysis Result/Units: Record the results of the analysis. If the result was below the minimum detection limit, indicate that. Enter the units associated with the results of the analysis.

Detection Limits/Units: Record the detection limits of the analytical methods used and the units associated with them.

Comments and Explanations: Use this space to make any comments on or explanations of results which are unexpected. If more space is needed, reference all attachments in this area.

13 WATER USE PERMIT

A copy of all applications to the appropriate water management authority(s) for permits and, if issued, a copy of the permit(s);

A copy of the current Water Use Permit issued by SWFWMD is enclosed. The existing permit was transferred to Cargill from NGI in conjunction with the sale of the facility to Cargill in March, 2004.



An Equal
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Employer

Southwest Florida Water Management District

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
SUNCOM 667-3271

Thomas G. Dabney, II
Chair, Sarasota

Watson L. Haynes, II
Vice Chair, Pinellas

Janet D. Kovach
Secretary, Hillsborough

Maggie N. Dominguez
Treasurer, Hillsborough

Edward W. Chance
Manatee

Ronnie E. Duncan
Pinellas

Pamela L. Fontressa
Highlands

Ronald C. Johnson
Polk

Heidi B. McCree
Hillsborough

T. G. "Jerry" Rice
Pasco

Judith C. Whitehead
Hernando

David L. Moore
Executive Director

Gene A. Heath
Assistant Executive Director

William S. Stroh
General Counsel

May 5, 2004

Thomas E. Myers, III
Cargill Fertilizer, Inc.
38651 State Road 64 East
Myakka City, FL 34251

Subject: Transfer Water Use Permit No. 20003740.007

Reference: Chapter 40D-2.351, Florida Administrative Code

Dear Mr. Myers:

Your Water Use Permit Transfer has been approved. Final approval is based on all contingencies stated in the enclosed copy of your permit.

Water conservation is required at all times, including but not necessarily limited to those activities specified by Standard Conditions 10 and 11. In addition, Standard Conditions 4, 8 and 9 require further water conservation activities to manage, reduce, or cease withdrawals under certain hydrologic circumstances. Standard Condition 4 is activated during droughts and other water supply shortages, pursuant to Chapter 40D-21 (the District's Water Shortage Plan). Standard Conditions 8 and 9 are activated if the flow or level of an applicable lake, stream, or aquifer falls below an established amount, pursuant to Chapter 40D-8 (the District's Minimum Flows and Levels Rule).

The ID tag(s) for your withdrawal(s) shall be installed by a District representative. This representative will attempt to contact you within 30 days to discuss placement of your tags. If you have any questions or concerns regarding your tags, please contact Cheryl A. Johnson, Field Technician Supervisor at extension 6518, in the Sarasota Regulation Department.

If you have any questions or concerns regarding your permit or any other information, please contact this office at extension 4293 or 4356.

Sincerely,

BJ Jarvis, Director
Records and Data Department

BJJ:mc

Enclosures: Approved Permit, Assignment Form
cc: Nu-Gulf Industries, Inc.

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT
WATER USE
INDIVIDUAL
PERMIT NO. 203740.05

EXPIRATION DATE: July 29, 2007

PERMIT ISSUE DATE: July 29, 1997

THE PERMITTEE IS RESPONSIBLE FOR APPLYING FOR A RENEWAL OF THIS PERMIT PRIOR TO THE EXPIRATION DATE WHETHER OR NOT THE PERMITTEE RECEIVES PRIOR NOTIFICATION BY MAIL. FAILURE TO DO SO AND CONTINUED USE OF WATER AFTER EXPIRATION DATE IS A VIOLATION OF DISTRICT RULES AND MAY RESULT IN A MONETARY PENALTY AND/OR LOSS OF WATER. APPLICATION FOR RENEWAL PRIOR TO THE EXPIRATION DATE IS SUBJECT TO DISTRICT EVALUATION AND APPROVAL.

This permit, issued under the provision of Chapter 373, Florida Statutes and Florida Administrative Code 40D-2, authorizes the Permittee to withdraw the quantities outlined herein, and may require various activities to be performed by the Permittee as outlined by the Special Conditions. This permit, subject to all terms and conditions, meets all District permitting criteria.

PROJECT NAME: Not Specified

GRANTED TO:

Nu-Gulf Industries, Inc.
38651 State Road 64 East
Myakka City, FL 34251

TRANSFERRED ON: May 5, 2004

TO: Cargill Fertilizer, Inc.
38651 State Road 64 East
Myakka City, FL 34251

ABSTRACT: This is a renewal of an existing water use permit (WUP) for phosphate mining and beneficiation located within the Eastern Tampa Bay Water Use Caution Area (ETBWUCA) but outside the Most Impacted Area (MIA) in Manatee County. The annual average quantity remains 6,410,000 gallons per day (gpd) and the peak month quantity decreased from 10,630,000 gpd to 10,130,000 gpd (decrease of 500,000 gpd). The Permittee estimates they will use approximately 1,064 gallons of groundwater per ton of product in an operation that recirculates approximately 92% of the water required for phosphate ore processing. Quantities are based on information supplied by the Permittee.

Special conditions require: metering of withdrawals; recording and reporting of monthly pumpage data; investigate withdrawal related well complaints; water quality sampling; caliper or video logging of wells; investigation of the feasibility of reducing offsite discharge; implementation of reuse system; cap or valve withdrawals not in use; submittal of annual mining plans; submittal of water conservation plans; measure mine pit water levels; notify District prior to resumption of mining; revocation of quantities due to non-use; provisions for time extensions on special conditions; installation of sealing water wells; and plugging of withdrawals prior to mining.

Permit No.: 203740.05
Permittee: Nu-Gulf Industries, Inc.
Page 2

TOTAL QUANTITIES AUTHORIZED UNDER THIS PERMIT (in gpd)

AVERAGE: 6,410,000

PEAK MONTHLY: 10,130,000

<u>Use</u>	<u>Average</u>	<u>Peak Monthly</u>
Mining or Dewatering:	6,410,000 gpd	10,130,000 gpd

See Withdrawal Table for quantities permitted for each withdrawal point.

PROPERTY LOCATION: Manatee County, approximately 18 miles east of the City of Bradenton, on the north side of State Road 64.

TYPE OF APPLICATION: Renewal

WATER USE CAUTION AREA:
Eastern Tampa Bay outside the
Most Impacted Area
Southern

APPLICATION FILED: December 12, 1996

ACRES: 3105 Owned

APPLICATION AMENDED: April 25, 1997

WATER USE: MINING OR DEWATERING

<u>FACILITY NAME</u>	<u>USE TYPE</u>	<u>ACRES</u>
Nu Gulf Industries, Inc.	Phosphate Ore Processing Mining Other Uses	650

<u>I.D. NO.</u>	<u>PERMITTEE/</u>	<u>LOCATION</u>	<u>DIAM.</u>	<u>DEPTH</u>		<u>GALLONS PER DAY</u>	
<u>DISTRICT</u>	<u>LAT/LONG</u>	<u>(INCHES)</u>	<u>TOTAL/CASED</u>	<u>USE</u>	<u>AVERAGE</u>	<u>PEAK</u>	<u>MONTHLY</u>
P-1 / 1	273002/820820	12	1,225 / 750	M/D	2,270,000	3,480,000	
P-4 / 16	273012/820755	16	1,250 / UNK	M/D	3,580,000	6,030,000	
B-1 / 18	272933/820812	6	300 / UNK	M/D	120,000	140,000	
B-2 / 19	272843/820824	5	450 / UNK	M/D	120,000	140,000	
P-6 / 20	272748/820825	6	600 / 90	M/D	320,000	340,000	

M/D = Mining or Dewatering

Permit No.: 203740.05

Permittee: Nu-Gulf Industries, Inc.

Page 3

DISTRICT

I.D. NO.

SECTION/TOWNSHIP/RANGE

1	19/34/22
16	20/34/22
18	29/34/22
19	31/34/22
20	06/35/22

SPECIAL CONDITIONS:

All conditions referring to approval by the Regulation Department Director, Resource Regulation, shall refer to the Director, Venice Regulation Department, Resource Regulation.

1. All reports required by the permit shall be submitted to the District on or before the tenth day of the month following data collection and shall be addressed to:

Permit Data Section, Records and Data Department
Southwest Florida Water Management District
2379 Broad Street
Brooksville, Florida 34609-6899

Unless otherwise indicated, three copies of each plan or report, with the exception of pumpage, rainfall, evapotranspiration, water level or water quality data which require one copy, are required by the permit.

2. The Permittee shall investigate withdrawal related well complaints within the area within 14,000' of property boundary. The complaint handling/mitigation procedure shall be as follows:
 - a. Within 48 hours of complaint receipt by the Permittee, the Permittee shall perform a preliminary investigation and determine whether the Permittee's withdrawals may have caused the problem.
 - b. If this preliminary assessment indicates that the Permittee may be responsible, the Permittee shall, within 72 hours of complaint receipt, supply the complainant with any water necessary for health and safety purposes, such as drinking water.
 - c. If the detailed investigation confirms that the complainant's problem was caused by the Permittee's withdrawals, the complainant's problem shall be fully corrected within 15 days of complaint receipt. Full correction shall be restoration of the complainant's well to pre-impact condition or better, including the aspects of pressure levels, discharge quantity, and water quality. This detailed investigation shall include, but not be limited to, an analysis of water levels and pumpage impacts at the time of the complainant's problem, well and pump characteristics including depths, capacity, pump curves, and irrigation system requirements.
 - d. If the resulting investigation determines that the Permittee was not responsible for the well problem, the Permittee shall document the reasons for this determination.

Permit No.: 203740.05

Permittee: Nu-Gulf Industries, Inc.

Page 4

- e. The Permittee shall file a report of the complaint, the findings of facts, appropriate technical data, and any mitigating action taken or to be taken by the Permittee, to the Regulation Department Director, Resource Regulation, for review and approval within 20 days of the receipt of any complaint. The report shall include:

1. The name and address of each complainant;
2. The date and nature of the complaint;
3. A summary of the Permittee's investigation;
4. A summary of the Permittee's determination, including details of any mitigation activities; and
5. Cost of mitigation activity for each complaint.

A copy of the report shall also be sent to the complainant within 20 days of complaint receipt.

3. The Permittee shall continue to maintain and operate the existing non-resettable, totalizing flow meter(s), or other flow measuring device(s) as approved by the Regulation Department Director, Resource Regulation, for District ID No(s). 1, 16, and 20, Permittee ID No(s). P-1, P-4, and P-6. Such device(s) shall maintain an accuracy within five percent of the actual flow as installed. Total withdrawal and meter readings from each metered withdrawal shall be recorded on a monthly basis and reported to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, a report shall be submitted to the Permit Data Section, Records and Data Department, indicating zero gallons.

4. Water quality samples shall be collected and analyzed, for parameter(s), and frequency(ies) specified below. Water quality samples from production wells shall be collected whether or not the well is being used, unless infeasible. If sampling is infeasible the Permittee shall indicate the reason for not sampling on the water quality data form. Water quality samples shall be analyzed by a Department of Health and Rehabilitative Services (DHRS) certified laboratory under Environmental Laboratory Certification General Category "1". At a minimum, water quality samples shall be collected after pumping the well at its normal rate for a pumping time specified in the table below, or to a constant temperature, pH, and conductivity. In addition, the Permittee's sampling procedure shall follow the handling and chain of custody procedures designated by the certified laboratory which will undertake the analysis. Any variance in sampling and/or analytical methods shall have prior approval of the Regulation Department Director, Resource Regulation. Reports of the analyses shall be submitted to the Permit Data Section, Records and Data Department, (using District forms) on or before the tenth day of the following month, and shall include the signature of an authorized representative and certification number of the certified laboratory which undertook the analysis. The parameters and frequency of sampling and analysis may be modified by the Regulation Department Director, Resource Regulation, as necessary to ensure the protection of the resource.

<u>District ID No.</u>	<u>Permittee ID No.</u>	<u>Minimum Pumping Time (minutes)</u>	<u>Parameter</u>	<u>Sampling Frequency</u>
1	P-1	15	Chlorides, Sulfates, and Total Dissolved Solids	February, May, August and November

Water quality samples shall be collected based on the following timetable:

Weekly	Same day of each week
Monthly	Same week of each month
Quarterly	Same week of months specified
Semi-annually	Same week of months specified

Analyses shall be performed according to procedures outlined in the current edition of Standard Methods for the Examination of Water and Wastewater by the American Public Health Association-American Water Works Association-Water Pollution Control Federation (APHA-AWWA-WPCF) or Methods for Chemical Analyses of Water and Wastes by the U.S. Environmental Protection Agency (EPA).

5. Any wells not in use, and in which pumping equipment is not installed shall be capped or valved in a water tight manner in accordance with Chapter 62-532.500(3)(a)(4), F.A.C.
6. By August 1, 2006, and prior to modification of this permit, Permittee shall caliper or video log District ID No(s). 16, 18, 19, and 20, Permittee ID No(s). P-4, B-1, B-2, and P-6, to verify the casing depth and total depth of the well. If the well(s) or pump(s) are to be accessed for maintenance work prior to the above time constraints, the logging shall be done at that time. Results of the logging shall be submitted to the District within 30 days of the logging event. The log shall at a minimum indicate the casing depth, diameter, and total depth of the aforementioned well(s). A valid well completion report may be submitted in lieu of the caliper or video log.
7. By August, 1, 2002, the Permittee shall submit a report on the feasibility of reducing off-site discharge as a water conservation measure. This report shall address:
 - a. The concept of recovering and reusing water that would otherwise be discharged off site;
 - b. Operation and management improvements to reduce the quantity of water pumped or discharged; and
 - c. Economic factors that are associated with discharge reduction.

If it is determined to be feasible, an implementation plan must be submitted to the Permit Data Section, Records and Data Department, with the feasibility report. If the reduction of off-site discharge is determined infeasible by the Permittee, a detailed explanation must be submitted. Final determination of feasibility will be subject to District approval.
8. The Permittee may install and operate new sealing water wells without modification of the permit provided that the total quantities permitted are not exceeded. However, a sealing water well proposed to be constructed within 660 ft of the Permittee's property boundary must have prior approval of the Regulation Department Director, Resource Regulation.
 - a. The following information shall be submitted to Permit Data Section, Records and Data Department, for each new sealing water well:

- 1) Permittee ID No(s).;
 - 2) Estimated annual average daily and peak monthly quantities;
 - 3) Latitude and longitude;
 - 4) Well shall be located on a United States Geological Survey quad map, or copy of same with a reference to nearest property boundaries;
 - 5) Well completion report copy; and
 - 6) Pump capacity in gallons per minute
 - b. Wells located between the property boundary and the setback distance referenced above shall be required to have the flow monitored by a flow meter or other monitoring device approved by the Regulation Department Director, Resource Regulation. Wells located at a distance from the property boundary greater than the setback distance shall report flow by flow meter or a District approved calculation using the pump capacity multiplied by the hours of operation. Total flow from each sealing water well in use shall be recorded on a monthly basis and submitted by the 10th day of the following month to Permit Data Section, Records and Data Department, (using District forms).
9. Prior to mining an area, any wells located within the area shall be properly abandoned (plugged) by a licensed water well contractor in accordance with Chapter 62-532.500 (4), F.A.C., under a Well Abandonment Permit issued by the Environmental Action Commission of Manatee County.
10. The Permittee shall submit an annual mining plan by **July 1** of each year. Prior to any deviation from the mining plan the Permittee shall provide a revised plan to the Permit Data Section, Records and Data Department.
- This plan shall delineate:
- a. Areas to be mined or dewatered within the coming year as well as those mined in the previous year. An approximate time frame in months shall be included for each mining and dewatering cell.
 - b. Outparcels, labeled with the names and addresses of the property owners.
 - c. Any wells within areas to be mined.
 - d. Wetlands required to be preserved including those wetlands created for mitigation, and any on-site wetlands that will not be mined.
11. **WATER CONSERVATION PLAN**
- By July 29, 1998, with a follow-up report due July 29, 2002, the Permittee shall submit a report for approval by the Regulation Department Director, which addresses the feasibility and effectiveness of implementing water conservation measures during the term of this permit. Conservation measures to be analyzed shall include, but are not necessarily limited to the following:
- a. the status of construction and implementation of the "clean water reuse system" at the Wingate Mine;
 - b. the volume of groundwater saved by using reuse water in the "cleaner" flotation circuit through the implementation of the clean water reuse system;
 - c. volume of water saved through continued use of 100% reclaimed water in the rougher circuit;

- d. a reduction in the quantity of water used per ton of product produced that is more in line with the current phosphate industry standards (less than 800 gallons per ton);
- e. reduction of discharging water off-site, through the use of water cropping or other means; and
- f. other conservation measures to reduce groundwater dependency for phosphate mining and beneficiation.

If it is determined by the District and the Permittee that the "clean water reuse system" is feasible and effective, the Permittee shall be required to modify the water use permit within a period of time agreed upon by both parties. If the clean water reuse system is determined to be infeasible or ineffective, an analysis detailing why such a system is not feasible or effective must be submitted to the District.

12. **MINE PIT WATER LEVELS**

Within 90-days of permit issuance the Permittee shall install a District-approved staff gauge and report measurements of the active mine pit water levels. The staff gauge shall be surveyed and referenced to the National Geodetic Vertical Datum (NGVD), and a copy of the survey including the location shall be submitted with the first water level data report.

The staff gauge shall be scaled in one-tenth foot increments and shall be sized and placed so as to be clearly visible from an easily accessible point of land. Water levels shall be recorded on a monthly basis and reported to the Permits Data Section (using District forms) on or before the tenth day of the following month.

To the maximum extent possible, water levels shall be recorded on the same day of each month. The frequency of recording may be modified by the Regulation Department Director, as necessary to ensure the protection of the resource. Should water levels recede so as not to allow the gauge to be read, the Permittee shall properly install and survey an additional gauge within 15 days of such occurrence.

13. **MINE START-UP**

If the Wingate Mine has not gone into production by July 1, 1999, the Permittee shall submit a report outlining the reasons for the delay in the start-up. This report should address economic conditions in the market which delayed the start-up, other reasons (i.e. mechanical, etc.), and provide the anticipated start-up date for the mine.

14. **REVOCATION OF QUANTITIES DUE TO NON-USE**

The District may revoke the permitted groundwater quantities at any time after notice and hearing, for any water use that has not been developed and or initiated by July 29, 1999, unless the Permittee demonstrates that non-use was due to extreme hardship beyond the permittee's control.

15. **PROVISIONS FOR EXTENSIONS**

It is understood by the District that any condition on this permit may be granted time extensions for submittal upon written request by the Permittee and written approval by the Regulation Department Director.


Permit No.: 203740.05

Permittee: Nu-Gulf Industries, Inc.

Page 8

STANDARD CONDITIONS:

1. The Permittee shall comply with the Standard Conditions attached hereto, incorporated herein by reference as Exhibit "A" and made a part hereof.



Authorized Signature
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

40D-2
Exhibit "A"

WATER USE PERMIT CONDITIONS

STANDARD CONDITIONS

1. If any of the statements in the application and in the supporting data are found to be untrue and inaccurate, or if the Permittee fails to comply with all of the provisions of Chapter 373, F.S., Chapter 40D, or the conditions set forth herein, the Governing Board shall revoke this permit in accordance with Rule 40D-2.341, following notice and hearing.
2. This permit is issued based on information provided by the Permittee demonstrating that the use of water is reasonable and beneficial, consistent with the public interest, and will not interfere with any existing legal use of water. If, during the term of the permit, it is determined by the District that the use is not reasonable and beneficial, in the public interest, or does impact an existing legal use of water, the Governing Board shall modify this permit or shall revoke this permit following notice and hearing.
3. The Permittee shall not deviate from any of the terms or conditions of this permit without written approval by the District.
4. In the event the District declares that a Water Shortage exists pursuant to Chapter 40D-21, the District shall alter, modify, or declare inactive all or parts of this permit as necessary to address the water shortage.
5. The District shall collect water samples from any withdrawal point listed in the permit or shall require the Permittee to submit water samples when the District determines there is a potential for adverse impacts to water quality.
6. The Permittee shall provide access to an authorized District representative to enter the property at any reasonable time to inspect the facility and make environmental or hydrologic assessments. The Permittee shall either accompany District staff onto the property or make provision for access onto the property.
7. Issuance of this permit does not exempt the Permittee from any other District permitting requirements.
8. The Permittee shall cease or reduce surface water withdrawal as directed by the District if water levels in lakes fall below applicable minimum water level established in Chapter 40D-8 or rates of flow in streams fall below the minimum levels established in Chapter 40D-8.
9. The Permittee shall cease or reduce withdrawal as directed by the District if water levels in aquifers fall below the minimum levels established by the Governing Board.
10. The Permittee shall practice water conservation to increase the efficiency of transport, application, and use, as well as to decrease waste and to minimize runoff from the property. At such time as the Governing Board adopts specific conservation requirements for the Permittee's water use classification, this permit shall be subject to those requirements upon notice and after a reasonable period for compliance.

11. The District may establish special regulations for Water Use Caution Areas. At such time as the Governing Board adopts such provisions, this permit shall be subject to them upon notice and after a reasonable period for compliance.
12. The Permittee shall mitigate, to the satisfaction of the District, any adverse impact to existing legal uses caused by withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include:
 - a. A reduction in water levels which impairs the ability of a well to produce water;
 - b. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams or other watercourses; or
 - c. Significant inducement of natural or manmade contaminants into a water supply or into a usable portion of any aquifer or water body.
13. The Permittee shall mitigate to the satisfaction of the District any adverse impact to environmental features or offsite land uses as a result of withdrawals. When adverse impacts occur or are imminent, the District shall require the Permittee to mitigate the impacts. Adverse impacts include the following:
 - a. Significant reduction in levels or flows in water bodies such as lakes, impoundments, wetlands, springs, streams, or other watercourses;
 - b. Sinkholes or subsidence caused by reduction in water levels;
 - c. Damage to crops and other vegetation causing financial harm to the owner; and
 - d. Damage to the habitat of endangered or threatened species.
14. When necessary to analyze impacts to the water resource or existing users, the District shall require the Permittee to install flow metering or other measuring devices to record withdrawal quantities and submit the data to the District.
15. A District identification tag shall be prominently displayed at each withdrawal point by permanently affixing the tag to the withdrawal facility.
16. The Permittee shall notify the District within 30 days of the sale or conveyance of permitted water withdrawal facilities or the land on which the facilities are located.
17. All permits issued pursuant to these Rules are contingent upon continued ownership or legal control of all property on which pumps, wells, diversions or other water withdrawal facilities are located.



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Southwest Florida Water Management District

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Lacanto Service Office
3600 West Sovereign Path
Suite 226
Lacanto, Florida 34461-8070
(352) 527-8131
SUNCOM 867-3271

December 20, 2002

Protecting Your
Water Resources

Ronnie E. Duncan
Chair, Pinellas
Thomas G. Dabney, II
Vice Chair, Sarasota
Heidi E. McCree
Secretary, Hillsborough
Watson L. Haynes, II
Treasurer, Pinellas
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Manatee
Monroe "Al" Coogler
Citrus
Maggie N. Dominguez
Hillsborough
Pamela L. Fentress
Highlands
Ronald C. Johnson
Polk
Janet D. Kovach
Hillsborough
John K. Reake, III
Pasco

E. D. "Sonny" Vergara
Executive Director
Gene A. Heath
Assistant Executive Director
William S. Blenky
General Counsel

NU-GULF INDUSTRIES INC
RT 1 BOX 570/38651 SR 64 E
MYAKKA CITY, FL 34251-9740

TRANSFERRED ON: May 5, 2004
TO: Cargill Fertilizer, Inc.
38651 State Road 64 East
Myakka City, FL 34251

Subject: Modification of Permit by Rule
Project Name: NOT SPECIFIED
Water Use Permit No.: 20 003740.006
Southern Water Use Caution Area

Reference: Chapter 40D-2, Florida Administrative Code
Section 40D-2.801(3)(d)(4), Florida Administrative Code

Dear Permittee:

On November 4, 1994, the District Governing Board approved new rules for the Southern Water Use Caution Area (SWUCA), an area of stressed water resources. Your permit is located within this area. Under these new rules, all water use permits existing at the time or issued afterwards in the SWUCA were to be modified. However, due to an Administrative Hearing and subsequent appeals, the modifications did not become effective until January 1, 2003. Your specific modifications are listed in Attachment A and are considered additions or revisions to your water use permit.

If there have been changes to irrigation quantities on this permit, a brochure is included with this mailing that explains the changes. Please take a few minutes to review it so that you will better understand the changes in permitted quantities on your permit. If you have any questions regarding this permit modification, please contact the appropriate Service Office, Water Use Regulation Section. For your convenience, a map that shows the Service Offices area of responsibility is enclosed. Addresses and phone numbers are included.

Sincerely,

BJ Jarvis

BJ Jarvis, Director, Records and Data Department
Resource Regulation Division

Attachment: Attachment A
Enclosure: District Map

cc: File of Record

ATTACHMENT A

MODIFICATIONS

The following are modifications to the terms and conditions of your Water Use permit effective January 1, 2003:

The following Special Condition(s) are new or replace a similar condition on your permit:

1. Within the Southern Water Use Caution Area, if the District determines that significant water quantity or quality changes, impacts to existing legal uses, or adverse environmental impacts are occurring, the Board, upon reasonable notice to the permittee, including a statement of facts upon which the District based its determination, may reconsider the quantities permitted or other conditions of the permit as appropriate to address the change or impact but only after an opportunity for the permittee to resolve or mitigate the change or impact or to request a hearing.
2. Within 90 days of the replacement of any or all withdrawal quantities from ground water or surface water bodies with an alternative source of water, the Permittee shall apply for a Standby Alternative Source Permit. An application to modify this permit to a Standby Alternative Source Permit may be obtained upon request or may be obtained from the District's website: www.swfwmd.state.fl.us.
3. By January 1, 2003, the Permittee shall submit to the Permit Data Section, Records and Data Department, a conservation plan for approval by the Regulation Department Director. This plan shall describe where and when water savings can be reasonably achieved and specifically address all components of water use and water loss in a water balance. The water balance shall include but not be limited to recycling, using reclaimed water (reuse), and landscape design. An implementation schedule shall be specified for each water saving element listed.
4. The Permittee shall meter withdrawals from surface waters and/or the ground water resources, and meter readings from each withdrawal shall be recorded on a monthly basis within the last week of the month. The meter reading(s) shall be reported to the Permit Data Section, Records and Data Department (using District scanning forms, unless the District has approved another arrangement for submission of this data) on or before the tenth day of the following month. If a metered withdrawal is not utilized during a given month, the meter report shall be submitted to the District indicating the same meter reading as was submitted the previous month. The following withdrawals shall be metered as applicable:
 - a. Permittees in the Southern Water Use Caution Area who were not previously in a Water Use Caution Area shall install

Continuation of New Conditions

meters on or before January 1, 2003.

- b. Permittees with permitted withdrawal facilities that are not yet constructed shall install meters within 90 days of completion of construction of the withdrawal.
- c. Permittees with existing permitted withdrawal facilities shall continue to maintain and operate existing, non-resettable, totalizing flow meter(s) or other flow measuring device(s) as approved by the Regulation Department Director.

District Id No.	1	Permittee Id No. P-1
District Id No.	16	Permittee Id No. P-4
District Id No.	20	Permittee Id No. P-6

The meters shall adhere to the following descriptions and shall be installed or maintained as follows:

- (1) The meter(s) shall be non-resettable, totalizing flow meter(s). If other measuring device(s) are proposed, prior to installation, approval shall be obtained in writing from the Regulation Department Director.
- (2) Meters shall be installed on all standby withdrawal facilities prior to activation.
- (3) The flow meter(s) or other approved device(s) shall have and maintain an accuracy within five percent of the actual flow as installed.
- (4) The meter shall be tested for accuracy on-site, as installed, every two years beginning from the date of issuance unless the Permittee demonstrates to the satisfaction of the District that a longer period of time for testing is warranted. The test shall be performed by a person certified in the equipment used. If the actual flow is found to be greater than 5% different from the measured flow, the Permittee shall have the meter re-calibrated or replaced, whichever is necessary. Documentation of the test and a certificate of re-calibration, if applicable, shall be submitted within 30 days of each test or re-calibration.
- (5) The meter shall be installed in a straight length of pipe where there is at least an upstream length equal to ten (10) times the outside pipe diameter and a downstream length equal to two (2) times the outside pipe diameter. Where there is not at least a length of ten diameters upstream available, flow straightening vanes shall be used in the line.
- (6) If the meter or other flow measuring device malfunctions or has to be removed from the withdrawal for maintenance or repair, the Permittee shall notify the District within 30 days of discovering the necessity to replace or repair the meter and replace it with a repaired or new meter, subject to the same specifications given above, within 30 days of its removal from the withdrawal.
- (7) While the meter is off the withdrawal, the Permittee

Continuation of New Conditions

shall request instruction on how to estimate use from the Permit Data Section. The estimate of the number of gallons used each month during that period, shall be submitted according to the instructions received from the District.

- (8) In the event a new meter is installed to replace a broken meter, it and its installation shall meet the specifications of this condition. The permittee shall notify the District of the replacement with the first submittal of meter readings from the new meter.

All other terms and conditions of your previous water use permit, including the expiration date, shall remain in effect as stated, unless changed above.



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Southwest Florida Water Management District

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)
SUNCOM 578-2070

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)
SUNCOM 572-6200

2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
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(941) 377-3722 or
1-800-320-3503 (FL only)
SUNCOM 531-6900

Lecanto Service Office
3600 West Sovereign Path
Suite 226
Lecanto, Florida 34461-8070
(352) 527-8131
SUNCOM 667-3271

Ronnie E. Duncan
Chair, Pinellas

Thomas G. Dabney, II
Vice Chair, Sarasota

Heidi B. McCree
Secretary, Hillsborough

Watson L. Haynes, II
Treasurer, Pinellas

Edward W. Chance
Manatee

Monroe "Al" Coogler
Citrus

Maggie N. Dominguez
Hillsborough

Pamela L. Fantress
Highlands

Ronald C. Johnson
Polk

Janet D. Kovach
Hillsborough

Gene A. Heath
Executive Director
William S. BBanky
General Counsel

May 7, 2003

TRANSFERRED ON: May 5, 2004
TO: Cargill Fertilizer, Inc.

Nu-Gulf Industries, Inc.
Route 1 Box 570
38651 SR 64 E
Myakka City, FL 34251

38651 State Road 64 East
Myakka City, FL 34251

**SUBJECT: Final Agency Action Transmittal Letter – Approval
Modification of Permit by Letter**

Project Name: Not Specified
Water Use Permit Appl. No.: 20003740.007
County: Manatee

**Reference: District Initiated Letter Modification to Reduce Water Quality Monitoring
Requirements**

Dear Permittee:

In order to reduce permit requirements, the District has elected to reduce the water quality sampling and reporting requirements on your permit (referenced above). The specific modification of this permit is provided below:

MODIFICATIONS

The following constitutes modifications to the terms and conditions of Water Use Permit 20003740.006, effective May 7, 2003.

1. Special Condition No. 4 which required the collection, analysis, and reporting of water quality samples, is deleted.

All other terms and conditions of this permit shall remain the same as stated on WUP No. 20003740.006, and this permit will still expire on July 29, 2007.

This letter constitutes Final Agency Action (FAA) for Water Use Permit (WUP) No. 20003740.007, which modifies WUP No. 20003740.006. The specific modifications listed above are considered a part of your water use permit.

OBJECTION PROCEDURE

You, or any person whose substantial interests are affected by the District's action regarding your application may object to this Final Agency Action by requesting an administrative hearing in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), and Chapter 28-106, F.A.C. of the Uniform Rules of Procedure. Your request for hearing must be received by the Agency Clerk of the District at its Brooksville address within 21 days of the receipt of this letter. Receipt is deemed to be the fifth day after the date on which this letter is deposited in the United States mail. Other person may request a hearing within 21

Nu-Gulf Industries, Inc.
Route 1, Box 570
38651 SR 64 East
Myakka City, FL 34251

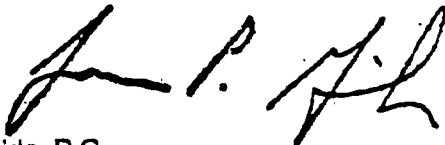
days of the publication of a notice that this letter modification has been issued. Any request for hearing must (1) explain how each petition's substantial interest will be affected by the District's action, or proposed action; (2) state all material facts disputed by the petitioner or state that there are no disputed facts; and (3) otherwise comply with Chapter 28-106, F.A.C. Failure to file a request for hearing within the appropriate time period shall constitute a waiver of any right you or anyone has to request a hearing under Sections 120.569 and 120.57, F.S.

Enclosed is a "Noticing Packet" that explains the procedures for providing notice to persons having substantial interests that may be affected by the District's action regarding your permit. The packet contains information and guidelines on the noticing procedure and a form that you may use.

Mediation pursuant to Section 120.573, F.S. to settle an administrative dispute regarding the District's action in this matter is not available prior to the filing of a request for hearing.

If you have any questions regarding this permit modification, please contact P. Scott Laidlaw in the Sarasota Service Office. If you have any questions regarding the Noticing Packet, please contact Myra Ford in the Records and Data Department at the Brooksville Office.

Sincerely,



James P. Guida, P.G.
Director
Sarasota Regulation Department

JPG:CDH:agh

Enclosure: Noticing Packet
cc: File of Record
 P. Scott Laidlaw, P.G.
 Permit Data Section Supervisor



NOTIFICATION AND REQUEST FOR TRANSFER OF A WATER USE PERMIT

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

2379 Broad Street • Brooksville, FL 34604-6899 (352) 796-7211; (800) 423-1476 (FL only);
Suncom 628-4150; TDD only (800) 231-6103 <http://www.swfwmd.state.fl.us>

Permits issued by the District are contingent upon the continued ownership or other legal control of the property and water withdrawal facilities described on the Permit. All holders of a Water Use Permit (Permit) are required to notify the District within 30 days of the sale or conveyance of any permitted water withdrawal facilities or the land on which the facilities are located. The District will transfer the Permit to the transferee or transferees (party or parties subsequently owning the permitted water withdrawal facilities) up to the renewal date of the Permit provided the water source, use, and withdrawal quantities remain the same. This transfer is subject to all terms and conditions contained in the Permit, the provisions of Chapter 373, Florida Statutes (F.S.), and Chapter 40D, Florida Administrative Code (F.A.C.), including but not limited to Chapters 40D-1, 40D-2, 40D-8, and 40D-80, F.A.C.

UNTIL THE SUBJECT PERMIT IS TRANSFERRED OR ISSUED IN THE TRANSFEREES' NAME(S),
WITHDRAWALS FROM THESE FACILITIES BY ANYONE IS A VIOLATION OF CHAPTER 373, F.S. & CHAPTER 40D-2, F.A.C.

DO NOT USE THIS FORM FOR THE FOLLOWING THREE CASES.

TRANSFER WITH MODIFICATION OR RENEWAL OF THE PERMIT. If a Permit needs to be renewed or modified, the appropriate Permit application form, supplemental information form(s), and fee must be submitted to renew or modify it. With proof of new ownership, the transfer will be effected at the same time as the renewal or modification. Renewal: Transferee(s) are encouraged to submit an application for renewal at the time of notification to the District of the transfer if less than a year remains on the Permit term. Modification examples: change in use (e.g., agriculture to industrial), quantities needed (e.g., change in crop type or irrigation method, population served) and source (e.g., change in amounts per withdrawal on existing permit, addition of new withdrawals).

TRANSFER OF ONLY A PORTION OF THE PERMIT. If only some of the permitted water withdrawal facilities or a portion of the land on which the facilities are located was sold or conveyed, the appropriate Permit application form, supplemental form(s), and application fee with proof of ownership of the portion of the property to be transferred must be submitted.

COMBINE WITH AN EXISTING PERMIT. If there is a Permit in the transferee(s)' name(s) on contiguous land, and the two water uses will be integrated or combined, the contiguous Permit must be modified to incorporate the transferred Permit. The appropriate Permit application form, supplemental form(s), and application fee with proof of ownership of the property to be transferred must be submitted.

PLEASE TYPE OR PRINT ALL INFORMATION ON THIS FORM

All blanks on this form must be completed, and the request must be signed by all transferees. AN AUTHORIZED AGENT MUST PROVIDE A LETTER OF AUTHORIZATION from the Transferee(s) authorizing the Agent to execute this transfer. Attach additional pages if necessary and identify the water use permit number and the purpose of the additional pages on the additional pages themselves. No fee is required. Failure to complete all blanks will cause a delay in the processing of this request.

Water Use Permit No.: 203740.04 .007 County: Manatee Section-Township-Range See Attached

Current Permittee(s): Nu-Gulf Wingate Holdings LLC.

Permittee(s) Current Address: 38651 S.R. 64 East

City, State, Zip: Myakka City, Florida 34251

Telephone: (941) 322-1341

Current Permittee's Signatures (A copy of the legally recorded deed to all of the land covered by this Permit, bearing the signatures of all former landowners, may be substituted for the permittee(s)' signature(s) on this form.) The permittee(s), by signing below or on an attached page identified as authorization signatures for the transfer of this Permit, request transfer of all rights and obligations for this Permit to the transferee(s) named on page 2. If an agent signs for the permittees, a letter of authorization that is signed by all permittees for the agent to sign this document on their behalf must be attached.

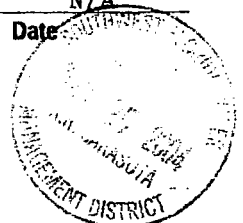

Signature of Permittee or Authorized Agent

3/23/04
Date

N/A
Signature of Permittee

N/A
Date

(Optional) Name and Title of Authorized Agent



TRANSFeree INFORMATION

Attach a separate page for names, addresses and signatures of all transferees (new owner/permittee if there are multiple transferees).

Transferee(s): Cargill Fertilizer, Inc./ Thomas E. Myers III, P.E.

Transferee Address: 38651 S.R. 64 East

City, State, Zip: Myakka City, Florida 34251

Telephone: (863) 428-4243

If the transferee(s) have an existing Permit serving contiguous land at the time of transfer, and the transferred water use operation will not be combined or integrated into the water use operation on the contiguous Permit, the District will transfer this Permit to the New Owners under the existing Permit number, recording them as separate Permits. Please indicate if there is a contiguous Permit in the transferee(s)' name(s), but that the water uses will not be combined or integrated.

☐ There is a Contiguous Permit: There is a contiguous Permit in our names(s), but that water use will not be integrated with the water use on this transferred Permit.

☒ Not Applicable: There is not a contiguous Permit in the transferee(s)' name(s).

SIGNATURES

By signing this document or giving an agent a signed letter of authorization to sign this document, the transferee or transferees attest to his/her or their (a) ownership of all of the permitted water withdrawal facilities, all lands described in the Permit or the lands on which the facility is located, and that the recorded deed to this property, which is attached to this request as proof of ownership, is a true and accurate copy; (b) acceptance of their responsibility to comply with all terms and conditions of the Permit as well as to provisions of Chapter 373 of the Florida Statutes including but not limited to Chapters 40D-1, 40D-2, 40D-8, F.A.C.; and (c) acceptance of their liability for any corrective actions required by the District as a result of any Permit violations that occurred prior to or after the purchase, conveyance or transfer.

Thomas E. Myers III
Signature of Transferee or Authorized Agent

03/23/04
Date

N/A
Signature of Transferee

N/A
Date

N/A

Name and Title of Authorized Agent (ATTACH A LETTER OF AUTHORIZATION SIGNED BY ALL TRANSFEREES)

Check here to indicate that all required documents in support of this transfer are attached:

- Copy of the recorded deed to this property showing proof of ownership, (See cover letter)
- ☒ Legal description and current blue-line aerial, labeled with section, township and range with delineated transfer acreage,
- ☒ Copy of Permit to be transferred,
- Letter(s) of authorization for Authorized Agent(s) if this document is executed by an agent.

AGENCY USE ONLY

Based upon the information furnished by the permittee(s) and the transferee(s), the transfer of this Permit is approved.

BJ Jarvis
Signature of Authorized District Representative

BJ Jarvis, Director, Records and Data Department

Name and Title of District Representative

May 5, 2004

Effective Date (Enter month and day, two-digits each; and year, four digits.)

The District does not discriminate based on disability. Anyone requiring reasonable accommodation under the Americans with Disabilities Act should contact the District at any of the numbers listed on the front of this document.

14 AIR EMISSIONS

Engineering estimates certified by a registered professional engineer of all air pollutants that could be emitted, including fluoride, and all emissions for which the state has promulgated air quality standards;

A phosphate rock dryer was included in the original design of the plant facilities. Accordingly, air emissions were included in the monitoring program for the Wingate Creek mine. The rock dryer was never constructed, nor are there plans to ever build a rock dryer at the Mine. However, an air sampling station remained a requirement of the environmental monitoring program. Due to the results of the samples, air monitoring for particulates was discontinued in 1989 with the approval of Manatee County.



15 NONPOINT SOURCE OUTFALL

An effective program for controlling nonpoint sources of water pollution that may originate from any areas disturbed by mining activities, the runoff from which is external to catchment areas of the water recirculation facilities;

Nonpoint source discharge from disturbed areas is not allowed by state and federal regulations. Disturbed areas at the Wingate Creek Mine are within the boundaries of the catchment and water recirculation facilities. These facilities discharge water from permitted outfalls as discussed in section 12.

16 ENVIRONMENTAL MONITORING PROGRAM

An environmental monitoring program to be developed by the applicant in accordance with section 2-20-33(c), which shall include baseline data for at least one year preceding application for master mining plan approval. The applicant shall develop the monitoring program in conjunction with the Environmental Management Department;

The original Master Mine Plan and Development of Regional Impact documents included the baseline data in order to develop the Environmental Monitoring Program for the Wingate Creek Mine. Several changes have occurred to the Environmental Monitoring Program since its original approval by Manatee County. They are reflected in the contents of the attached updated Environmental Monitoring Program and are identified below.

- As detailed in Section 14 the air monitoring program is no longer required and has been deleted from the Environmental Monitoring Program.
- A new section has been added to provide for the submission of all environmental monitoring data to Manatee County.
- NGI and Manatee County have agreed upon a shallow groundwater (monitoring program and it is included in the Environmental Monitoring Program.
- The allowance for the modification of the Environmental Monitoring Program has been changed to reflect the specific requirements of the Manatee County Code of Laws regarding this item.
- The monitoring program is modified in this update to include sampling parameters and frequencies based on results from historic monitoring and accepted monitoring plans from other mining concerns within Manatee County.
- Piezometer monitoring was required early in the early stages of mine life for a minimum period of 1 year. The property with 3 of the 4 piezometers in the monitoring program property was sold to Manfull in 2003. Nu-Gulf management requested and received permission from Manatee County to discontinue monitoring of the piezometers in October, 2003 (letter follows this section). Therefore the piezometer monitoring portion of the environmental monitoring program is deleted in this update.

1.0 SHALLOW GROUNDWATER

1.1 General

The Shallow Groundwater Monitoring Program (SGWMP) for the Wingate Creek Mine is intended to 1) establish initial conditions over a one (1) year period and 2) monitor and evaluate groundwater quality and static water levels under operational conditions. Monitoring wells 1, 2 & 3 described in the SGWMP were installed by NGL as agreed to in their 1997 Master Mine Plan update. The initial sampling has been conducted for wells 1, 2 & 3 and operational sampling is currently performed and will continue through land reclamation of the Master Mine Plan area.

1.2 Initial Monitoring

1.2.1 Sampling Locations

The 3 designated shallow groundwater monitoring well locations, SGWMW 1, 2, & 3, for the shallow groundwater quality monitoring program are shown on the drawing included in this section. Although these sites are anticipated to remain through the life of mine, if mining or mining related activities require the relocation of these sites, the new sites must be approved six (6) months before the old sites are impacted so as to give time for a minimum of six (6) months background sampling of the new sites. The new sites shall be approved by the Environmental Management Department. Each sampling location shall consist of a small diameter well, the bottom of which shall be above the phosphate matrix but completed within the surficial aquifer. Specific well designs must be approved by the Environmental Management Department, and the wells permitted with the appropriate federal, state or local government. An additional monitoring site (SGWMW-4) will be positioned as indicated on the attached Figure and initial groundwater sampling at the well will begin a minimum of six (6) months prior to mining within 2,000 feet of the well.

1.2.2 Initial Sample Parameters

In addition to static water level measurements, shallow ground-water quality initial monitoring shall include the following thirty-two (32) parameters:

- | | |
|--|------------------|
| 1. pH | 17. Chloride |
| 2. Conductivity | 18. Fluoride |
| 3. Nitrogen-Total | 19. Arsenic |
| 4. Nitrogen-Ammonia | 20. Barium |
| 5. Nitrogen-Nitrate (NO ₃) | 21. Cadmium |
| 6. Nitrogen-Nitrite (NO ₂) | 22. Chromium |
| 7. Sulfates as SO ₄ | 23. Iron |
| 8. Sulfite as H ₂ SO ₄ | 24. Lead |
| 9. Phosphorus-Total as P | 25. Mercury |
| 10. Total organic Carbon (TOC) | 26. Selenium |
| 11. Gross Alpha | 27. Silver |
| 12. Total Alkalinity as CaCO ₃ | 28. Color |
| 13. Calcium | 29. Grease & oil |
| 14. Magnesium | 30. Surfactants |
| 15. Sodium | 31. Radium 226 |
| 16. Potassium | 32. Radium 228 |

1.2.3 Frequency/Duration

Initial sampling was performed for a period of one year for SGWMW 1, 2, & 3 in 1998 and 1999. Initial sampling will be conducted for Well SGWMW 4 after installation. Shallow groundwater monitoring well SGWMW 4 shall be monitored monthly for parameters 1 through 11. Parameters 12 through 30 shall be monitored on a semi-annual basis. In addition, parameters 12 through 27 shall be analyzed for any sample that has a conductivity in excess of 1275 umhos/cm. Parameters 31 and 32 will be analyzed for any sample where Gross Alpha exceeds 15 Pci/l. If parameter 29 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed. Groundwater levels will be recorded when the wells are monitored.

1.2.4 Methods

Shallow well samples are collected after the wells are pumped for 15-20 minutes or a time equivalent necessary to pump two to three times the well volume before sample collection. The wells are pumped using a vacuum-type pump. A NELAC certified laboratory will conduct the sampling and supply all necessary sampling kits that have the proper preservatives for the specific analysis. The samples are stored on ice in coolers as required by NELAC standards for transport to the laboratory. All sampling and analytical methodologies must be in compliance with FDEP NELAC standards.

1.2.5 Quality Control Provisions

Upon reasonable notice, split samples will be obtained to allow for Manatee County to perform an independent analysis. Sampling and analysis shall be in accordance with FDEP NELAC standards.

1.2.6 Schedule of Reporting

Results of shallow groundwater monitoring will be provided to Manatee County on a monthly basis.

1.3 Operational Monitoring

1.3.1 Sampling Locations: Operational sampling sites shall be the same as designated under baseline monitoring (1.1.1 above) and shown on the attached groundwater sampling location map included with this section.

1.3.2 Parameters:

- | | |
|-----------------------------------|--------------------|
| 1. pH | 10. Calcium |
| 2. Conductivity | 11. Magnesium |
| 3. Nitrogen – Total | 12. Sodium |
| 4. Nitrogen-Ammonia | 13. Potassium |
| 5. Nitrogen-Nitrate/Nitrite (NOX) | 14. Chloride |
| 6. Sulfates | 15. Fluoride |
| 7. Phosphorus- Total P | 16. Iron |
| 8. Total Organic Carbon | 17. Gross Alpha |
| 9. Total Alkalinity | 18. Oil and Grease |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pci/l. If parameter 18 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

1.3.3 Frequency/Duration

Shallow groundwater operational monitoring shall be conducted semi-annually in January and July for the parameters listed in 1.3.2.

1.3.4 Methods

Same as 1.2.4 above.

1.3.5 Quality Assurance/Control

Same as 1.2.5 above.

1.3.6 Schedule of Reporting

Results of shallow groundwater monitoring will be provided to Manatee County on an annual basis.

2.0 STREAM MONITORING

2.1 General

This section of the monitoring program was developed in consultation with the Manatee County Environmental Management Department to insure water quality of the stream systems located on the site. This section is modified in this update to reflect historic sampling results from this program and to provide consistency with accepted programs required for other mining concerns in the county.

2.2 Station Locations

There are currently two stream water quality monitoring stations. One station is located at Johnson Creek and the other station is located at the Myakka River as illustrated on the attached Stream Monitoring station Location Map. In this update, Cargill proposes to delete the Johnson Creek Station and add a station upstream of the confluence of Wingate Creek and the Myakka River to more accurately determine the affect of Wingate Creek's influence on the Myakka River. The proposed upstream sampling point is at the State Road 64 crossing on the Myakka River and is indicated as site MR-1 on the stream monitoring station location map included with this section. The current downstream site is designated as MR-2. The FDEP NPDES permitting program will require sampling upstream and downstream of Wingate Creek Mine outfalls 001 and 002 in Johnson and Wingate Creeks. Cargill will provide the NPDES monthly discharge monitoring reports, which will include the upstream and downstream monitoring data, to the Manatee County Environmental Management Department on a monthly basis.

2.3 Parameters

- | | |
|--------------------------------------|-------------------------------------|
| 1. pH | 15. Solids – Total Suspended Solids |
| 2. Temperature | 16. Sulfates – SO ₄ |
| 3. Turbidity | 17. Gross Alpha |
| 4. Fluoride | 18. Color |
| 5. Dissolved Oxygen | 19. Chlorophyll a |
| 6. Conductivity | 20. Chloride |
| 7. Phosphorus – Total P | 21. Silica |
| 8. Ortho Phosphate | 22. Sodium |
| 9. Nitrogen - Ammonia | 23. Calcium |
| 10. Nitrogen - Kjeldahl | 24. Potassium |
| 11. Nitrogen - Nitrate/Nitrite (NOX) | 25. Magnesium |
| 12. Nitrogen - Total | 26. Iron |
| 13. Fixed Solids | 27. Alkalinity |
| 14. Solids - TDS | 28. Oils & Greases |

Radium 226 & 228 will be analyzed for any sample in which Gross Alpha exceeds 15 pci/l. If parameter 28 exceeds 5 mg/liter, TRPH, EPA 602 and EPA 610 will be analyzed.

2.4 Methods

Grab samples will be obtained for analysis. Sample preservation and analysis shall be in accordance with FDEP NELAC standards or other EPA approved methods.

2.5 Quality Control Provisions

The sampling locations are outside the property limits of the Wingate Creek mine; therefore, Manatee County may inspect the sites without prior notice to Wingate Creek Mine operations. Upon reasonable notice, split samples will be obtained to allow for the County to perform an independent analysis.

2.6 Frequency/Duration

Samples will be collected on a monthly basis at the Myakka River sampling points for the first year of active mine operation following approval of this plan update. Sampling frequency will be reduced to quarterly after the first year of active mining, contingent on the approval of the Manatee County Environmental Management Department.

2.7 Schedule of Reporting

Results of stream monitoring will be provided to Manatee County on a yearly basis, unless otherwise requested.

3.0 RADIATION IN SOILS

The Florida Department of Health now administrates radiation monitoring. They are responsible for pre-mining and post-reclamation monitoring, sampling, analysis and reporting. Cargill will supply Manatee County with the results of their efforts when release of reclaimed areas is requested pursuant to Ordinance Chapter 2-20.

4.0 GENERAL REPORTING REQUIREMENTS

4.1 Recipients of Monitoring Reports

Results of all elements of the environmental monitoring program should be reported at the intervals indicated in each section to the following County offices:

- One copy to the Manatee County, Environmental Management Department
- One copy to the Manatee county, Mining Coordinator

- Cargill will provide all information as required by Manatee County ordinances and statutes. Cargill will investigate the feasibility of providing stream monitoring data directly to Florida Storet.

4.2 Report Contents

Monitoring reports should present the following information where applicable, in a clear concise format.

- type of station
- station identification number
- name and affiliation of sample collector
- date and time of sample collection or measurement
- results of laboratory analysis or field measurement with units of measure indicated
- comments on any unusual conditions or circumstances in connection with the sample collection or analysis and notation of any deviations from the approved monitoring program procedures. Reports shall also note any variances from applicable standards. Any results, which fall outside of the control limits established by the laboratory performing the analysis, should also be reported.

5.0 MODIFICATION OF MONITORING PROGRAM

The Environmental Monitoring Program may be amended in accordance with the Manatee County Code of Laws, section 2-20-33(c) (4). The purpose of such modification is to add or delete sampling to reflect new developments in mining and sampling technology which may improve both sampling and environmental quality. This will allow for unnecessary stations and/or parameters to be eliminated, while additional ones may be added if they are proven to be required.

6.0 OTHER MONITORING PROGRAMS

All environmental monitoring information required by agencies other than Manatee County will be submitted to the County. This monitoring information shall be submitted in conjunction with its transmittal to the specific regulatory agency.



SCALE - FEET

0 1000 2000

RGE 21 E
RGE 22 E

20

21

SGWMW-1

30

29

28

SGWMW-2

SGWMW-4

31

TWP 34 S.
TWP 35 S.

6

SGWMW-3

SR. 64

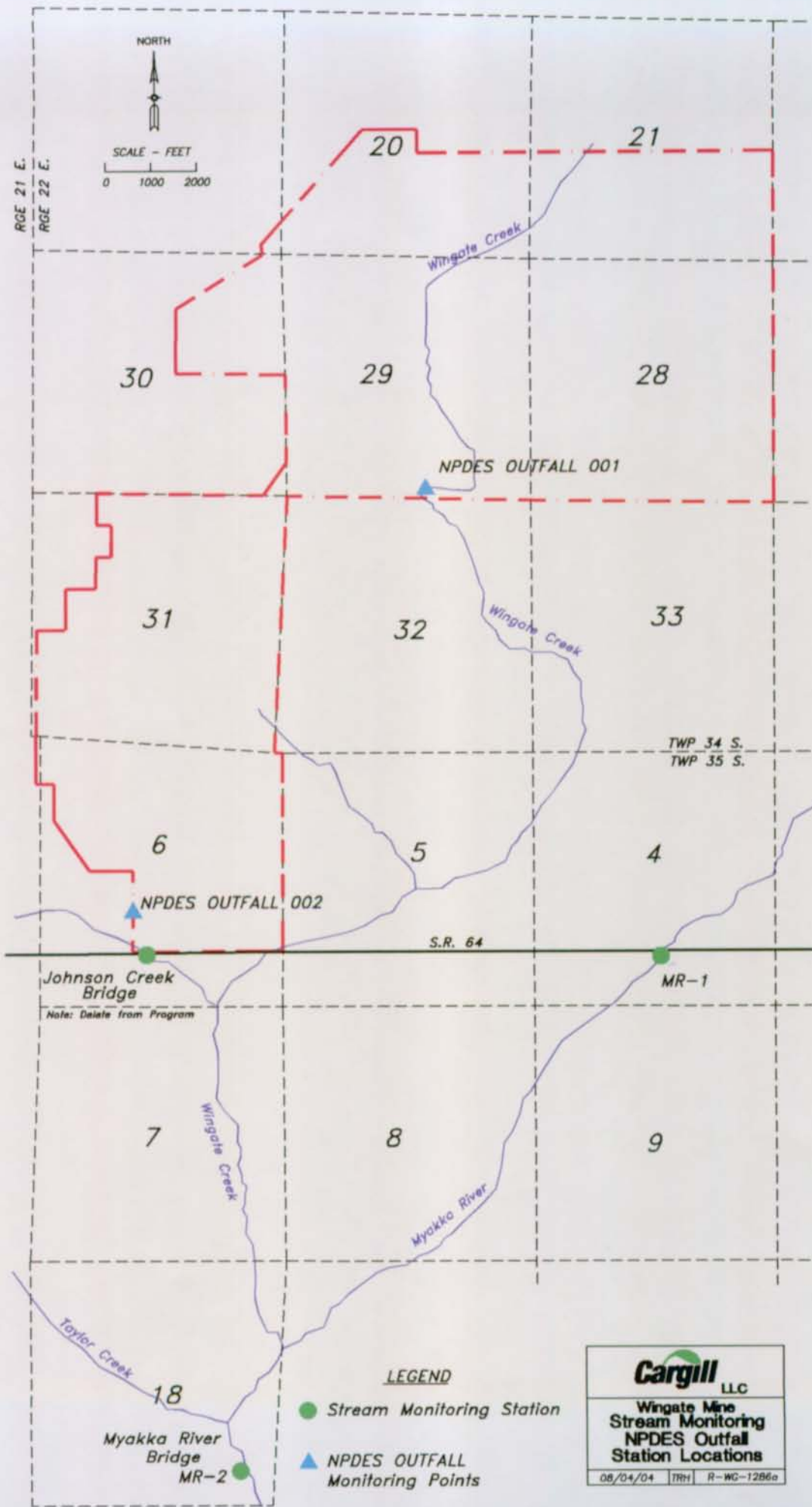
LEGEND

● Shallow Ground Water Wells (SGWMW)

Cargill
LLC

Wingate Creek Mine
Shallow Ground Water
Monitoring Wells

07/12/04 GRL R-WG-1285



NORTH

SCALE - FEET
0 1000 2000

RGE 21 E.
RGE 22 E.

20 21

30 29 28

NPDES OUTFALL 001

31 32 33

TWP 34 S.
TWP 35 S.

6 5 4

NPDES OUTFALL 002

S.R. 64

MR-1

Johnson Creek Bridge

Note: Delete from Program

7 8 9

18

Myakka River Bridge

MR-2

LEGEND

- Stream Monitoring Station
- ▲ NPDES OUTFALL Monitoring Points

Cargill LLC

Wingate Mine
Stream Monitoring
NPDES Outfall
Station Locations

08/04/04 TRH R-WC-1286a

NU-GULF INDUSTRIES, INC.



November 3, 2003

Mr. Neal Parker
Mining Coordinator
Environmental Management Department
202 6th Avenue, East
Bradenton, FL 34208

RE: MONTHLY PIEZOMETER LEVEL REPORT - OCTOBER 2003

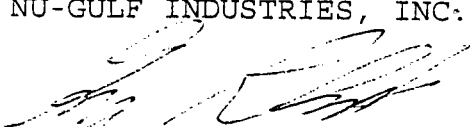
Dear Mr. Parker:

The land that contains piezometers two and three has been sold. Upon review of the Master Mine Plan, piezometers are to be measured for a minimum time period of one year. All three of the piezometers have been measured and reported since January 1993. At this time Nu-Gulf Wingate LLC is requesting the elimination of the reporting obligation for the three piezometers contained in this report.

Should there be questions concerning this submittal and request, please contact myself or Mr. Bob Hearon.

Sincerely,

NU-GULF INDUSTRIES, INC.


Greg Rhudy
Environmental Specialist

cc: Bob Hearon - Acting Environmental Manager

17 TRANSPORTATION ANALYSIS

A transportation analysis. to include estimates of vehicular and rail traffic and any other mode of transportation of materials and products leaving the applicant's property, and of raw materials entering the applicant's property. with emphasis given to any disruption of normal traffic movements caused by, and any increase in rail movements, vehicular traffic and road deterioration resulting from the proposed mining activities:

A transportation analysis was accomplished in 1983 for the movement of product by trucks. Subsequently, this method of transportation was approved by Manatee County in Resolution R-88-236 with a specified haul route to Port Manatee and a tonnage limitation of 2,000,000 tons per year. In 1990 this haul route was amended by R-90-147 with a minor change to include the Piney Point chemical complex.

A separate transportation analysis was conducted in 1990 for the trucking of product to the Farmland Industries, Inc., Hickory Creek Mine. The amendment to include this haul route was approved by Manatee County in R-91-250. Tonnage to the Hickory Creek mine was limited to 650,000 tons per year of the total limitation of 2,000,000 tons per year.

Additional resolutions addressing trucking issues are Resolutions R-97-242, R-98-182, & R-99-89. Copies of each resolution follow this section.

An additional transportation analysis was conducted as a requirement of the DRI NOPC submitted in conjunction with Cargill's purchase of the Wingate Creek Mine from NGI in March 2004. As part of the NOPC, Cargill has agreed to eliminate all trucking haul routes previously approved on State Road 64. All rock hauled from the site will be transported on the mine haul road to Duette Road, then north on Duette Road to SR 62. The transportation study conducted by the engineering firm Lombardo, Skipper and Foley determined that there would be no adverse impacts from the trucking routes and conditions proposed by Cargill in the NOPC. A copy of the current traffic study and all previous transportation resolutions follow in this section. As discussed with Manatee County EMD staff, Cargill agrees to the installation of caution lights, signs, or other traffic safety devices on Duette Road where truck traffic enters and exits the Wingate haul road. The installation of these devices is subject to the approval of the appropriate county and state agencies responsible for maintenance of roadways.



LOMBARDO, SKIPPER & FOLEY, INC.
Consulting Engineers, Surveyors & Planners

CARGILL FERTILIZER, INC.
WINGATE CREEK MINE

TRAFFIC STUDY

April 2004

**CARGILL FERTILIZER, INC.
WINGATE CREEK MINE**

TRAFFIC STUDY

April 21, 2004

Approved by:

A handwritten signature in black ink, appearing to read "Robert J. Lombardo", written over a horizontal line.

Robert J. Lombardo, P.E. #20528

Lombardo, Skipper & Foley, Inc.
Post Office Box 188
Palmetto, FL 34220
(941) 722-4561

Introduction

In July of 1998 Nu-Gulf Industries, Inc. commissioned Lombardo, Skipper & Foley, Inc. (LS&F) to prepare a traffic study to support the Notice of Proposed Change (NOPC) for the Wingate Creek Mine DRI. In 1998 the NOPC was to allow for a modified phosphate transportation route to include a route that would extend to the east along S.R. 64 then north on Duette Road to S.R. 62 then west on S.R. 62 to S.R. 37, and north on S.R. 37 into Polk County. That NOPC was approved and it also included the trucking of phosphate to Port Manatee.

Cargill Fertilizer, Inc., the subsequent owner of the Wingate Creek Mine, has requested a new traffic study that updates the original study to eliminate the proposal for transportation of phosphate ore to Port Manatee. Furthermore, the study reflects the fact that a new mine entrance has been constructed directly onto Duette Road as shown on the attached Figure 1. Cargill Fertilizer, Inc. is preparing a Notice of Proposed Change to reflect these revisions to the DRI and this traffic study is in support of those revisions.

A traffic methodology meeting was held on March 15, 2004 with Michael Tenney of the Manatee County Growth Management Department. Robert J. Lombardo, P.E. of LS&F stated the reasons for the methodology meeting, which included the need for the traffic study to support the NOPC. He also noted that the original 1998 study was also a concurrency analysis.

Mr. Lombardo noted the changes from the 1998 traffic study regarding the elimination of any truck traffic transporting phosphate ore to Port Manatee. He further stated that the employee shift information presented in the 1998 study was still appropriate and would be utilized for this study.

Mr. Lombardo also noted that there were numerous intersection improvements required by the FDOT after the 1998 study, specifically because of the truck traffic that was to be utilized. All of the intersection improvements required by the FDOT in their letter of July 14, 1998 were constructed. Manatee County required the softening of a curve on Duette Road. Those plans were prepared and approved by Manatee County and the property for the necessary right-of-way acquisition was obtained. The construction of that curve softening is expected to commence in May of 2004.

Michel Tenney requested that the analysis for the latest NOPC be identical to the 1998 study.

Existing Conditions

The a.m. and p.m. peak hour counts for S.R. 37 (north of S.R. 62), S.R. 62 (between Duette Road and S.R. 37), Duette Road (at the new mine entrance), and S.R. 64 (between the existing mine entrance and Duette Road) are shown in Table 1.

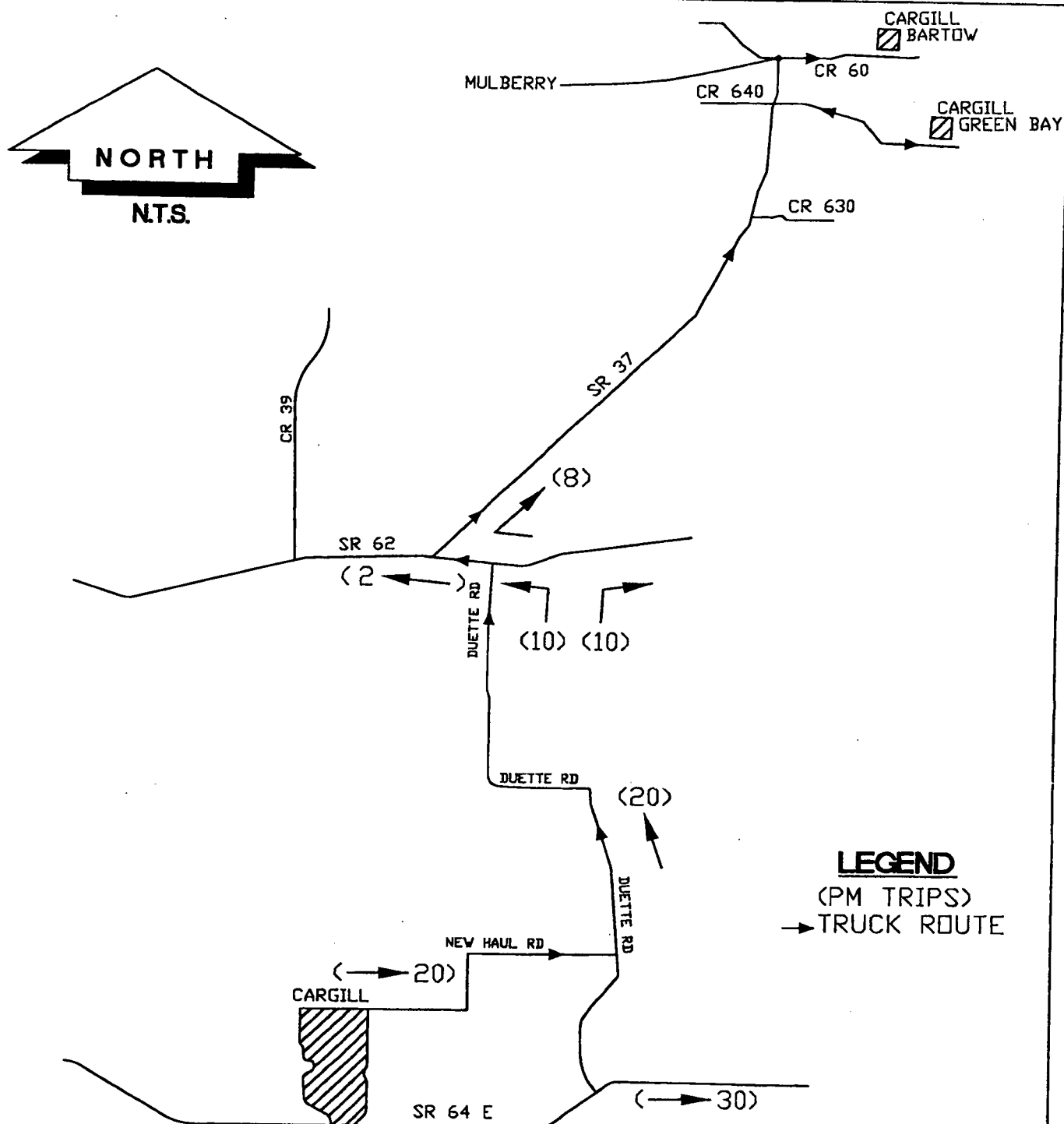


FIGURE 1 LOCATION MAP AND PM TRIP GENERATION
WINGATE CREEK MINE

LOMBARDO, SKIPPER & FOLEY, INC.

Consulting Engineers, Surveyors and Planners

P.O. Box 188 • 825 4th Street West • Palmetto, Florida 34221 • (941) 722-4561



**TABLE 1
TRAFFIC COUNTS**

Time	Count		Count
	<u>Mar. 31</u>	<u>Apr. 1</u>	<u>Avg.</u>
S.R. 37			
a.m. peak	191	184	188
p.m. peak	152	181	167
S.R. 62			
a.m.	366	376	371
p.m.	329	338	334
Duette Road			
a.m.	79	68	74
p.m.	59	71	65
S.R. 64			
a.m.	345	358	352
p.m.	372	381	377

S.R. 37 and S.R. 62 had similar a.m. and p.m. peak hour characteristics for the two day count performed on March 31 and April 1, 2004. The a.m. peak hour was 6:15 - 7:15 and the p.m. was 4 - 5 p.m. Table 1 shows both counts and then provides an average for the two days.

Duette Road had somewhat different characteristics and a much lower volume of traffic with the a.m. peak being between 8:30 a.m. and 9:30 a.m. and the p.m. peak being between 3:45 p.m. and 4:45 p.m. S.R. 64 shows an a.m. peak between 10:00 a.m. and 11:00 a.m. and a p.m. peak between 4:15 p.m. and 5:15 p.m.

All of the roadways are rural undivided thoroughfares, with approximately 24 ft. of pavement.

Manatee County "Concurrency Transportation Link Sheet, July 2002 (revised)" was utilized to obtain a comparison with the traffic counts performed for this report and to provide reserved trips for the roadways in the study area of the project.

The raw counts for this project did not require an adjustment for the peak season traffic, as the hundredth highest hour factor is 1.0 for the week of March 31, 2004 - April 6, 2004. Consequently, the raw counts were not adjusted. Please see the attached Florida Department of Transportation Statistics Office 2002 Peak Season Factor Category Report for Manatee County, which is Exhibit One.

Project Traffic Generation

As was stated in the 1998 report the a.m. and peak hour traffic volumes associated with this project are created by employee trips and the truck trips for phosphate ore transporting. The field employee schedule for shift changes is 6:30 a.m. - 2:30 p.m., 2:30 p.m. - 10:30 p.m., 10:30 p.m. - 6:30 a.m. The field employees would total 21 per shift. The day shift (office and contractors) employees will total 60, and the shift is from 7 a.m. to 4 p.m.

Based upon the shift changes, the employee traffic does not impact the p.m. peak hour of S.R. 64. There is a small impact on the other roadways (see Figure 1). The 6:30 a.m. shift change does have a minor effect on the a.m. peak hour, but it was not critical for this traffic analysis. The 1998 traffic study identified the primary traffic impact during the peak hour as the truck movements to transport the ore to various locations. A condition of the Resolution 98-182 stated that the interval between trucks could be no less than four minutes. This requirement was found in Exhibit E to that resolution under paragraph nine "truck intervals." The paragraph states the interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator... Based upon this requirement, the trip generation for trucks in any one hour period is equal to $(60 \text{ min.} / 4 \text{ min.}) \times 2 = 30$ trips. With the proposed revisions to the haul route, the route will involve Duette Road to the north of the new mine entrance at Duette Road, as well as S.R. 62 and S.R. 37 in Manatee County. The proposed route could travel to a Cargill Plant located off of County Route 640 or the plant off of S.R. 60 east of Mulberry.

However, with regard to the impact during either the a.m. or p.m. peak hour, Resolution 98-182 prohibits trucking of ore during the time of school bus operation. Paragraph 23 under that resolution notes this prohibition in the a.m. between 5:15 and 9:15 and in the p.m. between 1:45 and 5:15. Therefore, the truck traffic cannot create a p.m. or a.m. peak hour impact on the roadway network in the study area.

Conclusion

Table 2 is provided to identify the appropriate information regarding existing and proposed conditions on the roadway links. Based upon the fact that the Resolution 98-182 and the subsequent Resolution 99-89 prohibit truck traffic during the a.m. or p.m. peak hour, and further based upon the employee traffic having virtually no effect during the p.m. peak hour, we conclude that the NOPC will not create any adverse effects on the highway network either regionally or locally.

Table 2 provides the existing and projected conditions on the roadway network within the study area. Based upon this information, it would appear that all roads are operating at an acceptable Level of Service and we respectfully request that the appropriate concurrency certificate for traffic be granted for this project.

\\sm\vj\Wingate Mine traffic.wpd

TABLE 2

The summary of the p.m. peak hour link data is as follows:

EXISTING CONDITIONS MAJOR ROADWAY LINKS

Roadway Link	P.M. Peak Hour Volume	P.M. Peak Hour Reserved Volume	Peak Hour Level of Service	Adoptive Level of Service	Peak Hour LOS Volume
Duette Road (from S.R. 64 to S.R. 62)	65	0	A	C	592
S.R. 62 (S.R. 37 to Hardee County)	334	0	B	C	592
S.R. 37 (S.R. 62 to Polk County)	167	0	A	C	592
S.R. 64 (County Road 675 to Hardee County)	377	251	C	C	592

TABLE 2

PROJECT CONDITIONS MAJOR ROADWAY LINKS

Roadway Link	Base & Reserved Peak Hour Volume	Project Peak Hour Volume	Total Peak Hour Volume	Peak Hour Level of Service	Adoptive Level of Service
Duette Road (from S.R. 64 to S.R. 62)	65	20	85	A	C
S.R. 62 (S.R. 37 to Hardee County)	334	10	344	B	C
S.R. 37 (S.R. 62 to Polk County)	167	8	175	A	C
S.R. 64 (County Road 675 to Hardee County)	628	0	628	C	C

1. Peak Hour Volumes from actual counts
2. Reserved Trips, Peak Hour LOS Volume, and LOS from "Manatee County Transportation Link Sheet, July 2002 (Revised)"



LOMBARDO, SKIPPER & FOLEY, INC.
Consulting Engineers, Surveyors & Planners

ROBERT J. LOMBARDO, P.E.
JOHN R. FOLEY, P.E.

Minutes of Meeting

Date: March 15, 2004

Re: Wingate Mine NOPC - Traffic Methodology Meeting

Place: Manatee County Administration

Attendees: Michel Tenney Manatee County Growth Management
Kyle Fisher LS&F
Robert J. Lombardo, P.E. LS&F

1 Bob Lombardo states that the new owners of the Wingate Mine are proposing to submit a Notice of Proposed Change for the DRI Phosphate Mine. He indicates that his direction is coming from Robert S. Hearon, Principal Scientist, of Environmental Consulting & Technology, Inc. who is responsible for the preparation and submittal of the NOPC. He states that Bob Hearon has already met with Bob Pederson to discuss the requirements for the submittal.

2 Bob provides Michel Tenney with a copy of the 1998 traffic study which accompanied the NOPC that was submitted at that time. He states that there are some significant changes to the original plan for shipping phosphate ore. He states that there will be no traffic going to Port Manatee or utilizing S.R. 64, and he would like to remove the S.R. 64 link from the analysis. Michel Tenney indicates that there would still be employee traffic utilizing S.R. 64 and therefore he will need to see the link analysis as was shown in the 1998 report for S.R. 64, along with the other locations shown in the 1998 study.

Bob Lombardo indicates that the employee shift information will be identical to the information provided in the original 1998 study. Michel Tenney does indicate that the removal of truck traffic to Port Manatee and along S.R. 64 is an excellent change to the original proposal.

3 Bob Lombardo states that there were numerous intersection improvements required by the FDOT with the 1998 study, specifically because of the truck traffic that was to be utilized. All of the intersection improvements required in the 1998 FDOT letter, responding to the NOPC traffic study, were completed. The only improvement that was not completed was the softening of the curve in Duette Road north of the newly constructed mine entrance onto Duette Road. This work is under contract and will be completed in the very near future. Michel Tenney requested that the old FDOT 1998 letter be included in the new traffic study for information purposes.

Minutes to Meeting, Wingate Mine NOPC

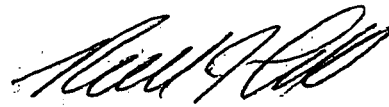
March 15, 2004

Page 2

It was agreed that the identical analysis will be performed for the new study, specifically analysis of the peak hour of the identified roadways and the description of the existing level of service, along with the addition of the new mine traffic and the evaluation of the proposed level of service. No intersection evaluation is necessary.

This is my best recollection of the comments made at our meeting, if there are any inaccuracies or need for additional information, please do so in writing at your convenience.

Respectfully submitted,



Robert J. Lombardo, P.E.
President

RJL:sm

cc: Mr. Robert S. Hearon

minutes Wingate Mine traffic meet.wpd



LOMBARDO, SKIPPER & FOLEY, INC.
Consulting Engineers, Surveyors & Planners

FLORIDA

LAWTON CHILES
GOVERNOR



DEPARTMENT OF TRANSPORTATION

<http://www.dot.state.fl.us>

THOMAS K. BAL
SECRETARY

July 14, 1998

Mr. Robert J. Lombardo, P.E., President
Lombardo, Skipper & Foley, Inc.
Post Office Box 188
Palmetto, Florida 34220-0188

Re: Section 13140, SR 64, MP 10.529-14.715
Section 13060, SR 62, MP 20.156-19.199
Section 13070, SR 37, MP 00.000-05.534
Section 16250, SR 37, MP 00.000-18.179
Section 16110, SR 60, MP 05.836-07.757
NuGulf Phosphate Mine-Proposed Route Change
Review Comments

Dear Mr. Lombardo:

The following recommendations were received from the FDOT Maintenance Office Staff responsible for the respective areas:

1. SR 64 @ NuGulf Phosphate Mine Entrance
 - a. Add a right turn lane westbound to northbound per Standard Index #301; and,
 - b. Enlarge the inbound radius to 50 feet.
2. SR 64 @ Duette Road
 - a. Add a left turn lane eastbound to northbound per Standard Index #301;
 - b. Add a right turn lane southbound to westbound on Duette Road per Standard Index #301; and,
 - c. Enlarge the outbound radius on Duette Road to 50 feet.
3. SR 62 @ Duette Road
 - a. Add a left turn lane northbound to westbound on Duette Road per Standard Index #301;
 - b. Add a right turn lane eastbound to southbound on SR 62 per Standard Index #301; and,
 - c. Enlarge the inbound radius on Duette Road to 50 feet.
4. SR 62 @ SR 37
 - a. Add a left turn lane eastbound to northbound on SR 62 per Standard Index #301;
 - b. Add a right turn lane westbound to northbound on SR 62 per Standard Index #301;
 - c. Add a right turn lane southbound to westbound on SR 37 per Standard Index #301;
 - d. Mark the existing southbound lane on SR 37 as a southbound to eastbound left turn lane per Standard Index #301;
 - e. Re-align the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound; and,
 - f. Add a northbound acceleration lane on SR 37.
5. SR 37 @ SR 60
 - a. No recommended changes to the intersection at this time.
6. SR 60 @ Royster
 - a. Add a right turn lane eastbound to southbound on SR 60 per Standard Index #301.

Page 2 of 2

Mr. Robert Lombardo, P.E.
NuGulf Phosphate Mine

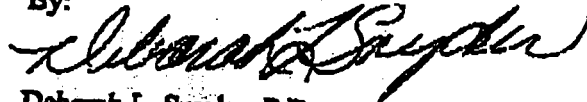
The minimum requirements for this route change would be:

1. Enlarging the radius to a minimum of 50 feet at SR 64 @ NuGulf entrance, SR 64 @ Duette Road, and SR 62 @ Duette Road;
2. Extend the existing right turn taper on SR 64 at the entrance to a full right turn lane per Standard Index #301; and
3. Add a right turn lane on SR 60 @ Royster per Standard Index #301.

These comments are not all inclusive. Should you be in need of any further assistance, please do not hesitate to contact this Department.

Sincerely,
J.R. Lovell, P.E.
DISTRICT TRAFFIC
OPERATIONS ENGINEER

By:



Deborah L. Snyder, P.E.
ASSISTANT DISTRICT TRAFFIC
OPERATIONS ENGINEER

JRL:DLS:KMC:kmc

cc: Mr. Gary Amig, Senior Access Management Specialist, FDOT-District One Traffic Operations Depart.
Mr. Bobby Cranford, P.E., Sarasota Maintenance Engineer, Florida Dept. Of Transportation
Mr. Don Witmer, P.E., Assistant Bartow Maintenance Engineer, Florida Dept. of Transportation
Mr. John Czerepak, District Growth Management Coordinator, FDOT-District One Planning Depart.

A.L.L. bugulforview,lr

Florida Department of Transportation
 Transportation Statistics Office
 2002 Peak Season Factor Category Report

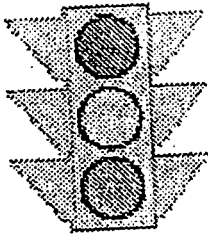
EXHIBIT 1

MANATEE COUNTYWIDE

Category: 1300

MOCF = 0.91

<u>Week</u>	<u>Dates</u>	<u>SF</u>	<u>PSCF</u>
1	01/01/2002 - 01/05/2002	1.01	1.11
2	01/06/2002 - 01/12/2002	1.00	1.10
3	01/13/2002 - 01/19/2002	0.99	1.09
4	01/20/2002 - 01/26/2002	0.97	1.07
* 5	01/27/2002 - 02/02/2002	0.95	1.04
* 6	02/03/2002 - 02/09/2002	0.93	1.02
* 7	02/10/2002 - 02/16/2002	0.91	1.00
* 8	02/17/2002 - 02/23/2002	0.90	0.99
* 9	02/24/2002 - 03/02/2002	0.89	0.98
* 10	03/03/2002 - 03/09/2002	0.88	0.97
* 11	03/10/2002 - 03/16/2002	0.87	0.96
* 12	03/17/2002 - 03/23/2002	0.88	0.97
* 13	03/24/2002 - 03/30/2002	0.90	0.99
* 14	03/31/2002 - 04/06/2002	0.91	1.00
* 15	04/07/2002 - 04/13/2002	0.92	1.01
* 16	04/14/2002 - 04/20/2002	0.94	1.03
* 17	04/21/2002 - 04/27/2002	0.95	1.04
18	04/28/2002 - 05/04/2002	0.97	1.07
19	05/05/2002 - 05/11/2002	0.98	1.08
20	05/12/2002 - 05/18/2002	1.00	1.10
21	05/19/2002 - 05/25/2002	1.02	1.12
22	05/26/2002 - 06/01/2002	1.03	1.13
23	06/02/2002 - 06/08/2002	1.05	1.15
24	06/09/2002 - 06/15/2002	1.06	1.16
25	06/16/2002 - 06/22/2002	1.07	1.18
26	06/23/2002 - 06/29/2002	1.07	1.18
27	06/30/2002 - 07/06/2002	1.08	1.19
28	07/07/2002 - 07/13/2002	1.08	1.19
29	07/14/2002 - 07/20/2002	1.09	1.20
30	07/21/2002 - 07/27/2002	1.09	1.20
31	07/28/2002 - 08/03/2002	1.09	1.20
32	08/04/2002 - 08/10/2002	1.10	1.21
33	08/11/2002 - 08/17/2002	1.10	1.21
34	08/18/2002 - 08/24/2002	1.10	1.21
35	08/25/2002 - 08/31/2002	1.11	1.22
36	09/01/2002 - 09/07/2002	1.11	1.22
37	09/08/2002 - 09/14/2002	1.11	1.22
38	09/15/2002 - 09/21/2002	1.11	1.22
39	09/22/2002 - 09/28/2002	1.09	1.20
40	09/29/2002 - 10/05/2002	1.07	1.18
41	10/06/2002 - 10/12/2002	1.05	1.15
42	10/13/2002 - 10/19/2002	1.03	1.13
43	10/20/2002 - 10/26/2002	1.02	1.12
44	10/27/2002 - 11/02/2002	1.01	1.11
45	11/03/2002 - 11/09/2002	1.01	1.11
46	11/10/2002 - 11/16/2002	1.00	1.10
47	11/17/2002 - 11/23/2002	1.00	1.10
48	11/24/2002 - 11/30/2002	1.01	1.11
49	12/01/2002 - 12/07/2002	1.01	1.11
50	12/08/2002 - 12/14/2002	1.01	1.11
51	12/15/2002 - 12/21/2002	1.01	1.11
52	12/22/2002 - 12/28/2002	1.00	1.10
53	12/29/2002 - 12/31/2002	0.99	1.09



STATE OF FLORIDA
DEPARTMENT OF TRANSPORTATION

District One Office
P.O. Box 1249
801 N. Broadway Avenue
Bartow, Florida 33831-1249

Phone Number
(863) 519-2490
SUNCOM: 557-2490
FAX Number:
(863) 534-0915
SUNCOM: 515-0559

Date: 6/23/04

To: MIKE DENEVE

FAX No: (863) 428-5217

From: MIKE KAUTZ

Pages (Including Cover Sheet) 2

Message:

COMMENTS AS REQUESTED

Gary P Amig/D1/FDOT
06/17/2004 09:11 AM

To "Robert Lombardo" <rlombardo@lsfinc.com>
cc Michael A Kautz/D1/FDOT@FDOT
bcc
Subject Fw: Section 13000-004; Traffic Study for Wingate Creek Mine

Bob:

The attached E-Mail is what was sent to your office via E-Mail on May 24.

Please advise if you have any questions.

Thanks!!!

Gary P. Amig
Access Management Manager
Florida Department of Transportation, District One Headquarters
PO Box 1249
Bartow FL 33831-1249
Phone (863) 519-2666, SC 557-2666
Fax (863) 534-0915, SC 515-0559
Internet E-Mail address gary.amig@dot.state.fl.us
— Forwarded by Gary P Amig/D1/FDOT on 06/17/2004 09:09 AM —

Michael A Kautz/D1/FDOT
06/17/2004 08:41 AM

To Gary P Amig/D1/FDOT@FDOT
cc
Subject Fw: Section 13000-004; Traffic Study for Wingate Creek Mine

Michael Kautz
Access Management Specialist

— Forwarded by Michael A Kautz/D1/FDOT on 06/17/2004 08:39 AM —

Michael A Kautz/D1/FDOT
05/24/2004 12:51 PM

To lmskip@lsfinc.com
cc
Subject Section 13000-004; Traffic Study for Wingate Creek Mine

Mr. Lombardo:

Ronnie Hancock has reviewed the submitted Traffic Study and offers the following comment.

1. The Traffic Study appears to comply with the County's Development Order condition and is consistent with the 1998 Traffic Study.

Michael Kautz
Access Management Specialist

RESOLUTION NO. 99-89

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries, Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, on November 24, 1998, Manatee County approved Resolution R-98-182 approving the use of an additional haul route between the mine and Mulberry, Florida using Duette Road; and

WHEREAS, on March 4, 1999, the Florida Department of Community Affairs, Nu-Gulf Industries, and Manatee County entered into an agreement pursuant to Section 380.032(3), Florida Statutes, for temporary use of the Duette Road haul route until July 31, 1999 and before certain improvements to the State Road system were complete; and

WHEREAS, this agreement required Nu-Gulf to file a NOPC for the changes authorized under the terms of the Sec. 380.032(3) F.S. agreement; and

WHEREAS, on March 22, 1999, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the proposed change is presumed to be a substantial deviation pursuant to Section 380.06(19)(e)3, F.S.; and

WHEREAS, the Department of Community Affairs and Florida Department of Transportation have no objection to the proposed change; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on the NOPC with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on July 27, 1999 held a duly noticed public hearing on the amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on July 8, 1999 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek Mine DRI.
- C. The Board of County Commissioners held a public hearing on July 27, 1999 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 11 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.

- F. The Authorized Agents for Nu-Gulf Industries are Hugh E. McGuire, Esquire & Carol Masio, Esq., McGuire, Pratt, Masio, Farrance & Rice, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The DCA and FDOT have no objection to the proposed change.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, 97-241, and 98-182 is hereby amended by this Resolution, as follows:

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D) and; the Notice of Proposed Change dated March 22, 1999, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- (a) Up to 2.0 million tons per year from the Wingate Creek Mine, west via State Road 54 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point.

- (b) Up to 650,000 tons per year from the Wingate Creek Mine east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine.
- (c) Up to 2.0 million tons per year from the Wingate Creek Mine, east via State Road 64 to Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant.
- (d) Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant. Once the construction of this road is complete, Haul route (c), above shall not be used except in an emergency situation.

Trucks would return along the same described haul routes, except for routes (c) or (d), above, where the return route shall be from the Mulberry Corporation Phosphate Plant, turn right upon exiting and proceed easterly on SR 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to CR 640. At the intersection of Bonnie Mine Road and CR 640, turn right again and proceed westerly to SR 37. At the intersection of CR 640 and SR 37, turn left and proceed south on SR 37 (these routes to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) Nu-Gulf shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations. (Completed)
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
- (15) Nu-Gulf shall utilize only one of the approved eastbound haul routes at any time. Nu-Gulf shall provide advance written notice of a change in a eastbound haul route to the Manatee County Planning Director and Mining Coordinator. This notice shall be provided 30 calendar days prior to changing routes.
- (16) Nu-Gulf shall construct the following permanent improvements to the transportation system before July 31, 1999:

(a) At the mine entrance @ SR 64:

- 1. Installation of street lighting as approved by the Manatee County Transportation Department;
 - 2. A westbound right-turn lane on SR 64 per Standard Index # 301; and
 - 3. Enlarge the inbound radius to 50'.
- (Completed)

(b) At the SR 64 and Duette Road Intersection:

- 1. An eastbound left-turn lane on SR 64 per Standard Index # 301;
- 2. A southbound right-turn lane on Duette Road per Standard Index # 301;
- 3. Enlarge the inbound radius on Duette Road to 50';
- 4. Installation of street lighting as approved by the Manatee County Transportation Department; and
- 5. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way

necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(Completed)

(c) At the Duette Road and SR 62 intersection:

1. A northbound left-turn lane on Duette Road per Standard Index # 301 (Completed);
2. An eastbound right-turn lane on SR 62 per Standard Index # 301 (Completed except for friction course of asphalt and striping. FDOT has agreed to complete this work in exchange for Nu-Gulf providing additional pavement width);
3. Enlarge the inbound radii on the southwest and southeast corners of Duette Road to 50' (Completed).

(d) At the SR 62 and SR 37 intersection:

1. Realign the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound traffic;
2. A westbound right-turn lane on SR 62 per Standard Index # 301;
3. A southbound right-turn lane on SR 37 per Standard Index # 301;
4. A northbound acceleration lane on SR 37 per Standard Index # 301;
5. Mark the existing southbound lane on SR 37 as a southbound to eastbound left-turn lane per Standard Index # 301;
6. A eastbound left-turn lane on SR 62 per Standard Index # 301; and
7. No Right-of-way acquisition was required (All improvements completed in accordance with FDOT permits and approved plans.)

(e) SR 60 @ the Mulberry Corporation plant entrance (in Polk County):

1. An eastbound right-turn lane on SR 60 per Standard Index # 301; (Completed)

(17) Nu-Gulf may commence use of the new Haul route to Mulberry before certain required permanent improvements to the transportation system are constructed, provided that:

- 1) Nu-Gulf provides a bond or other financial surety acceptable to Manatee County for the costs of completion of all improvements listed in this condition; (Completed)
- 2) Nu-Gulf completes the required improvements within 90 days of the effective date of this Resolution, or the acquisition of right-of-way, whichever occurs later for each specific improvement, except for improvements identified in Section 4.(A)(17)(c), below, which shall be completed prior to September 30, 1999; and
- 3) Nu-Gulf completes all improvements identified in Section 4.(A)(16) above, prior to July 31, 1999. The required final improvements that shall be constructed after commencing use of the new haul route are:

(a) At the Curve in Duette Road (mile 1.9):

1. Dedicate the land necessary for road-right-of-way to accommodate a realignment of the existing curve from a centerline radius of $\pm 520'$ to $1,250'$.

If the mine access road across the "Texaco" tract is not completed and operational by September 30, 1999, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department. At a minimum, the new curve will have a centerline radius not less than 1,250';

2. If two or more accidents involving Nu-Gulf's trucks on the haul route occur at this curve during the time the mine access road across the Texaco tract is under construction, and Nu-Gulf's trucks are determined to be the cause of the accident, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department or cease use of the haul route until the mine access road across the "Texaco" tract is completed. At a minimum, the new curve will have a centerline radius not less than 1,250'.
3. Install new signs as specified by the Manatee County Transportation Department. (Completed)
4. Widen the existing road for the length of the 520' radius section to 30' in width with two (2) 14' wide travel lanes, provided that this improvement will not be required if the mine access road across the Texaco tract is constructed prior to commencement of hauling on Duette Road; (Completed)
5. Construct rumble strips to the north and south of the curve in accordance with specifications approved by the Manatee County Transportation Department; (Completed) and
6. Additional warning signs as required by the Manatee County Transportation Department. (Completed)

(b) At the Duette Road Bridge (Myakka headwaters - mile 0.8):

1. Guardrail improvements as specified by the Manatee County Transportation Department. (Completed)

(c) At the Duette Road and new mine access road intersection (at the "Texaco" tract - mile 2.55) Nu-Gulf shall undertake the following improvements:

1. Intersection construction, drainage, surfacing, and sign requirements as determined by the Manatee County Transportation Department. (Under construction)

(d) At the 90 degree turn of Duette Road (mile 5):

1. Provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than 1,250';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements; and
3. Install new temporary and permanent signs as specified by the Manatee County Transportation Department.

(e) At the bridge over the East Fork of the Manatee River (mile 6.5):

1. Widen the bridge deck surface to 24'; (Completed)

2. Clearing of vegetation to improve the line of sight, as specified by the Manatee County Transportation Department; and (Completed)
3. Guardrail Improvements as specified by the Manatee County Transportation Department; (Completed)

(f) The northern section of Duette Road (3.7 miles):

1. Design and widen the roadway surface to 22' and provide a shoulder in accordance with designs approved by the Manatee County Transportation Department; and
2. Provide any stormwater facilities that are required for the widened roadway; and
3. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(Completed)

- (19) Upon completion of the mine access road, Nu-Gulf shall not use that portion of the new haul route between SR 64 and the Texaco tract except in case of emergency.
- (19) For the northern 3.7 miles Nu-Gulf reconstructed this portion of Duette Road. Nu-Gulf shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf shall document the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Completed. Upon completion of mining activity, Nu-Gulf shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd) , this is effectively a new roadway surface. For the portion of the southern 6.3 miles that is not part of the permanent haul route, (i.e., south of the location where the mine access road intersects Duette Road), Nu-Gulf shall be responsible for repairing any damage caused during the time(s) this portion of the haul route is used, including during emergency use.
- (20) Nu-Gulf shall provide and install raised pavement markers (RPM's) for the entire length of Duette Road as determined by the Manatee County Transportation Department. (Completed)
- (21) Nu-Gulf shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the bridge is not structurally sound to handle the phosphate truck traffic, then Nu-Gulf shall cease use of that haul route until such time as the bridge deficiencies are corrected. (1st Required Inspection Completed)
- (22) Nu-Gulf shall agree to assume responsibility for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2004). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Nu-Gulf shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.
- (23) Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the

supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m. to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

- (24) Nu-Gulf shall not use more than one (1) material transportation firm, including subcontractors, for eastbound trips and one (1) material transportation firm, including subcontractors, for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change, unless because of strike or act of God, Nu-Gulf has given less notice than thirty days. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

- (25) Nu-Gulf shall only use one of the eastbound haul routes at any one time.
- (26) Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Nu-Gulf's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

SECTION 5. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 6. EFFECTIVE DATES

R-99-89 - Nu-Gulf DRI #4

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 7, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 7. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRFC.

SECTION 8. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

SECTION 9. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 10. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 11. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Exhibit A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 27th day of July, 1999.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:

Stan Stephen

Chairman

ATTEST:

R. B. SHORE

Clerk of the Circuit Court

[Signature]

EXHIBITS C and D

**ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO:**

- C. DR! Development Order recorded in Page 122, Minute Book 25 on 1/25/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.

EXHIBITS A and E ARE ATTACHED

EXHIBIT A

LEGAL DESCRIPTION FOR R-99-89 - NU-GULF DRI#4

LEGAL DESCRIPTION SUMMARY

PARCEL B	1,221.87
PARCEL C	1,984.36 ACRES
	<hr/>
	3,206.23 ACRES

LESS

101 ACRES	101.00 ACRES
(CONVEYED 2/14/95 TO BB/MANATEE)	<hr/>
	3,105.23 ACRES

TOTAL NU-GULF LANDS 3,105.23 ACRES

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST, THENCE S 03° 05' 41" W, A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E, ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W, A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W, ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES; N 00° 22' 15" E, A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E, A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E, A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E, ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.
CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EAST LINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD, CONTAINING 1984.36 ACRES, MORE OR LESS.

LESS:

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87° 08' 37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 22' 15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00° 22' 15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 11° 24' 52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 00° 22' 15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89° 46' 04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 959.03 FEET; THENCE N 34° 58' 09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 800.00 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

MANATEE COUNTY
RESOLUTION R- 99-89
EXHIBIT E

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axes on the tractor/trailer combination. Trucks having two trailer axes and two tractor axes shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axes on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Nu-Gulf truck by the use of a Nu-Gulf sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get a accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's responsibility.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

- Yellow copy - Port Manatee/Piney Point Phosphate/Mulberry Phosphate records
- Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Nu-Gulf Industries. Nu-Gulf Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at Port Manatee, Piney Point Phosphates, or Mulberry Phosphates on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months (1st Required calibration completed) or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Port Manatee, Piney Point Phosphate, or Mulberry Phosphates scale. The scale is inspected and certified annually by the Florida D.O.T. The comparisons between the port and mine scales will be made the Port Secretary or by the Piney Point or Mulberry Superintendent and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in County Resolution R-98-182. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m. to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee county.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination;

Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Data
- (10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.
2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- (2) Follow assigned routes and road maps.
- (3) Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- (4) Maintain and keep daily logs in accordance of D.O.T. regulations.
- (5) Physically and mentally load and unload freight as required.
- (6) Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Nu-Gulf Industries on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Nu-Gulf Industries. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton- Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

1. The driver reports immediately, of accident involvement and if any bodily injury at scene.
2. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, and /or company personnel.
3. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

1. Minor accidents and/or incidents - driver would be allowed to return to work pending any further review by company personnel.
2. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.

3. Accidents involving drivers charged with reckless driving, or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Nu-Gulf shall not use more than one (1) material transportation firm, including subcontractors, for eastbound trips and one material transportation firm, including subcontractors, for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms and subcontractors will be utilized. This notice shall be provided at least 30 days prior to changing material transporters or using a subcontractor unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm or subcontractor, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter or subcontractor until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

21. Nu-Gulf shall only use one of the eastbound haul routes at any one time.

APPENDIX

- I. Bill of Lading
Truck Dispatch Sheet
- II. Observation Report
Driver Evaluation Form
- III. Application Package
- IV. Driver Training Final Report & Pay Request
Trainee/Trainer Checklist
Driver Trainer Agreements (2)
- V. Driver's Daily Log
Driver's Vehicle Inspection Report
- VI. 1998-99 School schedule
- VII. County Resolution R-99-89

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office. Witness my hand and official seal this 2nd day of

August 1999

R. B. SHORE

Clerk of Circuit Court

By: Joan Rook

D.C.

RESOLUTION NO. 98-182

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Beker Phosphate Corporation and Beker Industries, Corporation (together referred to as "Beker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-241 extending the expiration date for the Wingate Creek Mine Development Order to July 31, 2004, extending the life of the authorized haul routes to July 31, 2004, and the completion of mining reclamation to December 31, 2008; and

WHEREAS, on December 16, 1997, Manatee County approved Resolution R-97-242, amending the Master Mine Plan and Operating Permit to conform to the amended Development Order; and

WHEREAS, Nu-Gulf Industries Inc. have not had active mining operations since September, 1992; and

WHEREAS, on June 15, 1998, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council, the Central Florida Regional Planning Council, and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the Tampa Bay Regional Council has determined that the change proposed in the NOPC is presumed to create a substantial deviation pursuant Subsection 380.06 (19)(e)3, Florida Statutes, however, Nu-Gulf Industries has provided information which successfully rebuts this presumption and it is found that no regional impact will occur from the addition of a third haul route and change in authorized haulers of phosphate rock because all regional impacts to the transportation system will be mitigated by the applicant; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on October 27, November 17, 1998 and November 24, 1998 held a duly noticed public hearing on said amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact:

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on October 8, 1998, November 5, 1998 and November 12, 1998 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek Mine DRI.
- C. The Board of County Commissioners held a public hearing on October 27, 1998, November 17, 1998 and November 24, 1998 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 11 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- F. The Authorized Agents for Nu-Gulf Industries are Hugh E. McGuire, Esquire & Carol Masio, Esq., McGuire, Pratt, Masio, Farrance & Rice, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, FL 34206.

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the 2020 Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and previous local government approvals.
- B. The Concerns raised in DCA'S September 25, 1998 and TBRPC'S November 5, 1998 letters have been addressed.
- C. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- D. The review by the County, TBRPC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRPC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, and 97-241 is hereby amended by this Resolution, as follows:

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D) and; the Notice of Proposed Change dated June 15, 1998 (including additional information dated July 23, 1998, August 3, 1998, August 26, 1998, and September 3, 1998), except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul routes and subject to the tonnage limitations listed below:

HAUL ROUTE:

- (a) Up to 2.0 million tons per year from the Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point.
- (b) Up to 650,000 tons per year from the Wingate Creek Mine east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine.
- (c) Up to 2.0 million tons per year from the Wingate Creek Mine, east via State Road 64 to Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant.

- (d) Up to 2.0 million tons per year from the Wingate Creek Mine road which joins into Duette Road, north to State Road 62, west to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant. Once the construction of this road is complete, Haul route (c), above shall not be used except in an emergency situation.
- (e) Beginning December 15, 1998 and until July 31, 1999 or completion of the improvements identified in paragraph 16, below, whichever occurs first, and during any time that Duette Road is unavailable due to construction required by this Development Order, up to 175 truck trips per day are permitted from the Wingate Creek Mine, west via State Road 64 to Interstate 75, north to Big Bend Road, east to US 301, south to County Road 672, east to State Road 39, north to County Road 640, east to State Road 37, north to State Road 60, then east to the Mulberry Corporation phosphate plant, subject to all other restrictions contained in this Development Order.

Trucks would return along the same described haul routes, except for routes (c) or (d), above, where the return route shall be from the Mulberry Corporation Phosphate Plant, turn right upon exiting and proceed easterly on SR 60 to Bonnie Mine Road, then turn right and proceed southerly on Bonnie Mine Road to CR 640. At the intersection of Bonnie Mine Road and CR 640, turn right again and proceed westerly to SR 37. At the intersection of CR 640 and SR 37, turn left and proceed south on SR 37 (these routes to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) Nu-Gulf shall resume its payments into an irrevocable trust the sum of \$135,416.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations.
- (14) Nu-Gulf shall require that its hauler prevent debris from leaving trucks, full or empty, during their travel on the haul route.
- (15) Nu-Gulf shall utilize only one of the approved eastbound haul routes at any time. Nu-Gulf shall provide advance written notice of a change in a eastbound haul route to the Manatee County Planning Director and Mining Coordinator. This notice shall be provided 30 calendar days prior to changing routes. Nu-Gulf shall provide advance written notice of the use of the temporary haul route to the Manatee County Planning Director and Mining Coordinator, as well as to Polk County and Hillsborough County.
- (16) Nu-Gulf shall construct the following permanent improvements to the transportation system before use of the haul route to Mulberry may commence:
 - (a) At the mine entrance @ SR 64:
 - 1. Installation of street lighting as approved by the Manatee County Transportation Department;
 - 2. A westbound right-turn lane on SR 64 per Standard Index # 301; and
 - 3. Enlarge the inbound radius to 50'.
 - (b) At the SR 64 and Duette Road Intersection:
 - 1. An eastbound left-turn lane on SR 64 per Standard Index # 301;
 - 2. A southbound right-turn lane on Duette Road per Standard Index # 301;
 - 3. Enlarge the inbound radius on Duette Road to 50'.

4. Installation of street lighting as approved by the Manatee County Transportation Department; and
5. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(c) At the Duette Road and SR 62 intersection:

1. A northbound left-turn lane on Duette Road per Standard Index # 301;
2. An eastbound right-turn lane on SR 62 per Standard Index # 301;
3. Enlarge the inbound radii on the southwest and southeast corners of Duette Road to 50'; and
4. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(d) At the SR 62 and SR 37 intersection:

1. Realign the intersection to 90 degrees to the centerline of SR 62 and make it a standard "T" intersection with stop bar and stop sign on SR 37 for southbound traffic;
2. A westbound right-turn lane on SR 62 per Standard Index # 301;
3. A southbound right-turn lane on SR 37 per Standard Index # 301;
4. A northbound acceleration lane on SR 37 per Standard Index # 301;
5. Mark the existing southbound lane on SR 37 as a southbound to eastbound left-turn lane per Standard Index # 301;
6. A eastbound left-turn lane on SR 62 per Standard Index # 301; and
7. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

(e) SR 60 @ the Mulberry Corporation plant entrance (in Polk County):

1. An eastbound right-turn lane on SR 60 per Standard Index # 301;

(17) Nu-Gulf may commence use of the new Haul route to Mulberry before certain required permanent improvements to the transportation system are constructed, provided that:

- 1) Nu-Gulf provides a bond or other financial surety acceptable to Manatee County for the costs of completion of all improvements listed in this condition;
- 2) Nu-Gulf completes the required improvements within 90 days of the effective date of this Resolution or the acquisition of right-of-way, whichever occurs later for each specific improvement; and
- 3) Nu-Gulf completes all improvements identified in Section 4.(A)(16) above, prior to commencing use of the haul route. The required final improvements that shall be constructed after commencing use of the new haul route are:

(a) At the Curve in Duette Road (mile 1.9):

1. Dedicate the land necessary for road-right-of-way to accommodate a realignment of the existing curve from a centerline radius of $\pm 520'$ to $1,250'$;
2. If the mine access road across the "Texaco" tract is not completed and operational by July 31, 1999, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department. At a minimum, the new curve will have a centerline radius not less than $1,250'$;
3. If two or more accidents involving Nu-Gulf's trucks on the haul route occur at this curve during the time the mine access road across the Texaco tract is under construction, and Nu-Gulf's trucks are determined to be the cause of the accident, then Nu-Gulf shall design and construct geometric improvements to this curve in accordance with designs approved by the Manatee County Transportation Department or cease use of the haul route until the mine access road across the "Texaco" tract is completed. At a minimum, the new curve will have a centerline radius not less than $1,250'$;
4. Install new signs as specified by the Manatee County Transportation Department.
5. Widen the existing road for the length of the $520'$ radius section to $30'$ in width with two (2) $14'$ wide travel lanes, provided that this improvement will not be required if the mine access road across the Texaco tract is constructed prior to commencement of hauling on Duette Road;
6. Construct rumble strips to the north and south of the curve in accordance with specifications approved by the Manatee County Transportation Department; and
7. Additional warning signs as required by the Manatee County Transportation Department.

(b) At the Duette Road Bridge (Myakka headwaters - mile 0.8):

1. Guardrail improvements as specified by the Manatee County Transportation Department.

(c) At the Duette Road and new mine access road intersection (at the "Texaco" tract - mile 2.85) Nu-Gulf shall undertake the following improvements:

1. Intersection construction, drainage, surfacing, and sign requirements as determined by the Manatee County Transportation Department.

(d) At the 90 degree turn of Duette Road (mile 5):

1. Provide designs for and construct geometric improvements to this curve as approved by the Manatee County Transportation Department. At a minimum, the radius of the curve shall be no less than $1,250'$;
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements; and
3. Install new temporary and permanent signs as specified by the Manatee County Transportation Department.

(e) At the bridge over the East Fork of the Manatee River (mile 6.5):

1. Widen the bridge deck surface to 24';
2. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements or to construct any temporary bypass road (as determined by the Manatee County Transportation Department) that may be necessary during construction work on the bridge. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements;
3. Clearing of vegetation to improve the line of sight, as specified by the Manatee County Transportation Department; and
4. Guardrail Improvements as specified by the Manatee County Transportation Department;

(f) The northern section of Duette Road (3.7 miles):

1. Design and widen the roadway surface to 22' and provide a shoulder in accordance with designs approved by the Manatee County Transportation Department; and
2. Provide any stormwater facilities that are required for the widened roadway; and
3. Nu-Gulf shall be responsible to reimburse Manatee County for all costs incurred by the County associated with the acquisition of any right-of-way necessary for Nu-Gulf to construct these improvements. Alternatively, Nu-Gulf may elect to purchase the land directly from the owner(s) and construct the required improvements.

- (18) Upon completion of the mine access road, Nu-Gulf shall not use that portion of the new haul route between SR 64 and the Texaco tract except in case of emergency.
- (19) For the northern 3.7 miles Nu-Gulf will be reconstructing this portion of Duette Road prior to material transportation, Nu-Gulf shall not have any further obligation with regard to this segment so long as it is in better condition after completion of mining activity. Nu-Gulf shall document the existing conditions of the roadway in a manner acceptable to the Manatee County Transportation Department. Upon completion of mining activity, Nu-Gulf shall rebuild the Duette Road roadway to existing conditions. For the portion of the southern 6.3 miles that is part of the permanent haul route (i.e., north of the location where the mine access road intersects Duette Rd) , this is effectively a new roadway surface. For the portion of the southern 6.3 miles that is not part of the permanent haul route, (i.e., south of the location where the mine access road intersects Duette Road), Nu-Gulf shall be responsible for repairing any damage caused during the time(s) this portion of the haul route is used, including during emergency use.
- (20) Nu-Gulf shall provide and install raised pavement markers (RPM's) for the entire length of Duette Road as determined by the Manatee County Transportation Department.
- (21) Nu-Gulf shall have a structural Engineer examine the bridge at the East Fork of the Manatee River every 6 months. A copy of the engineer's findings shall be submitted to the Manatee County Transportation and Planning Departments for review. Should the report identify that the

bridge is not structurally sound to handle the phosphate truck traffic, then Nu-Gulf shall cease use of that haul route until such time as the bridge deficiencies are corrected.

- (22) Nu-Gulf shall agree to assume responsibility for expense of extraordinary maintenance of the Duette Road roadway through the life of the haul route (i.e., July 31, 2004). Extraordinary maintenance is defined as the actual costs incurred by Manatee County for maintenance of Duette Road that are over and above the average annual per-mile cost of maintenance of similar roadways in Manatee County. Nu-Gulf shall ensure reimbursement for the required maintenance through a bond or other financial guarantees acceptable to Manatee County, when furnished with verified cost estimates.

- (23) Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.

Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee County.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

- (24) Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one (1) material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless a strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change, unless because of strike or act of God. Nu-Gulf has given less notice than thirty days. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

- (25) Nu-Gulf shall only use one of the eastbound haul routes at any one time.

- (26) Nu-Gulf shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Nu-Gulf's trucks in Manatee County, to determine compliance with the conditions of the amended Development Order and to enforce highway safety regulations.

SECTION 5. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 6. EFFECTIVE DATES

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 7, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 7. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRPC.

SECTION 8. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order.

SECTION 9. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 10. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 11. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Exhibit A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 24th day of November, 1998.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:

Kathleen M. Glass
Chairman, BOARD OF COUNTY COMMISSIONERS

This is to certify that the foregoing is a true and correct copy, of the documents on file in my office.
Witness my hand and official seal this 17th day of

December 1998

R. D. SHORE

Clerk of Circuit Court

ATTEST:

R. B. SHORE

Clerk of the Circuit Court

EXHIBITS C and D

ARE NOT ATTACHED BUT ARE ON FILE AT THE CLERK'S OFFICE
AS ATTACHMENTS TO:

- C. DRI Development Order recorded in Page 122, Minute Book 25 on 1/28/75.
- D. Application for Amendment filed in 6/83 (DOAH 83-4002) as approved by R-88-236.

EXHIBITS A and E ARE ATTACHED

EXHIBIT A

LEGAL DESCRIPTION FOR R-98-182 - NU-GULF DRI#4

LEGAL DESCRIPTION SUMMARY

PARCEL B	1.221.87
PARCEL C	1.984.36 ACRES
	<hr/>
	3.206.23 ACRES

LESS

101 ACRES	101.00 ACRES
(CONVEYED 2/14/95 TO BB/MANATEE)	
	<hr/>
	3.105.23 ACRES

TOTAL NU-GULF LANDS 3,105.23 ACRES

PARCEL B

BEGINNING AT THE N.E. CORNER OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 03° 05' 41" W. A DISTANCE OF 5596.62 FEET TO THE S.E. CORNER OF SAID SECTION 31; THENCE S 85° 55' 55" E. ALONG THE NORTH LINE OF SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST, A DISTANCE OF 181.26 FEET TO THE N.E. CORNER OF SAID SECTION 6; THENCE S 00° 10' 08" W. A DISTANCE OF 4313.15 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE S 89° 46' 04" W. ALONG THE SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 5135.87 FEET TO THE EASTERLY RIGHT OF WAY LINE OF S.R. 39; THENCE NORTHERLY ALONG SAID EASTERLY RIGHT OF WAY LINE THE FOLLOWING SIX COURSES: N 00° 22' 15" E. A DISTANCE OF 547.42 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5829.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 11° 24' 52" W. A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5629.59 FEET; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T. OF SAID CURVE; THENCE N 00° 22' 15" E. A DISTANCE OF 1542.85 FEET; THENCE N 00° 39' 05" E. A DISTANCE OF 5306.50 FEET TO THE NORTH LINE OF SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 88° 59' 12" E. ALONG SAID NORTH LINE, A DISTANCE OF 5482.62 FEET TO THE POINT OF BEGINNING. LYING AND BEING IN SECTION 31, TOWNSHIP 34 SOUTH, RANGE 22 EAST AND SECTION 6, TOWNSHIP 35 SOUTH, RANGE 22 EAST AND SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.
CONTAINING 1221.87 ACRES, MORE OR LESS.

PARCEL C

BEGINNING AT THE S.E. CORNER OF SECTION 28, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 89° 11' 57" W, A DISTANCE OF 5281.33 FEET TO THE S.W. CORNER OF SAID SECTION 28; THENCE N 88° 43' 52" W, A DISTANCE OF 5424.50 FEET TO THE S.W. CORNER OF SECTION 29, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 01° 01' 47" W, ALONG THE WEST LINE OF SAID SECTION 29, A DISTANCE OF 2633.20 FEET TO THE EAST 1/4 CORNER OF SECTION 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE N 88° 48' 07" W, ALONG THE SOUTH LINE OF THE N.E. 1/4 OF SAID SECTION 30, A DISTANCE OF 2388.95 FEET; THENCE N 01° 00' 59" E, A DISTANCE OF 1408.27 FEET; THENCE N 58° 32' 10" E, A DISTANCE OF 2231.23 FEET; THENCE N 08° 14' 52" W, A DISTANCE OF 226.69 FEET; THENCE N 41° 44' 44" E, A DISTANCE OF 3357.00 FEET; THENCE EAST, A DISTANCE OF 1200.00 FEET; THENCE SOUTH, A DISTANCE OF 517.52 FEET; THENCE EAST, A DISTANCE OF 7808.85 FEET TO THE EASTLINE OF SECTION 21, TOWNSHIP 34 SOUTH, RANGE 22 EAST; THENCE S 00° 17' 16" W, A DISTANCE OF 2414.64 FEET TO THE S.E. CORNER OF SAID SECTION 21; THENCE S 00° 08' 00" E, A DISTANCE OF 5246.25 FEET TO THE POINT OF BEGINNING, LYING AND BEING IN SECTIONS 19, 20, 21, 28, 29 AND 30, TOWNSHIP 34 SOUTH, RANGE 22 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS RIGHTS OF WAY AND RESTRICTIONS OF RECORD, CONTAINING 1984.36 ACRES, MORE OR LESS.

LESS:

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87° 08' 37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00° 22' 15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00° 22' 15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 11° 24' 52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11° 47' 07" TO THE P.T.; THENCE S 00° 22' 15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89° 46' 04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 959.03 FEET; THENCE N 34° 58' 09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00° 22' 15" E, A DISTANCE OF 800.00 FEET; THENCE N 89° 37' 45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

MANATEE COUNTY
RESOLUTION R-98-182
EXHIBIT E

1. CARGO

The cargo being hauled is phosphate rock and has no specific toxicity problems which would cause special transportation problems.

2. TRUCK LIMITS

The trucks have two specific capacity limits determined by the number of axles on the tractor/trailer combination. Trucks having two trailer axles and two tractor axles shall be allowed to carry a maximum weight of 73,280 pounds, while trucks having three axles on both tractor and trailer have a maximum capacity of 80,000 pounds. No special D.O.T. emblems are required. Each truck will be identified as a Nu-Gulf truck by the use of a Nu-Gulf sign on the tailgate which will be visible from a normal safe following distance.

3. LOADING-TARE WEIGHT

The loading will take place at the Wingate Mine. Trucks will proceed to the scale upon arrival at the mine. Before entering the scales each truck will come to a complete stop. The truck will proceed onto the scale and stop when correctly positioned. The scale operator will light weigh the truck and inform the driver which material is to be loaded (pebble, concentrate or combination of both). This weight will appear as the "tare" weight on the bill of lading. The weight is normally 22,000 - 25,000 pounds. Any variation of the tare should be reported to the plant shift supervisor.

4. LOADING-CARGO

Trucks will then proceed to the loading area. The loader operators should load a truck evenly both front to back and side to side. This will minimize the possibility of a load shift during transit. While at the piles the truck drivers will get out of their trucks and sample each bucket of material that is placed in their truck. The sample is placed in a bucket and then covered. This is important to get an accurate moisture sample. Moisture will be controlled at 8-13% to minimize dusting and excess leakage. The sample analysis will be reported on the daily production report. The month-to-date analysis can also be found on the report. The daily production report can be found in the general manager's files and is saved four years.

5. LOADING - INSPECTION

While outside the truck each driver is responsible to make an inspection tour of his vehicle. During this tour the vehicle will be observed for tire condition, tailgate position, leakage, tail lights, tractor lights, brakes. If the driver or loader operator finds a problem with the truck it will be removed from the line until it can be repaired.

6. LOADING - TOPPING & WEIGH-OUT

Once loaded the truck will proceed to the scale for topping and weigh-out. The driver will again bring the truck to a full stop before proceeding onto the scale. This will minimize scale damage and insure weight accuracy. As the truck is weighed, the scale operator will determine if it is overweight or underweight from the aforementioned gross vehicle weights. If the truck is overweight it will be backed off the scale and dumped. The under weight trucks will be topped to the correct weight with the truck

topping hopper. After topping, the truck driver will cover his load with a tarp. At no time will trucks be allowed to leave the scale untarped. This is a violation of the Florida Motor Vehicle code and will not be tolerated! The driver will proceed to the scale house where he signs to accept the load on the "load dispatch sheet" and the driver's copy of the bill of lading will be completed.

7. SCALE - OPERATION & RECORDS

The scale operator is responsible for the accuracy of the scale operation and the time intervals of all trucks dispatched. When the truck returns to the scale and the weight does not need adjustment, the operator will print this weight on the bill of lading along with the time and date. Otherwise, after the load has been adjusted, the adjusted weight will be printed on the bill of lading as the gross weight. The truck dispatch sheet will be filled in at this time. The tractor/trailer numbers; weight before topping and weight after topping; and drivers signature will be put on dispatch sheet. The final loaded weight along with the time and date will be printed on the bill of lading. The tractor/trailer numbers and driver's signature will also be placed on the bill of lading. If the time has been at least four minutes since the departure of the previous truck, the driver will be allowed to leave. If the time is less than four minutes, he will be required to remain until the correct time interval is obtained. At this time the bill of lading will be stamped again on the bottom. This will be the official departure time.

The bill-of-lading driver copies are given to the driver and include the following:

- Yellow copy - Port Manatee/Piney Point Phosphate/Mulberry Phosphate records
- Pink copy - Material hauler records

The white copies of the bill of lading are kept at the scale and compiled with the truck dispatch sheets. The day's shipping will be sent to the accounting department for compilation. A shipping day starts at 07:00 AM and ends at 06:59 AM. After the data is input to the computer and the computer shipping report and bill of lading white copies are stored at Nu-Gulf Industries. Nu-Gulf Accounting will compare truck counts leaving the Wingate Creek Mine vs. trucks received at Port Manatee, Piney Point Phosphates, or Mulberry Phosphates on a daily basis. The white copies will then be kept in storage for a minimum of five years. The truck dispatch sheets will be sent to the plant superintendent for like storage.

The truck scale will be calibrated a minimum of once every three months or whenever a discrepancy may occur between other scales that are check weighing trucks. The contractor will be Central Florida Scales or an equivalent contractor. The calibration report will be given to the Plant Superintendent who will store them for a period of two years. The trucks will be check-weighed on a periodic basis at the Port Manatee, Piney Point Phosphate, or Mulberry Phosphates scale. The scale is inspected and certified annually by the Florida D.O.T. The comparisons between the port and mine scales will be made the Port Secretary or by the Piney Point or Mulberry Superintendent and sent to the mine for analysis. These will be kept in the files at the mine office. A sample bill of lading can be found in the Appendix along with a mine dispatch sheet.

8. TRUCK ROUTE

The drivers will proceed on the designated route as detailed in County Resolution R-98-182. There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following page.

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets

while the return trip will be monitored by the dispatcher from the appropriate terminal, depending on the route.

If the trucks are not at least four minutes apart, the dispatcher will detain them until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

10. SAFETY MONITORS

The Material Hauler will maintain a safety monitoring staff who will travel the route continuously. During this trip the conditions of the trucks, road, weather, traffic and any defects or problems encountered will be recorded on the observation report form. The safety engineer will file these reports with his supervisor at the Material Haulers terminal. Reports will be filed by individual truck number. A sample report can be found in the Appendix. This report will be reviewed by the terminal manager and then forwarded to the Material Haulers main office for review by the safety Manager and then storage.

11. TRUCKING SCHEDULES

Trucking will not occur during school bus hours. Trucks will not leave the mine or the Mulberry Chemical Plant or travel on S.R. 64, Duette Road, or S.R. 62 during the time that school buses are either picking up or delivering students. The bus schedules are available from the supervisor of school bus operations. The schedules will be reviewed by Manatee County and Nu-Gulf personnel and the appropriate trucking schedule settled upon and published. The schedule will be distributed to the Nu-Gulf operations personnel, scale operator, and Material Hauler's terminal manager. The 1998/99 schedule for school buses on the haul route is attached. For the 1998/99 school year the hours during which trucking shall not occur are:

Morning/AM - 5:15 a.m to 9:15 a.m.
Afternoon/PM 1:45 p.m. to 5:15 p.m.

Before the start of a new school year or summer-school, Nu-Gulf will request notice from the Supervisor of School Bus Operations and adjust the trucking schedule accordingly, with approval by Manatee county.

On scheduled school closure days and weekends the trucks will run twenty-four hours per day with the following exception:

No trucking will occur on S.R. 64 between I-75 and Lorraine Road during peak traffic hours, excluding holidays and weekends. These hours have been established to be 7:00 - 8:00 a.m. and 4:45 - 5:45 p.m.

Any truck sighting a school bus during non-school bus hours will report the occurrence to their dispatcher and the Manatee County Mining Coordinator, so the incident can be investigated and schedules amended if necessary.

12. TRUCK DRIVERS

One of the most critical parts of a safe trucking operation is the driver. The driver must be alert at all times, knowledgeable of his equipment and well trained. The Material Hauler's attitude towards obtaining, training, and maintaining a qualified staff is paramount with the management.

13. DRIVER APPLICANTS

An applicant for a driver's position must fulfill the following requirements.

- (1) Be able to fill out application for employment;
- (2) Posses a valid Florida commercial driver's license;
- (3) Pass a D.O.T physical examination;
- (4) Pass a material hauler road test;
- (5) Attend a material hauler orientation school and complete required examination;
- (7) And complete all employment procedures as required by the Material Hauler and all regulatory agencies.

Enclosed in the appendices is a sample of a complete employment package. This package includes the following:

- (1) Application
- (2) Checklist
- (3) Insurance Enrollment Form
- (4) W-4 Form
- (5) Physical Examination Form
- (6) Request for Information - Former Employer
- (7) Record of Road Test
- (8) Certification of Road Test
- (9) Driver License Information Date
- 10) Reference Check

14. DRIVER TRAINEES

After the above information is completed the applicant will become a trainee. He will enter a training program by completing a trainee/trainer agreement. This agreement defines the trainee's responsibility, trainer's responsibility, and monetary rewards. The trainee will then perform normal duties under the observation of the trainer for a three-day training period. Each day the trainer will complete a "Trial Trip Report". This report summarizes the trainee's basic driving abilities. After the training period is over a final report and pay request is completed. The trainer will receive a basic wage while training applicant and after a successful ninety day probationary period he will receive an incentive pay for each trained driver. Copies of these forms and agreement can be found in the appendices.

15. TRAINED DRIVERS

Once the applicant has become a trained driver he is continuously monitored by the safety engineer and dispatchers. He is required to complete a trip inspection. The following is that inspection.

1. Inspect tractor/trailer license plates.

2. Insure all fluid levels are adequate.
3. Tire pressures meet minimum requirements.
4. Insure all safety equipment is in place.
5. Insure GV weights are not exceeded.

If the driver discovers a problem with the truck before or during his shift, he will return to the terminal and fill out the driver's vehicle inspection report. The vehicle will not be returned to service until the repairs are completed and the mechanic and driver check it out.

A trained driver must also be able to:

- (1) Maintain efficient and safe operation of the assigned vehicle.
- (2) Follow assigned routes and road maps.
- (3) Operate the radio in accordance to F.C.C. and Material Hauler regulations.
- (4) Maintain and keep daily logs in accordance of D.O.T. regulations.
- (5) Physically and mentally load and unload freight as required.
- (6) Read and comprehend computerized payroll print-outs and manifests.

In the appendices is a Driver's Vehicle Inspection Report and Driver's Dail Log.

16. DRIVER CHECK RIDES

Lastly in addition to the observation reports completed by the safety engineer, a check ride report was initiated to maintain driver awareness. A check ride can be made by the safety engineer at any time with any driver of his choosing. An evaluation form is completed by the safety engineer after the check ride. A copy of this report form is also in the appendices. This report is reviewed by the Material Hauler's manager and forwarded to the head office.

17. DRIVER PERFORMANCE

Driver performance will be reported to Nu-Gulf Industries on a monthly basis. The report will detail any violations that have occurred during the prior month and the disciplinary actions as a result of those violations. The Material Hauler's Manager will send the written report to the General Manager of Nu-Gulf Industries. Additionally the report should contain a status report concerning equipment status, full time driver availability, part-time driver availability, and any additional information that impacts the trucking operation.

18. TRUCK MONITORING

The trucks are equipped with a Eaton- Vorad or equivalent device that analyzes truck and driver performance. Each device records driver performance regarding following distances and truck speed over time. Periodically the information is removed from each device in the fleet and put into a computer. The computer will analyze the data and formulate a report indicating driving/operating problems.

These reports are kept in the Material Hauler's principal Florida office.

19. DRIVER DISCIPLINE

Following is the accepted procedure that is observed in case of accidents.

1. The driver reports immediately, of accident involvement and if any bodily injury at scene.
2. Driver remains at scene of accident until investigation is completed by law enforcement personnel, company insurance adjuster, and /or company personnel.
3. The driver completes an accident report when arriving at the terminal.

Disciplinary action would be the following:

1. Minor accidents and/or incidents - driver would be allowed to return to work pending any further review by company personnel.
2. More severe accidents will result in temporary suspension pending investigation of driver record and involvement.
3. Accidents involving drivers charged with reckless driving, or driving under the influence will be immediately terminated from the company.

Incidents involving company drivers, other than accidents, will be reviewed by the appropriate company personnel and disciplinary action recommendations from those persons administered as necessary.

20. NOTICE OF CHANGE IN MATERIAL HAULER

Nu-Gulf shall not use more than one (1) material transportation firm for eastbound trips and one material transportation firm for westbound trips at any time. Nu-Gulf shall provide written notice to Manatee County of which material transportation firms will be utilized. This notice shall be provided at least 30 days prior to changing material transporters unless strike or act of God requires less notice to be given.

Should Manatee County object to the selection of a particular firm, they shall provide written notice to Nu-Gulf at least 7 days prior to the proposed change. If such notice is issued by Manatee County to Nu-Gulf, Nu-Gulf shall not change to the new material transporter until the nature of the objection is reviewed by the Board of County Commissioners at a regularly scheduled meeting, at least 7 days prior to the proposed change.

Manatee County shall not issue a notice of objection without cause.

21. Nu-Gulf shall only use one of the eastbound haul routes at any one time.

APPENDIX

- I. Bill of Lading
Truck Dispatch Sheet
- II. Observation Report
Driver Evaluation Form
- III. Application Package
- IV. Driver Training Final Report & Pay Request
Trainee/Trainer Checklist
Driver Trainer Agreements (2)
- V. Driver's Daily Log
Driver's Vehicle Inspection Report
- VI. 1998-99 School schedule
- VII. County Resolution R-98-182

STATE OF FLORIDA, COUNTY OF MANATEE

This is to certify that the foregoing is a true and correct copy of the documents on file in my office.

Witness my hand and official seal this 17th day of

December 1998

R. B. SHORE

Clerk of Circuit Court

By: James Look

D.C:

RESOLUTION NO. 97-241

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, ADOPTING AN AMENDED DEVELOPMENT ORDER PURSUANT TO CHAPTER 380, FLORIDA STATUTES, ON AN APPLICATION FOR AMENDMENT BY A NOTICE OF PROPOSED CHANGE FILED BY NU-GULF INDUSTRIES, INC. FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Nu-Gulf Industries, Inc., as successors in interest to Baker Phosphate Corporation and Baker Industries, Corporation (together referred to as "Baker"), possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, Resolution R-88-236 also amended the Master Mine Plan and Operating Permit for the Wingate Creek Mine; and

WHEREAS, The BOCC on July 17, 1990, R-90-60, approved an amendment to the Development Order deleting property from the mine; and

WHEREAS, on August 14, 1990, Manatee County approved Resolution R-90-147 adopting an amendment to the Amended Development Order approved by R-88-236 to allow the transport of phosphate rock by truck via an approved haul route; and

WHEREAS, on November 5, 1991, Manatee County approved Resolution R-91-250 repealing R-91-26 and adopting an amendment to the Development Order for the Wingate Creek Mine DRI and amending the Master Mine Plan and Operating Permit for this mine; and

WHEREAS, on July 25, 1996, Manatee County approved Resolution R-96-188 deleting property from the legal description of the Development Order for the Wingate Creek Mine DRI as a result of the Manatee County Archery and Gun Club settlement with Manatee County; and

WHEREAS, authorization for Nu-Gulf, Industries, Inc. to haul phosphate rock from the site expires on January 28, 1998; and

WHEREAS, the Amended Development Order for the Wingate Creek Mine has an expiration date of January 28, 1998; and

WHEREAS, Nu-Gulf Industries Inc. have not had active mining operations since September, 1992; and

WHEREAS, on July 25, 1997, Nu-Gulf Industries filed a NOPC to their approved DRI with the Manatee County Board of County Commissioners, pursuant to the provisions of Section 380.06, Florida Statutes; and

WHEREAS, the Tampa Bay Regional Council and Florida Department of Community Affairs were provided copies of the Notice of a Proposed Change by Nu-Gulf Industries and were therefore afforded the opportunity to comment on the proposed change; and

WHEREAS, the Tampa Bay Regional Council has determined that the change proposed in the NOPC is presumed to create a substantial deviation pursuant Subsection 380.06 (19)(e)3, Florida Statutes, however, Nu-Gulf Industries has provided information which successfully rebuts this presumption and it is found that no regional impact will occur from this extension

due to previous transportation mitigation performed by the applicant and the cessation of mining operation in 1992; and

WHEREAS, the Planning Commission has reviewed the Application for Amendment (NOPC) and has filed a recommendation on said Application with the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners of Manatee County has on December 16, 1997 held a duly noticed public hearing on said amendment to the Wingate Creek Mine DRI, and has solicited, received, and considered reports, comments, and recommendations from interested citizens, County staff, government agencies, and the applicant.

WHEREAS, the described Project lies within the unincorporated area of Manatee County; and

WHEREAS, the Board of County Commissioners is the governing body of the local government having jurisdiction pursuant to Section 380.06, Florida Statutes

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA THAT THE BOARD FINDS THAT THE PROPOSED CHANGES TO THE DEVELOPMENT ORDER FOR WINGATE CREEK MINE ARE NOT A SUBSTANTIAL DEVIATION AND THE CONDITIONS CONTAINED IN THIS ORDER ADEQUATELY ADDRESS THE IMPACT OF THE PROPOSED CHANGES.

SECTION 1. FINDINGS OF FACTS:

The Board of County Commissioners, after considering the testimony, evidence, application for development approval, Notice Of Proposed Change, the recommendation and findings of the Planning Commission, and all other matters presented at the public hearings, hereby makes the following findings of fact

- A. All "WHEREAS" clauses preceding Section 1 of this Resolution are adopted as findings of fact.
- B. The Planning Commission held a Public Hearing on December 11, 1997 on the Notice Of Proposed Change Filed by Nu-Gulf, Industries for the Wingate Creek DRI.
- C. The Board of County Commissioners held a public hearing on December 16, 1997 regarding the Notice Of Proposed Change in accordance with the requirements of the Manatee County Land Development Code (Ordinance 90-01, as amended) and the Manatee County Comprehensive Plan (Ordinance 89-01, as amended) and has further considered the testimony, comments, and information received at the public hearing.
- D. The real property which is subject of the Notice of Proposed Change is legally described in Section 12 of this Resolution.
- E. The development is not in area of Critical State Concern as designated pursuant to Section 380.05, Florida Statutes.
- F. The Authorized Agent for NU-Gulf Industries is Hugh E. McGuire, Esquire & Carol Masio, Esq. McGuire, Pratt, Masio & Farrance, P.A., Attorneys at Law, Suite 600, 1001 3rd Avenue West, Bradenton, Fl. 34206

SECTION 2: CONCLUSIONS OF LAW

Based upon the previous Findings of Fact and the following Conditions of Development Approval, the BOCC concluded that:

- A. The Development will not unreasonably interfere with the achievement of the objectives of the adopted State Land Development Plan applicable to the area.
- B. The Development is consistent with local land development regulations, the State Comprehensive Plan, the Comprehensive Regional Policy Plan, the Manatee County Comprehensive Plan (Ordinance 89-01, as amended), and Previous local government approvals.
- C. The Concerns raised in DCA'S September 5, 1997 and TBRC'S September 3, 1997 letters have been addressed.
- D. These proceedings have been duly conducted pursuant to applicable laws and regulations, and based upon the record in these proceedings, the Developer is authorized to conduct development as described herein, subject to the conditions, restrictions, and limitations set forth below.
- E. The review by the County, TBRC, and other participating agencies and interested citizens reveals that impacts of the development are adequately addressed pursuant to the requirements of Chapter 380, Florida Statutes, within the terms and conditions of this Development Order. To the extent that the ADA is inconsistent with the terms and conditions of this Order, the terms and conditions of this Order shall prevail.

SECTION 3. AMENDMENT OF PRIOR DEVELOPMENT ORDERS FOR DRI #4 (TBRC DRI #42, #95).

The previous Amended Development Order for Wingate Creek Mine in Manatee County, which was adopted on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, and 96-188 is hereby amended by this Resolution, as follows:

All references to Beker Industries, Beker Phosphates, or Beker shall be construed as references to Nu-Gulf Industries, Inc. and their successors in title and interest.

SECTION 4: DEVELOPMENT CONDITIONS:

III. Conditions and Agreements

The development of Nu-Gulf's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D); the Notice of Proposed Change dated July 25, 1997; and the amended Master Mining Plan and Operating Permit as approved by Resolution 97-242, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. Transportation Matters

- (1) Nu-Gulf is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine;

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to US 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 633, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route to be hereinafter referred to as the Haul Route) until July 31, 2004.

- (13) NU-GULF shall resume its payments into an irrevocable trust the sum of \$135,418.66 in five equal monthly payments of \$27,083.33. Payments shall begin immediately upon commencement of trucking operations.

B. Mining and Reclamation Matters

- (1) Ordinance 81-22. Except as otherwise provided in subparagraph (a)-(e) below, Nu-Gulf shall operate the Wingate Creek Mine in full compliance with Ordinance 81-22:
- (a) The County shall have the right to perform on-site inspections of the Wingate Creek mine, from time to time, upon reasonable notice to Nu-Gulf and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.
 - (b) Nu-Gulf shall be required to provide environmental impairment insurance as required by Ordinance 81-22.
 - (c) Nu-Gulf shall adhere to the 200' setback requirements of Ordinance 81-22 at all points along the exterior boundary of the Wingate Creek Mine and shall not subsequent to the effective date hereof, conduct any mining operations (including stockpiling) within such setback area; provided, however, that the 200' setback requirements shall be reduced to 50' setback requirements at all points along the exterior boundary of the Wingate Creek Mine located in Sections 20 and 21, Township 22 East, Range 34 South ("the 50' Setback Area"). Notwithstanding the foregoing, Beker shall observe a 200' setback in respect to any stockpile area located within the 50' Setback Area.
 - (d) Nu-Gulf shall reclaim the mined property located within the Wingate Creek Mine consistent with the Revised Conceptual Reclamation Plan "C" for the Wingate Creek Mine (as approved by the Department of Environmental Protection for the State of Florida on June 16, 1995) (the DNR Revised Conceptual Plan) and the terms and conditions as contained in this Amended Development Order.
 - (e) Nu-Gulf shall comply with any of the financial responsibility and bonding requirements set forth in Ordinance 81-22, except that in lieu of submitting financial statements, Nu-Gulf shall submit a certification for a certified public accountant that the net worth and mining reclamation reserve is sufficient to respond to liability in the amount determined by Subsection 2-20-33(p)(1) of the Manatee County Code of Laws.

D. Deletion of Property Subject to Amended Development Order

1. This Amended Development Order, the Master Mine Plan and Operating Permit for the Wingate Creek Mine are hereby amended to delete parcels C and E as described on the attached Exhibit H, which is incorporated herein by reference, subject to the mineral rights to Parcel E being conveyed to the County in compliance with the requirements of the Manatee County Settlement Agreement.
2. Further, this Amended Development Order, the Master Mine Plan and the Operating Permit shall be automatically amended from time to time to provide for the deletion of certain additional property, without the necessity of complying with the provisions of Subsection 380.06(19), Florida Statutes, upon the following conditions:
 - (a) The Florida Department of Environmental Protection must certify in writing to the County that the owner of the property proposed for deletion has fully

satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.

- (b) The Director has certified in writing that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the reclamation plan.
- (c) The County shall be provided with a legal description of the property so proposed for deletion and a written request for deletion, which written request shall include a deed conveying any and all mineral rights and interests in the property to the County, specifically excluding, however, any and all surface rights of entry, together with funds sufficient to defray all documentary stamp tax and recording fees required for such transfer.
- (d) The County shall formally act on all requests for deletion at regularly scheduled meeting of the Board of County Commissioners and, if all conditions set forth in (a) - (c) above have been satisfied, shall approve said requests and shall direct the Clerk of the Court for Manatee County to send copies of its action by certified mail to the requesting party, DCA, and the TBRC and further file a copy of the action with this Amended Development Order.
- (e) The property so deleted shall be reported in the annual report submitted by Nu-Gulf pursuant to Subsection 380.06(18), Florida Statutes.

SECTION 5. DEVELOPMENT ORDER EXPIRATION DATE AND COMPLETION DATES

This Amended Development Order shall remain in effect from this date in accordance with the following time periods:

1. Mining completion and hauling phosphate rock by truck via the haul route shall be completed by July 31, 2004.
2. Authorization for phosphate mining under this amended Development Order shall expire on July 31, 2004, however, mining reclamation shall be completed by December 31, 2008.

SECTION 6. CONTROLLING DOCUMENT

The terms and conditions of this Amended Development Order shall control to the extent that they are inconsistent with the previous approvals, to the extent that the previous approvals have not been modified they remain in full force and effect.

SECTION 7. EFFECTIVE DATES

This Resolution shall take effect upon being signed by the Chairman of the Board of County Commissioners and rendered as provided in Section 5, Rendition, of this order provided, however, that the filing of a Notice of Appeal pursuant to Section 380.07, Florida Statutes, shall suspend development authorization granted by this Development Order, until the resolution of said appeal.

SECTION 8. RENDITION

The Planning Department is hereby directed to send certified copies of the Development Order within thirty (30) days of the BOCC approval to Nu-Gulf Industries, Inc, DCA, and TBRC.

SECTION 9. COMPLIANCE AND MONITORING

The Manatee County Planning Director or the Director's designee shall be responsible for monitoring and ensuring compliance with the amended Development Order. References in previous Development Orders to the Director of the Manatee County Division of Mining Regulation shall be construed as the Director of the Department of Environmental Management or the Director's authorized designee.

SECTION 10. NOTICE OF RECORDING

Nu-Gulf Industries shall record a notice of adoption of the Development Order as required pursuant to Chapter 380, Florida Statutes, and shall furnish the Planning Department a copy of the recorded notice.

SECTION 11. SEVERABILITY

It is the intent of this Development Order to comply with the requirements of all applicable laws and constitutional requirements. If any provision of the Resolution or the application thereof to any person or circumstance is for any reason held or declared to be unconstitutional, inoperative, or void by a court of competent jurisdiction, such holding of invalidity shall not affect the remaining portions or applications of this Resolution, and to this end the provisions of this Resolution are declared severable.

SECTION 12. LEGAL DESCRIPTION

Development of Wingate Creek Mine shall be restricted to 3,015.23 acres owned by Nu-Gulf Industries, Inc and described by the legal description included as Attachment A and made a part of this Development Order.

PASSED AND DULY ADOPTED with a quorum present by the Board of County Commissioners of Manatee County, Florida this 16th day of December, 1997.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY: *Patricia M. Glass*

Chairman

ATTEST: **R. B. SHORE**
Clerk of the Circuit Court

R. B. Shore

RESOLUTION R-90-147

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY ADOPTING AN AMENDMENT TO R-88-236 AN AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, the applicant has requested that the amended development order be amended to allow a change in the Haul Route;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board hereby amends Conditions III.A.(1), III.A.(3), and Paragraph 8 of Exhibit E of the BPC Trucking Operation as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below:

Haul Route: From Wingate Creek Mine, West via State Route 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998.

The trucking operations approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

2. Paragraph 8, of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

Haul Route: From Wingate Creek Mine West via State Road 64 to I-75, to I-275, to U.S. 41 North to Port Manatee, or to the phosphate plant at Piney Point, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Condition III.A.(3):

The applicant shall check-weigh trucks going to Royster Phosphate, Inc. at the scales at the Royster Site and continue to check-weigh trucks going to Port Manatee at the Port Manatee scales. The applicant shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director of Public Works upon reasonable notice to the applicant. Scales shall be provided and be operational on the Royster site within sixty (60) days of commencement of the right turn into the Royster site. An employee of Manatee County may at the County's discretion verify check-weighs at the Royster Site at the time a weigh-in occurs.

Stipulation #1:

A traffic light shall be provided by the applicant at such time as the Florida Department of Transportation and Manatee County Public Works determine that it meets the warrant requirements of the Florida Department of Transportation.

All other provisions of the Amended Development Order R-88-236 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

ADOPTED with a quorum present and voting this 14 th day of August, 1990.

Board of County Commissioners of
Manatee County, Florida

BY: Patricia G. Shaw

Chairman

ATTEST:

R. E. Shore
Clerk of the Circuit Court

RESOLUTION R-91-250

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY REPEALING R-91-26 AND ADOPTING AN AMENDMENT TO THE DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE DEVELOPMENT OF REGIONAL IMPACT AND AMENDING THE MASTER MINE PLAN AND OPERATING PERMIT FOR THE WINGATE CREEK MINE.

WHEREAS, on January 28, 1975, the Board of County Commissioners of Manatee County (Board) issued a Development of Regional Impact (DRI) Development Order (the Development Order) to Beker Phosphate Corporation and Beker Industries Corporation (together referred to as "Beker") for development of a 10,971 acre phosphate mine, known as the Wingate Creek Mine, and on the same day adopted a separate resolution granting a special exception and approving the Master Mine Plan, which DRI and Master Mine Plan were modified on April 12, 1977;

WHEREAS, on February 28, 1978, the Board granted Beker an operating permit for the Wingate Creek Mine, which permit has been modified;

WHEREAS, on October 18, 1988, the Board adopted resolution 88-236 amending the Development Order for the Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and Operating Permit for the Wingate Creek Mine;

WHEREAS, on August 14, 1990 the Board of County Commissioners granted Resolution No. R-90-147 amending the Development Order for Wingate Creek Mine Development of Regional Impact and amending the Master Mine Plan and operating permit for the Wingate Creek Mine;

WHEREAS, on March 5, 1991 the Board of County Commissioners adopted R-91-26 amending the approved haul route;

WHEREAS, Tampa Bay Regional Planning Council filed an administrative appeal of said Resolution;

WHEREAS, all parties have entered into a settlement agreement which requests the repeal of R-91-26 and the adoption of this amended order;

WHEREAS, said Board of County Commissioners has considered all of the foregoing and has been advised and informed in the premises;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA; THAT, the Board finds that the proposed change to the haul route is a substantial deviation and that the conditions contained in this order adequately address the impact of the proposed change Condition III.A.(1) and Paragraphs 8 and 9 of Exhibit E of the BPC Trucking Operation is hereby amended as follows:

1. Condition III.A.(1):

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until January 28, 1998.

2. Paragraph 8 of Exhibit E of the BPC Trucking Operation:

(8) TRUCK ROUTE: The drivers will proceed on the designated route. The route shall be as follows:

HAUL ROUTE: From Wingate Creek Mine west via State Road 64 to I-75, to I-275, to U.S. 41 north to Port Manatee, or to the phosphate plant at Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route.

There will be no deviation from the aforementioned. The return trip shall cover the exact route. A route map is shown on the following map.

3. Paragraph 9 of Exhibit E of the BPC Trucking Operation:

9. TRUCK INTERVALS

The interval between trucks traveling both loaded and unloaded will be four minutes. The intervals will be monitored at the mine by the scale operator using the bill of lading and the truck dispatch sheets while the return trip from the port, the Royster site and the Hickory Creek Mine will be monitored by the Commercial Carrier dispatcher. The dispatcher is located at the Commercial Carrier terminal on U.S. 41 one mile south of the port entrance road. If trucks are not at least four minutes apart the dispatcher will radio them and have them enter the yard until the required spacing is obtained. Traffic conditions or mechanical problems can reduce speeds so that truck bunching occurs. At no time shall the spacing between trucks be less than six hundred yards. The rear truck shall be responsible to reduce speed and widen the gap until it is sufficient. The trucks are equipped with company radios and communication is possible between the trucks and the dispatcher.

STIPULATIONS

1. Prior to commencing use of the eastbound route on State Road 64, the signage and signalization requirement of Resolution No. R-88-236, Condition III.A.(8) shall be installed and operational.
2. Upon the passage of this Development Order and prior to commencing use of the eastbound route, Nu-Gulf shall enter into a Joint Participation Agreement with FDOT which shall provide at a minimum that Beker shall pay into an irrevocable trust the sum of \$650,000.00 in twenty-four equal monthly payments of \$27,083.33. Said payments shall begin immediately upon signing of the Joint Participation Agreement. The Joint Participation Agreement shall require FDOT to utilize Nu-Gulf's contribution of \$650,000.00 plus interest to widen and resurface State Road 64 from one tenth (0.1) mile east of Beker Road to the Hardee County line. Said construction to be in accordance with Florida Department of Transportation Standard Specifications for Road and Bridge Construction (1991) and Roadway and Traffic Design Standards (1991). The remaining terms of the Joint Participation Agreement shall be to the satisfaction of FDOT, NU-GULF and TBRPC.
3. Upon the complete execution of the Joint Participation Agreement, Nu-Gulf shall provide a copy of the Joint Participation Agreement to Manatee County and TBRPC and provided the terms outlined above are contained in the Joint Participation Agreement, Nu-Gulf may begin using the eastbound route.

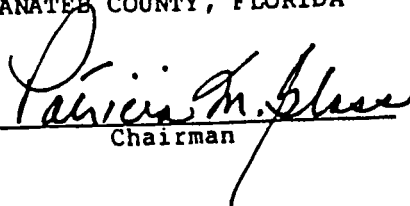
4. All other provisions of Amended Development Order Resolution Nos. R-88-236 and R-90-147 shall remain in full force and effect. In the event there is an inconsistency between the terms of this Resolution and the Resolution referred to above, the terms of this Resolution shall control.

UPON the effective date of this resolution, Resolution R-91-26 is hereby rescinded.

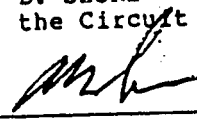
ADOPTED AND APPROVED with a quorum present and voting this 5th day of November, 1991.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

BY:


Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court



R-88-236

Pages 6 through 10

III. CONDITIONS AND AGREEMENTS

The development of Beker's Wingate Creek Mine shall be in conformity with the provisions of the ADA dated October 11, 1974 (Exhibit C); the Application for Amendment filed in 1983 (Exhibit D); and the amended Master Mining Plan and Operating Permit which are required under this Amended Development Order, except as all of the above may be modified by the terms and conditions of this Amended Development Order.

A. TRANSPORTATION MATTERS

(1) Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to Port Manatee via SR 64 to I-75, to I-275, to US 41, and return along the same route (this route to be hereinafter referred to as the Haul Route) until January 28, 1998. The trucking operation approved herein shall be conducted in accordance with Exhibit E, "BPC Trucking Operation", which is attached hereto and by reference incorporated herein.

(2) Weigh scales shall be maintained at Beker's Wingate Creek Mine beneficiation facility to insure compliance with the load limits set forth in Exhibit E above. Beker shall, upon reasonable notice, make available for inspection by the Director of the Manatee County Division of Mining Regulation (the Director) the weight scale records. Such records shall be retained for a period of five years.

(3) Beker shall continue to check-weigh trucks at the Port Manatee scales. Beker shall maintain the weight records for a period of five years. Said records shall be available for inspection by the Director upon reasonable notice to Beker.

(4) Beker shall provide sufficient funds to the Manatee County Sheriff's Department in order to monitor the activities of Beker's trucks on SR 64 to determine their compliance with the terms and conditions of this Amended Development Order and to enforce highway safety regulations. These funds shall be in addition to those for safety monitors to be provided by Beker's carrier as outlined in Exhibit E. Beker shall notify the Sheriff's Department of the trucking operation schedule and of any changes to the schedule lasting more than twenty-four hours. The County shall provide Beker an invoice for the portion of the Sheriff's Department time spent monthly on SR 64 during those times that the trucks are operating on that portion of the Haul Route. The invoice shall be accompanied by sufficient documentation to verify times and locations. The amount to be reimbursed shall be the total of those hours spent on SR 64 multiplied by an hourly rate to be set by the Manatee County Sheriff, which amount shall cover the costs of the deputy's salary, vehicle capital and operating costs, equipment capital and operating costs, and overhead expenses. The smallest billable time unit shall be a quarter of an hour.

(5) Beker shall be responsible for its phosphate rock carrier providing the County with a quarterly report certified by the person in charge of the trucking operation. This report will list all accidents in which trucks carrying rock for Beker were involved, the date and time of the accident, the cause of the accident, the name of the driver involved, the estimated amount of property damage, the number of persons involved, whether hospitalization was required and any other pertinent data. All reports submitted to or prepared by the Florida Highway Patrol shall be provided to the Manatee County Division of Mining Regulation along with the quarterly report.

(6) Beker shall be responsible for its carrier's implementation of an inspection program to insure that all vehicles and appurtenant equipment used on the Haul Route are operated in a safe and sound manner. At a minimum, the vehicles and equipment components tabulated in Exhibit E, "Driver Vehicle Inspection Report", shall be inspected at weekly intervals. Any defects in the vehicles and equipment and dates they were discovered shall be noted on the inspection form and so shall the date on which each defect was corrected. The vehicles shall receive a periodic preventive maintenance check at ten thousand mile intervals. The Director, or his designee, shall be authorized to inspect the records of the vehicle inspection program maintained by Beker or its carrier upon reasonable notice.

approval. The Director shall approve or deny such request within three (3) business days after receipt thereof.

(11) The restrictions on trucking operations provided herein are intended to apply only to trucking of phosphate rock and by-product rock from the Wingate Creek Mine. Any future proposals by Beker or its successors to truck phosphate rock on the Haul Route, except as provided herein, shall be subject to additional review by county, regional and state agencies as the need may arise.

(12) Beker shall comply with any additional transportation conditions and restrictions which the County may require in connection with the Amended Master Mine Plan and/or Operating Permit.
any further amendment to

B. MINING AND RECLAMATION MATTERS

(1) Ordinance 81-22. Except as otherwise provided in subparagraph (a)-(e) below, Beker shall operate the Wingate Creek Mine in full compliance with Ordinance 81-22:

(a) The County shall have the right to perform on-site inspections of the Wingate Creek Mine, from time to time, upon reasonable notice to Beker and during normal business hours, so long as the Wingate Creek Mine is being used for phosphate mining purposes.

(b) Beker shall not be required to provide any environmental impairment insurance.

18 AERIAL PHOTOGRAPH/OVERLAYS

Composite aerial photographs of the master mining plan area that through overlays or other graphical depictions, clearly show:

- a. Ownership limits;
- b. Any designated special treatment overlay districts;
- c. Locations of units to be mined;
- d. Locations of slime ponds and other impoundments and their construction schedules;
- e. Locations of permanent pipelines, beneficiation plants, and other permanent structures;
- f. The name, location and limits of all existing wetlands, lakes, rivers, reservoirs, streams, creeks, and other water bodies within the master mining plan area UD to the one hundred year floodplain created by those floodplains. including a general delineation of all waters of the state as defined under Chapter 403, Florida Statutes. and all navigable waters as defined under Chapter 253, Florida Statutes;
- g. The location of drainage and flood control features, including topographic contours at two-foot intervals before, during and after mining activities;
- h. The location of all proposed storage and transportation facilities, including permanent roads, railroads or other permanent transportation means, for products and raw materials shipped to and from the site; and
- i. A depiction of the final land use upon completion of reclamation.

Such composites and all overlays shall be provided at a scale of one inch equals four hundred (400) feet with a minimum eight hundred-foot overlap and extending at least one thousand two hundred (1,200) feet beyond the property boundary;

Discussions with the Mining Coordinator have resulted in a determination that maps at a scale of" 1" = 1,000' are appropriate for this document. These maps are located in the map pockets at the rear of the report. Maps at a larger scale are available for review at the Mine offices.

General Map Information

o Aerial Photograph

A 1" = 1,000' scale aerial photo of the Wingate Creek Mine is provided in the map pocket for this item.

a. Ownership limits

Shown on all maps

b. Special treatment overlay districts

Not applicable

c. Units to be mined

Location and sequence of areas to be mined. The same map that is included in Section 4, but at the larger scale.

d. Waste Disposal

Location of clay storage area and sand/clay mix areas. The same map that is included in Section 8, but at the larger scale.

e. & h. Permanent Structures, Storage and Transportation Facilities

Location of permanent structures, storage and transportation areas. The same map that is included in Section 7, but at the larger scale.

g. Drainage and Flood Control Features

A pre-mining map and a post-reclamation map with 5' contour intervals are contained in the map pocket for this item. These are the same maps that are included in Section 19, but at the larger scale.

i. Final Land Use

A post-reclamation map that identifies land use by FLUCCS code is contained in the map pocket for this item. It is the same map that is included in Section 19, but at the larger scale.



19 RECLAMATION PLAN

A reclamation plan for all disturbed lands, including a tabulation of all lands to be mined or otherwise disturbed, the sequence of such disturbance, and a proposed reclamation schedule on suitable maps and charts. Such reclamation plan shall be in accordance with the following:

- a. Schedule. For purposes of this chapter, reclamation shall be divided into the following stages:
 1. Stage one commences when removal of ore in a mining unit is completed or when the useful life of any mining or beneficiation facility ceases, and ends when the approved seed or seedlings have been planted after final grading and contouring. Stage one of reclamation shall be completed within two (2) years except that the Environmental Management Department may extend the time for completion of stage one if the applicant affirmatively demonstrates that said time extension would facilitate innovative technology or result in improved quality of the reclaimed land.
 2. Stage two commences with the completion of stage one and extends through the number of growing seasons or end of the vegetation protection period specified in section 2-20-22(19)f.
 3. The Environmental Management Department may allow changes in an approved schedule of up to ninety (90) days for good cause shown by the applicant in writing. Changes in the approved schedule beyond ninety (90) days shall be processed as amendments to the master mining plan.
- b. Agricultural lands. Land reclaimed for agricultural use shall meet the following standards:
 1. Topography. The land shall be sufficiently level and free of holes, gullies and washouts to permit safe operation of conventional farm and agricultural equipment.
 2. Stability. The land shall have settled and firmed to the extent that it will support conventional farm and agricultural equipment and that livestock will be able to walk on the surface of the land.
 3. Slope. The land surface shall be returned to not less than original grade elevation and the slope of all land, except dikes and low profile berms, shall not be steeper than seven (7) to one. Any variation from this slope or elevation may be approved by the Environmental Management Department for good reason.

c. South Florida Flatwoods. South Florida Flatwoods areas disturbed by mining shall be reclaimed with native species to reestablish the general distribution of native flora necessary to ensure suitable wildlife habitat, giving consideration to plant diversity, edge-effect and escape cover. The goal will be to achieve suitable livestock carrying capacity by utilization of low management native forages while secondary benefits such as wildlife, timber and aesthetics are maintained.

d. Wetlands. Existing wetlands subject to mining shall be reclaimed at a minimum on an acre for acre basis and additional land may be reclaimed to a wetland area where deemed appropriate by the Environmental Management Department. Reclamation or creation of a wetland shall be in accordance with the following:

1. Soil moisture. The land area designated as recreated wetlands shall maintain the necessary soil moisture, frequency and duration of saturation as correlated to water year, rainfall occurrence, and antecedent conditions without the artificial manipulation of available water quantities.
2. Soil stability. All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist.
3. Native species. The applicant shall demonstrate, using generally accepted scientific methodology, that healthy and self-propagating native wetland grasses and forbs within the recreated wetland can be established and that the reforestation of native wetland trees can be accomplished.

e. Lakes and other water bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards, in addition to sections 2-20-22(19)d2 and 3.

1. Littoral zones. For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of nonstructural water quality maintenance, the applicant shall establish a littoral zone below the mean water level along the shoreline and within a central area of the lake. The applicant may provide for alternative littoral zone placement for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of section 2-20-33(e) (3)1 would provide. Such alternative methodology shall follow generally accepted scientific principles and must be approved in writing by the Environmental Management Department.
2. Perimeter berms and swales. For the purposes ensuring water quality control and to provide a measure of long-term water quality maintenance the applicant shall construct a low profile perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake. In lieu of this requirement, applicant may provide alternative nonstructural means for meeting requirements herein which would result in

more beneficial environmental and wildlife impacts than strict adherence to the requirements of section 2-20-33(e) (3)b would provide. Such alternative methodology shall follow generally accepted practices and must be approved by the Environmental Management Department.

3. Lake depth. No portion of any lake shall exceed thirty-five (35) feet in depth below the mean water level, and ninety (90) per cent of the surface of the lake shall not exceed an average depth of twenty-five (25) feet.

- f. Revegetation. To ensure timely and successful establishment of ground cover and suitable habitat diversity, the applicant shall comply with the following criteria:

1. Diversity:

- a. Improved pasture: Not applicable.
- b. South Florida Flatwoods: Timber species should consist of longleaf pine, slash pine and oak. No more than ninety (90) percent of these tree species should be planted to pines. Emphasis shall be directed toward restoration of native grasses, legumes and forbs conducive to the site for maximum soil stability with food and fiber production.
- c. Wooded wetlands: Minimum of three (3) species of trees. No more than eighty (80) percent of the total planted density in one species.
- d. Marsh: Not applicable (with mulch or other approved techniques) .

2. Density/cover:

- a. Improved pasture: Eighty (80) percent ground cover of perennial vegetation following one complete growing season.* Bare areas shall not exceed one-fourth acre.
- b. South Florida Flatwoods: Twenty (20) trees per acre with adequate native vegetative ground cover to prevent erosion. after one complete growing season.* Fifteen (15) trees per acre with a minimum height of one meter after five (5) years. Fifty (50) percent ground cover of herbaceous Flatwoods species after one growing season shall be established.
- c. Wooded wetlands: Two hundred (200) trees per acre after one complete growing season.* One hundred (100) trees per acre with a minimum height of one meter after five (5) years.

- d. Marsh: Fifty (50) percent ground cover of herbaceous wetland species after one growing season.*

* Growing seasons shall be species-specific.

3. Other protections:

- a. Improved pasture: Not applicable.
- b. South Florida Flatwoods: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.
- c. Wooded wetlands: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.
- d. Marsh: Protection from grazing, mowing or other adverse land uses for a minimum of three (3) years after planting.

4. Measurement:

- a. Improved pasture: Point intercept method on ten-acre units with total number of points submitted to Environmental Management Department for prior review and approval.
- b. South Florida Flatwoods: Point intercept method according to acceptable practices.
- c. Wooded wetlands: Point quarter method. Shall not be planted in rows. but rather randomly.
- d. Marsh: Point intercept method according to acceptable practices.

In accordance with R-88-236 the reclamation plan for the Wingate Creek Mine has been updated. The Final Agency Order for the amended Conceptual Reclamation Plan CP(B) was issued by FDNR (now FDEP-BMR), on June 24, 1992. Following this activity, the reclamation plan was amended to delete property from the Wingate Creek Mine pursuant to the "Gun Club" land transaction. The Final Agency Order for Conceptual Reclamation Plan CP(C) was issued by FDEP-BMR on June 29, 1994. Subsequently, Manatee County approved the deletion of property in R-96-188.

Cargill Fertilizer, LLC. acquired the property in March 2004 and after evaluation of the property and current reclamation requirements is proposing the following reclamation plan for the site:

RECLAMATION PLAN

The reclamation plan for the Wingate Creek Mine is based on the Conceptual Plan NGI-WC-CPC and complies with the standards and criteria set forth in the mandatory phosphate mine reclamation rule 62C-16. The natural resources within the unmined portions of the mine, such as streams, tributaries, floodplains and other areas designated for preservation shall be protected from adverse impacts related to mining and reclamation activities. The mined and disturbed areas will be restored to approved topographic contours, and revegetated to achieve a diversity and quality of habitats. The construction technology, surface water management, planting techniques and maintenance methods have been developed and refined from experience with upland and wetland mitigation projects at Cargill's Hookers Prairie, Fort Meade and South Fort Meade mines. Additional expertise will be gained, as sand-clay mix techniques are fine-tuned in the field with additional input from professionals experienced with this method.

The pre-mining land use as described in the FDEP conceptual reclamation program NGI-WC-CPC for the site is listed in the following table and in drawing R-WG-1290 following this section.

Pre-Mining Vegetation and Land Use

FLUCCS Category	Description	Acres
140	Transportation	2
210	Cropland & Pastureland	567
230	Citrus Grove	434
260	Other Agriculture	37
310	Grassland	242
320	Shrub and Brushland	1,419
410	Coniferous Forest	36
420	Hardwood Forest	83
430	Mixed Forest	148
620	Wetland Hardwood Forest	81
630	Wetland Mixed Forest	5
640	Wetland – Non Forested	51
	TOTAL	3,105

A total of 3,105 acres is covered by the following post-reclamation vegetation and land uses plan as described below:

Post-Reclamation Vegetation and Land Uses

FLUCCS Category	Description	Acres
140	Transportation	22
210	Cropland & Pastureland	1,808
310	Grassland	165
320	Shrub & Brushland	357
410	Coniferous Forest	43
420	Hardwood Forest	93
430	Mixed Forest	219
520	Lakes (Low Water)	170
620	Wetland Hardwood Forest	73
630	Wetland Mixed Forest	16
640	Wetland – Non Forested	139
	TOTAL	3,105

As seen in the previous tables, a total of 228 acres of wetland is reclaimed compared to 137 acres of pre-mining wetland for a 1.7 to 1 reclamation ratio. The actual wetland acreage mined and disturbed is significantly less than the listed pre-mine wetland acreage, therefore the actual wetland mitigation ratio is higher than the post-mining / pre-mining wetland reclamation ratio. In addition to the wetland acreage, 170 acres of lakes are created in the reclamation plan.

The Wingate Creek Mine uses a unique mining and processing technology which results in reclamation being based on pre-stripping, overburden backfill, sand tailings backfill and final sand/clay mix backfill. The pre-stripped material includes the topsoil from an area to be dredge mined. It is the final layer at the reclamation site. Previous lifts of overburden backfill and sand tailings backfill topped by a sand clay mix define the stratigraphy of most of the reclamation sites. Specific details regarding waste disposal coordination with reclamation fill are contained in the 1992 Sand/Clay Mix Modeling Report previously submitted to Manatee County.

The majority of the reclamation at the Wingate Creek Mine centers around the sand/clay mix disposal areas. As soon as these areas are backfilled and dewatered reclamation activity will begin. Bulldozers will be used to cap the sand/clay mix areas with sand tailings or overburden. A final topsoil layer will be applied, if appropriate and if the material is available.

Reclamation of the clay settling area will begin at the end of the mine's life. The crust development method will be utilized for this reclamation effort. Also, at the end of mine life, a lake will be constructed in the last mining area. The dredges will be used to perform most of the initial reclamation activity.

For the beginning dates of all reclamation activity, please see the table below:

Program	Filling	Final Grading & Contouring	Planting	Vegetation Protection (f)
WC-1(C)	(a)			
WC-2(C)	Sept. 2004	Sept. 2005	Mar. 2006	May 2006
WC-3(A)	Sept. 2005	Feb. 2006	Aug. 2006	Oct. 2006
WC-4(A)	(b)			
WC-17(A)	Feb. 2006	Sept. 2007	Mar. 2008	May 2008
WC-WC(1)	Sept. 2004	June 2011	Dec. 2011	Feb. 2012
WC-11	(c)	Sept. 2007	Mar. 2008	May 2008
WC-23(A)	(d)			
WC-24	(e)			
WC-26	Sept. 2004	June 2011	Dec. 2011	Feb. 2012

- a) Program WC-1(C) contains 286 acres of which 272 acres have been released. Of the remaining 14 acres, 11 acres will remain in a temporary land use for mine operations utilities corridors until the end of mine life. The remaining 3 acres are in long term vegetation establishment.
- b) Released by FDEP in July 1994. Released approved by Manatee County in December 1994. Sold to Manfull in December, 2003. (Not shown on following drawing)
- c) WC-11 is current sand tailings stockpile. No additional fill is required.
- d) Program contains plant site and will not be reclaimed until end of mine life.
- e) Program contains clay settling area and will not be reclaimed until end of mine life.
- f) Vegetation protection is the vegetation maintenance and establishment phase of the program after planting. Releases for programs planted in 2011 are anticipated in 2015.

The filling schedule for programs west of the entrance road is also illustrated on drawing R-WG-1287 following this section.

The stratigraphy of the areas reclaimed only with overburden, mainly located in the initial mining area and the last mining area, will consist of sand and clayey sand normally associated with the soil overlying the matrix at the Wingate Creek Mine. The waste clay settling area is built on natural ground. A layer of clay overlying the natural soils will remain at this site after reclamation is complete. The sand/clay mix areas will be a mixture of clayey sands and sandy clay capped with sand tailings and/or overburden and available topsoil.

The post-reclamation topography will be very similar to pre-mine conditions. The elevations will be such that 1% of the application area will be lower than 70 feet NGVD, 16% will be between 70 feet and 80 feet NGVD, 18% will be between 80 feet and 90 feet NGVD, 50% will be between 90 feet and 100 feet NGVD, and 15% will be above 100 feet NGVD.

The post-reclamation watersheds will be approximately the same as those of pre-mining. For specific details regarding these matters please refer to the report on the Hydrology Analysis of the Wingate Creek Mine (attached).

Perimeter berms around the active mine area and waste disposal sites will prevent turbid runoff originating on these unreclaimed areas from reaching areas not disturbed. The areas within the berm are connected to the Mine's recirculating water system. Outfall from the recirculating water system is through permitted discharge points regulated by FDEP.

Revegetation of the reclaimed areas will occur as soon as practical after the areas have been returned to post-reclamation contours. The planting scheme is designed in a manner that complies with the Conceptual Reclamation Plan while balancing the economic and efficiency concerns of the Company with the recognized need for enhanced wildlife habitat. The FLUCCS categories have been grouped into upland and wetland subdivisions with specific modifications noted for each category

Uplands 140 – 430

Roughly 87% of the reclaimed lands will be uplands. The vast majority of the uplands, 2,352 acres, will be non-forested. Grassing will be accomplished using the following formula:

Common Hulled Bermuda	10 lbs./ac.
Pensacola Bahia	35 lbs./ac.
Millet (summer) or	30 lbs./ac.
Rye (winter)	
Total	75 lbs./ac.

Fertilizer (16-4-8) 400 lbs./ac.

The areas will be fertilized and disked to a depth of ~4 inches. The seed will be applied in a uniform spread at a rate of 75 lbs./ac. The site will then be disked again to cover the seed and the fertilizer. If determined to be necessary, mulch will be used in areas prone to erosion.

In addition to grassing, FLUCCS 210 Pasture and FLUCCS 310 Grassland will be planted with sinuous rows or clumps of trees so that every ten (10) acres shall have

some trees. Eighty (80) % ground cover of perennial species shall be attained prior to release with no bare areas exceeding one-fourth acre in size.

Shrubs will be planted in FLUCCS 320 if they do not develop from topsoil used in these sites. Plantings may be from seed, bare-root seedling or tubeling containers. The forested sites, FLUCCS 410, 420, and 430, will be planted so as to yield a tree density of 200 trees/ ac. within one growing season. Planted specimens may be bare-root, tubeling, or sac trees. For each category, a minimum of three (3) species of trees will be used. No more than eighty (80) % of the total planted density will be met with one species. Species will be chosen based on native vegetation cover and availability. All upland forests will be supplemented with low-growing legumes and other wildlife food plants if they do not develop naturally. We shall use the wildlife corridor concept in connecting different types of reclaimed and undisturbed habitats.

Exotic and nuisance species will be controlled within reclamation areas. The forested reclamation areas will be protected from grazing or other land uses that are contrary to establishment for a minimum of five (5) years from planting.

The reclamation areas are routinely monitored and any maintenance that may be necessary is accomplished in a timely manner.

Wetlands 520-640

Pre-mine wetlands will be replaced at least acre-for-acre. Approximately 13% of the post-reclamation lands will be wetlands. This includes 170 acres of lakes. The lakes will be developed with a variety of emergent habitats, a balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and a variety of shoreline slopes. Littoral zones will comprise 20% of the low water surface and shall be no deeper than six feet below the annual low water line. No portion of lake will exceed thirty-five (35) feet in depth below the mean water level and ninety (90) % of the surface of the lake will not exceed an average depth of twenty-five (25) feet. A low profile perimeter berm and swale system will be developed around lakes to intercept and filter runoff from the surrounding uplands.

Herbaceous wetlands will be planted with a variety of native species so as to yield fifty (50) % ground cover by herbaceous wetland species after one growing season. Exotic and nuisance species will be controlled within reclamation areas. These areas will be protected from grazing or other adverse land uses for a minimum of three (3) years after planting.

Forested wetlands will be planted with a sufficient number of hardwood and coniferous native wetland trees to attain two hundred (200) trees per acre after one growing season. A minimum of three (3) species of trees will be used, with no one species accounting for more than eighty (80) % of the total planted density. The diverse mixture of trees will be planted in a random fashion or in sinuous rows to more closely resemble

natural conditions. Replantings will be done to encourage multi-story canopy cover in the final product. Exotic and nuisance species will be controlled within reclamation areas.

All reclaimed lands will be stabilized with self-sustaining vegetation and no artificial manipulation of available water quantities will be done during the final establishment period prior to release. Monitoring will be performed on the required sites according to a mutually acceptable method approved prior to the monitoring event.



SCALE - FEET



RGE 21 E
RGE 22 E

20

21

WC-23(A)
18 AC

WC-19
81 AC

WC-24
432 AC

29

WC-WC(1)
929 AC

28

WC-28
417 AC

30

WC-10
288 AC

31

WC-2(C)
337 AC

09/04-09/05

09/05-02/06

WC-8(A)
271 AC

6

2/06-09/07

WC-17(A)
103 AC

TWP 34 S.
TWP 35 S.

S.R. 64

Cargill LLC

Wingate Creek Mine
Reclamation Filing
Schedule West
of Entrance Road

07/14/04 | GRL | R-WC-1287



SCALE - FEET

0 1000 2000

RGE 21 E
RGE 22 E

DRAINAGE
DIVIDE

20

21

110

110

105

29

28

30

31

6

TWP 34 S.
TWP 35 S.

S.R. 64

LEGEND

CONTOUR INTERVAL 5 FT.

DATUM USED IS NGVD

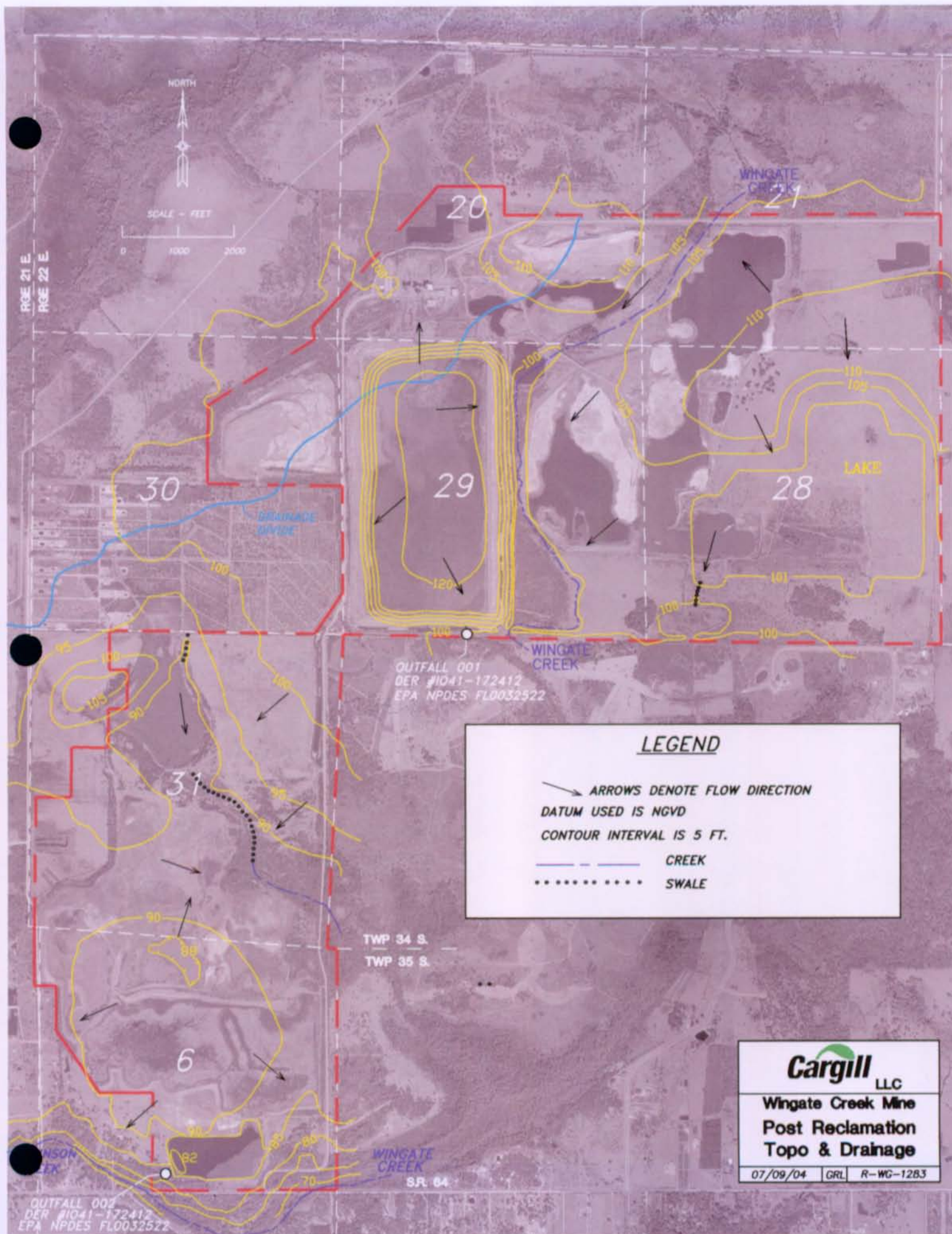


ARROWS DENOTE FLOW DIRECTION

Cargill LLC

Wingate Mine
PRE MINING
TOPOGRAPHY

07/09/04 GRL R-WG-12B2





SCALE - FEET

0 1000 2000

RGE 21 E
RGE 22 E

30

20

21

29

28

31

6

LEGEND

MAPPING • UNIT CODE

DESCRIPTION	ACRES **
TRANSPORTATION - ROAD	2
CROPLAND AND PASTURE	567
CITRUS GROVES	434
OTHER AGRICULTURE	37
GRASSLAND	242
SHRUB AND BRUSHLAND	1419
CONIFEROUS FOREST	36
HARDWOOD FOREST	83
MIXED FOREST	148
WETLAND - HARDWOOD FOREST	81
WETLAND - MIXED FOREST	5
WETLAND - NON-FORESTED	51
TOTAL	3105

ACRES **

TWP 34 S.

TWP 35 S.

S.R. 64

* Florida land use and cover classification system codes
** Acres within Wingate Creek Mine boundaries

Cargill

LLC

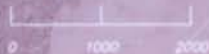
Wingate Creek Mine

Pre Mining
Vegetation & Land Use

07/14/04 GRL R-WG-1290



SCALE - FEET



RGE 21 E
RGE 22 E

30

29

21

28

31

6

LEGEND

MAPPING *
UNIT CODE

DESCRIPTION

ACRES **

140	TRANSPORTATION	22
210	CROPLAND AND PASTURE	1770
310	GRASSLAND	165
320	SHRUB AND BRUSHLAND	357
410	CONIFEROUS FOREST	43
420	HARDWOOD FOREST	93
430	MIXED FOREST	219
520	LAKES (Low Water)	194
620	WETLAND - HARDWOOD FOREST	73
630	WETLAND - MIXED FOREST	16
640	WETLAND - NON-FORESTED	153
TOTAL		3105

* Florida land use and cover classification system codes

** Acres within Wingate Creek Mine Boundaries

TWP 34 S.

TWP 35 S.

S.R. 64

Cargill
LLC

Wingate Creek Mine

Post Reclamation
Vegetation & Land Use

07/14/04 GRL R-WG-1289

R-96-188

A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MANATEE COUNTY
ADOPTING AN AMENDMENT TO THE LEGAL
DESCRIPTION OF THE DEVELOPMENT
ORDER FOR THE WINGATE CREEK MINE,
DEVELOPMENT OF REGIONAL IMPACT.

WHEREAS, the Wingate Creek Mine possesses an Amended Development of Regional Impact Development Order from Manatee County, R-88-236; and

WHEREAS, certain property within the Wingate Creek Mine described in R-88-236 has been sold to BB/Manatee Associates, a successor of Roger B. Broderick; and

WHEREAS, the Development Order specifies, in Section D, that the deletion of property can occur upon meeting certain conditions; and

WHEREAS, Manatee County has received a letter from the Florida Department of Environmental Protection certifying that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions and the property has been released from the Reclamation Plan; and

WHEREAS, the Director of Public Works for Manatee County has certified that the owner of the property proposed for deletion has fully satisfied all applicable reclamation plans and conditions, and the property has been released from the Reclamation Plan; and

WHEREAS, the County has received a legal description, attached hereto as Exhibits "A", "B", "C", "D" and "E", of the property proposed for deletion and has received a written request from the owner's attorney; and

WHEREAS, Manatee County has received a Mineral Right and Royalty Transfer from Nu-Gulf Industries, recorded in the Official Records of Manatee County at O. R. Book 1453, Page 5858.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. The conditions specified in R-88-236 have been fulfilled for the deletion of the property described on Exhibits "A", "B", "C", "D" and "E".
2. The Board hereby deletes the property described in Exhibits "A", "B", "C", "D" and "E" from the Amended Development Order for Wingate Creek Mine Development of Regional Impact, the Master Mine Plan and the Operating Permit for Wingate Creek Mine and directs that it be reflected in the next annual report submitted pursuant to Subsection 380.06(18), Florida Statutes.
3. The deletion of property shall be effective as of February 21, 1995, the date of recording of the transfer of property to BB/Manatee Associates.
4. The Clerk of the Board of County Commissioners is directed to send certified copies of this Resolution to Roger B. Broderick, Hugh McGuire, Registered Agent for Nu-Gulf Industries, Tampa Bay Regional Planning Council and the Florida Department of Community Affairs, within fifteen (15) days of its adoption.

ADOPTED with a quorum present and voting this the 25th day of July, 1996.

BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA

By: Stan Stephen
Chairman

ATTEST: R. B. SHORE
Clerk of the Circuit Court

*Zoller,
Najjar &
Shroyer, Inc.*

BB MANATEE

DESCRIPTION: NUGULF

BEGINNING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST; THENCE RUN N 89°13'30" W ALONG SOUTH LINE OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, A DISTANCE OF 82.18 FEET TO THE EASTERLY MAINTAINED RIGHT OF WAY LINE OF BEAR BAY ROAD; THENCE NORTHERLY ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING TWO COURSES: THENCE N 10°24'21" W, A DISTANCE OF 383.41 FEET; THENCE N 01°12'21" W, A DISTANCE OF 337.20 FEET; THENCE N 90°00'00" E, A DISTANCE OF 1833.71 FEET; THENCE S 00°39'05" W, A DISTANCE OF 3220.09 FEET; THENCE S 89°20'55" E, A DISTANCE OF 1500.00 FEET; THENCE S 00°39'05" W, A DISTANCE OF 600.00 FEET; THENCE S 85°04'56" E, A DISTANCE OF 1953.87 FEET; THENCE S 00°22'15" W, A DISTANCE OF 1534.18 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE WESTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE THE FOLLOWING TWO COURSES; THENCE S 89°46'04" W, A DISTANCE OF 1241.48 FEET; THENCE S 89°50'03" W, A DISTANCE OF 3885.94 FEET TO THE WEST LINE OF AFOREMENTIONED SECTION 1; THENCE N 00°41'54" E ALONG SAID WEST LINE, A DISTANCE OF 4839.84 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 SOUTH, RANGE 21 EAST, AND SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY, AND RESTRICTIONS OF RECORD.

CONTAINING 367.54 ACRES, MORE OR LESS.

BB/NUGULF

TYPED 7/2/93

DESCRIPTION: NUGULF 101 ACRE PARCEL (REVISED)

FROM THE N.E. CORNER OF SECTION 1, TOWNSHIP 35 S, RANGE 21 E, RUN N 87°08'37" W ALONG THE NORTH LINE OF SAID SECTION 1, A DISTANCE OF 102.88 FEET TO THE EAST RIGHT OF WAY LINE OF S.R. 39; THENCE S 00°22'15" W ALONG SAID EAST LINE, A DISTANCE OF 1050.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTHERLY ALONG SAID EAST RIGHT OF WAY LINE THE FOLLOWING FIVE COURSES: THENCE S 00°22'15" W, A DISTANCE OF 492.85 FEET TO THE P.C. OF A CURVE TO THE LEFT HAVING A RADIUS OF 5629.58 FEET; THENCE SOUTHERLY ON THE ARC OF SAID CURVE TO THE LEFT, A DISTANCE OF 1157.96 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 11°24'52" E, A DISTANCE OF 299.77 FEET TO THE P.C. OF A CURVE TO THE RIGHT HAVING A RADIUS OF 5829.58 FEET; THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE TO THE RIGHT, A DISTANCE OF 1199.10 FEET THROUGH A CENTRAL ANGLE OF 11°47'07" TO THE P.T.; THENCE S 00°22'15" W, A DISTANCE OF 547.42 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF S.R. 64; THENCE N 89°46'04" E ON SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 1836.35 FEET; THENCE N 00°22'15" E, A DISTANCE OF 1754.87 FEET; THENCE N 89°37'45" W, A DISTANCE OF 959.03 FEET; THENCE N 34°58'09" W, A DISTANCE OF 1348.48 FEET; THENCE N 00°22'15" E, A DISTANCE OF 800.00 FEET; THENCE N 89°37'45" W, A DISTANCE OF 400.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 1, TOWNSHIP 35 S, RANGE 21 E AND SECTION 6, TOWNSHIP 35 S, RANGE 22 E, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHT OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 101.000 ACRES, MORE OR LESS.

Toller,

Najjar &

Shroyer, Inc.

BB/MANATEE

DESCRIPTION: SHERIFF'S PARCEL

FROM THE SOUTHWEST CORNER OF SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST RUN S 89°13'30" E ALONG THE SOUTH LINE OF SAID SECTION 36, A DISTANCE OF 72.54 FEET TO EASTERLY MAINTAINED RIGHT OF WAY LINE OF BEAR BAY ROAD; THENCE N 10°24'21" W ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 383.41 FEET; THENCE N 01°12'21" W ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE, A DISTANCE OF 337.20 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTHERLY ALONG SAID EASTERLY MAINTAINED RIGHT OF WAY LINE THE FOLLOWING THREE COURSES: THENCE N 01°12'21" W, A DISTANCE OF 2323.33 FEET; THENCE N 88°33'52" E, A DISTANCE OF 23.90 FEET; THENCE N 00°47'17" W, A DISTANCE OF 500.44 FEET; THENCE S 88°48'26" E, A DISTANCE OF 1623.71 FEET; THENCE N 57°59'45" E, A DISTANCE OF 150.00 FEET; THENCE S 32°00'15" E, A DISTANCE OF 700.00 FEET; THENCE S 57°59'45" W, A DISTANCE OF 650.00 FEET; THENCE S 51°59'21" W, A DISTANCE OF 1127.64 FEET; THENCE S 00°00'00" E, A DISTANCE OF 1237.00 FEET; THENCE S 90°00'00" W, A DISTANCE OF 650.00 FEET TO THE POINT OF BEGINNING.

LYING AND BEING IN SECTION 25 AND SECTION 36, TOWNSHIP 34 SOUTH, RANGE 21 EAST, MANATEE COUNTY, FLORIDA.

SUBJECT TO PERTINENT EASEMENTS, RIGHTS OF WAY AND RESTRICTIONS OF RECORD.

CONTAINING 75.41 ACRES, MORE OR LESS.

62

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES

APPLICANT:

Nu-Gulf Industries, Incorporated
Route 1 Box 57
Myakka City, Florida 34251

APPLICATION CODE:
NGI-WC-CPB

FINAL ORDER

On June 2, 1992, the Governor and Cabinet, sitting as the agency head of the Department of Natural Resources, met at a regularly scheduled meeting and considered an application for conceptual plan modification to the approved conceptual plan NGI-WC-CP, for approval of reclamation and restoration, pursuant to Chapters 211, Part 11, and 378, Part 111, Florida Statutes (F.S.), and Chapter 16C-16, Florida Administrative Code (F.A.C.).

FINDINGS OF FACT

Nu-Gulf Industries, Incorporated filed an application with the Department's Bureau of Mine Reclamation on April 6, 1990, seeking approval of a conceptual plan modification at the Wingate Creek Mine in Manatee County. The application was assigned application code NGI-WC-CPB. Additional information was requested and received by the bureau from July 5, 1990 through November 11, 1991. The application was reviewed by bureau staff and other interested parties. No adverse comments were received.

The application was placed on the department's agenda as Item #5 for consideration by the Governor and Cabinet on June 2, 1992. Staff recommended approval with conditions and the Governor and Cabinet approved the application as recommended. A certification of this action is attached hereto as attachment A and is made a part of this final order.

On April 24, 1987, the Governor and Cabinet approved the Wingate Creek Mine Conceptual Plan BEK-WC-CPA (formerly owned by Beker Phosphate Corporation). The mine area approved in BEK-WC-CPA was 6,836 acres. At the time, the operator was negotiating with Manatee County on the sale of land which would reduce the mine acreage to 6,795 acres. The approved Development Order for the mine required the operator to modify the Conceptual Reclamation Plan mine boundary to reflect this boundary change. Subsequent land sales further reduced the mine by 2,845 acres. The Wingate Creek Mine acreage in this application is 3,950 acres. Mining plans, however, are not affected in the mine acreage reductions, since mining operations within the deleted acreage were not planned in the previously approved BEK-WC-CPA.

The time schedule for mine operations and reclamation has changed due to two periods when the mine shut down. Beker Phosphate Corporation (Beker) shut down the Wingate Creek Mine from February 1986 until October 1988. Nu-West Industries purchased the outstanding Beker shares and formed Nu-Gulf Industries, Incorporated, in October 1988. The mine then operated from March 1989 until July 1989. Operations again ceased and all outstanding shares of Nu-Gulf were purchased by Gulf Atlantic Corporation in February 1990. The company name, Nu-Gulf Industries, Incorporated, was retained in this and the subsequent sale of the mine. Mining operations resumed at the mine in July 1990. In December 1990, Nu-Gulf was purchased by Royster Phosphates, Incorporated. This sale did not impact the mine. Operations and reclamation have continued without cessation since July 1990.

The Wingate Creek Mine has a special exemption from the current Manatee County Comprehensive Plan, pursuant to Section 163.3167(8), Florida Statutes, and Comprehensive Plan Ordinance 89-01. The operator must remain in compliance with the approved Wingate Creek Master Mine Plan, Operating Permit, and the Development Order as required by Manatee County Resolution R-88-236. Therefore, NGI-WC-CPB must comply with the county resolution. Violation of these provisions will constitute a loss of the mine's special exemption status.

This Conceptual Plan Modification was previously presented and subsequently deferred from the March 3, 1992, meeting of the Governor and Cabinet. The agenda item was deferred to allow Manatee County time to resolve their concern with respect to actual reclamation dates and the 1988 Manatee County Agreement/Resolution R-88-236. The date for final agency action was extended by the operator until June 30, 1992, to allow the interested parties to clarify their concerns. Manatee County is still investigating these issues. Consequently, this item is conditioned to further ensure operator compliance with the county resolution.

The application will modify approved conceptual plan BEK-WC-CPA. Changes to the mine plan within the modified boundary are the primary reason for this modification. The modification will (1) revise the mine boundary by decreasing the size of the Wingate Creek Mine, (2) revise waste disposal, (3) revise postreclamation land use and vegetative cover, (4) revise postreclamation

topography and drainage, (5) revise premining land use and vegetative cover, (6) update acreage mined, to be mined, disturbed, and to remain undisturbed, (7) revise the mining, waste disposal and reclamation time schedules as a result of over three cumulative years of mine shut downs, and (8) institute a monitoring and modeling program for the mine's waste clay and sand tailings to predict the final landform at the Wingate Creek Mine.

The modification to the approved conceptual plan deletes 120 acres in Section 36, Township 34 South, Range 21 East, 314 acres in Section 1, 333 acres on Section 12, 657 acres in Section 13, Township 35 South, Range 21 East, 121 acres in Section 6, 585 acres in Section 7, 143 acres in Section 17, 613 acres in Section 18, Township 35 South, Range 22 East. A revision of the mine boundary was necessary due to the deletion of 2, 886 acres at the Wingate Creek Mine. The waste disposal budget was revised through this modification in order to utilize the stockpiled materials to backfill mine voids. A modeling and monitoring program is instituted to better predict the ultimate land form at the Wingate Creek Mine. Revision of the postreclamation land use was necessary to bring the Wingate Creek Mine post reclamation vegetative cover into compliance with section 16C-16.0051, F.A.C. A revision of the acreage mined, to be mined, disturbed, and to remain undisturbed, and reclamation time schedules, were modified in this application. After completion of reclamation and restoration, the land will be reclaimed as follows: 20 acres of transportation, 2,178 acres of crop and pastureland, 165 acres of grassland, 718 acres of shrub and brushland, 43 acres of coniferous forest, 109 acres of upland hardwood forest, 219 acres of upland mixed forest, 198 acres of lakes, 98 acres of wetland hardwood forest, 16 acres of wetland mixed forest, and 186 acres of herbaceous wetland.

Nu-Gulf modified mining operation acreage are:

Mined before 7/1/75	0
Mined from 8/1/81 to 12-31-91	550
To be mined	690
Disturbed before 7/1/75	0
Disturbed from 8/1/81 to 12-31-91	1410
To be disturbed	274
To remain undisturbed	1026

The time limit for final agency action is June 30, 1992.

CONCLUSIONS OF LAW

The application complies with the requirements of Chapters 211, Part II, and 378, Part III, Florida Statutes (F.S.), and Chapter 16C-16, Florida Administrative Code.

The approval does not warrant the suitability of subject lands for any current or proposed use and does not constitute a statement or admission concerning ownership of any interest in the subject lands.

Based on the foregoing Findings of Fact and Conclusions of Law, the Department of Natural Resources approves application code N81-WC-CPB, as set forth above, with the following twelve general and five specific conditions.

GENERAL CONDITIONS

1. Approval of this conceptual plan shall not constitute a statement, admission, or waiver by the State of Florida concerning ownership of any interest in lands within the conceptual plan.
2. The conceptual plan is a general overall plan which explains how and when all affected lands in the conceptual plan are to be reclaimed. Approval of this CPM 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 modification and those standards and criteria shall be resolved in favor of the specific standards and criteria of Chapter 16C-16, F.A.C.
3. The natural resources within the unmined portions of the mine, such as rivers, streams, tributaries, floodplains, or any other areas designated for preservation, shall be protected from adverse impacts related to mining or reclamation activities pursuant to section 16C-16.0053, F.A.C.
4. In restoring drainage patterns, the department and the operator reserve the right to reexamine, in each reclamation and restoration application, the placement and configuration of the lakes, streams, wetlands and watersheds which have been proposed in the conceptual

plan, to assure that the natural functions of the lakes, streams, wetlands and watersheds are restored in accordance with the then-existing standards and criteria of Chapter 16C-16, F.A.C.

5. In accordance with the Memorandum of Understanding between the Department of Natural Resources and the Southwest Florida Water Management District, the operator shall submit a Hydrological Analysis of the Wingate Creek Mine to both agencies within 90 days of approval of this modification to be reviewed for assurance that the postreclamation design results are in agreement with the premining condition.
6. The bureau shall be notified immediately of any changes within the Wingate Creek Mine which constitute an amendment, modification, or substantial deviation to the mine's currently approved Development of Regional Impact Development Order or Mining Operation Permit. Upon approval of any amendment, modification, or substantial deviation to the DRI and/or Mining Operation Permit, the operator shall submit to the bureau a copy of the Development Order, Resolution, or any other final form of approval.
7. The bureau and the operator reserve the right to re-examine, in each program submittal and bureau inspection, the placement and priority usage of sand tailings. The operator shall consider the efficient use of sand tailings for mining operations to ensure that sand tailing utilization maximizes reclamation benefits. In addition to meeting the filing and approval requirements in subsections 16C-16.0032(2) and 16C-16.006(1), F.A.C., the operator shall notify the bureau in writing of any proposed alteration in approved sand tailings allocation sites within seven (7) days upon the operator's realization that an alteration would be necessary. Notification to the bureau is not sufficient for the operator to assume approval of an alternative plan. The bureau will review the situation and notify the operator of appropriate procedures to be followed.
8. Areas to be reclaimed as pasture or improved pasture shall incorporate clumps or windrows of trees so that every ten (10) acres shall have some trees. Areas to be reclaimed as cropland or citrus shall have windrows of trees between fields and along the perimeter of fields adjacent to wetlands and uplands reclaimed for wildlife utilization.
9. In all wetland and upland forested areas, the operator shall strive to utilize a diverse mixture of native species planted in random fashion to more closely resemble natural conditions. If the use of planting equipment necessitates the establishment of tree rows, then they should be sinuous rather than straight.
10. The ground cover in all upland forests shall include the following: annual grasses, low-growing legumes, and other wildlife food plants.
11. In the establishment of upland forests, the operator shall utilize the wildlife corridor concept in connecting different types of reclaimed and undisturbed habitats.
12. Exotic and nuisance species shall not be considered an acceptable form of either wetland, upland forest or wildlife habitat. The bureau will work with the operator to determine appropriate measures to be taken, so that such species will be controlled within reclamation areas.

SPECIFIC CONDITIONS - NGI-WC-CPB

1. The operator will provide the bureau with a report indicating the procedures taken in stockpiling and utilizing upland and wetland topsoil. The report should be submitted to the bureau within 60 days of final agency action on this application.
2. In the operator's remodeling of the waste disposal scheme for the mine, the stockpiled overburden, located in Section 25, Township 34 South, Range 21 East, shall be utilized, should the monitoring and modeling results indicate the need for additional fill to achieve the proposed postreclamation topography and drainage of the mined out areas.
3. In order to minimize the voids remaining at the end of mine life, the operator shall utilize (a) the clays in the Initial Clay Settling Area (ISA) mixed with any stockpiled sand tailings and (b) any stockpiled overburden. The operator shall also use (a) clays in the ISA mixed with any stockpiled sand tailings and (b) any stockpiled overburden to fill voids during the cessation of mining. The department acknowledges that some of the overburden may be required for specific land uses approved by Manatee County and will process the approval of such uses through program amendments, as required. The operator will give highest priority to designing the postreclamation topography and drainage comparable to premining conditions and to protecting natural and reclaimed environmental resources.

4. The operator will cap sand/clay mix areas to achieve the approved topography, after a reasonable desiccation process by mechanical means or active dewatering. The operator shall cap with either dry overburden or dry sand tailings to a consistent thickness, as indicated in the monitoring plan.
5. The operator must remain in compliance with the approved Wingate Creek Master Mine Plan, Operating Permit, and the Development Order as required by Manatee County Resolution R-88-236. Should the operator seek county amendment to any portion of the resolution which affects mining or reclamation, as approved by the department, the operator must notify the department prior to engaging in amendment or deviation procedures.

The Applicant, Wu-Gulf Industries, Incorporated, and any other person whose interest may be affected by this decision, has the right to request an administrative hearing on this decision, pursuant to Chapter 120, F.S. However, any request must be received by the Department no later than 21 days from the date of receipt of this notification by the person requesting the hearing, and should be directed to the Office of the General Counsel, Department of Natural Resources, Suite 1003, Douglas Building, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399. The request for hearing must also contain a petition setting forth the factual and legal grounds for contesting this decision. Upon receipt, the petition will be filed with the Division of Administrative Hearings and notification of all future proceedings will come from that agency. Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving such notice, subject to review by the appropriate District Court of Appeal, pursuant to Section 120.68, F.S., and Rules 9.030(b)(1)(C) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in section 35.22 (3), F.S.

DONE AND ORDERED this 24th day of June, 1992, in Tallahassee, Florida.

FILED this 24th day of June, 1992

Cynthia S. Rumbles
DEPARTMENT CLERK

(SEAL)

STATE OF FLORIDA
DEPARTMENT OF NATURAL RESOURCES
Jeremy A. Craft
JEREMY A. CRAFT, DIRECTOR
DIVISION OF RESOURCE MANAGEMENT

APPROVED AS TO FORM & LEGALITY
Lawrence E. McCallister Jr.
DNR ATTORNEY

4550

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

APPLICANT:
Nu-Gulf Industries
Route 1, Box 570
Myakka City, Florida 34251

APPLICATION CODE:
NGI-WC-CPC

FINAL ORDER

Nu-Gulf Industries filed an application with the Department's Bureau of Mine Reclamation on June 2, 1993, seeking approval of a conceptual plan modification at the Wingate Creek Mine in Manatee County. The application was assigned application code NGI-WC-CPC. Additional information and corrections were received on August 16, 1993, and May 24, 1994. The application was reviewed by bureau staff and interested parties. No adverse comments were received.

FINDINGS OF FACT

Nu-Gulf Industries requests modification of the approved conceptual plan, NGI-WC-CPB, by the deletion of 888 acres of unmined land within the current Wingate Creek Mine boundary in Section 36, Township 34 South, Range 21 East, Section 31, Township 34 South, Range 22 East, Section 1, Township 35 South, Range 21 East, and Section 6, Township 35 South, Range 22 East. Deletion of the 888 acres from the mine acreage is due to agreements reached among Nu-Gulf Industries (the operator), BB/Manatee Associates, Manatee County Florida, Manatee County Sheriff, and Manatee County Gun and Archery Club, Incorporated to purchase the property for an alternative land use. Stockpiled overburden in Section 25 was determined to be in excess of reclamation requirements for the mined acreage as it now exists. However, through the Agreement For Reservation Of Overburden And Temporary Easements, Part 1, Schedule "F" and the Memorandum Of Agreements, Part 3.(1), 400,000 cubic yards of the stockpiled overburden will remain available to Nu-Gulf Industries (the operator) for use in reclamation at the Wingate Creek Mine for a period of up to 10 years. Annual mandatory monitoring and modeling of the void space at the mine shall determine use of the available overburden. Additionally, the modification requests alterations to the wetland/waterbody design, and changes to the approved waste disposal plan. It was determined from the data submitted in the 1992 Sand/Clay Mix Modeling Report that additional sand/clay mix disposal acreage was required over and above the previous projections. The increase in waste disposal acreage will now result in a decrease of waterbody acres. After completion of reclamation and restoration, the landforms will exist as follows: 22 acres of permanent transportation corridor, 1772 acres of crop and pastureland, 165 acres of grassland, 357 acres of shrub and brushland, 43 acres of upland coniferous forest, 93 acres of upland hardwood forest, 219 acres of upland mixed forest, 170 acres of waterbodies, 73 acres of wetland hardwood forest, 16 acres of wetland mixed forest, and 132 acres of herbaceous wetlands.

The application does not require a variance.

The deadline date for final agency action is extended to June 30, 1994.

CONCLUSIONS OF LAW

The application as conditioned, complies with the standards and criteria of Chapters 211, Part II, and 378, Part III, Florida Statutes (F.S.), and Chapter 16C-16, Florida Administrative Code.

The approval does not warrant the suitability of subject lands for any current or proposed use and does not constitute statement or admission concerning ownership of any interest in the subject lands.

Based on the foregoing Findings of Fact and Conclusions of Law, the Department of Environmental Protection approves application code NGI-WC-CPC, as set forth above, with the following conditions:

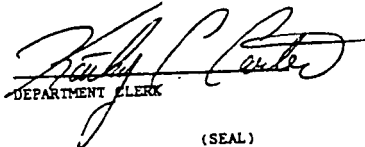
1. The operator shall continue to submit to the bureau on an annual basis, modeling for the Wingate Creek Mine waste disposal scheme. Should the monitoring and modeling results indicate the need for additional fill to achieve the proposed postreclamation topography and drainage of the mined out areas; the operator shall be required to exercise its option on the 400,000 cubic yards of overburden located in Section 25, Township 34 South, Range 21 East, pursuant to the Agreement For Reservation of Overburden and Temporary Easements, Part 1, Schedule "F" and the Memorandum Of Agreements, Part 3.(1) entered into May 5, 1994, among Nu-Gulf Industries (the operator), BB/Manatee Associates, Manatee County Florida, Manatee County Sheriff, and Manatee County Gun and Archery Club, Incorporated.

2. To minimize impacts of voids remaining at the end of mine life or during a temporary cessation of mining, the operator shall utilize (a) all clays in the Initial Clay Settling Area (ISA) mixed with any stockpiled sand tailings and (b) stockpiled overburden pursuant to the agreements reached May 5, 1994, among Nu-Gulf Industries (the operator), BB/Manatee Associates, Manatee County Florida, Manatee County Sheriff, and Manatee County Gun and Archery Club Incorporated. The operator shall give the highest priority to designing the postreclamation topography and drainage comparable to premining conditions and to protecting natural and reclaimed environmental resources.
3. The General Conditions and Specific Conditions 4 and 5 of the approved conceptual plan modification NGI-WC-CPB shall remain in effect after approval of the NGI-WC-CPC conceptual plan modification.

The Applicant, Nu-Gulf Industries, and any other person whose interest may be affected by this decision, has the right to request an administrative hearing on this decision, pursuant to Chapter 120, F.S. However, any request must be received by the department no later than 21 days from the date of receipt of this notification by the person requesting the hearing, and should be directed to the Office of the General Counsel, Department of Environmental Protection, Mail Station 35, 2600 Blairstone Road, Tallahassee, Florida 32399. The request for hearing must also contain a petition setting forth the facts and legal grounds for contesting this decision. Upon receipt, the petition will be filed with the Division of Administrative Hearings and notification of all future proceedings will come from that agency. Failure to request a hearing in a timely manner, and in the manner prescribed, will cause this decision to become final as to any person receiving such notice, subject to review by the appropriate District Court of Appeal, pursuant to section 120.68, F.S., and Rules 9.030(b)(1)(C) and 9.110, Florida Rules of Appellate Procedure. To initiate an appeal of this order once it becomes final, a Notice of Appeal must be filed with the District Court of Appeal within 30 days of the filing of the Final Order with the Agency Clerk. A Notice of Appeal filed with the District Court of Appeal must be accompanied by the filing fee specified in section 35.22(3), F.S.

DONE AND ORDERED this 29th day of June, 1994, in Tallahassee, Florida.

FILED this 2nd day of August, 1994

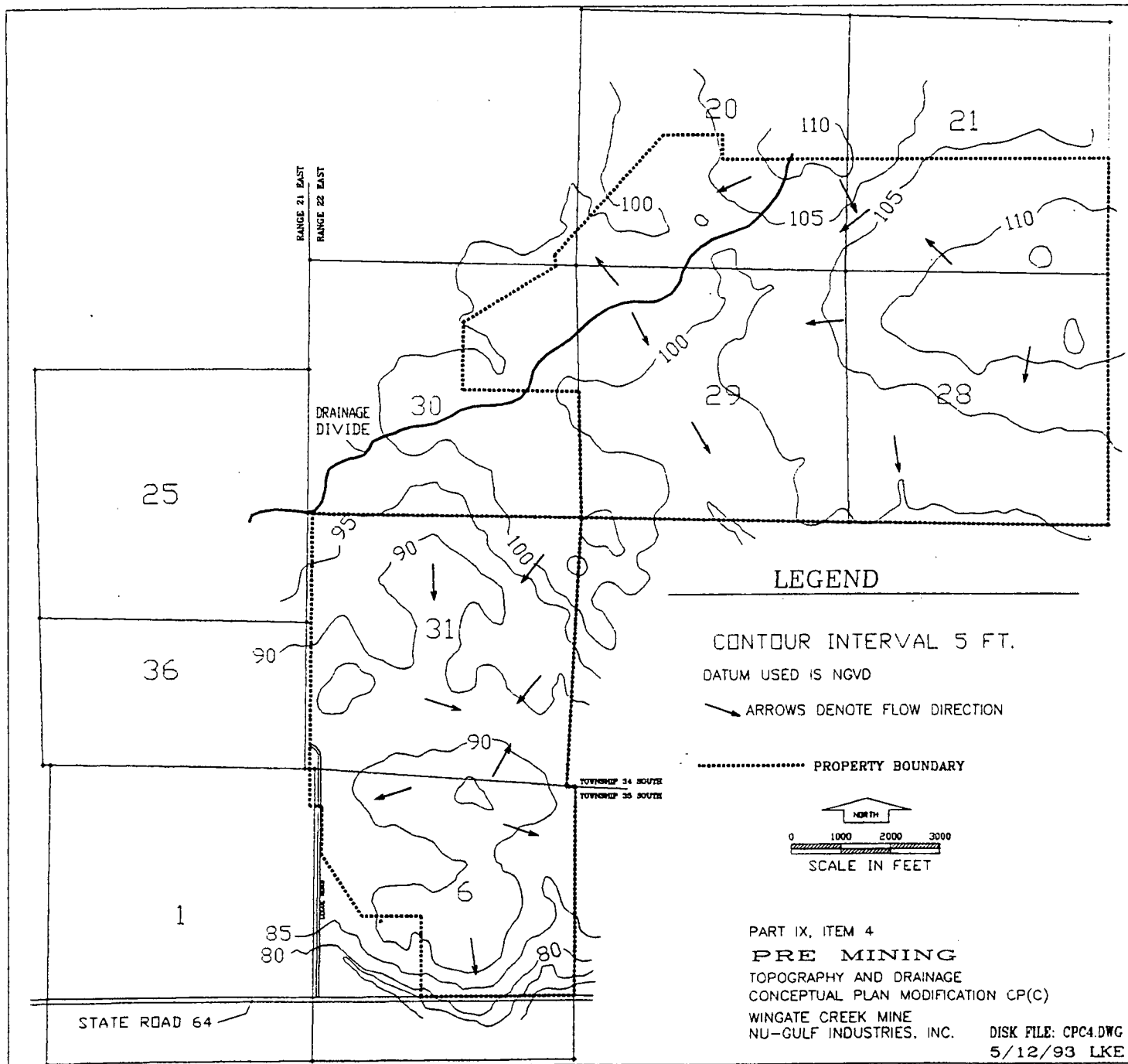

DEPARTMENT CLERK
(SEAL)

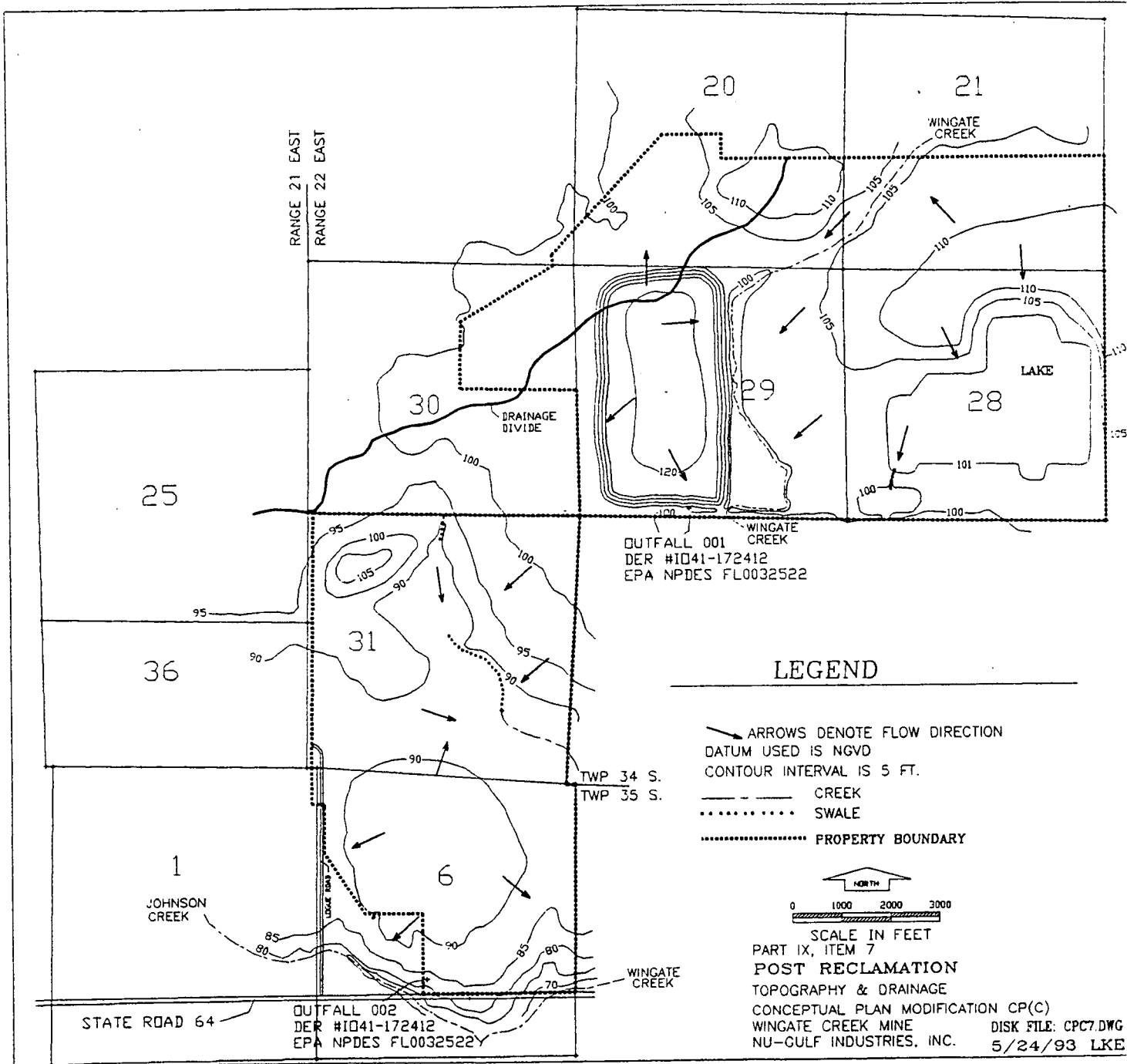
STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

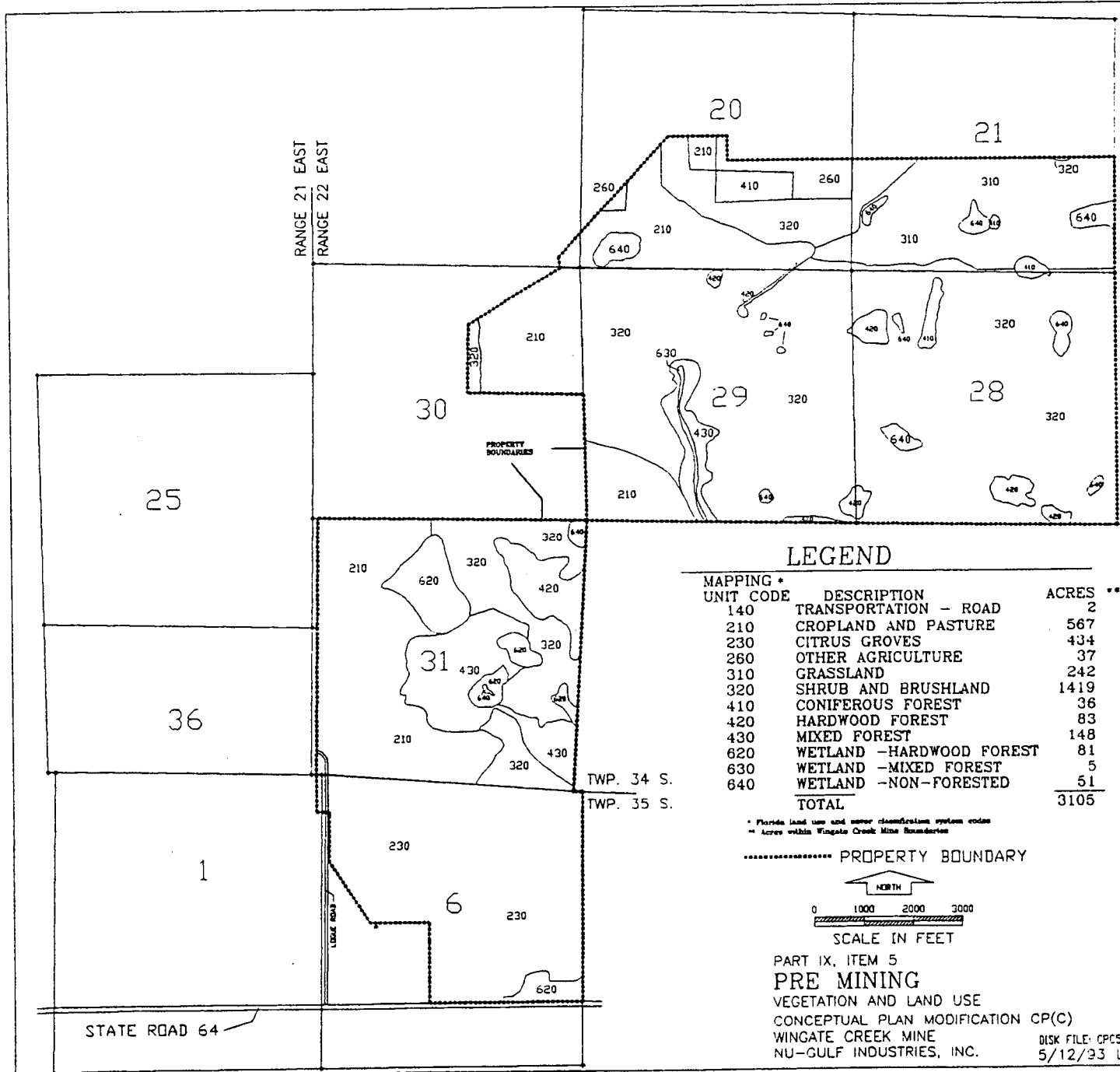

JEREMY A. CHAFF, DIRECTOR
DIVISION OF RESOURCE MANAGEMENT

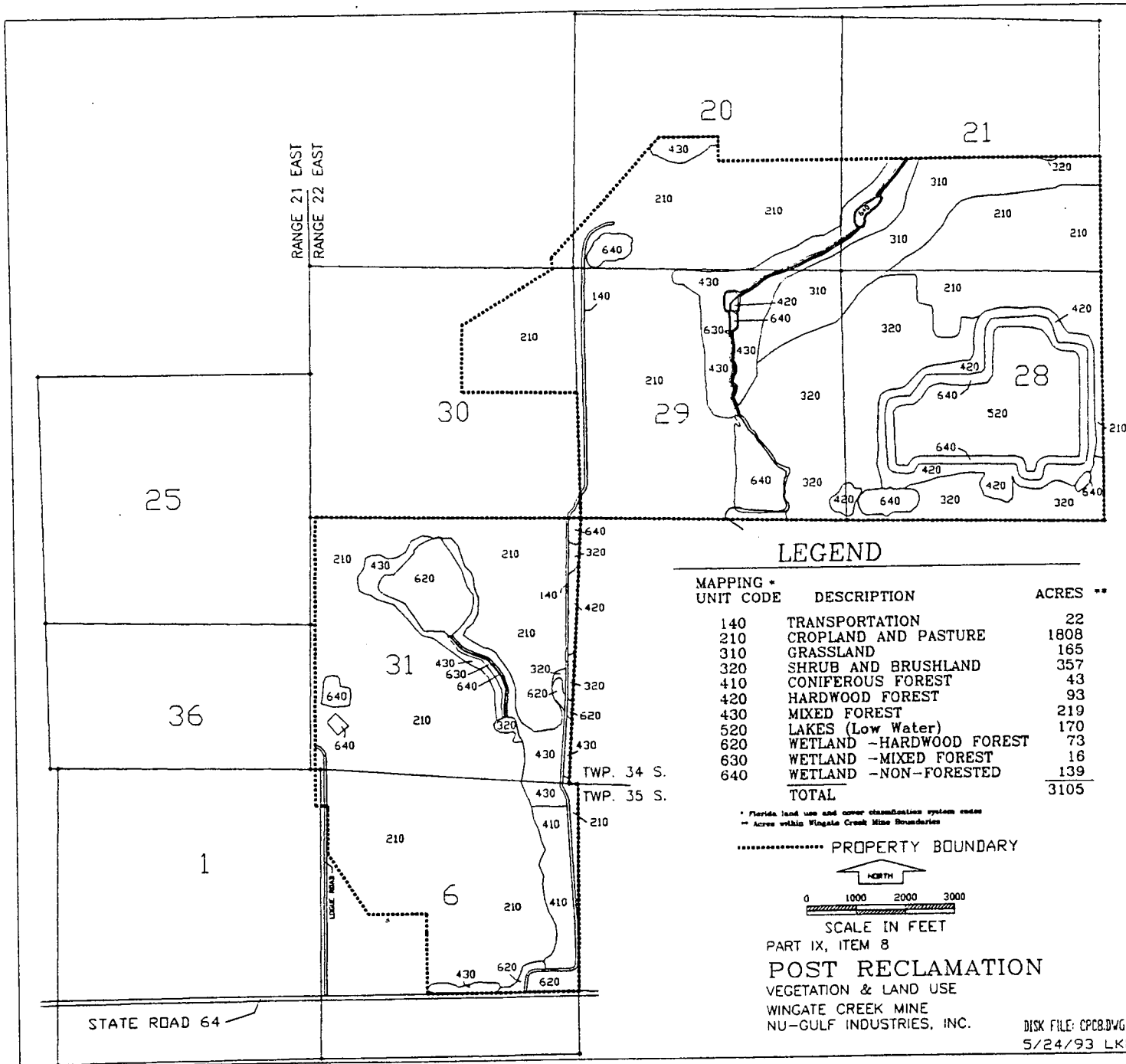
APPROVED AS TO FORM & LEGALITY


DEP. ATTORNEY










20 CERTIFICATION

The signature and seal of a registered professional engineer(s) responsible for the preparation of the master mining plan and an express certification by said engineer(s) that he or she is personally familiar with the proposed mining activities, that he or she has personally reviewed all elements of the master mining plan or such elements which said engineer is certifying, and that all engineering methods, estimates or computations comport with generally accepted engineering practices:

Based on my review of the Master Mine Plan document prepared for submittal to Manatee County as an update prompted by Cargill Fertilizer LLC.'s purchase of the Nu-Gulf Wingate Holdings LLC.'s Wingate Creek Mine in March 2004, I certify that the engineering methods, estimates and computations presented in the 2004 Master Mine Plan update are in accordance with generally accepted engineering practices. Further, I certify that I am familiar with the proposed mining and reclamation activities of the Wingate Creek Mine and this plan is consistent with the plans for this facility.

Thomas E. Myers III, P.E.
Vice President, Mines Technical Services
Florida Registration 37003



Signature and Seal

July 20, 2004

Date

21 FEE

The fee required for review of a master mining plan application. As prescribed in a schedule of fees established by the board: and

A check in the amount of \$ 4,139.25 is submitted for the review of the Master Mine Plan Update application and the Operating Permit Renewal application.

22 ADDITIONAL INFORMATION

Each item of information in the master mining plan that the applicant is unable to furnish in detail, and upon which greater detail will be available at a later date, shall be identified by the applicant and may at the discretion of the board and for good cause shown be furnished later in accordance with the requirements of this chapter. (Ord. No. 81-22, II(B), 10-22-81)

The final design and approval for the relocation of outfall 002 will be submitted to FDEP in conjunction with the NPDES permit renewal for the site. Manatee County will be provided with a copy of the NPDES renewal application and proposed outfall design. All agency correspondence concerning the outfall relocation will be provided to Manatee County.

NOTICE OF PROPOSED CHANGE

Wingate Creek Mine

DRI #42/#95

NOTICE OF PROPOSED CHANGE

Table of Contents

ITEM	PAGE
1. Signature Page	1
2. Applicant	2
3. Authorized Agent	2
4. Location	3
5. Proposed Change Description	7
6. Substantial Deviation Determination Chart	8
7. Amendments to Original Development Order	8
8. Lands Purchased or Optioned	10
9. Florida Statutes Criteria	12
10. Build-out Date Information	12
11. Local Government Comprehensive Plan	12
12. Master Site Plan Map	13
13. Development Order Deletions or Additions	14

LIST OF FIGURES

1. General Location Map	5
2. Site Location Map	6
3. Site Plan Map	11

STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
DIVISION OF RESOURCE PLANNING AND MANAGEMENT
BUREAU OF STATE PLANNING
2740 Centerview Drive
Tallahassee, Florida 32399
904/488-4925

EFFECTIVE DATE
11/20/90

**NOTIFICATION OF A PROPOSED CHANGE TO A PREVIOUSLY APPROVED
DEVELOPMENT OF REGIONAL IMPACT (DRI)
SUBSECTION 380.06(19), FLORIDA STATUTES**

Subsection 380.06(19), Florida Statutes, requires that submittal of a proposed change to a previously approved DRI be made to the local government, the regional planning agency, and the state land planning agency according to this form.

1. I, Robert C. Stewart, the undersigned
owner/authorized representative of Nu-Gulf Industries, Inc.,
(developer)

hereby give notice of a proposed change to a previously approved
Development of Regional Impact in accordance with Subsection
380.06(19), Florida Statutes. In support thereof, I submit the
following information concerning the
Wingate Creek Mine
(original & current project names)

development, which information is true and correct to the best of
my knowledge. I have submitted today, under separate cover,
copies of this completed notification to
Manatee County,
(local government)

to the Tampa Bay Regional Planning Council, and
to the Bureau of State Planning, Department of Community Affairs.

July 18, 1997
(Date)

Robert C. Stewart
(Signature)
SVP & COO

2. APPLICANT

Applicant (name, address, phone).

NAME: NU-GULF INDUSTRIES, INC.
ADDRESS: 38651 S.R. 64 E.
Myakka City, FL 34251
TELEPHONE NO: (941) 322-1341
FAX NO: (941) 322-1553

3. AUTHORIZED AGENT

Authorized Agent (name, address, phone).

NAME: Hugh E. McGuire, Jr.
Carol A. Masio
ADDRESS: McGuire, Pratt, Masio & Farrance, P.A.
Attorneys at Law
Suite 600
1001 3rd Avenue, West
Bradenton, FL 34206
TELEPHONE NO: (941) 748-7076
FAX NO: (941) 747-9774

4. LOCATION

Location (City, County, Township/Range/Section) of approved DRI and proposed change.

The Wingate Creek Mine consists of 3,105 acres, more or less. It is located in rural eastern Manatee County as shown on Figures 1 and 2. A description is presented below by Township, Range, Section, Quarter Section, and Quarter-Quarter Section.

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Quarter</u>	<u>Quarter-Quarter</u>	<u>Acres</u>
34S	22E	19	SE	SE	5
34S	22E	20	SW	NW	10
34S	22E	20	SW	SW	38
34S	22E	20	SW	SE	42
34S	22E	20	SW	NE	43
34S	22E	20	SE	NW	32
34S	22E	20	SE	SW	42
34S	22E	20	SE	SE	42
34S	22E	20	SE	NE	31
Sub Total					280
34S	22E	21	SW	NW	31
34S	22E	21	SW	SW	40
34S	22E	21	SW	SE	40
34S	22E	21	SW	NE	32
34S	22E	21	SE	NW	33
34S	22E	21	SE	SW	39
34S	22E	21	SE	SE	39
34S	22E	21	SE	NE	35
Sub Total					289
34S	22E	28	All	All	639
34S	22E	29	All	All	657
34S	22E	30	NE	NW	8
34S	22E	30	NE	SW	30
34S	22E	30	NE	SE	42
34S	22E	30	NE	NE	34
Sub Total					114

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Quarter</u>	<u>Quarter- Quarter</u>	<u>Acres</u>
34S	22E	31	NE	All	173
34S	22E	31	SE	All	171
34S	22E	31	NW	NW	40
34S	22E	31	NW	SW	40
34S	22E	31	NW	SE	43
34S	22E	31	NW	NE	44
34S	22E	31	SW	NW	39
34S	22E	31	SW	SW	38
34S	22E	31	SW	SE	42
34S	22E	31	SW	NE	42
Sub Total					672
35S	22E	6	NE	All	175
35S	22E	6	NW	NW	45
35S	22E	6	NW	SW	28
35S	22E	6	NW	SE	44
35S	22E	6	NW	NE	45
35S	22E	6	SW	SE	2
35S	22E	6	SW	NE	16
35S	22E	6	SE	NW	44
35S	22E	6	SE	SW	4
35S	22E	6	SE	SE	3
35S	22E	6	SE	NE	43
Sub Total					449
TOTAL					3,105

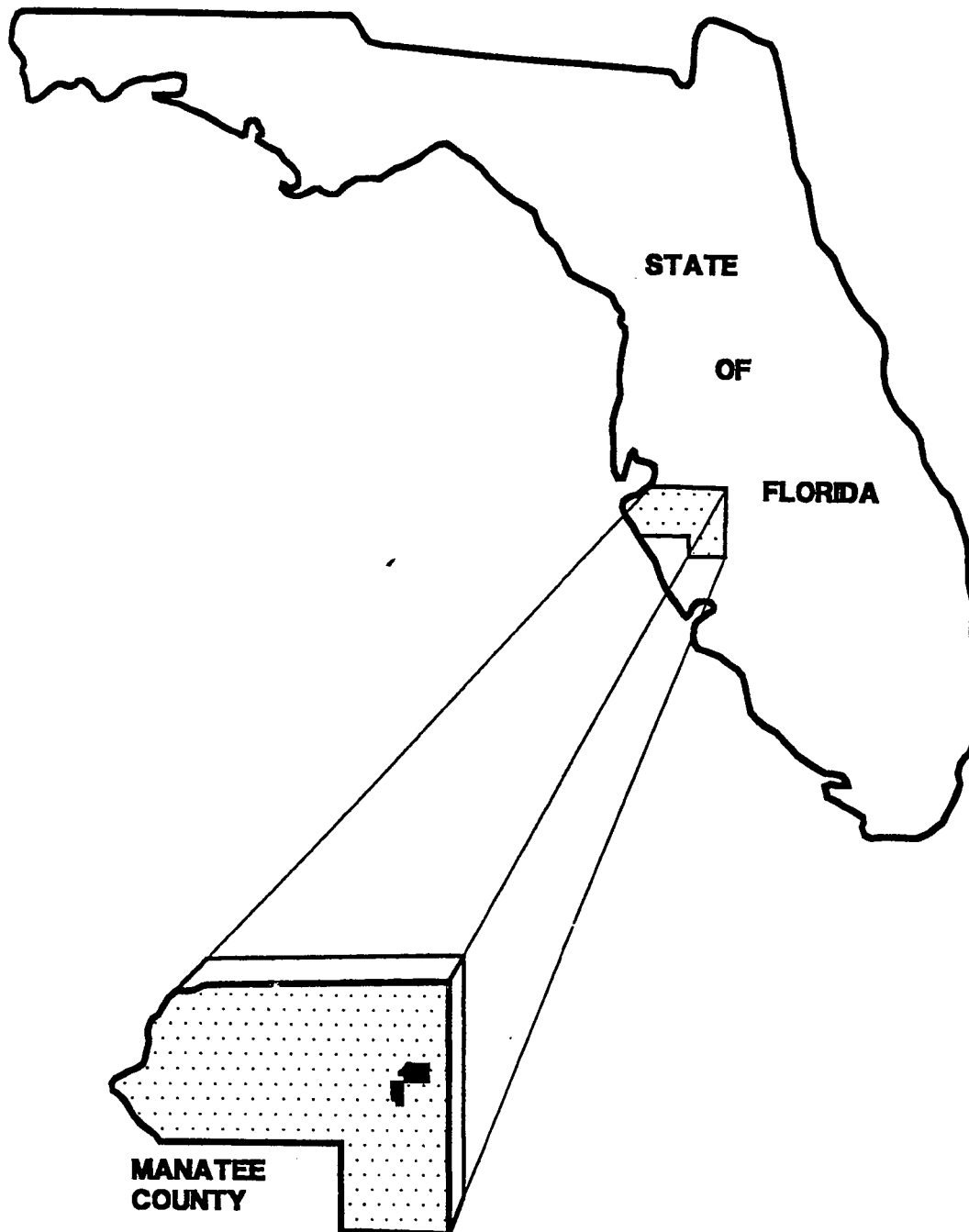


Figure 1. General Location Map.

State of Florida showing Wingate Creek Mine.

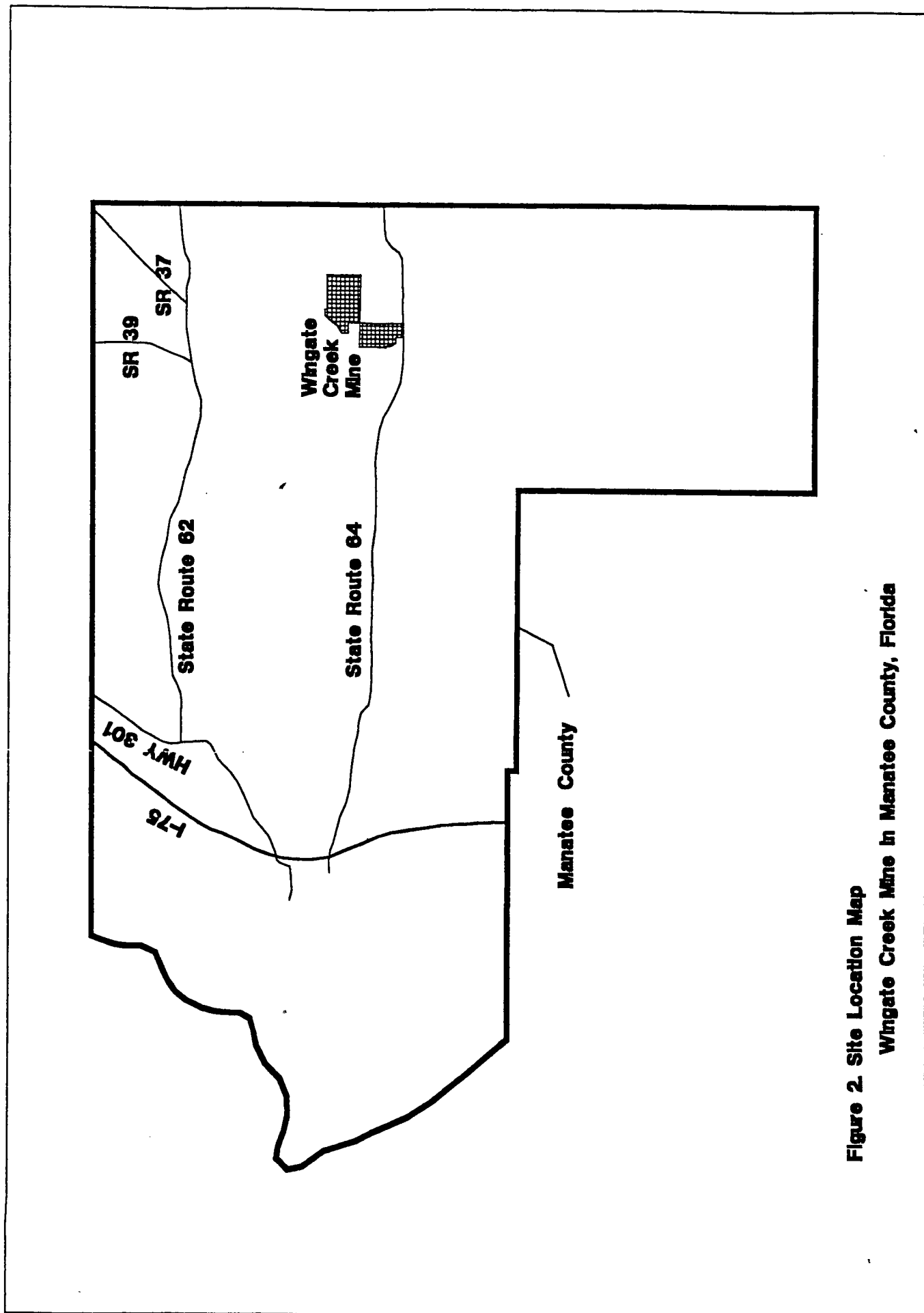


Figure 2. Site Location Map
Wingate Creek Mine in Manatee County, Florida

5. PROPOSED CHANGE DESCRIPTION

Provide a complete description of the proposed change. Include any proposed changes to the plan of development, phasing, additional lands, commencement date, build-out date, development order conditions and requirements, or to the representations contained in either the development order or the Application for Development Approval.

Indicate such changes on the project master site plan, supplementing with other detailed maps, as appropriate. Additional information may be requested by the Department or any reviewing agency to clarify the nature of the change or the resulting impacts.

This NOPC is requested to allow mining at the Wingate Creek Mine to be completed. All of the lands scheduled for mining were reviewed in the original Development Order approval of January 28, 1975. Subsequently, amended Development Order R-88-236 was adopted by Manatee County on October 18, 1988. Both of these Development Orders contain an expiration date of January 28, 1998.

Due to the poor fertilizer markets that occurred during the late 1980's and early 1990's, NGI experienced several shutdowns which have delayed the build-out date. Annual reports have documented the mine has been in a temporary shut down status since September of 1992.

The recent consolidation of the phosphate industry has resulted in a stable marketplace. Current projections anticipate NGI to resume operations in 1998 and to remain operational until mining is complete.

This will require a 6-1/2 year extension to the expiration date of the Development Order to July 31, 2004. The time extension will require one change to the transportation conditions of the development order. Condition III.A.(1) authorizes the shipment of phosphate rock by truck until January 28, 1998. This date must coincide with the requested build-out date of July 31, 2004.

6. SUBSTANTIAL DEVIATION DETERMINATION CHART

Complete the attached Substantial Deviation Determination Chart for all land use types approved in the development. If no change is proposed or has occurred, indicate no change.

The completed Substantial Deviation Determination Chart is located at the back of this notification.

7. AMENDMENTS TO ORIGINAL DEVELOPMENT ORDER

List all the dates and resolution numbers (or other appropriate identification numbers) of all modifications or amendments to the originally approved DRI development order that have been adopted by the local government, and provide a brief description of the previous changes (i.e., any information not already addressed in the Substantial Deviation Determination Chart). Has there been a change in local government jurisdiction for any portion of the development since the last approval or development order was issued? If so, has the annexing local government adopted a new DRI development order for the project?

There has been no change in local government jurisdiction for any portion of the development. Below is a listing of all modifications or amendments to the originally approved Development Order.

January 28, 1975 - Wingate Creek Mine DRI #42

The originally approved Development Order for the Mine which covered 10,971 acres and contained 6,065 minable acres.

April 12, 1977 - Modification Resolution (No I.D.#)

Deleted the construction requirement of two secondary dams to be built on the East Fork Manatee River prior to beginning mining activity. The Florida Department of Environmental Regulation determined that the secondary dams were not necessary.

February 5, 1987 - Amendment Resolution R-87-26

Authorized the purchase of 4,000 acres of Beker property in the Lake Manatee watershed contingent upon approval of the U.S. Bankruptcy Court.

October 18, 1988 - Amendment Resolution R-88-236

Approved DRI #95 as a result of a settlement stipulation. Allowed for the transportation of phosphate rock by truck from Wingate Creek Mine to Port Manatee. Included the transfer of lands reducing the Wingate Creek mine property to 3,950 acres.

July 17, 1990 - Amendment Resolution R-90-60

Deleted the subject lands set forth in R-87-123 and subsequently in R-88-236 from the Development Order.

August 14, 1990 - Amendment Resolution R-90-147

Allowed for shipment of phosphate rock to the Piney Point chemical plant, located immediately east of Port Manatee.

November 15, 1991 - Amendment Resolution R-91-250

On March 5, 1991 Manatee County adopted Development Order amendment R-91-26 which changed the required trucking route by permitting NGI to transport up to 650,000 tons per year, of the total 2.0 million tons per year, via State Road 64 east to the Farmland Industries' Hickory Creek Mine on County Road 663 in Hardee County. TBRPC appealed this amendment on the issues of safety and structural integrity of the new route. On November 15, 1991 Manatee County adopted a revised amendment (R-91-250) which requires NGI to pay \$650,000 to Florida Department of Transportation for the widening and resurfacing of S.R. 64. The revision resolved the appeal.

July 25, 1996 - Amendment Resolution R-96-188

In 1995 a land transaction took place which involved the sale of 845 acres of the Wingate Creek mine. This resolution accounted for the deletion of that property reducing the Mine property to 3,105 acres.

8. LANDS PURCHASED OR OPTIONED

Describe any lands purchased or optioned within 1/4 mile of the original DRI site subsequent to the original approval or issuance of the DRI development order. Identify such land, its size, intended use, and adjacent non-project land uses within 1/2 mile on a project master site plan or other map.

No lands have been purchased or optioned; however, a lease agreement between NGI and Texaco, Inc. was reached in 1991. The agreement specifies that NGI has the exclusive right to mine the Texaco property on a royalty basis. The Texaco property is approximately 4,500 acres in size and lies adjacent to the east boundary of the Wingate Creek Mine as shown on Figure 3.

NGI intends to seek all approvals and permits required to mine portions of the Texaco property. That process is scheduled to formally begin in the near future and is exclusive of this NOPC for the existing, permitted Wingate Creek Mine property.

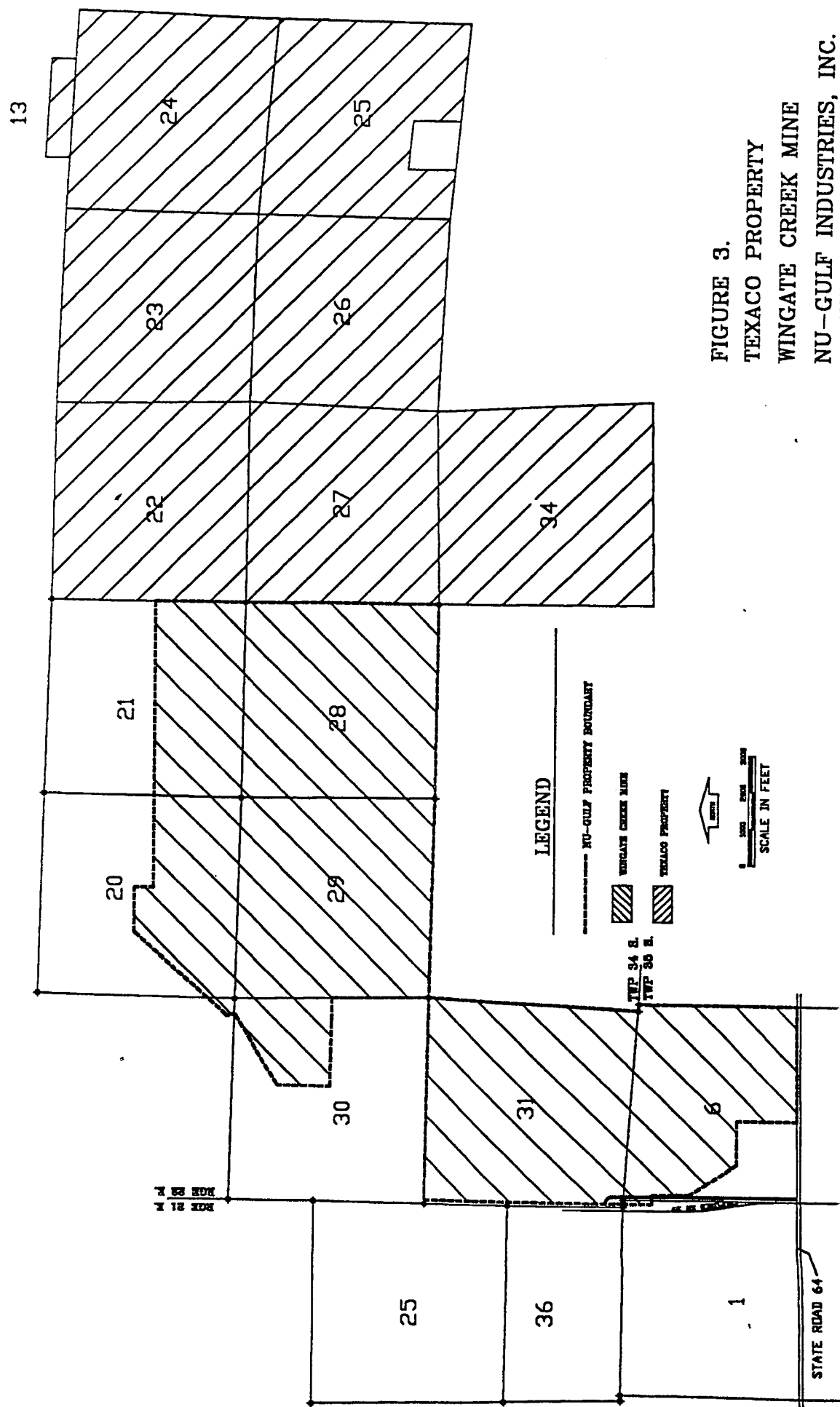


FIGURE 3.
TEXACO PROPERTY
WINGATE CREEK MINE
NU-GULF INDUSTRIES, INC.

9. FLORIDA STATUTES CRITERIA

Indicate if the proposed change is less than 40% (cumulatively with the other previous changes) of any of the criteria listed in Paragraph 380.06(19)(b), Florida Statutes.

Do you believe this notification of change proposes a change which meets the criteria of Subparagraph 380.06(19)(e)2., F.S.

YES _____

NO X

The proposed change relates only to the extension of the build-out date. This particular item is not covered in 380.06(19)(b), F.S.

10. BUILD-OUT DATE INFORMATION

Does the proposed change result in a change to the build-out date or any phasing date of the project? If so, indicate the proposed new build-out or phasing dates.

The proposed change relates only to an extension of the build-out date as described in Item 5. The requested new build-out date is July 31, 2004.

11. LOCAL GOVERNMENT COMPREHENSIVE PLAN

Will the proposed change require an amendment to the local government comprehensive plan?

The proposed change will not require an amendment to the local government comprehensive plan.

DEVELOPMENT ORDER INFORMATION

Provide the following for incorporation into such an amended development order, pursuant to subsections 380.06 (15), F.S., and 9J-2.025, Florida Administrative Code:

12. MASTER SITE PLAN MAP

An updated master site plan or other map of the development portraying and distinguishing the proposed changes to the previously approved DRI or development order conditions.

A Site Plan map is included under Item 8, as Figure 3.

13. DEVELOPMENT ORDER DELETIONS OR ADDITIONS

Pursuant to Subsection 380.06(19)(f), F.S., include the precise language that is being proposed to be deleted or added as an amendment to the development order. This language should address and quantify:

- a. All proposed specific changes to the nature, phasing, and build-out date of the development; to development order conditions and requirements; to commitments and representations in the Application for Development Approval; to the acreage attributable to each described proposed change of land use, open space, areas for preservation, green belts; to structures or to other improvements including locations, square footage, number of units; and other major characteristics or components of the proposed change;

The proposed change relates only to an extension of the build-out date as described in Item 5. The requested new build-out date is July 31, 2004. This time extension will in turn, require one change to the transportation conditions of the Development Order as amended by R-91-250. Condition III.A.(1) authorizes the shipment of phosphate rock by truck until January 28, 1998. This date will have to coincide with the requested build-out date of July 31, 2004.

Condition III.A.(1) should be changed to read as follows:

Beker is authorized to transport up to 2.0 million dry tons per year of phosphate rock by truck from its Wingate Creek Mine to customers via the haul route listed below, however, no more than 650,000 tons per year of the 2.0 million dry tons per year shall be transported to the Hickory Creek Mine:

HAUL ROUTE: From Wingate Creek Mine, west via State Road 64 to I-75, to I-275, to U. S. 41 north to Port Manatee, or to the phosphate plant to Piney Point, or east via State Road 64 to Hardee County Road 663, south to Farmland Industries, Inc. Hickory Creek Mine, and return along the same route (this route hereinafter referred to as the Haul Route) until July 31, 2004.

- b. An updated legal description of the property, if any project acreage is/has been added or deleted to the previously approved plan of development;

An updated description of the property is included under Item 4.

- c. A proposed amended development order deadline for commencing physical development of the proposed changes, if applicable;

Not applicable.

- d. A proposed amended development order termination date that reasonably reflects the time required to complete the development;

As described in Item 5 an extension to the build-out date is requested to July 31, 2004 in order to complete mining. NGI believes this date is also appropriate for termination of the development order.

- e. A proposed amended development order date until which the local government agrees that the changes to the DRI shall not be subject to down-zoning, unit density reduction, or intensity reduction, if applicable; and

Not applicable.

- f. Proposed amended development order specifications for the annual report, including the date of submission, contents, and parties to whom the report is submitted as specified in Subsection 9J-2.025(7), F.A.C.

NGI requests that the information listed above remain unchanged from the current requirements.

SUBSTANTIAL DEVIATION DETERMINATION CHART

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
* Attraction/ Recreation <u>Not Applicable</u>	# Parking Spaces			
	# Spectators			
	# Seats			
	Site locational changes			
	Acreage, including			
	drainage, ROW, easements, etc.			
	# External Vehicle			
	Trips			
	D.O. conditions			
	ADA representations			
* Airports <u>Not Applicable</u>	Runway (length)			
	Runway (strength)			
	Terminal (gross square feet)			
	# Parking Spaces			
	# Gates			
	Apron Area (gross square feet)			
	Site locational changes			
	Airport Acreage, including			
	drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
* Hospitals <u>Not Applicable</u>	# Beds			
	# Parking Spaces			
	Building (gross square feet)			
	Site locational changes			
	Acreage, including			
	drainage, ROW, easements, etc.			
	# External Vehicle			
	Trips			
	D.O. conditions			
	ADA representations			

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
* Industrial	<u>Not Applicable</u>			
	<p>Acreage, including drainage, ROW, easements, etc. # Parking Spaces Building (gross square feet) # Employees Chemical storage (barrels and lbs.) Site locational changes # External Vehicle Trips D.O. conditions ADA representations</p>			
* Mining Operations	<u>D.O. Conditions</u>			
	<p>Acreage mined (year) Water Withdrawal (Gal/day) Size of Mine (acres), including drainage, ROW, easements, etc. Site locational changes # External Vehicle Trips D.O. conditions ADA representations</p>			
* Office	<u>Not Applicable</u>			
	<p>Acreage, including drainage, ROW, easements, etc. Building (gross square feet) # Parking Spaces # Employees Site locational changes # External Vehicle Trips D.O. conditions ADA representations</p>			

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
* Petroleum/Chem. Storage	Storage Capacity (barrels and/or lbs.)			
	Distance to Navigable Waters (feet)			
* <u>Not Applicable</u>	Site locational changes			
	Facility Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
* Ports (Marinas)	# boats, wet storage			
	# boats, dry storage			
* <u>Not Applicable</u>	Dredge and fill (cu.yds.)			
	Petroleum storage (gals.)			
	Site locational changes			
	Port Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
* Residential	# dwelling units			
	Type of dwelling units			
* <u>Not Applicable</u>	# lots			
	Acreage, including drainage, ROW, easements, etc.			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
* <u>Wholesale, Retail, Service</u>	Acreage, including drainage, ROW, easements, etc.			
	Floor Space (gross square feet)			
* <u>Not Applicable</u>	# Parking Spaces			
	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
* <u>Hotel/Motel</u>	# Rental Units			
	Floor Space (gross square feet)			
* <u>Not Applicable</u>	# Parking Places			
	# Employees			
	Site locational changes			
	Acreage, including drainage, ROW, easements, etc.			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			
* <u>R.V. Park</u>	Acreage, including drainage, ROW, easements, etc.			
	# Parking Spaces			
* <u>Not Applicable</u>	Buildings (gross square feet)			
	# Employees			
	Site locational changes			
	# External Vehicle Trips			
	D.O. conditions			
	ADA representations			

SUBSTANTIAL DEVIATION DETERMINATION CHART

TYPE OF LAND USE	CHANGE CATEGORY	PROPOSED PLAN	ORIGINAL PLAN	PREVIOUS D.O. CHANGE + DATE
Open Space (All natural and vegetated non-impervious surfaces)	Acreage Site locational changes Type of open space D.O. conditions ADA representations			
* <u>Not Applicable</u> Preservation, Buffer or Special Protection Areas	Acreage Site locational changes Development of site proposed D.O. conditions ADA representations			
* <u>Not Applicable</u>				

Note: If a response is to be more than one sentence, attach a detailed description of each proposed change and copies of the proposed modified site plan drawings. The Bureau may request additional information from the developer or his agent.



OPERATING PERMIT

RENEWAL

Nu-Gulf Industries, Inc.
Wingate Creek Mine
Manatee County, Florida

Prepared For: Manatee County
Date: July, 1997

OPERATING PERMIT RENEWAL

Table of Contents

SECTION	PAGE
1. Master Mine Plan Update	1
2. Copies of Permits	1
3. Engineering Specifications	1
4. Changes to Environmental Monitoring Program	2
5. Spill Notification, Containment, and Safety Plan	2
6. Financial Responsibility	3
7. Compliance with Operating Permit	4
8. Fee	5
9. Continuing Obligation	5

1. MASTER MINE PLAN UPDATE

All new or additional information obtained by the applicant since submission of the master mining plan application that is reasonably necessary for the evaluation of an operating permit application under the provisions of this chapter. In addition, if an applicant's master mining plan was approved pursuant to the requirements of an earlier ordinance, the applicant shall furnish any additional information that may be required for master mining plans under the currently effective ordinance.

The "Master Mine Plan 1997 Update" is submitted in conjunction with the Operating Permit Renewal application.

2. COPIES OF PERMITS

Copies of necessary applications to, and all legally required permits and approvals from, federal and state agencies, unless such items have already been submitted to the coordinator.

All of the above mentioned items have already been submitted to the coordinator.

3. ENGINEERING SPECIFICATIONS

Engineering specifications and design drawings at a suitable scale of all aspects of mining activities for the life of the operating permit for which specifications and drawings have not been previously approved in the master mining plan. Prior to construction of said facilities, the applicant or his engineer shall submit to the coordinator, for written approval, construction drawings of said facilities. Prior to using said facilities, the applicant shall furnish as-built drawings and specifications of said facilities which reflect any changes made to the original plans. All specifications and drawings shall be signed and under seal by a Florida registered professional engineer, who shall certify that he or she is personally familiar with and has reviewed said drawings and specifications and that they are consistent with generally accepted, professional engineering practices.

All of the above mentioned items are on file with the County.

4. CHANGES TO ENVIRONMENTAL MONITORING PROGRAM

A detailed description of changes, if any, to the environmental monitoring program of the approved master mining plan submitted in accordance with section 2-20-33(c).

The changes that have occurred to the environmental monitoring program are included in the "Master Mine Plan 1997 Update", submitted in conjunction with the Operating Permit Renewal application.

5. SPILL NOTIFICATION, CONTAINMENT, AND SAFETY PLAN

Effective plans for a spill notification, containment, and safety plan for the slime ponds, water recirculation systems, and reagent storage areas addressing such issues as inspection schedules, spill notification procedures, maintenance of warning systems, auxiliary water supply sources, water treatment procedures, and clean-up responsibilities. A site security plan including necessary access restrictions shall also be provided.

The above mentioned items were submitted to the County in 1992 when the "Disaster Plan" for the Wingate Creek Mine was updated. The spill notification, containment, and safety plan for the clay pond, water recirculation system, and reagent farm remain valid. However, upon the resumption of operations, it will be necessary to update vendor lists and telephone numbers.

6. FINANCIAL RESPONSIBILITY

Evidence of financial responsibility meeting the requirements of section 2-20-33(p).

Financial statement. The applicant shall provide financial statements, audited and certified by a certified public accountant, that demonstrate ability to respond to liability in an amount determined according to the following schedules:

- o \$2,500.00 for each acre of land to be disturbed by mining activities during the term of the operating permit;
- o \$4,000.00 for each acre-foot of above grade storage in proposed slime ponds.

The Master Mine Plan Update shows 420 acres will be disturbed by mining activities during the term of the permit. It also details that no above grade slime ponds are proposed for construction. A certified financial statement is contained in Exhibit I.

Insurance. The applicant shall provide certificates of insurance showing that the applicant has liability insurance policies issued by an insurance company authorized to do business in the state covering:

- o Personal injury - \$500,000.00
- o Property damage - \$300,000.00
- o Environmental damage - \$10,000,000.00

A certificate of insurance which exceeds the above listed coverage amount is contained in Exhibit II.

General surety bond. The applicant shall file with the board a surety bond or bonds payable to the county with a principal amount equal to two hundred fifty dollars (\$250.00) for each acre of land to be disturbed during the term of the operating permit.

The Master Mine Plan Update shows 420 acres will be disturbed during the term of the permit. NGI will incorporate the amount of the general surety bond into the reclamation bond.

Reclamation bond. All applicants shall annually post a reclamation surety bond(s) equal to one hundred ten (110) per cent of the reclamation cost per mining and reclamation unit for each acre of land to be disturbed during the ensuing year and all land previously disturbed by mining activities for which reclamation compliance has not been acknowledged by the coordinator. The accuracy of the bond areas and the costs of reclamation set forth by the applicant shall be certified by a professional retained by the applicant and shall be subject to the review and the express written approval of the coordinator.

NGI will post a reclamation bond per the requirements detailed in Section 2-20-33(p). This new bond will supersede the current reclamation bond at the time of its issuance. A certified report of the reclamation costs is contained in Exhibit III.

7. COMPLIANCE WITH OPERATING PERMIT

Information, documentation or studies necessary to affirmatively show compliance with the operating permit criteria of this chapter.

This application is for the renewal of the Operating Permit which was originally approved by Manatee County on February 28, 1978. Compliance with the Operating Permit criteria has been demonstrated since that time. Documentation regarding this item has been furnished through the submittal of the Annual Progress Reports prepared for Manatee County and the Annual Status Reports prepared for the Tampa Bay Regional Planning Council.

8. FEE

The fee required for review of an operating permit application, as prescribed in a schedule of fees established by the board.

A check in the amount of \$ 4,139.25 is submitted for the review of the Operating Permit Renewal application and the Master Mine Plan Update application.

9. CONTINUING OBLIGATION

The applicant shall have a continuing obligation to supplement its permit application with all new pertinent information until permit issuance. (Ord. No. 81-22, § III(B), 10-22-81)

NGI is aware of this obligation.

EXHIBIT I
FINANCIAL STATEMENT

NU-GULF INDUSTRIES, INC.



I attest to the following:

I am the Chief Financial Officer of Nu-Gulf Industries, Inc. and the attached is a true copy of the December 31, 1996 Balance Sheet of Nu-Gulf Industries, Inc.

The December 31, 1996 financial statements of Nu-Gulf Industries, Inc. have been audited by Price Waterhouse L.L.P. as part of the audit of the parent company of Nu-Gulf Industries, Inc. on which an unqualified opinion has been issued.

As shown on the attached Nu-Gulf Industries, Inc. December 31, 1996 Balance Sheet, a reserve has been established for land reclamation in the amount of \$3.993 million.

Louis D. Berarducci
Senior Vice President & CFO

Date: July 16, 1997

NU-GULF INDUSTRIES, INC.
BALANCE SHEET
DECEMBER 31, 1996
(AMOUNTS IN 000'S)

ASSETS

CURRENT ASSETS:

Cash	\$10
Restricted Cash	2,568
Trade A/R, Net	0
Other Receivables	0
Net Receivables	\$0
Inventories	913
Prepaid & Other	41
TOTAL CURRENT ASSETS	\$3,532
Fixed Assets, Net	24,500
Mineral Deposits, Net	15,000
Misc Non-Current Assets	243
TOTAL ASSETS	<u>\$43,276</u>

LIABILITIES & EQUITY

CURRENT LIABILITIES

Loans & Advances from Affiliate	\$9,851
Accounts Payable	85
Accrued Liabilities	4,450
TOTAL CURRENT LIABILITIES	\$14,386
Land Reclamation Accrual	3,993
Deferred Income Taxes	0
TOTAL LONG-TERM LIABILITIES	\$3,993
Common Stock	0
Paid in Capital	7,729
Retained Earnings	17,167
TOTAL EQUITY	<u>\$24,896</u>
TOTAL LIABILITIES & EQUITY	<u>\$43,276</u>

EXHIBIT II
CERTIFICATE OF INSURANCE

CERTIFICATE OF INSURANCE

Date (mm/dd/yy)

07/16/97

Producer

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

MLW Services, Inc.
100 William Street
New York N.Y. 10038
(212) 797-9600

COMPANIES AFFORDING COVERAGE

Company A COMMERCE & INDUSTRY INSURANCE CO.
Company B ZURICH AMERICA INSURANCE CO.
Company C CNA INSURANCE CO.
Company D

Insured

0011108-ARV

NU-GULF INDUSTRIES, INC.
C/O MULBERRY PHOSPHATES, INC.
P.O. DRAWER 797
MULBERRY, FL 33860

ATTN: TOM BEDFORD

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN. THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE	POLICY EXPIRATION DATE	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> Commercial General Liah <input type="checkbox"/> Claims Made <input checked="" type="checkbox"/> Occur <input type="checkbox"/> Owner's & Cont Protective	EA 3407899	06/01/97	06/01/98	General Aggregate \$ 1,000,000 Products-Comp Ops Agg \$ 1,000,000 Personal & Adv Injury \$ 1,000,000 Each Occurrence \$ 1,000,000 Fire Damage(any 1 fire) \$ 50,000 Med Exp(any one person) \$ 10,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> Any Auto <input type="checkbox"/> All Owned Autos <input type="checkbox"/> Scheduled Autos <input type="checkbox"/> Hired Autos <input type="checkbox"/> Non-Owned Autos				Combined Single Limit \$ Bodily Injury (per person) \$ Bodily Injury (per accident) \$ Property Damage \$
	GARAGE LIABILITY <input type="checkbox"/> Any Auto				Auto Only - Ea Accident \$ Other Than Auto Only \$ Each Accident \$ Aggregate \$
A	EXCESS LIABILITY <input checked="" type="checkbox"/> Umbrella Form <input type="checkbox"/> Other Than Umbrella Form	EAU 6061550	06/01/97	06/01/98	Each Occurrence \$19,000,000 Aggregate \$19,000,000
	WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY The Proprietor/Partners/Executive Officers are: <input type="checkbox"/> Incl <input type="checkbox"/> Excl				Statutory Limit Other \$ EL Each Accident \$ EL Disease-Policy Limit \$ EL Disease-Ea Employee \$
B	A/R PROPERTY	PCA8342496-01	06/01/97	06/01/98	LIMIT PER OCCURRENCE \$50,000,000
C	BOILER & MACH.	BM1044961110	06/01/97	06/01/98	\$100,000,000 PER OCC.

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS

RE: GENERAL LIABILITY IS SUBJECT TO A SELF-INSURED RETENTION OF \$50,000., COVERAGE INCLUDES SUDDEN AND GRADUAL THIRD PARTY POLLUTION LIABILITY.

CERTIFICATE HOLDER

CANCELLATION

001

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.

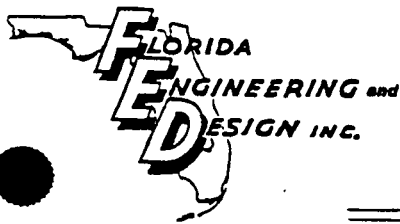
Authorized Representative

NU-GULF INDUSTRIES, INC.
C/O MULBERRY PHOSPHATES, INC.
P.O. DRAWER 797
MULBERRY, FL. 33860

the QWIK APP company, Inc

QWIK 2-55 (01/95)

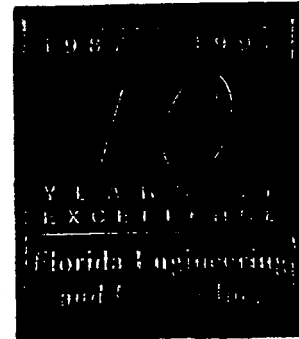
EXHIBIT III
RECLAMATION COST REPORT



CONSULTING ENGINEERS

April 23, 1997

Nu-Gulf Industries, Inc.
Route 1 Box 750
Myakka City, FL 34251
Attn: Mr. Richard C. Hughes



Re: Wingate Creek Phosphate Mine
Reclamation Liability

Gentlemen:

This report is based on information obtained from Nu-Gulf personnel at the Wingate Creek Mine, previous reports, and from in-house and other public or industry-wide sources.

Pursuant to your direction, Florida Engineering and Design, Inc. (FED) has been employed to review and to independently evaluate and estimate the dollar cost of the reclamation liability the Wingate Creek Mine would incur in the event cessation of mining activities and abandonment of the property were to take place today.

The principals of FED have a long history of familiarity with the Wingate Creek Mine, having performed various evaluations over the years since 1980.

This assignment required a review of land owned or under the control of Nu-Gulf, and of the status of reclamation to determine the areas remaining which have not yet been reclaimed.

The real property owned by Nu-Gulf consists of about 3105 acres; 2571 acres in Sections 19, 20, 21, 28, 29, 30 and 31 T34S R22E, and 534 acres in Sec. 6 T35S R22E, all located North of SR 64 in Manatee County, Florida.

The status of reclamation based upon a recent survey of accounting for all of the property involved (program acres), to which Nu-Gulf and FDEP concurred, is approximately as summarized below.

• Areas to remain undisturbed	1054
• Areas reclaimed and released	352
• Areas reclaimed and contoured, and revegetated, but not released	154

• Areas backfilled and contoured, but not revegetated	52
• Mined out areas (areas in which sand-clay mix and or tailing sand is being placed)	376
• Clay settling area - Not Reclaimed	310
• Water recirculation system area - Not Reclaimed	71
• Plant site area	100
• Sand tailings and overburden storage areas - Not Reclaimed	208
• Miscellaneous other disturbed areas - Not Reclaimed	385

TOTAL PROGRAM ACRES

3062

Reclamation based on site conditions as they exist today and on the premise that mining is not resumed must include the cost of disposing of the physical plant facilities. Principal components of the physical assets considered, are itemized and briefly described as follows.

- ◊ Mining equipment and ore transport systems
- ◊ Beneficiation plant
- ◊ Finished product storage and load out
- ◊ Buildings housing administrative, technical and maintenance activities
- ◊ Roads, parking areas, surface drainage, fences, and utilities service
- ◊ Mobile equipment, earthmoving equipment and vehicles
- ◊ Facilities devoted exclusively to waste disposal and reclamation (not included above)
- ◊ Spare replacement components and equipment parts

A summary of our estimate of reclamation cost, by principal components, is given below.

1. Revegetated but not released (monitor)	154 acres @ \$10/acre	\$ 1,540
2. Revegetation	52 acres @ \$350/acre	\$ 18,200
3. MOA's, reclamation in progress	376 acres	
a) Complete backfill with overburden, sand-clay mix and /or tailings (pumping) 5.4 million cy	@\$0.25/cy	\$1,350,000
b) Grading, contouring & revegetation	376 acres @\$500/acre	<u>\$ 188,000</u>
	SUB-TOTAL	\$1,557,740

4. Clay Settling Area

Inside surface areas ±220 acres

Outside area includes perimeter ditch ±310 acres

Abandonment, ditching & crust development 220 acres @\$1000/acre \$ 220,000

Earthwork	± 1.2 mil cy	@\$0.60/cy	\$ 720,000
Revegetation	310 acres	@\$350/acre	\$ <u>108,500</u>
		SUB-TOTAL	\$1,048,500
5. Water recirculation system, ditches, backfill and slope pond perimeters, grade & revegetate	71 acres	@\$1000	\$ 71,000
6. Plant site and physical facilities Revegetation Physical plant facilities (see note 4 below)	100 acres	@\$ 350	\$ 35,000
7. Sand tailings and overburden storage areas, capping with overburden, grading and revegetation	208 acres	@\$ 500	\$ 104,000
8. Miscellaneous other disturbed areas	385 acres	@\$ 800	\$ 308,000
9. Environmental monitoring allowance (NPDES discharge, see note 6 below)			\$ <u>100,000</u>
		SUB-TOTAL	\$3,224,240
Contingency 10%			\$ <u>322,400</u>
		TOTAL	\$3,546,640

Important premises of the reclamation cost estimate are:

1. Mining (overburden) dredge, Gulf I, clay dredge Gulf III, sand/clay mix station, pumps, bulldozer and related reclamation equipment remain on site for duration of reclamation.
2. Tailing sand, overburden material, and sand/clay mix material is transported from the storage piles to mined-out areas by pipeline and deposited in MOA's, and on perimeters to create lakes meeting FDEP criteria.
3. Reclamation, after abandonment, of the clay settling areas will require a period of 1 ½ years.
4. The value of personal property offsets the cost of dismantling, razing, and/or otherwise removing the same from the real estate, so there is no cost/no benefit resulting from salvage of physical plants and appurtenances.
5. Reclaimed areas are planted with pasture grasses, and trees where required.
6. Water will continue to be discharged from the property until reclamation work is complete and vegetative cover firmly established. The cost of monitoring the quantity and quality of the water discharged for a period of 20 months is included as an allowance.

The cost of completing reclamation will continue to decrease as Nu-Gulf continues with backfilling, contouring and revegetation work. Some reclaimed areas otherwise ready for revegetation are being utilized for access and pipeline routes are not recognized.

The estimate is based on the best available data without the benefit of a field survey, or other detailed engineering investigations to determine accurately the quantities of earthwork, and other work items. A contingency allowance is made for the unforeseen cost of items which cannot now be defined.

We trust this reclamation liability evaluation letter report meets your requirements and serves the purpose intended. Should you have any questions whatsoever, please do not hesitate to contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,


James G. Tavrdes
Vice-President

JGT/cmg

BRADENTON HERALD

www.bradenton.com
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941/748-0411 ext. 7065

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA COUNTY OF MANATEE;

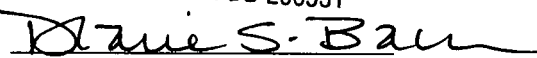
Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF MASTER MINE PLAN** in the Court, was published in said newspaper in the issues of, **8/2, 2004**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.


(Signature of Affiant)

Sworn to and subscribed before me this
2nd Day of August, 2004

DIANE S. BACRO
Notary Public, State of Florida
My comm. exp. Aug. 15, 2007
Comm. No. DD 206531



SEAL & Notary Public

Personally Known ☒ OR Produced Identification
Type of Identification Produced _____

NOTICE OF MASTER MINE PLAN APPROVAL IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Tuesday, August 24, 2004, at 9:00 A.M., or as soon thereafter as same may be heard, in the Chambers of the Board of County Commissioners located at the Manatee County Government Administrative Center, 1st Floor Chambers. The Board of County Commissioners will consider and act upon the following matters:

RESOLUTION R-04-203 - MASTER MINE PLAN

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA REGARDING PHOSPHATE MINING, APPROVING AN AMENDED MASTER MINE PLAN FOR THE WINGATE CREEK MINE; TO AUTHORIZE TRANSFER OF THE MASTER MINE PLAN TO CARCILL FERTILIZ-

ER, LLC; TO RENEW THE MASTER MINE PLAN TO ENSURE IT IS CONSISTENT WITH THE AMENDED DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE; TO EXTEND THE DURATION OF THE MASTER MINE PLAN; TO AMEND SECTION 3 TO DELETE CERTAIN LANDS FROM THE PLAN; TO AMEND SECTION 4 TO MODIFY A SETBACK; TO AMEND SECTION 9 TO DESCRIBE THE LOCATION OF A MONITORING WELL; TO AMEND SECTION 12 TO PROPOSE A NEW OUTFALL LOCATION FOR #001 SUBJECT TO FDEP APPROVAL; TO AMEND SECTION 16 TO UPDATE THE ENVIRONMENTAL MONITORING PROGRAM; TO AMEND SECTION 17 TO MODIFY THE TRANSPORTATION ROUTES; TO AMEND SECTION 18 TO UPDATE AERIAL PHOTOS; TO AMEND SECTION 19 TO UPDATE THE RECLAMATION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Wingate Creek Mine is located north of SR 64, south of Duette Park, and approximately 6 miles west of the Hardee County line in eastern Manatee County. The present zoning is EX (Extraction)(+/- 3,024.48 acres).

Rules of Procedure for these public hearings in effect pursuant to Resolution 94-104(PC) and Resolution 94-90. Copies of these Resolutions are available for review, or purchase at cost, from the Planning Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Board of County Commissioners, and entered into the record.

Interested parties may examine the proposed Resolution, the application and related documents and may obtain assistance regarding this matter from the Manatee County Environmental Management Department, 202 6th Avenue East, Bradenton, Florida; telephone number (941) 742-5980.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida
8/2/04

BRADENTON HERALD

www.bradenton.com
P.O. Box 921
Bradenton, FL 34206-0921
102 Manatee Avenue West
Bradenton, FL 34205-8894
941/748-0411 ext. 7065

Bradenton Herald
Published Daily
Bradenton, Manatee, Florida

STATE OF FLORIDA
COUNTY OF MANATEE;

Before the undersigned authority personally appeared Sandy Riley, who on oath says that she is a Legal Advertising Representative of the Bradenton Herald, a daily newspaper published at Bradenton in Manatee County, Florida; that the attached copy of the advertisement, being a Legal Advertisement in the matter of **NOTICE OF ZONING/DRI CHANGE IN UNINCORPORATED MANATEE COUNTY** in the Court, was published in said newspaper in the issues of, **8/6, 2004.**

Affiant further says that the said publication is a newspaper published at Bradenton, in said Manatee County, Florida, and that the said newspaper has heretofore been continuously published in said Manatee County, Florida, each day and has been entered as second-class mail matter at the post office in Bradenton, in said Manatee County, Florida for a period of 1 year next preceding the first publication of the attached copy of advertisement; and affiant further says that she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sandy Riley
(Signature of Affiant)

Sworn to and subscribed before me this

11 Day of Aug, 2004



Christina L Vest

SEAL & Notary Public

Personally Known ☒ OR Produced Identification ☐
Type of Identification Produced _____

NOTICE OF ZONING/DRI CHANGE IN UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Board of County Commissioners will conduct a Public Hearing on Tuesday, August 24, 2004, at 9:00 A.M., or as soon thereafter as may be heard, in the Chambers of the Board of County Commissioners, located at the Manatee County Administrative Center, 1112 Manatee Avenue West, 1st Floor. The Board of County Commissioners will consider and act upon the following matters:

ORDINANCE 04-21 - WINGATE CREEK MINE DRI #4

An Ordinance of the Board of County Commissioners of Manatee County, Florida, amending the Development Order pursuant to Chapter 380.06, Florida Statutes, for the Wingate Creek Mine Development of Regional Impact, DRI #4 (also known as TBRPC DRI #42/95). The Ordinance amends, replaces, and supercedes the previous Amended Development Order for Wingate Creek Mine, which was adopted by Resolution on October 18, 1988 (R-88-236) and subsequently amended by Resolutions 90-60, 90-147, 91-250, 96-188, 97-241, 98-182, and 99-89; amending Map H; providing for severability; and providing an effective date.

The Ordinance includes the determination of whether the following modifications to the Wingate Creek Mine DRI Development Order constitute a Substantial Deviation pursuant to Chapter 380.06, Florida Statutes:

1. Extend the life of mining (a.k.a. buildout and termination dates) for this DRI by 7 years to July 31, 2011 for a cumulative extension of 13.5 years;
2. Extend the life of reclamation for this DRI by 6.5 years to December 31, 2015 for a cumulative extension of 16.5 years;
3. Extend the expiration date of the authorized truck hauling routes by 7 years to July 31, 2011 for a cumulative extension of 13.5 years;
4. Amend the D.O. to delete a previously approved haul route west on SR 64 to the Piney Point plant;
5. Amend the D.O. to delete a previously approved haul route east on SR 64 to Hardee County;
6. Amend the D.O. to change the destination for a previously approved haul route to the north in Polk County by deleting the Mulberry plant on SR 60, adding the Cargill plant on SR 60, and adding the Green Bay plant on CR 640;
7. Delete 80.75 acres along the east side of Logue Road (known as tract WC-4(A)) from this DRI and amend

the legal description to reflect this change in acreage;
8. Amend the D.O. to change the name of the mine owner to Cargill Fertilizer, LLC;
9. Amend the D.O. to update definitions, terminology, departmental and agency references, establish new or modified conditions of approval, and other minor changes to ensure the Development Order will be internally consistent with all changes proposed by the applicant;
10. Amend Exhibit E to reflect the above changes and to revise the trucking schedule; and
11. Amend Map H to reflect the above changes.

The Wingate Creek Mine is located north of SR 64, south of Duetta Park, and approximately 6 miles east of the Hardee County line in eastern Manatee County. The present zoning is EX (Extraction) (± 3,024.48 acres).

Rules of Procedure for these public hearings are in effect pursuant to Resolution 94-104(PC) and Resolution 94-90. Copies of these Resolutions are available for review, or purchase at cost, from the Planning Department.

All interested parties are invited to appear at these Hearings and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Planning Commission and the Board of County Commissioners and entered into the record. It is important that all parties present their concerns to the Planning Commission in as much detail as possible. The issues identified at the Planning Commission hearing will be the primary basis for the final decision by the Board of County Commissioners.

Interested parties may examine the Official Zoning Atlas, the application, and related documents, and may obtain assistance regarding these matters from the Manatee County Planning Department, 1112 Manatee Avenue West, 4th Floor, Bradenton, Florida, telephone number (941) 749-3070.

Americans With Disabilities: The Board of County Commissioners of Manatee County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARINGS MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
MANATEE BOARD OF COUNTY COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida
8/6/04

AUG 11 - 2004

Received By

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

MANATEE COUNTY GOVERNMENT
KIM SPARKS
1112 MANATEE AVENUE W, 4TH FLOOR
BRADENTON, FL 34206

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED
SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING
DIRECTOR OF THE SARASOTA HERALD-TRIBUNE, A DAILY
NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA;
AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED
COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

NOTICE OF MINE PLAN APPROVAL
R-04-203

IN THE COURT WAS PUBLISHED IN MANATEE EDITION
OF SAID NEWSPAPER IN THE ISSUES OF:

JULY 30, 2004

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE
IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY,
FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN
CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA,
EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER
AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY,
FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST
PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND
AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED
ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE,
COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS
ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED

Shari Brickley

SWORN TO AND SUBSCRIBED BEFORE ME THIS 30TH DAY OF
JULY A.D., 2004 BY SHARI BRICKLEY WHO IS PERSONALLY
KNOWN TO ME.

(SEAL)

Bobbie J. Clark

OFFICIAL NOTARY SEAL
BOBBIE J. CLARK
NOTARY PUBLIC, STATE OF FLORIDA
COMMISSION NO. CC968394
MY COMMISSION EXP. OCT. 11, 2004

NOTARY PUBLIC

NOTICE OF MASTER MINE PLAN APPROVAL IN
UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Planning Commission of Manatee County will conduct a Public Hearing on Thursday, August 12, 2004, at 9:00 A.M., or as soon thereafter as same may be heard, and that the Board of County Commissioners of Manatee County will conduct a Public Hearing on Tuesday, August 24, 2004, at 9:00 A.M., or as soon thereafter as same may be heard, in the Chambers of the Board of County Commissioners located at the Manatee County Government Administrative Center, 1st Floor Chambers. The Planning Commission will consider, act upon and forward a recommendation to the Board of County Commissioners and the Board of County Commissioners will consider and act upon on the following matters:

RESOLUTION R-04-203 - MASTER MINE PLAN A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PHOSPHATE MINING, APPROVING AN AMENDED MASTER MINE PLAN FOR THE WINGATE CREEK MINE; TO AUTHORIZE TRANSFER OF THE MASTER MINE PLAN TO CARGILL FERTILIZER, LLC; TO RENEW THE MASTER MINE PLAN TO ENSURE IT IS CONSISTENT WITH THE AMENDED DRI DEVELOPMENT ORDER FOR THE WINGATE CREEK MINE; TO EXTEND THE DURATION OF THE MASTER MINE PLAN; TO AMEND SECTION 3 TO DELETE CERTAIN LANDS FROM THE PLAN; TO AMEND SECTION 4 TO MODIFY A SETBACK; TO AMEND SECTION 9 TO DESCRIBE THE LOCATION OF A MONITORING WELL; TO AMEND SECTION 12 TO PROPOSE A NEW OUTFALL LOCATION FOR #001, SUBJECT TO FDEP APPROVAL; TO AMEND SECTION 16 TO UPDATE THE ENVIRONMENTAL MONITORING PROGRAM; TO AMEND SECTION 17 TO MODIFY THE TRANSPORTATION ROUTES; TO AMEND SECTION 18 TO UPDATE AERIAL PHOTOS; TO AMEND SECTION 19 TO UPDATE THE RECLAMATION SCHEDULE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

The Wingate Creek Mine is located north of SR 64, south of Duette Park, and approximately 6 miles west of the Hardee County line in eastern Manatee County. The present zoning is EX (Extraction) (+/- 3,024.48 acres).

Rules of Procedure for these public hearings in effect pursuant to Resolution 94-104(PC) and Resolution 94-90. Copies of these Resolutions are available for review, or purchase at cost, from the Planning Department.

All interested parties are invited to appear at this Hearing and be heard, subject to proper rules of conduct. Additionally, any written comments filed with the Director of the Planning Department will be heard and considered by the Board of County Commissioners, and entered into the record.

Interested parties may examine the proposed Resolution, the application and related documents and may obtain assistance regarding this matter from the Manatee County Environmental Management Department, 202 6TH Avenue East, Bradenton, Florida; telephone number (941) 742-5980.

According to Florida Statutes, Section 286.0105, any person desiring to appeal any decision made by the Board of County Commissioners with respect to any matter considered at said Public Hearing will need a record of the proceedings, and for such purposes he may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is to be based.

Americans With Disabilities: The Board of County Commissioners does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to and participation in public hearings. Anyone requiring reasonable accommodation for this meeting as provided for in the ADA, should contact Kaycee Ellis at 742-5800; TDD ONLY 742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO TIME PENDING ADJOURNMENTS.

MANATEE COUNTY PLANNING COMMISSION
MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida
Published: July 30, 2004

SARASOTA HERALD-TRIBUNE
PUBLISHED DAILY
SARASOTA, SARASOTA COUNTY, FLORIDA

CAROL MASIO-MCGUIRE
1401 MANATEE AVENUE WEST
SUITE 120
BRADENTON, FL 34205

STATE OF FLORIDA
COUNTY OF MANATEE

BEFORE THE UNDERSIGNED AUTHORITY PERSONALLY APPEARED
SHARI BRICKLEY, WHO ON OATH SAYS SHE IS ADVERTISING
MANAGER OF THE SARASOTA HERALD-TRIBUNE, A DAILY
NEWSPAPER PUBLISHED AT SARASOTA, IN SARASOTA COUNTY FLORIDA;
AND CIRCULATED IN MANATEE COUNTY DAILY; THAT THE ATTACHED
COPY OF ADVERTISEMENT, BEING A NOTICE IN THE MATTER OF:

NOTICE OF MASTER MINE PLAN APPROVAL
R-04-203

IN THE COURT WAS PUBLISHED IN MANATEE EDITION
OF SAID NEWSPAPER IN THE ISSUES OF:

AUGUST 2, 2004

AFFIANT FURTHER SAYS THAT THE SAID SARASOTA HERALD-TRIBUNE
IS A NEWSPAPER PUBLISHED AT SARASOTA, IN SAID SARASOTA COUNTY,
FLORIDA, AND THAT THE SAID NEWSPAPER HAS THERETOFORE BEEN
CONTINUOUSLY PUBLISHED IN SAID SARASOTA COUNTY, FLORIDA,
EACH DAY, AND HAS BEEN ENTERED AS SECOND CLASS MAIL MATTER
AT THE POST OFFICE IN BRADENTON, IN SAID MANATEE COUNTY,
FLORIDA, FOR A PERIOD OF ONE YEAR NEXT PRECEDING THE FIRST
PUBLICATION OF THE ATTACHED COPY OF ADVERTISEMENT; AND
AFFIANT FURTHER SAYS THAT SHE HAS NEITHER PAID NOR PROMISED
ANY PERSON, FIRM OR CORPORATION ANY DISCOUNT, REBATE,
COMMISSION OR REFUND FOR THE PURPOSE OF SECURING THIS
ADVERTISEMENT FOR PUBLICATION IN THE SAID NEWSPAPER.

SIGNED

Shari Brickley

SWORN TO AND SUBSCRIBED BEFORE ME THIS 2ND DAY OF
AUGUST A.D., 2004 BY SHARI BRICKLEY WHO IS PERSONALLY
KNOWN TO ME.

(SEAL)

Bobbie J. Clark

OFFICIAL NOTARY SEAL
BOBBIE J. CLARK
NOTARY PUBLIC STATE OF FLORIDA
COMMISSION NO. CC968394
MY COMMISSION EXP. OCT. 11, 2004

NOTARY PUBLIC

NOTICE OF MASTER MINE PLAN APPROVAL IN
UNINCORPORATED MANATEE COUNTY

NOTICE IS HEREBY GIVEN, that the Board of
County Commissioners of Manatee County will
conduct a Public Hearing on Tuesday, August 24,
2004, at 9:00 A.M., or as soon thereafter as same
may be heard, in the Chambers of the Board of
County Commissioners located at the Manatee
County Government Administrative Center, 1st
Floor Chambers. The Board of County
Commissioners will consider and act upon on
the following matters:

RESOLUTION R-04-203 - MASTER MINE PLAN
A RESOLUTION OF THE BOARD OF COUNTY
COMMISSIONERS OF MANATEE COUNTY,
FLORIDA, REGARDING PHOSPHATE MINING,
APPROVING AN AMENDED MASTER MINE PLAN
FOR THE WINGATE CREEK MINE; TO
AUTHORIZE TRANSFER OF THE MASTER MINE
PLAN TO CARGILL FERTILIZER, LLC; TO RENEW
THE MASTER MINE PLAN TO ENSURE IT IS
CONSISTENT WITH THE AMENDED DRI
DEVELOPMENT ORDER FOR THE WINGATE
CREEK MINE; TO EXTEND THE DURATION OF
THE MASTER MINE PLAN; TO AMEND SECTION
3 TO DELETE CERTAIN LANDS FROM THE
PLAN; TO AMEND SECTION 4 TO MODIFY A
SETBACK; TO AMEND SECTION 9 TO DESCRIBE
THE LOCATION OF A MONITORING WELL; TO
AMEND SECTION 12 TO PROPOSE A NEW
OUTFALL LOCATION FOR #001, SUBJECT TO
FDEP APPROVAL; TO AMEND SECTION 16 TO
UPDATE THE ENVIRONMENTAL MONITORING
PROGRAM; TO AMEND SECTION 17 TO MODIFY
THE TRANSPORTATION ROUTES; TO AMEND
SECTION 18 TO UPDATE AERIAL PHOTOS; TO
AMEND SECTION 19 TO UPDATE THE
RECLAMATION SCHEDULE; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN
EFFECTIVE DATE.

The Wingate Creek Mine is located north of SR
64, south of Duette Park, and approximately 6
miles west of the Hardee County line in eastern
Manatee County. The present zoning is EX
(Extraction) (+/- 3,024.48 acres).

Rules of Procedure for these public hearings in
effect pursuant to Resolution 94-104(PC) and
Resolution 94-90. Copies of these Resolutions
are available for review, or purchase at cost, from
the Planning Department.

All interested parties are invited to appear at this
Hearing and be heard, subject to proper rules of
conduct. Additionally, any written comments filed
with the Director of the Planning Department will
be heard and considered by the Board of County
Commissioners, and entered into the record.

Interested parties may examine the proposed
Resolution, the application and related
documents and may obtain assistance regarding
this matter from the Manatee County
Environmental Management Department, 202
6TH Avenue East, Bradenton, Florida; telephone
number (941) 742-5980.

According to Florida Statutes, Section 286.0105,
any person desiring to appeal any decision
made by the Board of County Commissioners
with respect to any matter considered at said
Public Hearing will need a record of the
proceedings, and for such purposes he may
need to ensure that a verbatim record of the
proceedings is made, which includes the
testimony and evidence upon which the appeal
is to be based.

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basis of any individual's disability status. This
non-discrimination policy involves every aspect
of the Board's functions including one's access
to and participation in public hearings. Anyone
requiring reasonable accommodation for this
meeting as provided for in the ADA, should
contact Kaycee Ellis at 742-5800; TDD ONLY
742-5802 and wait 60 seconds, or FAX 745-3790.

SAID HEARING MAY BE CONTINUED FROM TIME TO
TIME PENDING ADJOURNMENTS.

MANATEE COUNTY BOARD OF COUNTY
COMMISSIONERS
Manatee County Planning Department
Manatee County, Florida
Published: August 2, 2004

**AFFIDAVIT OF POSTING OF PUBLIC NOTICE SIGN, AND
NOTIFICATION BY U.S. MAIL TO CONTIGUOUS PROPERTY OWNERS**

STATE OF FLORIDA

COUNTY OF MANATEE

BEFORE ME, the undersigned authority, personally appeared CAROL MASIO MCGUIRE, who, after having first been duly sworn and put upon oath, says as follows:

1. That he/she is the Agent for Owner (owner, agent for owner, attorney in fact for owner, etc.) of the property identified in the application for **RESOLUTION R-04-203 - MASTER MINE PLAN**, to be heard before the **Manatee County Planning Commission** at a public hearing to be held on August 12, 2004 and to be heard before the **Manatee County Board of County Commissioners** at a public hearing to be held on August 24, 2004 and as such, is authorized to execute and make this Affidavit and is familiar with the matters set forth herein, and they are true to the best of his/her knowledge, information, and belief.
2. That the Affiant has caused the required public notice sign to be posted pursuant to Manatee County Ordinance No. 90-01, on the property identified in the application, and the sign(s) was conspicuously posted 5-10 feet from the front property line on the 28th day of July, 2004.
3. That the Affiant has caused the mailing of the required letter of notification to property owners within 500 feet of the project boundary pursuant to Manatee County Ordinance No. 90-01, as amended, by U.S. Mail, on the 28th day of July, 2004, and attaches hereto, as a part of and incorporated herein, a complete list of the names and addresses of the persons entitled to notice.
4. That Affiant is aware of and understands that failure to adhere to the provisions of Manatee County Ordinance No. 90-01, as it relates to the required public notice, may cause the above identified hearing to be postponed and rescheduled only upon compliance with the public notice requirements.

FURTHER YOUR AFFIANT SAITH NOT.

Carol Masio McGuire

Property Owner/Agent Signature

SIGNED AND SWORN TO before me on Aug. 3, 2004 (date) by CAROL MASIO MCGUIRE
(name of affiant). He/she is personally known to me or has produced _____
(type of identification) as identification and who did take an oath.

Mary B. Romines
Signature of Person Taking Acknowledgment

SEAL

Type Name

Mary B. Romines

Title or Rank

Notary Public

My Commission Expires:

Serial Number, if any

Commission No.:



Mary B. Romines
MY COMMISSION # DD033958 EXPIRES
June 14, 2005
BONDED THRU TROY FAIN INSURANCE, INC.

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	4+	COUNTRY	POSTALCODE	PARID	NO	STREET	STR
1 ACEVEDO, ADRIAN	2731 LOGUE RD		MYAKKA CITY	FL	34251				156817553	2731	LOGUE	RD
2 ADKINS, EUGENE	3112 LOGUE ROAD		MYAKKA CITY	FL	34251				57302609	3011	LOGUE	RD
3 ARIF, SYED	1705 ASTOR AVE		VILLA PARK	IL	60181				48000129		NO ASSIGNED ADDRESS	
4 ARIF, SYED	1705 ASTOR AVE		VILLA PARK	IL	60181				48220159		NO ASSIGNED ADDRESS	
5 ARIF, SYED	1705 ASTOR AVE		OAKBROOK TERRACE	IL	60181				48005059		RIGHT OF WAY	
6 ARIF, SYED	1705 ASTOR AVE		OAKBROOK TERRACE	IL	60181				48205059		RIGHT OF WAY	
7 BEST, DUANE	534 LOGUE RD		MYAKKA CITY	FL	34251				47601559	38201	5TH	ST
8 BEST, SHAUN	2160 TEAL AVE		SARASOTA	FL	34232				47601509	38202	5TH	ST
9 BLANTON RANCH LLC	5025 241ST ST E		MYAKKA CITY	FL	34251				57111009		SR 64	
10 CHAN, SYCHAY	3909 17TH AVE W		BRADENTON	FL	34205				48201409	41153	18TH	TER
11 CHAVEZ, BONIFACIO	3010 LOGUE RD		MYAKKA CITY	FL	34251				57302659	3010	LOGUE	RD
12 DENHAM, DANIEL	6107 32ND AVE E		BRADENTON	FL	34208	6635			57102559	39510	SR 64	
13 FALKNER, JOHN	4555 VERNA BETHANY RD		MYAKKA CITY	FL	34251				160600003	37300	SR 64	
14 FRUZAN, JUSTIN	5103 21ST ST E		BRADENTON	FL	34203				47601959	38205	9TH	ST
15 GNS II (U S) LLC	PO BOX 5624 LAW 24		MINNEAPOLIS	MN	55440	5624			45400059	655	DUETTE	RD
16 GNS II (U S) LLC	PO BOX 5624 LAW 24		MINNEAPOLIS	MN	55440	5624			44400109	38651	SR 64	
17 GNS II (U S) LLC	PO BOX 5624 LAW 24		MINNEAPOLIS	MN	55440	5624			57300109	38651	SR 64	
18 GRANADOS, DANIEL P	703 61ST ST NW		BRADENTON	FL	34209				48200909	41525	11TH	AVE
19 HARDEE, DARRELL J	208 111TH ST E		BRADENTON	FL	34212	1621			48201309	41152	18TH	TER
20 HENDERSON, PAUL E	41158 18TH TER E		MYAKKA CITY	FL	34251				48200259	41158	18TH	TER
21 HERRON, BRIAN M	3401 WILDERNESS BLVD W		PARRISH	FL	34219				48001309	1140	397TH	CT
22 HODGDON, SHARON	3045 LOGUE RD		MYAKKA CITY	FL	34251				156816309	3045	LOGUE	RD

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	4+	COUNTRY	POSTALCODE	PARID	NO	STREET	STR
23 HUNT, FRANKLIN JR	3015 LOGUE RD		MYAKKA CITY	FL	34251				156816559	3015	LOGUE	RD
24 JACKSON, JEROME W	1003 27TH STREET CT E		BRADENTON	FL	34208				57102509	39610	SR 64	
25 JOHNSON, DAVID /	2520 11TH AVE W		BRADENTON	FL	34205				156817603	2405	LOGUE	RD
26 JOHNSON, DAVID /	2520 11TH AVE W		BRADENTON	FL	34205				156817652	2515	LOGUE	RD
27 LAM, JANET K	3909 17TH AVE W		BRADENTON	FL	34205				48201459	41628	11TH	AVE
28 LEFFLER, ROBERT D	3403 34TH ST E		BRADENTON	FL	34208				48202009	41618	11TH	AVE
29 LEHOCKI, JOHN D	3606 LOGUE RD		MYAKKA CITY	FL	34251				57302358	3606	LOGUE	RD
30 MANATEE COUNTY	P O BOX 1000		BRADENTON	FL	34206				43820000		NO ASSIGNED ADDRESS	
31 MANATEE COUNTY	P O BOX 1000		BRADENTON	FL	34206				57510018	37900	SR 64	
32 MANATEE COUNTY	P O BOX 1000		BRADENTON	FL	34206				57300014		SUBSURFACE RIGHTS	
33 MANFULL, WILLIAM	3900 VERNA BETHANY RD		MYAKKA CITY	FL	34251				47800059	39450	SR 64	
34 MANFULL, WILLIAM L	4040 VERNA BETHANY RD		MYAKKA CITY	FL	34251				47601459	38205	4TH	CT
35 MANFULL, WILLIAM L	4040 VERNA BETHANY RD		MYAKKA CITY	FL	34251				47601909	38204	9TH	ST
36 MANFULL, WILLIAM L	4040 VERNA BETHANY RD		MYAKKA CITY	FL	34251				47600109	900	LOGUE	RD
37 MANN, VIRGIL B	900 LOGUE RD		MYAKKA CITY	FL	34251				47601409	38204	4TH	CT
38 MOKEY INC	5025 241ST ST E		MYAKKA CITY	FL	34251				48201259	1105	416TH	CT
39 MUNCIE, TIMOTHY	7304 237TH ST E		MYAKKA CITY	FL	34251				47601359	38203	4TH	ST
40 PARHAMENKO, GARY	2003 19TH ST W		BRADENTON	FL	34205				47601209	824	LOGUE	RD
41 PEARSON, RICHARD S	2815 LOGUE RD		MYAKKA CITY	FL	34251				156817850	2815	LOGUE	RD
42 PEARSON, RICHARD S	2815 LOGUE RD		MYAKKA CITY	FL	34251				156817801	2915	LOGUE	RD
43 POLSTON, JOHNNY J	4650 257TH ST E		MYAKKA CITY	FL	34251				48201859	41145	18TH	TER
44 RATH, MICHAEL	38405 SR 64 E		MYAKKA CITY	FL	34251				57302259	38405	SR 64	
45 RICHARDSON, LONNIE F	4425 WINGATE RD		MYAKKA CITY	FL	34251				57102959	4425	WINGATE	RD

OWNER	MAILING ADDR1	MAILING ADDR2	CITYNAME	ST	ZIP	+4	COUNTRY	POSTALCODE	PARID	NO	STREET	STR
46 RODRIQUEZ, JAIME	5895 HUMMINGBIRD AVE		SARASOTA	FL	34241	9383			156817751	2615	LOGUE	RD
47 S & L DEVELOPING LLC	5025 241ST ST E		MYAKKA CITY	FL	34251				48010009		SR 64	
48 SAPUPPO, ANTHONY	PO BOX 5293		RUSKIN	FL	33571				47601259	834	LOGUE	RD
49 SAPUPPO, SHAWN A	6573 GULF SIDE RD		LONGBOAT KEY	FL	34228				47601309	934	LOGUE	RD
50 SKINNER, STEVEN R	3102 LOGUE RD		MYAKKA CITY	FL	34251				57302002	3102	LOGUE	RD
51 SLOAN, KENNETH	3302 LOGUE RD		MYAKKA CITY	FL	34251				57302051	3302	LOGUE	RD
52 SMITH, DANIEL H	PO BOX 432		WAUCHULA	FL	33873	0432			57600058	4584	WINGATE	RD
53 SMITH, WADE A	38215 ST RD 64 E		MYAKKA CITY	FL	34251				57302556		NO ASSIGNED ADDRESS	
54 SPANOS, BARBARA	38355 SR 64 E		MYAKKA CITY	FL	34251				57302309	38355	SR 64	
55 TEUTON, RICHARD D	3710 LOGUE RD		MYAKKA	FL	34251				57302408	3710	LOGUE	RD
56 TITF/STATE OF FLORIDA DEP REC & PARKS	3900 COMMONWEALTH BLVD		TALLAHASSEE	FL	32399				57520009	38620	SR 64	
57 TREVOR INVESTMENTS INC	RR 1 BOX 568 E		MYAKKA CITY	FL	34251				57301049		NO ASSIGNED ADDRESS	
58 TRULL, JOANN D	3507 31ST ST E		BRADENTON	FL	34208				156816509	3107	LOGUE	RD
59 TRUSTY, DARREN R	38305 SR 64 E		MYAKKA CITY	FL	34251				57302457	38305	SR 64	
60 WARK, VIRGINIA	1705 UNITED ST		KEY WEST	FL	33040				47601859	38203	8TH	ST
61 WELDON, RICHARD L	3502 LOGUE RD		MYAKKA CITY	FL	34251				57302200	3502	LOGUE	RD