COMMENTS - IMC Phosphates Co. has agreed to restore wetlands at four surface mines in Polk, Hardee and Hillsborough counties and pay a $50,000 fine for violating the Clean Water Act.

28 August 2003 – Tampa Tribune

IMC Will Restore Wetlands, Pay Fine
By GUY BOULTON gboulton@tampatrib.com

TAMPA - IMC Phosphates Co. has agreed to restore wetlands at four surface mines in Polk, Hardee and Hillsborough counties and pay a $50,000 fine for violating the Clean Water Act.

The company, the state's largest phosphate producer, also agreed to restore and preserve 139 acres of wetlands in southeast Polk County at an estimated cost of $350,000.

IMC agreed to the penalties in a consent decree reached with the U.S. attorney's office in Orlando. The decree, filed in federal court in Tampa, is subject to approval by a federal judge after a 30-day period for public comment.

The violations stem from fill material, primarily sand, that was discharged in wetlands at the company's mines.

IMC reported the violations to the U.S. Army Corps of Engineers in October 1997 and January 1998.

The company's permits allow it to put fill material in the wetlands. The U.S. attorney's office alleged the company discharged material beyond the boundaries specified in the permits.

The illegal discharges affected 11.3 acres of wetlands and 24.6 acres of open water, according to a news release Wednesday from the U.S. attorney's office.

Diana Youmans, an IMC spokeswoman, said the company reported the violations and cooperated with the U.S. Army Corps of Engineers in its investigation.

She also said the violations occurred more than five years ago at the mines. Phosphate is usually found about 25 feet beneath the surface, and the layer above typically is removed using draglines.

``Some of those were immediately dealt with and mitigated," she said.

The violations occurred at IMC's South Pebbledale and Noralyn sites in Polk County, the South Fort Green site in Hardee County and the Kingsford Mining Unit Q site in Hillsborough County.

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As part of the consent decree, IMC will provide a conservation easement requiring the perpetual preservation and maintenance of 167.5 acres of the restored wetlands.

That includes the 139-acre parcel the company owns near a closed mine in southeast Polk County.

IMC owns or leases the mineral rights to more than 220,000 acres in the state.

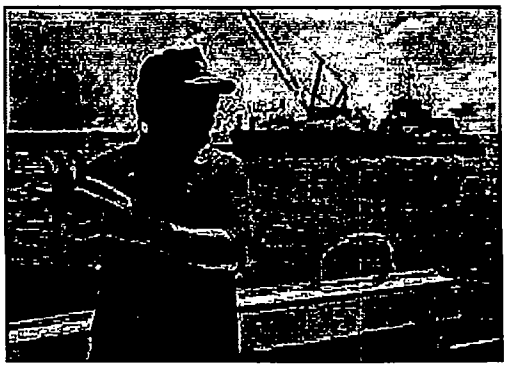
IMC Global Inc., its parent company, is the world's largest supplier of concentrated phosphates and potash fertilizers.

Based in Lake Forest, Ill., IMC Global had revenue from continuing operations of $2.1 billion last year.

Environmentalists say monitoring is lax

The dumping of Piney Point waste water in the path of a plume of polluted water concerns them.

By SCOTT CARROLL
scott.carroll@heraldtribune.com



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More than 20 million gallons of treated industrial waste water has been dumped into the Gulf of Mexico with no ill effects, state officials said Wednesday.

But environmentalists are concerned the state's monitoring isn't adequate, and wonder why the dumping continues to occur in the path of a large plume of polluted water from the Mississippi River.

Researchers in the Florida Keys, meanwhile, are concerned that the treated water could affect the spawning of coral, which happens once a year in mid-August.

Some of the water has been tracked to about 15 miles off the Keys shoreline, said Chuanmin Hu, a researcher at the College of Marine Science at the University of South Florida.

"It's a very delicate ecosystem and people there are very concerned about the effect this dispersal will have on the area," said Hu, who is helping the state track the waste water. The water took a week to reach the Keys from the dispersal area, he said.

The first load of water was dumped 120 miles offshore on July 21. The barge is now headed out on its fifth trip. The state Department of Environmental Protection is tracking the water with satellites and buoys, testing it as it's dumped. So far, said DEP environmental manager Charles Kovach, "everything is going exactly as we anticipated."

There is "no indication" that a red tide bloom killing thousands of fish along Southwest Florida beaches or a large plume of polluted water floating along the

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Keys are connected to the 22 million gallons dumped so far from the defunct Piney Point processing plant in Palmetto, Kovach said.

But DEP officials also said they have been concentrating on a 19,500-square-mile area where the water is being dumped, and had made no provisions to test the water as it loops just south of Key West and runs along the ocean side of the Keys before eventually turning north toward the East Coast.

The DEP is asking other groups to help collect water samples in the area, Kovach said: Mote Marine Laboratory in Sarasota and the Florida Keys National Marine Sanctuary in Marathon.

Billy Causey, superintendent of the Keys marine sanctuary, said he is concerned about anything that may affect the Keys, and is "watching very closely" for any signs of damage.

He will pay special attention to the annual coral spawning that is expected to occur the third week of August. During that time the water will turn cloudy with eggs and sperm as various types of coral up and down the Keys reproduce. Coral reefs are a crucial part of the coastal ecology, and they need clean water to reproduce, Causey said.

Causey said he trusts DEP officials and USF researchers, who say the waste water is being dumped far enough away and in such small quantities that it won't harm the reefs or the Keys.

But he also said he hopes the DEP won't make a habit of such dumping.

"Using the ocean as a place to dump our waste is not a viable solution. This is not something we want to be doing. But under these circumstances, the risk warranted this action," Causey said.

Others aren't so trusting.

"It's difficult for most people in the public to take what the DEP says at face value, given their track record at Piney Point so far," Sierra Club spokesman Joe Murphy said. "There are still a lot of folks concerned that the monitoring isn't going to be sufficient."

Murphy also questioned why the DEP continues dumping in the path of a plume of blue-green water that agency officials say comes from the Mississippi River, and why there is no contingency plan to stop dumping if problems occur. "That's great cause for concern."

DEP officials say such criticisms are without merit. Tests shows the waste water is rapidly diluted by the Gulf and not causing any damage, Kovach said.

"To date, we have found no harmful algal bloom species out there," he said.

The DEP hopes to dump another 180 million gallons of waste water in the Gulf before its EPA permit expires Nov. 30.

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It is also looking for other ways to rid Piney Point of the 1 billion gallons of acidic water still there.

One option is getting municipalities to take the water, treat it and use it to water golf courses and parks.

The St. Petersburg City Council will vote today on whether to take about 3 million gallons a day of the Piney Point water. Current law precludes St. Petersburg from accepting any waste water not generated by the city's own waste-water treatment facilities.

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Thursday, August 21

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Photo by: GREG FIGHT
Scott Stevens, environmental specialist with the Department of Environmental Protection, takes water samples Wednesday from Billy Williams' well. Williams lives near Coronet Industries.

Less Arsenic In Well Water Puzzles Officials

By BILL HEERY wheery@tampatrib.com

Published: Aug 21, 2003

PLANT CITY - State health and environmental officials are wondering why the arsenic level in Billy Williams' well water has dropped drastically during the past year.

Williams wonders why untreated water from his well has a lower arsenic level than the water from a kitchen faucet with a state-provided reverse osmosis system.

``I don't know how to take the whole thing," said Williams, whose home is across the road from Coronet Industries, which along with old landfills is being eyed by authorities as a possible source of pollution in area private wells.

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When the state tested Williams' well in August 2002, the arsenic level was almost 17 parts per billion molecules, significantly greater than the 10 parts per billion considered safe for human consumption by the federal Environmental Protection Agency. The state's standard for safety is 50 parts per billion or less, but the Florida Department of Health is following the federal standard, said Greg Rottler, an environmental supervisor with Hillsborough's Health Department.

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In February, the state Department of Environmental Protection put a reverse osmosis system on a faucet in Williams' kitchen and refrigerator ice maker. The state agency tested his water this month with 42 private wells within a quarter mile of Coronet.

The results, which Williams received Tuesday, show untreated water directly from the well was 1.7 parts per billion. Water from the kitchen faucet was 3 parts per billion.

State health and environmental employees were retesting Williams' water Wednesday. Charles Coultas, a professional engineer with the environmental department, said the retesting was scheduled because of the untreated well water dropping below the 10 parts per billion standard.

But Williams was puzzled how the kitchen water, which passes through a new water softener system he had installed in April, as well as the reverse osmosis system, had a higher arsenic level than the untreated water.

Merritt Mitchell, a spokeswoman for the DEP, said, ``We're confident in the [test] results. I understand how that could be a concern."

Coultas said one explanation could be that water filters sometimes retain particles and release them later.

Williams, whose family has lived in the house for 18 years, is concerned that pollution is to blame for illnesses they say are rampant in their community. Two years ago, his daughter Kacy, now 18, had a benign tumor removed from her left thumb.

Health officials are investigating claims of higher-than- normal cancer rates but have not confirmed them.

``I don't know where the arsenic is coming from, but it came from somewhere," he said. ``I can't point my finger because I don't have enough facts. I wish I could, but I can't."

Ironically, Williams' home was built in 1912 by the then- owners of Coronet to house visiting company executives. When Williams purchased the home in 1986, it was supplied with water from Coronet's well. Williams said the company told him that he would have to have his own well dug.

The health department is offering free urine testing to residents of the 43 homes near Coronet whose wells were tested as part of the health study.

The testing will show whether people are being exposed to arsenic, cadmium, fluoride, lead or uranium, Rottler said.

Urine tests cannot be used in testing for boron, he said. Residents of nine or 10 area homes were notified Monday that they should not drink water from their wells, one because of an elevated level of arsenic and the others because the tests showed elevated levels of boron.

Mitchell said the state will be providing those homes with filtering systems. The reverse osmosis system will be used at the home with the high arsenic level, but it has not been determined what type of system will be used for boron, she said.

The environmental department has established a hot line for residents living in the area surrounding Coronet. Call (813) 744-6100, Ext. 481.

Reporter Bill Heery can be reached at (863) 284-1412.

Lee County joins mine battle

STAFF REPORT

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Lee County has joined the forces opposing a proposed phosphate mine on more than 20,000 acres in Hardee County.

The county filed papers Friday declaring its intention to challenge the state's issuance of a permit for IMC Phosphates to mine its Ona site.

In the papers, Lee County says that mining in the headwaters of the Peace River could threaten the Charlotte Harbor estuary. Much of the lower portion of Charlotte Harbor is in Lee County waters.

Charlotte and Hardee counties, DeSoto Citizens Against Pollution and a regional water authority have already challenged the Ona permit. A hearing before a state administrative law judge is scheduled to begin in late September.

Lee County was also among the local governments and environmental groups that opposed a permit for a 2,800-acre mine in eastern Manatee County. In March 2002, an administrative law judge recommended approval of a mining permit for IMC to mine that site, known as the Manson-Jenkins Tract.

But mining opponents recently won a victory when an administrative law judge recommended against a permit for IMC to mine 2,300 acres in eastern Manatee. Lee County was not a party to the challenge of that site, known as the Altman Tract.

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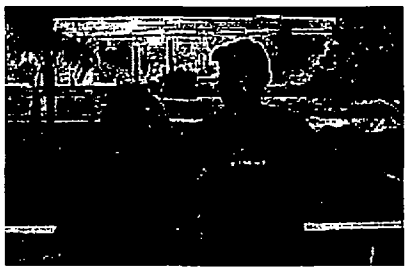

Photo by: GREG FIGHT
Michelle and Lee Robbins stand on the front porch of their home on Gentry Rd. which faces the Coronet Industries plant, in background. The Robbins have been warned by the county health department that their water contains high levels of boron.

Residents Near Coronet Fear For Their Lives

By DEBORAH ALBERTO, KARLAYNE R. PARKER and DAVE NICHOLSON The Tampa Tribune

Published: **Aug 21, 2003**

PLANT CITY - Emotions flared Tuesday as hundreds of residents aired fears that pollution - possibly from Coronet Industries or two old landfills - was to blame for illnesses they say are rampant in their community.

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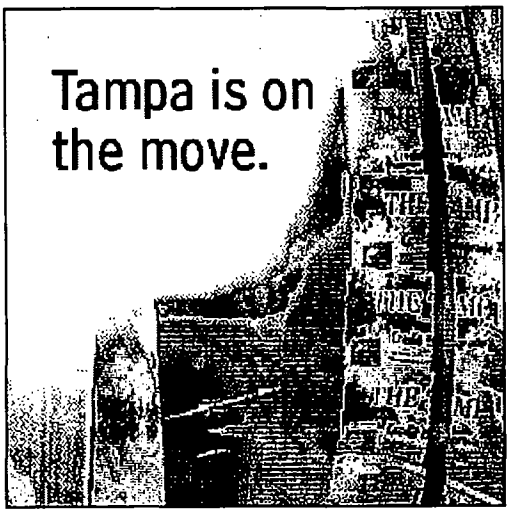
Tampa is on the move.

The residents say they can no longer assume their air is safe to breathe, their water is safe to drink or that it's OK to let their children playfully dig in the dirt.

Hillsborough County Health Director Doug Holt offered few answers. He said a study into the health of those who live around the animal feed supplement factory is just beginning.

Officials plan to test air, water and soil as they try to determine whether cancer rates are higher around Coronet and if so, what is to blame. The Coronet factory and several old landfills in the vicinity are areas of concern.

An estimated 700 people packed the Marshall Middle School gym for the public meeting that invited residents to share concerns with county and state health and environmental agencies.

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Sarah and Charles Dean, who live at 613 S. Wiggins Road, were among those searching for answers.

Charles Dean has prostate cancer. Their 40-year-old daughter was diagnosed with breast cancer in July.

``If you look at every house in our neighborhood, everyone has cancer," Sarah Dean said. ``All my neighbors have cancer on Wiggins Road."

Sandra Kelley, who lives about a half-mile from Coronet on English Creek, said she and other members of her family have had skin, breathing and bowel problems. She has had five miscarriages, she said.

She wonders whether Coronet is responsible for the brown, dirty creek water, and she complained of smelly smoke that billows from factory smokestacks into her neighborhood. She said Coronet paid her for about 25 cattle she had to destroy about 20 years ago after they developed bone problems.

In The Minority

Not everyone in the audience agreed there was a problem. At one point police were called to help ensure calm when a man, who wouldn't identify himself, claimed that cancer rates were low in Plant City. Several people began arguing before he and about three others with him left the meeting.

He was clearly in the minority.

Those at Tuesday's meeting included Nancy Eichler, who works for the San Francisco law firm Masry and Vititoe, where famed environmental crusader Erin Brockovich-Ellis heads the research department. She expects Brockovich- Ellis and lawyer Ed Masry to come to Plant City within a couple of weeks as the firm continues to look into a potential case against Coronet.

Joe Gonzalez, an environmental lawyer who is working as co-counsel for Masry and Vititoe, said there is a fundamental conflict of ideology between government and people.

``People believe that government would not allow anything to be put in their water unless it has conclusively been proven to be safe. Government believes that it can allow things to be put in water if it has not been proven to be dangerous. Governments laugh at the idea, but every person I've spoken to will tell you that they want guarantees on what's in their water."

Stories To Tell

It seemed all the residents who packed the school gym had stories to tell.

There was 45-year-old Vivian Gay, who less than a week ago had brain surgery to remove a tumor.

She sat in a chair with her head covered. When she lifted the hat, her bald head showed a white patch covering where she had surgery.

``I'm trying to figure out what's going on," said Gay, who lives less than a quarter of a mile from the factory. The surgery was the result of her complaints to her doctor about headaches and sleeping problems, she said.

Cancer has struck her family before. On Tuesday, she wore a shirt with the picture of her 22-year-old son who three years ago died of leukemia.

``I never knew him to ever be sick," she said. ``Then one day he started complaining

about his stomach. We took him to the hospital, and his spleen had swollen up."

He died within seven months, she said.

Julio Santos and his wife, Patricia Highsmith, of 3548 Futch Road, for 10 years have lived near English Creek, which they say is contaminated. They have asked the state to test their well.

In the time the couple have lived on Futch Road, Highsmith has been diagnosed with cancer. A growth was removed from her leg, she said. She has other precancerous skin conditions, as well.

``She has had cancer spots on her face, her legs," Julio Santos said. ``She never had this before. Cancer doesn't run in her family."

Pat Register, who lives in Trapnell, said that during the late 1960s she lived six houses from the phosphate processing company.

Her father died of brain and lung cancer in 1978.

``It's all starting to fall in place," the 54-year-old woman said.

She said she lived in the area of the mines when her first child was born.

``He was born prematurely," she said. ``He has learning disabilities and other medical problems."

Out Of The Sky

Like others, she said she remembers a powdery substance falling out of the air during the middle of night when the company's processing plant was in full throttle.

At Oakview Estates, a subdivision not far from the phosphate company, residents remember the yellow powder they would see on their cars the next morning. They also remember drinking smelly water.

Five years ago, they said, their homes were disconnected from a well water system and were added to the city's system.

Kathy Goodson, 42, said she is experiencing pains in her body and spine that she attributes to the poor air and water quality in the subdivision near Coronet.

Her mother, Thelma Curtis of 2105 Clemons Road, said many people in her neighborhood suffer with cancer.

Curtis' husband, Elmer, has lymphoma, a blood cancer.

``One neighbor has breast cancer, another has prostate cancer, and the other has liver cancer, bladder cancer," she said.

``We don't know what in the world is going on," the 62- year-old said. ``It's scary."

Neighbor Vera Harper, who also lives in the subdivision, said she and her neighbors have complained about the water and its discoloration for years.

``My concern is what is going to happen with this," said Harper, who is going to the doctor this month to find out whether tests show she has bladder cancer.

``We have complained about this for a long time," she said.

Bonnie Haney, who lives in Oakview Estates, told officials that she had to sign a document giving Coronet Mines rights to the air emitted from the plant. It was included in her closing papers, when she bought her home in 1989.

``I want to know who gave them the right to the air we breathe. This is not a new problem. Ask anyone who lives in Oakview Estates," she said.

The health assessment is one of two ongoing probes into the complaints. The other, by law enforcement agencies, is looking at former employee claims that their bosses at Coronet ordered them to illegally dump hazardous waste and to mislead environmental regulators. Those allegations were brought to light by a joint investigation by The Tampa Tribune and WFLA, News Channel 8.

Coronet Industries spokeswoman Sara Brady said that she would comment later on the allegations but that Tuesday night was a time for the public to deal with agency officials, not Coronet.

Reporters Deborah Alberto, Karlayne R. Parker and Dave Nicholson can be reached at (813) 754-3765.

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Gene's Prescrip

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County seeks trial postponement

Charlotte County has requested the postponement of a trial set for September in a phosphate mining chall

The county needs more time to have a team of scientists inspect nearly 100 phosphate mine reclamation s Ed de la Parte, the county's water resources attorney.

The county has challenged a Florida Department of Environmental Protection permit for IMC Phosphates' : acre Ona mine in western Hardee County. The one-month trial is scheduled to begin Sept. 29.

"We wanted to have an opportunity to visit the reclamation sites and visit the Ona site," said de la Parte.

Also, the delay would give the county more time to review documents obtained through subpoenas from IM company has until Sept. 12 to turn over 40 to 50 file boxes full of records, de la Parte said.

"We would need to assimilate the information," he said.

IMC, which owns 300,000 acres in Central Florida, has as much as 400 reclamation sites. A 1975 state lav phosphate mines to reclaim their stripped-out lands to some usable value.

The county argues the state has not obtained adequate assurances that the mining won't cause adverse ir The way the mines are reclaimed drastically alters the makeup of the natural landscape.

That's because the mining excavates layers of clay that act as confining layers to underground aquifers. In reclamation phase, the mining pits are back-filled with sand tailings and capped with top soil.

The clay is diluted and pumped into clay settling areas, which are massive impoundment sites. Once full, tl settling areas are typically reclaimed as pastures.

About 40 percent of mine sites are claimed as clay settling areas.

IMC has identified 40 sites that it wants to show the county. However, the county has identified 40 to 50 otl that it wants to see.

"They have listed only the sites they want us to see," de la Parte said.

The county's team of expert witnesses include hydrologists, soil scientists and environmental scientists. Tc they have inspected some 28 reclamation sites.

The job requires them to arrive at sites as early as 7 a.m. After collecting data, they must also spend time a it.

"We've got a well-oiled machine by now," said de la Parte. "They can visit two sites a day, up to four a wee

De la Parte also complained that the DEP has been less than cooperative with county requests for docume Often, records aren't turned over until the county threatens to sue, he said.

The Ona challenge is the third prosecuted by the county in the past three years. The county lost its first ca: challenging a permit for IMC's Manson-Jenkins mine. The county has filed a final appeal that remains penc however.

The county won its second challenge, against IMC's Altman site. An administrative law judge recommende permit be denied.

To date, the county has spent $2.4 million waging the phosphate litigation, according to the county attorne:

The Peace River Manasota Regional Water Supply Authority, which has joined the county's challenge, als motion for a continuance. Several other plaintiffs, including Lee County, DeSoto Citizens Against Pollution Horse Creek resident Alan Behrens, concur with the need for a continuance, de la Parte said.

However, both the DEP and IMC oppose the motion. Administrative Law Judge Robert Meale will decide tl without holding a hearing on the matter, according to de la Parte.

You can e-mail Greg Martin at gmartin@sun-herald.com

By GREG MARTIN

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Article published Aug 17, 2003

Hardee worries about reclamation

Hardee County officials are questioning IMC Phosphates' commitment to do more than $46 million worth of repair work on thousands of acres of strip-mine-scarred land.

IMC Phosphates' parent company, IMC Global, has reported $1.3 billion in overall net losses over the past five years, eroding Hardee's confidence in the company's promises to reclaim all the land it mines.

The county traditionally has relied on paper assurances -- IMC's annual profit statements -- that the company would fix the land it has mined. But now, Hardee is taking a harder line by requiring more tangible guarantees, including cash.
"There is major, major concern in their financial position," said Hardee County Manager Lex Albritton.

Albritton and other county leaders say that if IMC fails to reclaim the land, Hardee could be stuck with large tracts of unusable property, reducing tax revenues and damaging an already struggling economy.

Without reclamation, mining leaves behind huge trenches 30 or more feet deep, with long rows of soil heaped beside them.

Seeking assurance

IMC Phosphates, which considers itself an industry expert in reclamation, insists it will reclaim the land. The company, one of the world's top phosphate suppliers, also contends that Hardee has overstated its reclamation liability.

To soothe the county's concern, IMC Phosphates has offered the corporate backing of IMC Global, which, despite its net losses, had more than $2 billion in revenue last year. It also offered part interest in some of IMC's land and $1 million for economic development.
That, said IMC spokeswoman Diana Youmans, is "more than adequate to provide financial assurance to Hardee County for our reclamation."

IMC has been under fire from environmentalists and coastal counties such as Charlotte and Sarasota for years. They contend phosphate mining destroys vital wildlife habitat and pollutes and disrupts natural water flows.

Hardee's concerns are more recent. It has viewed mining as a potential source of jobs. But leaders there have grown more skeptical since learning that many of the mining jobs will remain in neighboring Polk County, while residual damage to land from mining could prevent much of Hardee's land from being used for farming and development.
Hardee's concerns have been reinforced by the unfolding environmental crisis in Manatee County involving a bankrupt phosphate mining company. The state is struggling to dispose of hundreds of millions of gallons of acidic waste water that threatens to spill into Tampa Bay. State regulators had to take over the waste-water disposal, at a cost of more than

$100 million, when the Mulberry Corp. went bankrupt in 2001.

The issue of IMC's reclamation commitment has added significance in light of the company's plan to open a new mine on 20,500 acres in Hardee County. The mine would strip vegetation and cut trenches across about three-quarters of the site, including environmentally sensitive wetlands and forests between the Peace River and the Manatee County line.
In addition, a judge ruling on a challenge to IMC's permit for a proposed mine in northeastern Manatee County, concluded that IMC had not provided the state with the required level of financial assurance for reclamation. In recommending that the state reject the mine, the judge said IMC had underestimated the reclamation costs.

Real concerns

Charlotte County government, environmentalists and a regional public water utility are fighting the state's plan to permit the mine, called Ona.

Since 1975, state regulations have required that companies reclaim, or make usable, the land they strip-mine for phosphate, an ingredient in crop fertilizer, livestock feed and a variety of other products.

Some reclamation is fairly simple, involving only the bulldozing of dirt and planting of grass to create pasture. But other types, including the creation of swamps and forests, are more expensive and elaborate.
IMC has mined about 14,600 acres in Hardee County and has reclaimed just over 7,000 acres. "That's a large part of the county that's gone," said Hardee County Mining Coordinator Doug Knight. "It's a very real concern as to whether this land will be reclaimed."

Knight said the company is in compliance with state rules dictating the pace of IMC's reclamation. The state doesn't require companies to provide financial assurance for reclamation unless they fall behind.
While the county estimates IMC's reclamation liability at $46 million, IMC contends the actual cost is about half that amount.

Nevertheless, the county's mining law requires companies to provide financial assurance that the reclamation will be completed. The assurance can be the company's financial ledger, a bond, insurance or some other instrument.

A sustained slump in phosphate prices, coupled with increases in chemicals used to process the ore into fertilizer, has depressed the industry for an unusually long period. IMC has reported losses annually since 1998. The run of red ink continued through the second quarter of this year, when IMC Global reported a loss of $6.9 million.

The reports have prompted Hardee County to look past IMC's bottom line for the reclamation assurance. The company's financial status, combined with tighter bond markets since 9/11, have made it harder for the company to post independent financial guarantees.

Negotiating security

As a result, the company and county have spent the past year haggling over how to address Hardee's complaints. The Hardee County Commission could consider a proposed settlement later this month.

However, the settlement covers only the reclamation of land mined through mid-2002.

A new round of negotiations is expected to begin this fall over how to ensure reclamation of land to be mined in the coming year.

Besides IMC Global's backing, IMC Phosphates has offered to give Hardee part interest in 23,000 acres of land that it owns. Hardee would be able to sell the land to raise money for reclamation if IMC were to go bankrupt.
And the company has committed to put $1 million in an escrow account that the county could use to pay for utilities or other improvements to promote development of IMC-owned land.

IMC and Hardee still are working on an agreement to decide how the money would be spent.

"There will be a significant package in place," Youmans said.

But that doesn't mean Hardee's concerns will go away.

"Short of a turnaround in their (financial) position, which I don't think we'll see, we'll start negotiations again," Albritton said.

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8/11/2003

Fish tourney to get tapped for group's cause

Environmentalists to hand out info

A local environmental organization plans to hand out information about pollution from phosphate mining in protest" to be held in conjunction with a national redfish tournament planned for Charlotte Harbor later this

Pauline Blocker of Gulf Cove, founder of the organization Save Our Seas, said this week that she is encou members to wear surgical masks, hand out information and carry signs at a tailgate party that will be held 17. The tailgate party is being organized as part of the 2003 ESPN Redfish Cup. The third leg of the tourna be held in Charlotte Harbor Aug. 15-17.

"We want to look, act and sound professional," Blocker wrote in her e-mail to members. "Do not approach Merely walk around in your mask with your signs and handouts."

"It's a silent protest in that we're not screaming and yelling," Blocker added in a phone interview. "We're go there with information."

Blocker said a group of business people, including many who owned property along the Gulf Coast, startec after learning that the Florida Department of Environmental Protection planned to dump industrial effluent f defunct phosphate chemical plant in the Gulf of Mexico. A barge is currently working to dispose of 200 milli gallons of the water, which is high in nitrogen, by November.

The DEP won emergency approval from the U.S. EPA to dump up the water in order to close ponds holdin billion gallons of highly acidic, contaminated wastewater at the Piney Point chemical plant in Manatee Cou 300 million gallons has already been dumped into Bishop Harbor, an estuary in Tampa Bay.

The lakes of acid are perched on a rapidly eroding stack of phoshogypsum waste. The dumping was authc avoid a catastrophic washout.

Blocker has suggested the state built a concrete holding tank for the water instead.

"Our main goal was to stop the dumping," Blocker said. "But as we got into it, our scope began to increase

Now, SOS is concerned not only about the Piney Point dumping, but also on all the impacts of phosphate r Blocker cited the fact that phosphate mining drains water from aquifers and replaces natural wetlands and manmade wetlands and huge clay settling areas.

Charlotte County has claimed in administrative challenges that the mining alters the quantity and timing of discharges into Charlotte Harbor. The mining industry argues the changes are insignificant.

But about 59,000 acres of new mines are planned in the lower Peace River watershed. And Charlotte Cou one of its challenges this week, when a judge recommended a permit for IMC Phosphates' Altman Tract be

Blocker also cited the fact that 21 phosphate mines are on a list to be evaluated by the EPA for possible Su cleanups. But the EPA won't complete a study because the costs of cleanup would be substantial, an EPA has said.

Blocker works to disseminate pollution information via e-mail to several thousand SOS members statewide writes letters to government officials and lawmakers.

Blocker said she has already written to ESPN sports personality Jose Wejebe to make him aware of the environmental effects of the

Blocker said she feels groups like SOS have a responsibility to disseminate information.

"The (Florida Department of Environmental Protection) is basically a rubber stamp for phosphate mining ar chemicals industries," she said.

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By GREG MARTIN

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Charlotte BOAT World

6/20/2003

Phosphate bill killed again

Paul's bill doesn't make it to House floor

TALLAHASSEE -- A last-minute decision killed a bill addressing several phosphate issues -- on the eve of reintroduced for a vote by the state House and Senate.

State Rep. Jerry Paul , R-Port Charlotte, said he is frustrated that the bill he had been working on for the p will not be heard today.

"It is part of the process," Paul said. "It often takes more than one effort to get a bill passed. We knocked d barriers no one ever attempted to knock down before."

Paul and state Sen. J.D. Alexander, R-Winter Haven, tailored identical bills over the past few days.

Alexander's bill, while identical, was in danger of not being called, because Senate President Jim King, R-Jacksonville, said he will not call any bills to the floor that aren't directly part of the special four-day session was called by Gov. Jeb Bush to address medical malpractice insurance legislation. Legislators have addre Help America Voting Act and and FCAT legislation, but nothing else.

The bills would have funded a cumulative impact study to create a measurable baseline of what damage m does to he land. The baseline would have been used to determine if future permits will be issued based on impacts.

Paul said a provision in the bill that would have shifted $12.5 million in revenue from phosphate mining to t general fund, drew concern from House Speaker Johnnie Byrd, R-Plant City.

"The speaker wants to analyze the distribution of revenue," Paul said. "We don't want phosphate mining in general revenue fund at all."

Had the bill been authored now, it would have left a $12.5 million hole in the state budget, which is why By decided not to bring it up for a vote.

Some of the provisions of the bill included:

* $700,000 for a cumulative impact study conducted by the Florida Department of Environmental Protectio Southwest Florida Water Management District .

* Money for counties which have been stripped due to phosphate mining to help create jobs after the minin companies leave.

* Funds to aid in the cleanup of the Piney Point phosphate chemical plant, which has 1.2 billion gallons of gypsum stacks. That effort has cost $160 million so far -- and the stacks are still in danger of collapsing an

releasing acidic water that could damage a large portion of Bishop's Harbor, which is adjacent to Tampa B

* A $2 million fund to buy an insurance policy to cover up to $100 million in damages from a potential spill.

The money for the programs would have come from an increase on a severance tax on phosphate mining $1.30 per ton to $1.62. That will increase revenues from about $33 million to about $42 million.

"The work we did this session gives us a tremendous amount of momentum for the next session," Paul sai mixed feelings about this. It's been a long fight, working on one bill for 90 days or more. I feel confident tha come back next year with a stronger bill."

"I wish he'd come to me and asked me to help him," Speaker Pro Tempore Lindsay Harrington , R-Punta G late Wednesday evening. "I just learned a moment ago what I thought was going to be a done deal, that w to get passed, (was killed instead)."

Paul's bill is still scheduled to be heard this morning at a House Finance and Taxation Committee meeting.

Harrington said that he will do what he can at that meeting to try to revive Paul's bill.

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By BOB REDDY

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5/16/2003

Lawmakers strike deal on phosphate

Study to consider buffer

TALLAHASSEE -- State Sen. J.D. Alexander, R-Winter Haven, gets more money for the counties whose e have been racked by phosphate mining impacts.

State Rep. Jerry Paul , R-Port Charlotte, gets a cumulative impact study that specifically calls for two state to consider whether establishing a "setback" to buffer the Peace River and its tributaries from phosphate m would be appropriate.

Those were the two key ingredients in a compromise that settled differences between their bills to protect a phosphate problems. The agreement was reached Thursday, within hours of a public workshop arranged b Speaker Pro Tempore Lindsay Harrington , R-Punta Gorda, to provide input on the legislation.

The House has agreed to take up its phosphate bill during the current two-week special session. Senate h President Jim King told Alexander he may consider calling it into the session later this week.

The special session ends May 27.

Paul expressed mixed emotions about the compromise. Originally, he had called for mining companies to c cumulative impact study before any more mining will be conducted.

He also proposed more money for a trust fund that pays to clean up abandoned phosphate lands. It also is financing the cleanup of the defunct Piney Point phosphate chemical plant.

Paul also proposed a 1,000-foot buffer be established.

"Is that trust fund secure enough to pay $160 million (to close Piney Point)? No," Paul said. "Is there enou financial assurances to prevent another bankruptcy? No.

"Is there more protection than we had 60 days ago? Yes," he added.

Several other lawmakers and county commissioners from Hamilton and Hardee counties, who had gathere Capitol to attend the workshop, credited Harrington for working to push Alexander and Paul toward the con

"Lindsay has been in a real tough spot," said Hardee County Commissioner Bill Lambert. "He used to be o representative, and he's also Charlotte County's representative.

"He worked as a mediator in this process and that's what it needed."

Harrington said Speaker Johnnie Byrd, R-Plant City, assigned him to bring Alexander and Paul together or phosphate issue two weeks ago. He said the workshop served a purpose, even though it was canceled on

and Alexander struck accord.

"I think when you start asking people to get in a huddle, it just starts to expedite things," Harrington said. "T got some sunlight during the last couple of days. ...

"If Jerry and J.D. are happy, and especially if Jerry is happy, I'm happy," he added.

Paul indicated he had all but won Alexander's support for an amendment to establish the buffer.

"I came close," Paul said. "I almost got (the buffer); at one time I had it, in the last days of the regular sessi

"There were others who cleverly caused it to disappear," he added. "This final bill accomplishes all the oth I was seeking, and brought us 80 percent of the way."

Paul declined to elaborate.

Both bills always called for a severance tax on phosphate to increase from $1.30 per ton to $1.62. That wil revenues from about $33 million to about $42 million.

Both bills call for the Conservation and Reclamation Trust Fund to get $10 million and the state's general fı about $11 million.

Paul's bill originally called for more of the remainder to be funneled into a Non-Mandatory Lands Reclamati Fund and less into the counties that host mining than in Alexander's bill.

Alexander's bill, on the other hand, called for counties of critical economic concern to also get funding for e development from the mining tax. Hardee and Hamilton counties, which both host phosphate mining and a counties of critical concern, would get a double boost.

The compromise bill adopts Alexander's funding levels for those counties. Hardee County would see its tal severance tax proceeds increase from $1.5 million to $4 million, Alexander said.

The bill also pumps $4 million per year into the trust fund, Alexander noted.

Paul won Alexander's support, in the latest deal, for a $2 million insurance policy. The insurance would pro $85 million in coverage to clean up land in the event a company goes bankrupt.

The bill also contains requirements that phosphate companies accurately project the costs of closing their l prove they possess the financial resources to fulfill those obligations.

The bill provides $700,000 for the cumulative impact study, which would be conducted by the Florida Depa Environmental Protection and the Southwest Florida Water Management District .

The bill also includes $800,000 for a study by the Florida Institute of Phosphate Research to determine if w can be rendered into soil.

Several phosphate lobbyists and executives expressed congratulations and compassion to all three lawma involved in the bill.

"The industry is pleased there is a resolution," said Mary Lou Rajchel, executive director of the Florida Pho Council.

Asked whether the industry opposed Paul's proposal for a buffer, she replied, "I can tell you that we think it there will be a study to look at that issue rather than an arbitrary line. And that's the way it should be."

"It's not perfect," said Charlotte County Commissioner Mac Horton , who drove to the Capitol for the worksl probably doesn't make any one group happy, but it's a major accomplishment.

"Now, if we can get everybody working on regional water resources," he added.

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By GREG MARTIN

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5/9/2003

Letters to the Editor

Editor,

A recent letter used flawed information to criticize the phosphate industry's track record.

The Stauffer Chemical Company Superfund site is neither a mine nor a fertilizer manufacturing facility, but elemental phosphorus plant being cleaned up at Stauffer's expense.

Secondly, Tenoroc has not been designated as a Superfund site, and the site was not a bankruptcy case. I was a partially reclaimed site donated to the state by Borden Chemical, when it exited the phosphate busir Today, it is a prized fishing and ecotourism preserve.

Further, there is no "Mulberry Mine." Mulberry Phosphates operated two chemical plants. Its only mine, Wi Creek, will likely be sold to another operator which will become responsible for reclamation. While no one understates either the risk to the environment posed by Mulberry's Piney Point plant or the damage it has c the reputation of one of Florida's oldest industries, mining of phosphate rock and chemical processing of th

rock are two distinct processes, independent of one another.

All of the proposals currently under review are for phosphate rock mines, not chemical plants. Florida has r to assume reclamation liabilities due to bankruptcy, even though 15 of 17 companies mining phosphate in left the industry.

Most importantly, none are affiliated with IMC Phosphates Company, the firm leading the way in continuinc with county officials in an effort to balance needs and nature -- protecting downstream water while providin important products for farmers and ranchers around the world.

Michael Monahan

IMC Phosphates

Mulberry Email this story to a friend or relative

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5/8/2003

Judge to decide Altman Mine's fate

With the closing statements at a phosphate trial in Bradenton Tuesday, the fate of the Peace River now lie: hands of an administrative law judge.

Three weeks of testimony concluded in the hearing at the Manatee County Courthouse before administrati judge J. L. Johnston. Charlotte County had filed a challenge to the Department of Environmental Protectior announcement that it would approve a permit for IMC Phosphate's Altman Tract mine.

Now, both sides have 30 days to write proposed recommended final orders, which will be reviewed by Johı along with the expert testimony. He will then issue a final order, but is under no time limit to do so.

The headwaters of Horse Creek, a tributary of the Peace River, lie in the same east Manatee County area be disturbed by the proposed 2,400-acre mine. Port Charlotte and other communities in Charlotte County c the river for drinking water. The river also feeds Charlotte Harbor and is a vital part of the marine estuary s

The case is reminiscent of one two years ago, in which the county challenged IMC's permit for the Manson mine. The county lost that case, but attorney Ed de la Parte, representing Charlotte County, was hopeful.

"For several reasons, I think it's really a much different situation," de la Parte said. He cited the higher qual Altman property. It's home to several threatened species, which led Manatee County staff to oppose the pe

Charlotte attacked IMC's computer modeling, which is based on software for landfills, not mines. Kevin Erv environmental scientist involved in restoration of phosphate mines, was a powerful witness for the county, Parte said.

Finally, "In the Mason-Jenkins case, IMC could argue there was still one headwater unaffected," de la Part "Altman is the last unimpacted headwater in the Horse Creek system."

In its quest for approval, IMC presented three staff and six expert witnesses.

"Our rebuttal just tried to correct some things on the record that we thought needed clarifying in Charlotte C case," said Robert Kinsey, IMC's vice president of operations support, who attended on Tuesday. "IMC fee on a strong case in chief that mining of the Altman tract would not present a problem to the flows of Horse Peace River or to the health and quality of Charlotte Harbor."

"I feel pretty confident our experts did a good job of making our case," said Elliot Kampert, the county's pla services manager and its last witness. "We don't have any reassurances that this permit will not negatively Horse Creek, the Peace River and Charlotte Harbor."

Kinsey hoped a decision would be issued in a month, but de la Parte said the judge in the Manson-Jenkins "sat" on the recommended order for six months.

IMC is the world's largest producer of phosphate, an important component of fertilizer and other chemicals

Bradenton Herald staff writer Kevin O'Horan contributed to this story.

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By MALCOLM BRENNER

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5/7/2003

Mining threatens fish, scientist testifies

County's trial draws to end

BRADENTON -- The Peace River is "in distress" -- and that makes protecting such tributaries as Horse Cr the impacts of phosphate mining all the more important.

That's according to statements and testimony in a trial for Charlotte County's administrative challenge to a IMC Phosphate's Altman Tract mine.

The trial, which has run just over three weeks, was slated to conclude late Tuesday.

IMC's expert witnesses testified during the first two weeks. Charlotte County's experts concluded their testi Tuesday morning. Each side called rebuttal witnesses to the stand Tuesday afternoon.

"From IMC's presentation, you would not have any reason to believe that the Peace River was under any s suffering any adverse impacts," said Ed de la Parte, an attorney for the county, in his opening statement.

"However, even as we speak, the system is undergoing stress and adverse impacts. The Peace River tod system in distress."

De la Parte pointed out that the the flow of the river is now a third less than it was before 1962.

The river has also lost about a third of its species of fish, said Dr. Thomas Fraser, a biologist who testified county.

He cited a 10-year Florida Fish and Wildlife Conservation Commission study in which state biologist Thom Champeau collected fish samples throughout the Peace River.

He counted 27 species.

Fraser said he also reviewed scientific literature dating back to the 1890s. Those studies showed there we 48 species.

At 105 miles long, the Peace River is one of the largest in Florida. It should have one of the most diverse fi Fraser said.

"In a large watershed, you have more diverse habitats, so you would expect the Peace River to have more he said.

Now, however, the river is comparable to the Everglades, which are limited in species because most of it is or the Alafia, a much shorter, smaller river that -- like the Peace -- has been assaulted by phosphate spills.

"It looks to me like nearly a third of the species are in trouble," Fraser said. "They're either missing or aren'

Horse Creek, a 41-mile creek, has 27 species, which indicates it is relatively healthy, said Fraser. He cited done in the late 1970s and 1980s by mining companies then planning the Pine Level mine.

Fraser noted that a study by Durbin counted only 11 species of fish in Payne Creek. About 60 percent of th Creek basin has been mined, while less than 5 percent of the Horse Creek basin has been mined.

The species found in Horse Creek include at least one, the sailfin shiner, that is no longer found in the Pea according to Fraser.

Fraser also cited a 1973 report about the impacts of a major 1971 phosphate clay slime spill. Authored by wildlife commission senior biologist Phil Chapman, the report showed that the clay slime wiped out virtually aquatic life in an 85-mile stretch of the river.

In the years that followed the spill, the river was repopulated by fish that migrated down river from habitat i unaffected 15-mile stretch, Fraser noted.

He also pointed out that a state-mandated minimum flow will require a major effort to rehabilitate the upper River. If that happens, species from tributaries could repopulate the upper river, Fraser said.

"So, if you start affecting the tributary, we really could get in trouble," he said.

Tuesday, IMC's attorneys recalled Dr. John Garlanger, a hydrologist, to the stand to rebut testimony from t county's hydrologist.

Garlanger reiterated his previous testimony that although the mining will reduce peak flows, it will cause nc impacts.

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By GREG MARTIN

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5/5/2003

The river looked like mayonnaise

At least 20 major clay slime spills have fouled river

Second of a two-part series

The 100-mile long Peace River, which meanders from Bartow to Charlotte Harbor, may have a tranquil nar it's taken more than its share of abuse.

At least 20 major clay slime spills have been recorded in the Peace River since 1940. Also, discharges of c water have fouled the river dozens more times, according to a 1980 report by Mote Marine scientist Ernie E and others.

Often, the clay-tainted water was discharged from clay ponds to avoid a catastrophic washout during perio flooding.

Current rules call for discharges to meet strict pollution standards. But several releases totaling billions of g occurred in the Alafia and Peace rivers during the 1990s.

The biggest spill, however, came Dec. 3, 1971.

The second biggest occurred March 11, 1967, at a Mobil mine also near Fort Meade, reports indicate. The raised the level of the river 4 feet and fouled 85 miles. That spill killed 91 percent of the fish, according to C report.

Thousands of old bottles, perhaps washed out from a former garbage dump, can still be found embedded i mound of clay under the Peace River bridge in Fort Meade.

According to widely disseminated legends, mining companies in those days intentionally allowed dams to f

"I think at the time, it was more cost-effective to have an 'act of God' drain a clay settling area than to build one," said Chapman.

Just four months before the 1971 wash-out, Cities Services had been fined $7,311 for "willfully releasing sl Whidden Creek." The fine encompassed three successive spills in 1970, according to the 1973 commissio

Former Assistant Attorney General Kenneth Hoffman, who represented the state in a lawsuit against Cities 1971 spill, recalled that Cities workers told him the company had intentionally triggered some of its dam fai

"They'd drive something over it to blow out the dams," Hoffman said. "That's what I was told by the workers

Bromwell, however, said he doubts any mining company as late as the 1960s would commit such a devast misdeed.

But Chapman witnessed willful discharges firsthand.

"I can remember flying over the flood plain to investigate a report of a 'small discharge,' " he said. "You'd se where they were actually pumping discharge directly from the pit into the river."

Longtime Arcadia attorney Fletcher Brown recalled he was at his home near the river when he heard a rad bulletin about the 1971 spill.

"I said, 'Oh boy,' and went down to the river to look," Brown said recently. "It was amazing. I mean, the rive like mayonnaise."

A water quality turbidity scale showed that the spill turned the river from a rating of 7 parts per thousand to within 10 miles of the spill.

It killed 98 percent of the game fish and even 90 percent of the most resilient species such as catfish, acco Chapman's report.

It eliminated organisms used as fish food and blanketed the floodplain with slime.

People in Arcadia scooped dead fish out by the tub full, but the fish stank and were inedible, Chapman sai

Even an osprey was observed carrying off a rodent, a site rarely seen for the majestic "fish eagle," accordi Chapman's report.

Clay deposits were found to be thickest in areas where the current was sluggish. Those deposits continuec up the water at least until Hurricane Agnes flushed them out in June 1972.

Chapman's report estimated the costs of the fish-kill at $905,150. His calculations were used as a basis for against Cities Service.

The state also sought punitive damages against Cities, but the judge denied those damages, according to The final judgment amounted to less than $1 million, he said.

Hoffman said he worked on litigation that forced Cities to shut down its mining operation. That set a precec still being cited: that the government can shut down even a politically powerful industry as a "public nuisan

"We ticked off the phosphate industry and probably ticked off my boss (former Attorney General Bob Shevi because he wanted to run for governor," Hoffman recalled.

Within two weeks, the water cleared up to near-normal condition, according to Chapman. Within a few yea and other forms of life migrated from the upper reaches of the Peace to repopulate the lower flood plain.

Ten years would pass before sport fishing in Charlotte Harbor would return to pre-spill levels, however, acc Charlotte County Sheriff's Capt. Dave Lucas.

After a tour of duty with the U.S. Air Force in January 1972, Lucas returned to Port Charlotte, where his pa lived, and enrolled at Edison Community College .

Lucas decided to conduct a study of the impacts of the spill for an ecology class. He and a schoolmate flev over the river to photograph clay deposits.

Lucas and his father also toured various sea grass beds throughout the harbor -- places where father and fished in years past -- to discover that the grasses had died.

Lucas also interviewed fishermen and bait shop owners about the impacts.

"The river stayed a murky brown for a long time," Lucas recalled. "My observations were that about 85 per weed beds were destroyed and the habitat for the fish was gone.

"I don't think it started to recuperate for 10 years," he added.

Former state Rep. Vernon Peeples, who lived on the north shore of the Peace river at the time, was showi someone a piece of real estate in DeSoto County when he got word of the spill. He went to look.

"There's no doubt there was a strange phenomenon going on -- and it was not natural," he said. "You'd thi could live in there again for 100 years. Obviously, that's not what happened."

Peeples recalled that Charlotte Harbor showed little ill effects from the spill. Red tides have proven to be m damaging, he claimed.

"Now, there's no doubt in my mind (phosphate spills) do cause damage," he added. "But the damage is fre exaggerated."

Recent studies show that the number of species of fish has declined. So has the flow of the river. But it still an active recreational fishing industry.

Is the river as as healthy as it was 40 years ago?

"In my opinion, nothing's as good as it was back then," said Chapman.

"It really never went away because it did so much damage. The fishing has never come back."

-- former DeSoto Marina owner Ada Whitney Lawson, who witnessed the 1971 phosphate clay slime spill

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By GREG MARTIN

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5/4/2003

Session called contentious, but not unusual

Lobbyists, lawmakers glad its over

TALLAHASSEE -- After a grueling and contentious nine-week legislative session, many lawmakers found themselves sweeping much of their agenda into the garbage can Friday.

The session ended without passage of a state budget, an indoor smoking ban, a class-size reduction, med malpractice and workers' compensation reforms or the startup of a high-speed train.

Gov. Jeb Bush plans to call everyone back May 12-27 for the first of what could be several special session

The fact that major issues remained unresolved by the session's end Friday evening disappointed many.

But according to some of Tallahassee's most seasoned lobbyists, the 2003 session wasn't all that unusual. last year a special session was needed to pass a budget.

"I don't think it's all that different," said Bob Hugli, a lobbyist for the phosphate industry for the past 23 year: got some issues that need to be resolved and you can't always do it in 60 days."

One of the successes of the session was a bill sponsored by Speaker Pro Tempore Lindsay Harrington , R Gorda, to shift taxes collected on boat gas sales at marinas from going to pay for road building to paying fc law enforcement on the water.

The bill passed both Senate and House Friday and went to the governor. The victory came despite objectic both chambers that the move would impede major road projects.

Supporters argued that the transfer was so small, it wouldn't seriously jeopardize any construction.

Of the $40 million in revenues from the marina gas tax, only $2.5 million will go to hire 29 conservation con patrol officers this year. However, the bill boosts the funding to $13 million in five years.

Harrington attributed the successful passage of the legislation to a consensus building effort that won supp both boaters' rights groups and manatee protection organizations.

A bill to beef up environmental protections from phosphate mining was one of the casualties. The bill died a House and Senate passed versions that didn't match and time ran out.

But that was only a mini-drama compared to similar debates on medical malpractice insurance, workers' compensation and personal injury protection insurance.

Lawmakers also debated how to implement a smoking ban and a class-size reduction and the $52 billion b

Both chambers worked until the bitter end to pass versions of most of the bills. Several of the major bills th pass were expected to get considered again later this month, when a special session convenes to pass the

Friday, more than 1,000 lobbyists crowded the rotunda of the Capitol to see if the bills they were paid to inf got called up before time ran out.

Some waited outside chamber doors in hopes of getting a chance to coach lawmakers who stepped out fo

"Oh, my knee is stiff, my stomach hurts, my back hurts; I go home, eat a sandwich, and do it all over again said.

After all, there is a lot at stake.

"This part of the session is like flying," said Dale Patchett, a lobbyist who also served in the Legislature fror 90. "There's hours and hours of boredom followed by moments of sheer panic."

The last time the Legislature failed to pass a budget was in 1992, Patchett recalled. That time, no budget w adopted until several days into the next fiscal year.

"It got pretty rough," he said. "The state had to basically shut down. But it happened over the Fourth of Jul weekend, so it really wasn't noticed."

Patchett attributed some of the difficulty this year to the different styles of Senate President Jim King, R-Ja and House Speaker Johnnie Byrd, R-Plant City.

"King has been in business all his life," said Patchett. "He's a negotiator."

Byrd, on the other hand, refers to himself as "just an old country lawyer." Byrd established no new taxes as principle and he stuck to it. He also established a rule that any bill that gets amended can't be called up for 48 hours. The rule was intended to allow lawmakers to find out the effect of the amendments.

"You can negotiate the dollars, but you can't negotiate a principle," Patchett explained.

"We have fought a good fight," said King, after budget negotiations stalled earlier this week.

Sen. Mike Bennett, R-Bradenton, said he wasn't surprised by the need for a special session.

"I think these are such big issues, they almost have to be resolved in a special session, where you have nc to focus on," he said.

"In every capital, every session, the most divisive thing is money," pointed out Rep. Jerry Paul , R-Port Cha every economic downturn, normally, you see the rhetoric being elevated.

"So this is to be expected. At the end of the day, the House the Senate and the governor have to agree on appropriate the fixed amount of revenue."

By GREG MARTIN

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5/4/2003

Company volunteers in phosphate fiasco

Pipeline needed to dispose of acid water

TALLAHASSEE -- Florida's effort to build a pipeline to dump acid water into the Gulf of Mexico before sum can cause an environmental catastrophe got a boost recently.

The Transmontagne construction company waived charges to help build the emergency project, Deena W spokeswoman for the Florida Department of Environmental Protection, said Friday.

"It's very good news," she said. "Their generosity is an example of excellent corporate citizenship."

The CSX railroad is also donating their easements for the pipeline.

"We're moving forward with pipeline construction very soon," Wells said. "We're going to build a storage fa store the water. We expect to be barging it out into the Gulf within six weeks."

The pipeline is needed to carry some 200 million gallons per day from the Piney Point chemical plant in Ma County to Tampa Bay. Barges will carry the water out into the Gulf.

Piney Point was one of two chemical plants abandoned by the bankrupt Mulberry Phosphates company in 2001. The plant has a phosphogypsum waste stack and a pond containing highly acidic, contaminated wat

Water that used to get recycled through the plant is now seeping through the stack and filling up the pond.

After heavy rains last December, the governor declared an emergency for fear that the dam surrounding th could blow out. When a similar acid-water spill occurred on the Alafia River a few years ago, the pollution k and aquatic plants for 37 miles, Wells said.

A blowout of the Mulberry pond would be far worse, she added.

"Certainly we've been saying all along this is a huge problem for the state of Florida," Wells said. "The pote environmental disaster -- if we don't manage this problem immediately -- is extremely high."

The emergency order allowed the DEP to dump millions of gallons per day of the polluted water into Bisho Cool temperatures were expected to keep environmental impacts to a minimum.

That's because the water, besides being acidic, contains nitrogen, phosphorus and other ingredients in fer

As the temperature rises, the fertilizer can spark algae blooms. No fish kills have been reported, but an inc algae has recently appeared, Wells said.

The Florida Institute of Phosphate Research inked a $1.4 million contract to hire IMC Phosphates to devel treatment system to treat the acid water. But, the deal is in limbo due to liability concerns.

The Florida Legislature this week considered bills that call for waiving liability for "good Samaritan" compar help during environmental emergencies. The good Samaritan clause was sponsored by state Rep. Lindsa Harrington , R-Punta Gorda.

State Sen. J.D. Alexander, R-Winter Haven, who sponsored a similar bill, also drafted an amendment filed The amendment called for a state law to mandate phosphate chemical companies to draft emergency man the state how to operate the plants in the event the companies go bankrupt.

The bill didn't pass, but local lawmakers say they haven't given up. Efforts will be made to raise the legislat special session later this month, or next year.

The DEP has spent $40 million to date on the Mulberry fiasco and expects to spend $140 million more bef problem is permanently solved.

There are 25 other phosphogypsum stacks in the state.

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The day the Peace River got slimed

Residents, scientists recall 1971 spill

Part 1 of a 2-part series

When Ada Whitney Lawson and her family first moved to DeSoto County's Peace River Heights in 1958, it an idyllic setting.

The Whitney family loved boating, fishing and water skiing, and the quiet little subdivision was nestled alon picturesque Peace River. The Whitneys soon started the DeSoto Marina at the site, which has since been the Nav-A-Gator Marina.

But on Dec. 3, 1971, the family saw its river paradise turned into slime -- literally.

A dam impoundment site holding 1 billion gallons of clay slime burst at the Cities Services Inc. phosphate r Fort Meade. It sent a cascade of clay slime 85 miles downstream to the Charlotte Harbor estuary.

In the 32 years since the catastrophe, the Florida Legislature beefed up regulations on the construction of established a reclamation trust fund to pay for abandoned mine sites. The phosphate industry and regulatc chances are slim for another such dam failure.

However, the state faces another potential catastrophe left in the wake of the bankruptcy of Mulberry Phos 2001. The company left behind phosphogypsum waste stacks and holding ponds containing 2 billion gallor acidic, polluted water.

The state this month will begin an emergency effort to dump the water into the Gulf of Mexico before sumr can cause a washout.

Meanwhile, local state lawmakers battled phosphate lobbyists and each other in a failed effort to pass legis beef up assurances to prevent another catastrophic phosphate spill.

Indeed, nobody can say it won't happen again.

As was her habit, Lawson glanced at the normally clear, amber-colored Peace River flowing past her back that day, it was the color of tainted cream and as opaque as latex paint, she recalled.

"You get up in the morning and the first thing you look at is that beautiful river," Lawson said. "On that parti everybody in the subdivision was just so shocked at the enormity of it. There was just nothing but sadness. looked like it was destroyed.

"It looked like it would never be the same."

Lawson will never forget that day. She's not the only one.

In recent interviews, several other long-time local fishermen, scientists and lawyers said they were amazec scale of the catastrophe.

Perhaps the only thing more amazing was the fact that the river seemed to recover as quickly as it did, sev

Studies show most of the suspended particles in the water drifted out into Charlotte Harbor or settled to the within a couple of weeks. Also, Hurricane Agnes flushed away clay deposits as thick as 6 feet in June 197:

Fish and other forms of aquatic life migrated downriver from unaffected reaches upstream to restock it natu according to a February 1973 report by the Florida Fresh Water Fish and Game Commission.

The Peace River took several years to recover to pre-spill condition, according to the report.

The studies also show the river experienced repeated clay spills, particularly between the 1940s and 1960: most scientists now agree that although the river's ecosystem has remained surprisingly vibrant, it would h better off without such assaults.

"It's certainly one of the most memorable and definitely one of the most remarkable events I have ever see Phil Chapman, a senior biologist for the Florida Fish and Wildlife Conservation Commission. Chapman aut 1973 report.

"This spill was a reality check on how fragile our ecosystem is; how a river can be wiped out overnight," he also shows how important it is that we have people trying to protect the environment."

The 1971 spill dumped an estimated 500,000 tons of clay solids into the river.

The clay is a waste product left over after phosphate gravel is separated from an ore matrix in a washing p State laws since 1935 require mining companies to store the waste in impoundments on their mine sites.

Besides clouding the water, the clay is also high in phosphorus, radium and other pollutants.

During the spill, an earthen dam washed out, and a lake of clay slime 10 feet deep gushed into Whidden C slime then fanned out to inundate a swamp in the floodplain, according to Chapman's report.

It was so deep that when it reached the confluence of the river it backed up two miles to the north -- agains river's normal current.

Then, it flowed toward Charlotte Harbor, smothering fish, amphibians, crustaceans, aquatic insects and ve The spill also blanketed the floodplain, which is several miles wide in spots, with clay deposits.

"I've got photographs of one of my biologists wading up to his armpits in slime," Chapman said. "It was sca

Some of those deposits were expected to continue contributing silt to the river during high-velocity flows fo come, according to the 1973 report.

The incident triggered a backlash of increased regulation, recalled Les Bromwell, principal engineer for BC Engineers and Scientists of Lakeland.

In 1972, Bromwell was hired by a council of 10 phosphate companies to formulate a plan to protect agains catastrophes in the future.

At the time, some state regulators were calling for stiff requirements, such as requiring concrete dams. Oth wanted the industry shut down, Bromwell recalled.

"It really was a watershed event," Bromwell said. "There was quite a large reaction to that particular spill."

Bromwell said the Cities Services dam had failed because of seepage in a void under a pipe buried within earthen dam.

He drafted new designs calling for the earth to be better compacted. The Florida Department of Pollution C adopted the designs as required standards.

Indirectly, the catastrophe may also have helped push the Legislature to adopt a comprehensive phosphat law in 1975, according to Steve Partney, an engineer for the state's Bureau of Mine Reclamation. The law mining companies to reclaim their lands into some usable form.

"It would be almost impossible today for such a catastrophic spill to happen with all the regulations they ha methodology they use," said Mike Lloyd, research director for the Florida Institute of Phosphate Research.

"That doesn't eliminate the possibility that something totally unforeseen could occur," he added.

In fact, the 1971 spill occurred despite the fact the Cities Services dam had been built as specified under a state law, pointed out Partney.

Also, the same type of dam failure occurred in 1994 at the Hopewell mine in Polk County, despite the pass 1975 rules, Partney acknowledged.

In response to the 1994 spill, the bureau again modified its regulations to require concrete "cradles" benea block seepage.

Tomorrow: Part 2 examines at least 20 major spills that have slimed the Peace River since 1940.

By GREG MARTIN

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5/2/2003

Senator: Phosphate counties need help

Rep: State protection should come first

TALLAHASSEE -- As the smoke cleared Thursday following a showdown in which legislation to protect the from phosphate mining problems bit the dust, a state senator and a representative who sponsored dueling say the other guy was the irresponsible one.

Separate interviews with Sen. J.D. Alexander, R-Winter Haven, and Rep. Jerry Paul , R-Port Charlotte, sh how close they came to a compromise that could have brought a tremendous coup for those interested in conservation of the Peace River: a 1,000-foot buffer along the river and its tributaries within which no minir occur.

It must have seemed a long shot when Paul first made the suggestion in the final week of this legislative se

But Alexander said Thursday he remains willing to consider it.

"We might consider a buffer if (Paul) would consider some of the things we've suggested," Alexander said.

Those things include more than tripling the share of revenues from a tax on phosphate which some of the that host mining now receive.

Under Alexander's bill, allotting more money for those counties meant less money for a Nonmandatory Lar Reclamation Trust Fund. That's the fund that finances cleanups of abandoned phosphate mines -- and is n tapped to solve the bankruptcy of Mulberry Phosphates two years ago.

The company abandoned two chemical plants in Manatee and Polk counties, which include two gigantic m slightly radioactive waste called phosphogypsum. Highly acidic, polluted water from the stack at the Manat dubbed Piney Point, must be disposed of or dams could break amid this summer's heavy rains, and cause environmental catastrophe.

The state will pay $160 million to dispose of the water and close Piney Point. The state is paying Cargill Fe $25 million to take over the other plant.

Hardee County staff recently explored the idea of establishing buffers to keep clay-settling areas away fron River tributaries. But the Hardee County Commission never approved the idea.

Southwest Florida Water Management District staffers also recommended some 40,000 acres of buffer be established to protect Horse Creek, a major tributary running through the heart of several proposed mines.

But the district's governing board decided to take no action on the recommendation.

The legislation provided assurances aimed at preventing another such bankruptcy fiasco. It also called for

Florida Department of Environmental Protection to conduct a two-year, $750,000 cumulative-impact study recommend new regulations.

Paul said he couldn't accept Alexander's bill "because the Senate version results in a worse situation than quo."

Paul's bill had not only called for more money to go into the trust fund and less for counties, it also called fc million insurance policy to pay for future phosphate bankruptcy catastrophes. Alexander's bill had less mor trust fund and no insurance policy.

As it turned out, the House unanimously passed Paul's bill, and the Senate passed Alexander's bill without match Paul's.

In effect, the legislation was "crossed," said David Gluckman, an environmental attorney who tracked the b

Paul said he suggested the Peace River buffer as a compromise for the lack of adequate insurance and tr money.

Alexander's bill calls for the counties to get between $4 million and $5 million per year if they host mining. money is to be spent on infrastructure to attract industrial development.

Also, Alexander's bill calls for Rural Areas of Critical Concern to get the same amount. To date, the only cc critical concern cited are Hardee and Hamilton, among the poorest in the state. Both also host mining, so tl get a double boost under Alexander's bill.

The nonmandatory trust fund would get about $3 million per year under Alexander's bill. Under Paul's bill, i get $13 million.

Alexander, who now lives in Polk County, was raised in Hardee County, which has hosted major phosphat operations for the past 25 years.

County commissioners blame Hardee's economic stagnation on mining, which renders much of the landsc unattractive for development and unsuitable for farming.

"Frankly, if you look at the local economic impacts of mining, if I were a (Hardee) county commissioner, I'd balking, too," said Alexander.

"But," he added, "if you don't do any more mining, we're going to have more problems."

He was alluding to the bankruptcy of mining companies, which could leave the state with hundreds of millic dollars in reclamation liabilities.

Alexander also pointed out that other statewide coffers benefit from the severance tax. Taxes even go to b renourishment -- far from Central Florida's Bone Valley phosphate reserve, he said.

Both bills call for a tax increase from $1.30 per ton to $1.62 per ton. That would increase revenues from ab million to $40 million.

However, Paul's bill calls for the tax increase to become effective in July; Alexander calls for it to become e January 2004.

Of the revenues, both bills call for $10 million to fund the Conservation and Recreational Lands acquisition

Paul's bill calls for $11.1 million to go to the state's general fund. Alexander's bill calls for $12.3 million to g general fund after the tax increase in July 2004.

"All I'm suggesting is some of the money ... should go to the counties where the mining is taking place," he

Currently, the nonmandatory trust fund has about $140 million in it. It was originally established to reclaim : 130,000 acres of mines abandoned before the state reclamation mandate in 1975.

About 30,000 acres of stripped-out land has yet to be reclaimed. Reclamation calls for clay-filled pits and s often overgrown with trees, to be graded so stormwater can once again flow to rivers and the land can onc have some economic value.

The of cost of reclaiming old mine sites averages $8,000 per acre.

Alexander said he envisions spending $80 million of the trust fund to reclaim 10,000 acres and $60 million Mulberry problem.

How the rest of the obligations would be paid for remains undetermined.

Alexander had proposed transferring $100 million from the Florida Forever acquisition program into the lan reclamation trust fund, but he withdrew that provision under pressure from the environmental lobby.

Paul predicted the need for even stronger legislation will become more obvious as time passes. That will lil generate more political will to pass stronger legislation next year, he said.

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By GREG MARTIN

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5/1/2003

Paul's phosphate bill may be DOA

House, Senate pass different versions

TALLAHASSEE -- State Rep. Jerry Paul 's bill to solve phosphate mining problems passed unanimously in House Wednesday -- but it may be dead on arrival.

That's because Paul, R-Port Charlotte, didn't amend his bill when it got called for final passage on the Hou late Wednesday night, to match the senate version sponsored by Sen. J.D. Alexander, R-Winter Haven.

And Alexander didn't amend his version to match Paul's when it passed earlier Wednesday afternoon.

The problem is, the bills are different. The Senate bill, SB 1312, calls for more money from a tax on phospl to counties that host mining and a phosphate research institute and significantly less to a reclamation trust pays to clean up spills than Paul's bill provides.

The Senate bill has also been stripped of provisions requiring phosphate companies to provide a higher lev assurances that they possess the financial strength to complete their reclamation obligations.

The bills were initiated in the wake of the Mulberry Phosphates bankruptcy in February 2001. The compan state liable for two defunct chemical plants and associated phosphogypsum waste stacks and holding pon containing 2 billion gallons of highly acidic, contaminated water.

The state will pay $160 million or more to clean up those problems.

Paul feels Alexander's bill doesn't contain nearly enough assurances to protect the state from another envi catastrophe, let alone reclaim old phosphate mines that the trust fund was originally established to fund.

And there's little chance either lawmaker will change his mind before the session ends Friday, according tc

"I can't put my fingerprints on that bill," Paul said of Alexander's legislation. "It's not responsible, it's not cre They wouldn't even fund an insurance policy. And they stripped out all but a very little bit of funding (for cle

"I don't think (the Senate) will pass my bill, either," he added. "I think the Senate should do the right thing."

Even if Paul had amended his bill to match Alexander's, it's questionable whether it would get passed befo session's end. Under a House rule invoked by Speaker Johnnie Byrd, if the House amends a Senate bill, tl must wait 48 hours before passing it.

Alexander could not be reached for comment Wednesday.

Paul said Tuesday that he offered a compromise proposal to Alexander. If Alexander would amend his bill a buffer around all Peace River tributaries, Paul would accept the Senate bill.

Eric Draper, lobbyist for Audubon of Florida, which stands to become a partner with the phosphate industry passes, appeared dumbfounded Wednesday when told of Paul's buffer compromise.

"Wow," said Draper. "(Paul's) playing hardball.

"Where's he going to get the funding for the buffers?" Draper added.

Chip Fletcher, an attorney for a firm tracking phosphate issues for Charlotte County, said he strongly supp Paul's buffer proposal. Anything that protects the Peace River is worth doing, he said.

When the Senate president called up Alexander's bill late Wednesday afternoon, however, Alexander offer amendments and the bill passed 39-0.

Paul took the failed negotiation with a shrug.

"That's just the tug and pull of legislation," he said.

Other provisions of Alexander's bill include:

* Requiring the Florida Department of Environmental Protection to conduct a cumulative impact study and recommend new mining regulations to the Legislature by 2005.

* Raising the tax on phosphate-ore excavation from $1.31 per ton to $1.62 per ton.

* Reapportioning the way the revenues from the tax will be divided among a half dozen state and county c

* Providing a "good Samaritan" clause that exempts companies from liability for lending aid during a catast event.

* Calling for a partnership between several statewide environmental organizations and the Florida Phosph Council to develop reclaimed mines for recreational purposes.

By GREG MARTIN

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3/28/2003

Plan sought for recreation on mine sites

Environmentalists, phosphate miners team up

TALLAHASSEE -- Stripped-out phosphate mines could be reclaimed as state recreational areas in the futu

The reconstituted landscape could provide manmade lakes and forests where hunters and fishermen coul their quarry, and rugged trails could challenge hikers, bicyclists and horseback riders.

Even clay settling areas, which are waste impoundment sites that will cover 40 percent of all mine sites, co become places where people might ride off-road vehicles to their hearts' content.

That vision is the brainchild of two seemingly odd bedfellows. It has been drafted by several of Florida's st environmental organizations and the state's phosphate mining industry.

And the concept has now been incorporated into a comprehensive bill being drafted by state Sen. J.D. Ale Lake Wales. A draft of the bill, which has yet to be even assigned a bill number, calls for a nonprofit corpor be formed between the Florida Phosphate Council and the Florida Wildlife Federation, Audubon of Florida Rails to Trails Conservancy.

The corporation would create plans and assist "in the development of recreational opportunities on lands n phosphate in the state," according to the draft.

The first projects will be targeted for Hardee and Hamilton counties.

"It will provide places for those ORV (off-road vehicle) people, and by doing so, give economic opportunitie those counties," said David Gluckman, a lobbyist for the Florida Wildlife Federation, who drafted the langu

"I did not see anything in the bill that an environmentalist wouldn't like," he said.

In fact, Gluckman said he might even apply for a job running the corporation, once established.

The bill also hikes the state's severance tax on phosphate mining in order to give the counties to be mined share of the revenues.

The draft bill also contains language that would require the phosphate industry to conduct cumulative impa analysis before the state will grant permits for ongoing or new mining.

Alexander has said in the past he also intends to beef up the state's ability to monitor the "financial respon companies obligated to complete the closure of phosphogypsum stacks.

But Alexander's draft bill has yet to contain those protections.

The phosphate industry has excavated some 400,000 acres of Florida landscape. But the industry has als contributed some $500 million to the state's Conservation and Recreational Lands acquisition program sin began in the 1970s.

CARL used to receive as much as $55 million per year from its share of the severance tax until the late 19 legislation reduced the amount to $10 million per year.

Alexander's draft legislation, which is almost certain to become modified before it gets finalized, calls for C continue to receive $10 million per year from the severance tax.

However, the tax is proposed to increase from $1.31 per ton to $1.62 per ton. The portion that mining coun receive would rise from 13 percent to 20 percent.

The Florida Institute of Phosphate Research, a state agency funded by the severance tax, would see its sh capped at $2.75 million.

In the last few years, FIPR received $4 million to $5 million from the severance tax, said Paul Clifford, exec director of FIPR.

Clifford said he was in Tallahassee this week to make lawmakers aware of his concerns that a $2.75 millio will constrict his agency's ability to respond to calls for emergency phosphate research. For example, a yea FIPR funded $1.4 million in research to help find ways to dispose of 2 billion gallons of acid water at Mulbe Phosphate's now-defunct Piney Point chemical plant.

State representatives Lindsay Harrington , R-Punta Gorda, and Jerry Paul , R-Port Charlotte, are aware of Alexander's draft bill.

Both Harrington and Paul have filed related bills to regulate phosphate mining. Their bills could become "H companions" to Alexander's bill.

One of Paul's bills calls for a criminal penalty to be levied against any phosphate company executive who misrepresents the ability of his or her company to complete the closure of a phosphogypsum stack.

Paul also filed a bill to require cumulative impact studies before more mining will be allowed.

Harrington filed a bill that states the reclamation of phosphate mines is considered beneficial to conserve w resources.

However, Harrington said he spoke to Paul Thursday about Alexander's legislation, and the two House me decided to continue drafting their own bills.

Charlotte County has hired the de la Parte & Gilbert law firm to help get the county's phosphate mining cor addressed through the legislation. Chip Fletcher, an attorney for the firm, said Thursday he was been work provide input to all three lawmakers on the legislation.

"We're working real hard to try to find a solution to the problems of phosphate mining," Fletcher said. "We'r find out how all the folks can work together.

"I couldn't tell you when all is said and done what this legislation might look like, or whether it will get passe year," he added. "It's a very fluid process. It's just too hard to say."

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Horse Creek monitoring faulty, experts say

Monitoring to settle mining lawsuits

On the surface, it sounds like a tempting offer: In exchange for a regional water supply authority dropping i lawsuits, the phosphate mining company, IMC Phosphates, would monitor the health of Horse Creek.

But the monitoring that is proposed would be so infrequent that it wouldn't establish any trends for Horse C eight to 10 years, said Ed de la Parte, Charlotte County's water attorney.

By then, the Manson-Jenkins and Altman mines will likely be excavated and much of the reclamation comp added.

"By then, the horses and cows will be out of the barn," de la Parte said.

The attorney said county environmental consultants Dr. Tom Fraser and Dr. Tony Janicki reviewed the pro Horse Creek Stewardship Plan, which was released Thursday by the Peace River Manasota Regional Wat Authority.

In a memo to the Charlotte County Commission, Janicki called the monitoring proposal "unfocused," accor la Parte. Janicki pointed out that the plan calls for some water-quality parameters to be sampled only once - and many biological tests only three times a year.

Also, the plan calls for no monitoring to be done if the river reaches flood stage or ceases to flow.

The monitoring was the keystone of an out-of-court settlement negotiated by Sarasota County Commissior Shannon Staub , as a representative of the authority, and IMC Vice President Bob Kinsey.

In addition to the monitoring, IMC would provide a $25 million insurance policy to pay for the cleanup of an spills. Similar insurance coverage is required by county ordinances in Manatee and Hardee counties where mining is to take place.

Also, IMC agreed to not count wetlands on clay settling areas as mitigation at the Manson-Jenkins and Altr mines. However, their permit from the Florida Department of Environmental Protection didn't call for any su mitigation anyway, de la Parte said.

"So, there's not much of a concession there," he said.

The deal also calls for IMC to impose upon itself engineering standards for clay settling area dams that are stringent than what the DEP requires.

The company would also grant the authority the right to inspect the mine site.

De la Parte, however, said the proposal is vague in stating what remedies would be implemented if the mir degrades the quality and quantity of water flowing in the creek.

The plan calls for a Technical Advisory Group of authority representatives to provide input on the monitorin program. The monitoring would begin by April and continue until the mining is completed.

The county's experts say at least a year or two of monitoring should be conducted before the land is minec determine the baseline quality of the creek, according to de la Parte.

The county's scientists also object to a clause calling for the monitoring to stop whenever mining operation Monitoring should continue at those times to determine if water quality improves when the mining stops, de said.

Pat Lehman, executive director of the water authority, said that the deal would establish protections for Ho that don't currently exist.

"I think it provides a database we would not have otherwise," he said. "If we lose the litigation, there's no d collection."

Lehman plans to formally present the proposal Tuesday to the County Commission. That would allow the commission time to endorse it before the authority's next meeting on March 5 in Sarasota.

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