



## Newsroom

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#### Major Fertilizer Producer Mosaic Fertilizer, LLC to Ensure Proper Handling, Storage and Disposal of 60 Billion Pounds of Hazardous Waste / Manufacturer committing close to \$2 billion in funding to address environmental impacts from fertilizer production

Release Date: 10/01/2015

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**WASHINGTON** – The U.S. Environmental Protection Agency (EPA) and the U.S. Department of Justice (DOJ) today announced a settlement with Mosaic Fertilizer, LLC that will ensure the proper treatment, storage, and disposal of an estimated 60 billion pounds of hazardous waste at six Mosaic facilities in Florida and two in Louisiana. The settlement resolves a series of alleged violations by Mosaic, one of the world's largest fertilizer manufacturers, of the federal Resource Conservation and Recovery Act (RCRA), which provides universal guidelines for how hazardous waste must be stored, handled and disposed. The 60 billion pounds of hazardous waste addressed in this case is the largest amount ever covered by a federal or state RCRA settlement and will ensure that wastewater at Mosaic's facilities is properly managed and does not pose a threat to groundwater resources.

At Mosaic's eight facilities in Florida and Louisiana, hazardous waste from fertilizer production is stored in large piles, tanks, ditches and ponds; the piles can reach 500 feet high and cover more than 600 acres, making them some of the largest manmade waste piles in the United States. The piles can also contain several billion gallons of highly acidic wastewater, which can threaten human health and cause severe environmental damage if it reaches groundwater or local waterways.

Under the settlement, Mosaic Fertilizer will establish a \$630 million trust fund, which will be invested until it reaches full funding of \$1.8 billion. These funds will cover the future closure of and treatment of hazardous wastewater at four Mosaic facilities—the Bartow, New Wales and Riverview plants in Florida and the Uncle Sam plant in Louisiana—as well as the long-term care of those facilities and three additional facilities that are already undergoing closure. The Mosaic Company, Mosaic Fertilizer's parent company, will provide financial guarantees for this work, and the settlement also requires Mosaic Fertilizer to submit a \$50 million letter of credit.

Mosaic will also spend \$170 million on projects to reduce the environmental impact of manufacturing and waste management programs at its facilities and \$2.2 million on two local environmental projects. Mosaic will also pay a \$5 million civil penalty to the United States and \$1.55 million to the State of Louisiana and \$1.45 million to the State of Florida, who joined EPA and DOJ as plaintiffs in this case.

"This case is a major victory for clean water, public health and communities across Florida and Louisiana," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "Mining and mineral processing facilities generate more toxic and hazardous waste than any other industrial sector. Reducing environmental impacts from large fertilizer manufacturers operations is a national priority for EPA, as part of our commitment to pursuing cases that have the biggest impact on protecting public health."

"This settlement represents our most significant enforcement action in the mining and mineral processing arena, and will have a significant impact on bringing all Mosaic facilities into compliance with the law," said Assistant Attorney General John C. Cruden for the Justice Department's Environment and Natural Resources Division. "Moreover, through this settlement, we establish critical financial assurance to cover the enormous closure and care costs at all these facilities. This sets the standard for our continuing enforcement of RCRA in the entire phosphoric acid industry. And, it reflects our emphasis on working jointly with impacted states."

The alleged violations in this case stem from storage and disposal of waste from the production of phosphoric and sulfuric acids, key components of fertilizers, at Mosaic's facilities in Bartow, Lithia, Mulberry and Riverview, Florida and St. James and Uncle Sam, Louisiana. Mosaic failed to properly treat, store, and dispose of hazardous waste, and also failed provide adequate financial assurance for closure of its facilities.

As part of EPA's National Enforcement Initiative for mining and mineral processing, the agency has required phosphate fertilizer production facilities to reduce the storage volumes of hazardous wastewaters, ensure that waste piles and ponds have environmentally-protective barriers installed, and verify the structural stability of waste piles and ponds.

Mosaic has committed to spending approximately \$170 million over the next several years to implement an innovative reconfiguration of their current operations and waste management systems. The development of these of industry-leading technologies will optimize resource efficiency and decrease the amount of raw materials required to produce fertilizer. This case spurred Mosaic to develop advanced engineering controls and practices to recover and reduce some types of acid wastes that result from fertilizer production, which will reduce the amount and toxicity of the waste materials stored at

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Mosaic's facilities and the severity of potential spills while cutting Mosaic's costs for treating material at closure, which would otherwise have been categorized as hazardous waste.

Under the settlement, Mosaic will also fund a \$1.2 million environmental project in Florida to mitigate and prevent certain potential environmental impacts associated with an orphaned industrial property located in Mulberry, Florida. In Louisiana, Mosaic will spend \$1 million to fund studies regarding statewide water quality issues.

Mosaic produces phosphorus-based fertilizer that is commonly applied to corn, wheat and other crops across the country. Sulfuric acid is used to extract phosphorus from mined rock, which produces large quantities of a solid material called phosphogypsum and wastewater that contains high levels of acid. EPA inspections revealed that Mosaic was mixing certain types of highly-corrosive substances from its fertilizer operations, which qualify as hazardous waste, with the phosphogypsum and wastewater from mineral processing, which is a violation of federal and state hazardous waste laws.

A consent decree formalizing the settlement was lodged yesterday in the U.S. District Courts for the Middle District of Florida and the Eastern District of Louisiana and is subject to a 45-day public comment period in Louisiana, a 30 day public comment period in Florida and approval by the federal court.

For a copy of the consent decree, visit <http://www.justice.gov/enrd/consent-decrees>

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Last updated on 10/8/2015