

Message

From: Brent de Jong [brent.dejong@castlelake.com]
Sent: 6/7/2017 9:22:52 PM
To: Mackey, Cyndy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=b2f2b414786040ee8d75a21fa1c04a9b-Mackey, Cyndy]; Brown, Byron [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=9242d85c7df343d287659f840d730e65-Brown, Byro]; Fotouhi, David [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=febaf0d56aab43f8a9174b18218c1182-Fotouhi, Da]
CC: Brian Zatarain [brian.zatarain@itafos.com]; 'Marten Walters' [marten.walters@itafos.com]; Kelley, Rosemarie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=23b7c900323047fca012df62c58c4d22-Rkelley]
Subject: RE: Miss Phos - Agenda For Today's MPC Technical Call

Thank you. Speak in a few moments.

I know not on your agenda points, but at the right time we would like to discuss the other uses of gypsum. Below are extracts from IAEA:

p114 "The indefinite stacking of phosphogypsum has negative impacts in terms of the engineering and environmental aspects of the stacks themselves and the associated costs and long term liabilities This awareness of the negative impacts of indefinite stacking and the huge increases in the amounts of phosphogypsum having to be stored in stacks in the future have highlighted the need for a systematic reappraisal of the merits of, and potential for, increased use of phosphogypsum worldwide. "

p164 "The storage of phosphogypsum in stacks, irrespective of its radioactivity content, creates potential environmental and physical safety hazards and, therefore, needs to be controlled by the relevant authorities in a consistent and harmonized manner.

This, together with the increasing rate of phosphogypsum production, provides a very compelling reason for creating a regulatory environment that is conducive to identifying and promoting further ways of safely using phosphogypsum as a co-product of phosphoric acid production rather than having to manage it as waste."

From: Mackey, Cyndy [mailto:Mackey.Cyndy@epa.gov]
Sent: Wednesday, June 07, 2017 11:49 AM
To: Brent de Jong; Brown, Byron; Fotouhi, David
Cc: Brian Zatarain; 'Marten Walters'; Kelley, Rosemarie
Subject: RE: Miss Phos - Agenda For Today's MPC Technical Call

Brent:

Below is a proposed agenda for today's MPC Technical Call:

Agenda: June 7 Call at 5:30 pm Regarding MPC Site - Call with Brent de Jong and Technical Staff

1. **DJC folks provide background on the following issues including what the issue is, where it stems from and what DJC is seeking**
 - a. **Deepwater injection**
 - b. **Rolling Average Rainfall Test**
 - c. **Water Level Management**
 - d. **Treatment of Water From DAP scrubber**
2. **Government follow-up questions, clarifications (if any), responses (if any)**

3. Next Steps

- a. Follow-up on technical issues if government teams needs to discuss internally based on today's discussion
- b. Set up subsequent global discussion on where we are on all issues, DJC feedback from Board, steps necessary to get to agreement
- c. Follow-up as separate action item further discussions regarding Gypsum reuse with appropriate folks from program offices

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)
1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
202 564-8206 (Direct Line)
202 564-5110 (Office Line)
Ex. 6 (Office Cell)

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From: Brent de Jong [<mailto:brent.dejong@castlelake.com>]
Sent: Tuesday, June 06, 2017 4:26 PM
To: Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Brown, Byron <brown.byron@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brian Zatarain <brian.zatarain@itafos.com>; 'Marten Walters' <marten.walters@itafos.com>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>
Subject: RE: Miss Phos feedback

Ok – thanks – speak to all then.

From: Mackey, Cyndy [<mailto:Mackey.Cyndy@epa.gov>]
Sent: Tuesday, June 06, 2017 2:55 PM
To: Brent de Jong; Brown, Byron; Fotouhi, David
Cc: Brian Zatarain; 'Marten Walters'; Kelley, Rosemarie
Subject: RE: Miss Phos feedback

Brent:

To respond to the technical questions you raised in your May 23 email below, I am planning to invite people from EPA Headquarters, Region 4, DOJ and the State to participate in tomorrow's call. This includes the following people:

- EPA Headquarters: Cyndy Mackey, Rosemarie Kelly, Helena Healy, Pete Raack
- EPA Region 4: Sean Ireland (Water technical lead), Alan Annicella (RCRA technical lead), Marshall Binford (ORC), Joan Redleaf-Durbin (ORC)
- DOJ: Ken Long
- State of Mississippi: To be determined

Please let me know if you have any questions or concerns about tomorrow's call at 5:30 EST. The conference line number is Ex. 6 / Conf Code: Ex. 6

Cyndy Mackey

Director, Office of Site Remediation Enforcement
EPA-Office of Enforcement and Compliance Assurance (Mail Code-2271A)

1200 Pennsylvania Ave., N.W. (Room-WJC 5206) Washington, DC 20460
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From: Brent de Jong [<mailto:brent.dejong@castlelake.com>]
Sent: Tuesday, June 06, 2017 12:15 PM
To: Brown, Byron <brown.byron@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brian Zatarain <brian.zatarain@itafos.com>; 'Marten Walters' <marten.walters@itafos.com>
Subject: RE: Miss Phos feedback

Great – thanks.

From: Brown, Byron [<mailto:brown.byron@epa.gov>]
Sent: Tuesday, June 06, 2017 10:52 AM
To: Brent de Jong; Mackey, Cyndy; Fotouhi, David
Cc: Brian Zatarain; 'Marten Walters'
Subject: RE: Miss Phos feedback

Hi Brent – yes, we can do 5:30 pm on Wednesday. Here is the conference call information: Call in number **Ex. 6**
Ex. 6 / Conf Code: **Ex. 6**

From: Brent de Jong [<mailto:brent.dejong@castlelake.com>]
Sent: Monday, June 5, 2017 7:40 PM
To: Brown, Byron <brown.byron@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brian Zatarain <brian.zatarain@itafos.com>; 'Marten Walters' <marten.walters@itafos.com>
Subject: RE: Miss Phos feedback

If it is possible to do it later in the day e.g. 5:30 or 6 pm would be great as I am in Asia this week. But if not, lets leave it.

From: Brown, Byron [<mailto:brown.byron@epa.gov>]
Sent: Monday, June 05, 2017 2:53 PM
To: Brent de Jong; Mackey, Cyndy; Fotouhi, David
Cc: Brian Zatarain; 'Marten Walters'
Subject: RE: Miss Phos feedback

Hi Brent – will Wednesday at 4 pm (eastern) work for you and your technical team for a follow up call?

Byron R. Brown
Deputy Chief of Staff for Policy
Office of the Administrator
U.S. Environmental Protection Agency

From: Brent de Jong [<mailto:brent.dejong@castlelake.com>]
Sent: Friday, June 2, 2017 10:59 AM
To: Brown, Byron <brown.byron@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brian Zatarain <brian.zatarain@itafos.com>; 'Marten Walters' <marten.walters@itafos.com>
Subject: RE: Miss Phos feedback

Can you do 3:30 pm EST today? Otherwise next week early in the day Tuesday or Wednesday work as well.

From: Brown, Byron [<mailto:brown.byron@epa.gov>]
Sent: Tuesday, May 30, 2017 10:03 AM
To: Brent de Jong; Mackey, Cyndy; Fotouhi, David
Cc: Brian Zatarain
Subject: RE: Miss Phos feedback

Hi Brent – you indicated your technical team would be available for a call this afternoon. Do you have a specific time in mind, and are there any other times in the next week that would also work for a technical call?

From: Brent de Jong [<mailto:brent.dejong@castlelake.com>]
Sent: Tuesday, May 23, 2017 9:37 AM
To: Brown, Byron <brown.byron@epa.gov>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>
Cc: Brian Zatarain <brian.zatarain@itafos.com>
Subject: Miss Phos feedback

EPA Team,

As discussed on the last call, I spent more time with the Itafos team and can provide you feedback on what we need upfront for on site management:

1. Deepwater injection (as discussed previously)
2. Rolling average rainfall test instead of single event
3. Ability to bring down water levels / increase freeboard in anticipation of upcoming bad weather
4. Treatment of water from DAP scrubber ... is it Beville excluded or not? We would like to comingle as it is much better environmentally - the ammonia in the DAP scrubber water raises the pH of the water coming from the phosacid plant.

Additionally we had some further thoughts for Gypsum stack and use of materials:

1. Roadbed (as discussed previously)
2. Landfill cover - it helps the bugs grow to breakdown refuse
3. Agricultural uses e.g. peanut farms work well up to 25 pCi/g (increase limit from 10)
4. Export

Our technical team can do a call on Tuesday May 30th in the afternoon.

Thanks,

Brent de Jong | Castlelake

Partner

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