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Subject: AEIS for Phosphate Mining, Scoping Comments, US Army Corps of Engineers

To whom it may concern:

The public comment form on your web site isn't "interactive" which makes it very difficult for people submitting comments by email to include a completed copy of that form. Because of this problem and problems submitting comments from your website, I am submitting my comments in this comment letter. The "Commenter Type" is: Private Citizen and Company. The "issues" addressed include all listed on the public comment form and some not addressed on that form.

NEW MINING NOT CONSIDERED UNDER AIES

My name is John Rehill and I am providing these public comments as a person who is having his air quality, health, ground water, property value and business destroyed by Mosaic's new phosphate mining adjacent to my property. Your agencies are allowing this mining to proceed without it being included under the Areawide Environmental Impact Statement (AEIS).

1. Your agencies must halt this and all other new phosphate mining immediately until the AEIS addresses all of the adverse impacts of this new mine and all other phosphate mines.

DESTRUCTION OF RURAL LIFE STYLE

The health issues I have been dealing with are the most troublesome. The dust that has been caking my house for years from distant mines has gotten worse with the new mining adjacent to my property. Other rural residents in the vicinity where the mining has been going on longer than in my backyard have photographs showing areas of their property covered by so much mining dust that the mine dust almost entirely engulfs their fences, like giant sand dunes.

I have suffered from overwhelming health issues since the mining began in my back yard. Not only have I been forced to give-up the organic farming I have been doing for over 20 years, but I also have had to refrain from working outside all together, which has deprived me of the use of my property for both personal and business purposes.

I can see two giant drag-lines from my porch. The cloud of dust, glaring light and noise they create both day and night not only are an "aesthetics" nightmare, but the particulate matter and diesel fumes in this hazardous mining "cloud" also create a serious threat to me and all of my neighbors in addition to depriving us of the peace and tranquility of our rural life.

For months the wind has filled my house, my car, my nose, with cakes of dust. Although I don't recall having a single headache in the past 20 years, since the new mining began in my back yard I get headaches several times a week now. I have no doubt strain these toxins cause by body and mind will manifest in other complications and health problems.

I can no longer leave my windows open to enjoy the fresh air and night sounds of the natural environment and save energy. Now I am forced to use air conditioning, increasing my use of fossil fuels and my cost of living.

I can't hang my clothes outside to dry because they become contaminated by the hazardous mine cloud. That means I have to dry my clothes using fossil fuels, increasing my use of fossil fuels and my cost of living even more.

Other neighbors in the vicinity where the mining has been going on longer than in my backyard have had their wells destroyed by contaminated water or had the wells dry up.

Living near a phosphate mine presents a multitude of undue burdens for rural residents that include but aren't limited to the following:

- a. increased fossil fuel use
- b. creation of industrial mining-related health problems from air and groundwater impacts
- c. destruction of rural aesthetics and residential and business use of property

d. increased economic burden from all of the above

There is no monitoring prior to, during, and following, phosphate mining on private property, like my property, or on public property purchased to preserve environmental, cultural or historic resources. There also hasn't been any monitoring prior to, during and following phosphate mining to determine the adverse impacts of phosphate mining on federally listed endangered and threatened species.

2. The AEIS must determine a scientifically valid means of assessing all of the adverse impacts referenced above for existing and proposed phosphate mines for all of the public and private properties, individuals and listed species subjected to these adverse impacts and make those assessments.

ALTERATION OF PERMITS AFTER PUBLIC INPUT/ISSUANCE

Mining and the Environment" the presentation by Dr. Demers addressed the fact that there have been extensive modifications, variances and non-compliance related to the existing phosphate mines. These changes are made without allowing any public comment or review. The EPA has copies of these presentations if they are not part of the AEIS record already.

Although modifications and variances may involve non-federal mining permits, the Corps' failure to enforce the conditions in the federal permits allows those modifications and variances to be implemented.

The Corps has always had a cozy relationship with the phosphate industry. They have historically rubber-stamped all permits requested by the phosphate industry and have violated agreements and input from other agencies to do so. The Corps has allowed the applicants to perform and write their own "Impact Assessments." In fact the permits sound like the mining companies wrote them. All this has occurred while ignoring the environmental responsibilities of the applicants. Mining companies are addicted to "variances" and "modifications" that exempt them from ever completing the reclamation requirements set at permitting.

3. The AEIS must determine a scientifically valid means of assessing all of the adverse impacts referenced above and all of the "issues" on your public comment form based on all of the modifications, variances and non-compliance related to the existing phosphate mines and make those assessments. In order for the public to evaluate that assessment, the AEIS must develop an on-line repository, accessible to the public, containing:

- A. all applications for future mining and permits/conditions for current/past mining**
- B. all past, present and future variances, modifications and non-compliance from any agency/municipality related to federal permits for phosphate mining**

LACK OF ENFORCEMENT

Your agencies also have failed to enforce conditions in existing federal permits for phosphate mining.

4. The AEIS must determine a scientifically valid means of assessing all of the adverse impacts referenced above and all of the "issues" on your public comment form based on all of the unenforced conditions in federal permits for existing phosphate mines and make those assessments.

CONFLICTS OF INTEREST WITH PERMITTING AGENCIES

I discovered that the new phosphate mining that Mosaic has initiated adjacent to my property is being done on land that agencies regulating phosphate mining benefit financially from if phosphate mining occurs. This obvious conflict of interest precludes the possibility of an unbiased evaluation of environmental impacts from phosphate mining and equates to a “bribe” to regulatory agencies to issue phosphate mining permits.

5. The AEIS must identify all of the property being mined or proposed for mining that involves mineral rights or any type of financial gain related to the agencies regulating those mines.

CONFLICTS OF INTEREST FOR THE AEIS CONTRACTOR

In my opinion, there are serious conflicts of interest with the contractor selected for the AEIS, CH2M Hill. This company has numerous contracts in Florida, making large amounts of money on projects that are promoted as “alternative” sources of water in areas where the water supply has been destroyed by mining, such as “reservoirs” and aquifer injections. One example is directly related to the destruction of the groundwater supply by past and on-going phosphate mining in the area being addressed in the AEIS – the “reservoir” for the Tampa Bay area, as shown in Attachment 1 (CH2MHill Tampa Bay monitoring CW Bill Young Regional Reservoir Shea).

Continued phosphate mining, as proposed in the AEIS and by new mines the scoping documents for the AEIS has failed to include would generate considerable new financial benefits for CH2M Hill (e.g., modeling, monitoring, designing new “reservoirs” and/or aquifer injections). Therefore, in my opinion, it would be impossible for this contractor to produce an unbiased AEIS considering that continued mining would result in significant financial incentives and benefits to their company

6. The Corps must replace the current AEIS contractor with an unbiased consulting firm without any conflicts of interest with any of the mining companies or proposed phosphate mining considered in the AEIS or phosphate mining that should have been included in the AEIS.

WATERS/WETLANDS, FUNCTIONS/VALUES, WILDLIFE/SPECIES AND MITIGATION/RECREATION/RESTORATION

The Corps has sat on the sidelines while mining companies have made ludicrous statements in support of their intentions, such as, "They actually can create better wetlands than the original" and "We design better migration trails too" without questioning their phony science. In fact, the Corp sat by idly while representatives from Mosaic submitted testimony to the Honorable Judge Henry Lee Adams, on the Corps' behalf, that Mosaic is capable fulfilling those statements.

7. The AEIS must identify:

A. scientific approaches/methodology from peer-reviewed scientific journals describing how past mitigation, recreation and restoration has been evaluated to support

those statements and claims.

B. how wetlands, wildlife habitat and plant and animal communities claimed to be “preserved” or not permitted for mining were evaluated to determine that they were not affected by direct, indirect or cumulative impacts of phosphate mining.

C. what organizations have reconstructed wetlands and “wetlands functions” and "migration trails" better than the originals.

D. documentation that every acre of wetlands destroyed directly, indirectly or cumulatively by phosphate mining has been replaced, on an acre-for-acre basis with equivalent functions.

E. documentation that federal requirements for dissolved oxygen levels in all mine pits and associated water have been met for existing mines.

F. the pre-mining baseline conditions that were used to make these determinations

OTHER ECONOMIC IMPACTS

In addition to the economic impacts I have referenced above, phosphate mining will have adverse socioeconomic impacts to the public because of groundwater depletion and contamination. The desalination plant in Apollo Beach is one example of the sort of expensive fix that is attempted when the groundwater no longer is available because of depletion and/or contamination from phosphate mining. Tampa's over-priced, over-sold, under-performing, desalination water plant has failed its requirement to produce an average of 15 million gallons a day (MGD) between 09/09 to 09/10 as reported by the St. Pete Times, on 8/24/2010 (Attachment 2).

The 25 MGD design for this desal plant is in doubt. Its performance over the last year has been less than half of that, and "hope" is now focusing on 15 MGD sustainable production. Its projected cost has now exceeded \$600 million (\$160 million construction, an underestimated \$350 million 15-year maintenance contract and a \$15 million annual electric bill).

The critical point is that the reason the Southwest Florida Water Management District and Tampa Bay Water supported constructing this plant was to relieve the central Florida aquifer from its overburdened pumping. **For many years Mosaic's phosphate mines have been pumping groundwater from the aquifer equivalent to 6 times what the desalinization plant produces!**

As an example of the environmental harm to a public recreation area that resulted from phosphate mining please see Attachment 3. At left, Kissengen Spring, located four miles southeast of Bartow, was a popular recreational area. It stopped flowing in 1950 due to over pumping of the aquifer in the region, largely by the phosphate industry. When the spring flowed, it discharged about 20 million gallons of water daily into a spring pool from a 17-foot deep cavern. Today the spring basin is overgrown with native and invasive plants and there's little evidence of its former glory. Overuse of groundwater by industry, agriculture and residents in the upper and lower basins continues to cause problems in the Peace River watershed.

The photo on the right shows that this popular springs park no longer exists today because of groundwater alterations from phosphate mining. How many more of these types of public

recreation areas have been or will be destroyed because of phosphate mining?
Florida was the land of tourism and water sports. What has mining really cost us?

- 8. The AEIS must identify and address all of direct, indirect and cumulative adverse economic impacts from past, current and proposed phosphate mining such as:**
- A. the enormous amounts of public funds being used to produce alternative sources of water for municipal use because phosphate mining has been given free use of the public's ground water.**
 - B. the increased cost of public health care for people incurring health problems related to phosphate mining like respiratory and heart problems from breathing mining dust and diesel fumes and people with impaired IQ from being exposed to organophosphate pesticides and fluoridated water when residential wells are destroyed by mining.**
 - C. destruction, degradation or loss of public recreation, historic and cultural areas, surface waters, wetlands and habitat due to hydrologic and water quality impacts from phosphate mining.**
 - D. the modifications, variances and non-compliance of past and on-going phosphate mining**
 - E. the failure to monitor, document and evaluate impacts of radon gas, uranium contaminated dust, diesel exhaust and other toxins, in and around phosphate mining**
 - F. the cost of diseases and health impacts associated with those who have lived or are living in proximity to phosphate mining**
 - G. the lost income from mining-related impacts such as the Gulf dead zone caused by agricultural fertilizers**

In closing I am providing a summary of "The Phosphate Myth":
"The Phosphate Myth"

The mining industry would have you believe that the world would starve if they could not mine phosphate. Not True. Our ancestors grew many varieties of fruits and vegetables for thousands of years before phosphate was discovered. It is not because of phosphate mining, but in spite of it. and its promotion of industrialized farming, that many of these varieties exist today.

What does phosphate mining do?

Here are some of the effects:

- A-It fractures the 10,000 year old hardpan
- B-It strips the topsoil of all nutrients
- C-It destroys megatons of CO2 consuming foliage
- D-It draws down the aquifer
- E-It represses County economic growth
- F-It uses huge amounts of fuel and water
- G-It tyrannizes surrounding property owners
- H-It employs fewer workers per acre than any other business
- I-It corrupts local politicians
- J-It dries up wells
- K-It destroys wild animal migration corridors

L-It destroys native animal food-stocks
M-It leaves the land to very limited uses
N-It contributes to "sinkholes"
O-It concentrates uranium
P-It releases radon gas
Q-It "runoff" overburdens estuaries
R-It buries gopher tortoises
S-It's machinery contaminates the aquifer
T-It's repressive to county economic growth
U-It destroys all of the grounds' micro-flora

To be honest, I have little reason to believe The Corps will live up to the concerns it is projecting on to the public. The Corps' actions related to the levy break in New Orleans and the documentary movie, "The Big Uneasy" support my conclusion that the Corps has no interest in protecting the public.

The Corps has not shown any interest in the mining-related concerns of the residents or other organizations. Actions by the Corps' attorneys during the legal proceedings last year in Jacksonville revealed their contempt for the publics' struggle for justice.

When I arrived with 14 others at a Mosaic-employee filled court room in Jacksonville, before the Honorable Henry Lee Adams Jr., we were all forced to sit in the jury box. Our single attorney surrendered all but his one chair to the 20 or so, Corps and Mosaic attorneys/opposing councils.

What was the total cost in our tax dollars for the Corps participation in that legal action to mine the watershed of one of Florida's most sensitive estuaries?

It was astounding to hear a line of defense that included statements like "Your Honor, with today's technology we can actually create wetland better than the original. We can also construct migration trails better than the original too." I was stunned when so many of the Corps' best and brightest (paid professional public employees) sat silent while such ludicrous statements were entered as testimony in a Federal court on their behalf.

Do the best and brightest not know:

A wetland is a thousand years in the making and a living breathing essential part of one of earths vital functions.

That wetlands percolate surface water, recharge our ecosystem's ground water and provide habitat?

A wetland is like a "coral reef" and as fragile.

Attempts to reconstruct a wetland would be like sinking a ship to supplement the destruction of a natural reef. A sunken ship may mimic some functions (refuge and breeding grounds for some species) but doesn't come close to the sensitive and complicated functions of a natural reef. You could build a robot to mimic many human functions, but it doesn't come close to resembling a human being. Surely, to see wetlands as anything less would be expertise short of what we should be getting for our tax dollars.

Of the hundreds of thousands of acres that have been mined in central Florida, fewer than 20% have experienced any form of reclamation. The circus that surrounds phosphate mining with their "it's easier to ask forgiveness than it is permission" MO, and their absurd "temporary use" is borderline criminal, in my opinion.

More than 100 variances and modifications, allowing the mining industry to escape many millions of dollars of required reclamation, are an embarrassment to all regulatory and oversight officials. One must wonder about the conflicts of interest. The state owns many mineral rights. Once they accept and sign off on a "variance," their next move is to collect the "royalties." In my opinion, it's a scam. I'm praying the New Orleans levy disaster will be a wake-up call for the Corps to take its public responsibility seriously. We cannot afford to continue mining phosphate.

Thank you,
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Attachments

1. CH2MHill Tampa Bay monitoring CW Bill Young Regional Reservoir Shea
2. 8/24/10 Tampa Bay desal plant article by Pittman, Saint Petersburg Times
3. Kissengen Spring before and after phosphate mining

*"Don't let our worst habits
become our habitat"
jr.*

