

From: [Irvine, Jessica](#)
To: [Boicourt, Sharon K](#)
Subject: FW: Warrick Newco LLC Force Majeure Update
Date: Monday, July 8, 2024 8:54:19 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[2023-01-09 NPDES Permit IN0001155 - Agreed Order Case No. 2020-27093-W Warrick Newco LLC Compliance Plan Update 7.3.2024 - pH Project.docx.pdf](#)
[Warrick Newco LLC Compliance Plan Table 6.3.24.pdf](#)

Hi Sharon,

Could you turn the email into a PDF, then add at the bottom of the email the attached letter, then the attached table? They should all be in one PDF with the email first.

Question for you—is there anyway to not have this email I am sending you included in the PDF, but keep all the emails in the chain below? Let me know your thoughts.

Then, this will need to be added to VFC.

Index:

Program: OWQ Wastewater

Doc Type: Enforcement

Security Group: Public

NPDES No.: IN0001155

Enforcement Type:

Case No: 2020-27093-W

County: Warrick

Comments:

Respondent: Warrick Newco LLC



Indiana Department of
Environmental Management

Jessica Irvine

Water Enforcement Section Chief

• (317) 233-5361 • jirvi@idem.IN.gov

Protecting Hoosiers and Our Environment

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From: Irvine, Jessica

Sent: Monday, July 8, 2024 8:49 AM
To: 'Rucker, Brandie' <brandie.rucker@alcoa.com>
Subject: RE: Warrick Newco LLC Force Majeure Update

Good morning, Brandie,

IDEM approves the updated Compliance Plan timeline due to the event constituting the force majeure—specifically, third party delays with delivery of incorrect equipment and quality issues associated with the pH system. The revised anticipated construction completion date will be July 26, 2024, and the demonstration of compliance will be October 24, 2024.

Please let me know if you have any questions.

Thank you,



Indiana Department of
Environmental Management

Jessica Irvine

Water Enforcement Section Chief
• (317) 233-5361 • jirvi@idem.IN.gov

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From: Rucker, Brandie <brandie.rucker@alcoa.com>
Sent: Friday, July 5, 2024 1:57 PM
To: Irvine, Jessica <jirvi@idem.IN.gov>
Subject: RE: Warrick Newco LLC Force Majeure Update

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Good afternoon Jessica,

Thank you. If you need any additional information, don't hesitate to reach out.

Brandie

From: Irvine, Jessica <jirvi@idem.IN.gov>
Sent: Friday, July 5, 2024 12:56 PM
To: Rucker, Brandie <brandie.rucker@alcoa.com>
Subject: EXT: RE: Warrick Newco LLC Force Majeure Update

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brandie,

Thank you for sending the attachments. I wanted to confirm I have received the documents, and they are being reviewed by IDEM. I will provide a written response of whether IDEM approves the force majeure extension as soon as possible.

Thank you,



Indiana Department of
Environmental Management

Jessica Irvine

Water Enforcement Section Chief

• (317) 233-5361 • jirvi@idem.IN.gov

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From: Rucker, Brandie <brandie.rucker@alcoa.com>

Sent: Friday, July 5, 2024 9:38 AM

To: Irvine, Jessica <jirvi@idem.IN.gov>

Subject: Warrick Newco LLC Force Majeure Update

****** This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. ******

Good morning Jessica,

Please see the attached update to the existing force majeure activation beginning May 31, 2023. Included in the submission is the updated compliance plan to reflect the new and completed dates. If you have any questions or would like to discuss further, please do not hesitate to reply or give me a call. I look forward to hearing any response from IDEM regarding the matter.

Thank you,

Brandie Rucker

Environmental Manager

Warrick Newco LLC

4400 West State Road 66

Newburgh, IN 47630

O: 812.853.4241 C: 812.629.5758



Our Purpose:

Turn Raw Potential Into Real Progress



July 3, 2024

Via Email to: jirvi@idem.IN.gov

Jessica Irvine, Section Chief, Enforcement Action
Office of Water Quality – IGCN 1255
Indiana Department of Environmental Management
100 North Senate Avenue
Indianapolis, IN 46204-2251

Re: Warrick Newco LLC NPDES No. IN0001155 Agreed Order Case No. 2020-27093-W Compliance Plan

Dear Ms. Irvine:

This letter is being submitted on behalf of Warrick Newco LLC ("Warrick") to notify the Indiana Department of Environmental Management of the circumstances constituting Force Majeure as defined in Order paragraph 13 of the above referenced Agreed Order. Warrick was made aware of the subject circumstances on Friday June, 21, 2024. I called and left you a voicemail regarding the matter on June 26, 2024, to satisfy the 3-day verbal notification requirement and this letter constitutes the 7-day follow-up written notification.

The Compliance Plan associated with the Agreed Order, as modified by letter dated June 3, 2024, (the "Compliance Plan"), sets out various milestones and deadlines for several projects, including a pH treatment system for effluent at Outfalls 303 and 403 (the "pH System"). Specifically, the Compliance Plan requires Warrick to "Complete capital procurement and installation of equipment for pH compliance at internal Outfalls 403 and 303" by June 28, 2024. Furthermore, it requires Warrick to "Demonstrate compliance with pH limits at internal Outfalls 403 and 303" by September 26, 2024. Because of Force Majeure circumstances described in Warrick's June 3rd, letter and as further described herein, these deadlines will not be met.

An issue has identified for the lift station associated with the pH system that the vendor needs to address. On June 26, 2024, our contractor informed us that the vendor needed to order new parts to fix the issue. On Wednesday, June 26, 2024, Warrick was notified that the components to address the issue currently have a two (2) week lead time with another week to make the repair. For this reason, we have been advised by our consultant for this project, Fluor, that completion of the project and final installation of equipment is further delayed. Furthermore, because of the anticipated need for three months to optimize the new pH System, the revised demonstration of compliance date is October 24, 2024. Warrick and its consultant are continuing efforts to identify mitigation measures to shorten the project's timeline to the extent possible.

As set out by Order Paragraph 13, this notice includes the following:

- (1) The Anticipated Length of the Delay – Based on current information, the revised anticipated construction complete date is July 26, 2024 and demonstration of compliance date of October 24, 2024.
- (2) The Cause or Causes of the Delay - As noted above, there have been third-party delays associated with delivery of incorrect equipment and quality problems associated with the pH System. Once installed and assembled, the pH System then must be optimized before compliance can be demonstrated.
- (3) The Measures Taken or to be Taken by Respondent to Minimize the Delay - To the extent feasible, the project team continued installation of materials associated with the pH System (e.g., piping, conduit, wiring, equipment) while replacement parts for incorrect equipment were acquired or existing equipment modified. Furthermore, Warrick will continue to work with Fluor to explore additional options to compress the anticipated timelines to the extent reasonably possible.
- (4) The Timetable by which these Measures will be Implemented - Please see the response to item (1) above. In addition, the project team for the pH System is evaluating how the timeline might be safely compressed to minimize the delay.

Finally, as you may be aware, an action to enforce the Agreed Order was filed recently which includes the completion of these projects and the associated demonstration of compliance.

Please contact me if you would like to discuss this matter further or if you have any questions or concerns. You can reach me via email at brandie.rucker@alcoa.com and by phone at 812-629-5758.

Sincerely,



Brandie Rucker
Environmental Manager
Warrick Newco LLC

Warrick Newco LLC
NPDES No. IN0001155
Case No. 2020-27093-W

Compliance Plan Schedule of Activities

<u>Scheduled Activity</u>	<u>Due Date</u>
Complete design, capital procurement and installation of systems to reduce outfall discharges at Outfalls 004 and 005	June 30, 2021 <u>COMPLETED</u>
Complete design, capital procurement and installation of equipment necessary to comply with discharges limitations for Mercury and Metals at Outfalls 004 and 005	December 31, 2023 <u>COMPLETED</u>
Collect data necessary to apply for a Streamlined Mercury Variance (SMV) at Outfall 001 and Outfall 003	December 31, 2022 <u>COMPLETED</u>
Complete and submit the SMV application to IDEM-OWQ for Outfall 001 and Outfall 003	June 30, 2023 <u>COMPLETED</u>
Comply with the 12ng/l limit at Outfall 003	<u>COMPLETED</u>
Complete design, capital procurement and installation of BTA for both impingement and entrainment identified as modified traveling screens in IDEM's May 27, 2020 email to Alcoa entitled "Alcoa Warrick 316(b) Information Review"	May 24, 2024 <u>COMPLETED</u> <i>Force majeure activated 5/23/23; tentative completion date 5/24/2024</i>
Complete detailed design for pH compliance at internal Outfalls 403 and 303	October 30, 2021 <u>COMPLETED</u>
Complete capital procurement and installation of equipment for pH compliance at internal Outfalls 403 and 303	July 26, 2024 <i>Force majeure activated 5/25/23; tentative completion date 7/26/2024</i>
Demonstrate compliance with pH limits at internal Outfalls 403 and 303	October 24, 2024 <i>Force majeure activated 5/25/23; tentative completion date 10/24/2024</i>