



Submitted Via Email to: gchaddoc@idem.IN.gov

May 31, 2023

Grant Chaddock
Enforcement Section
Office of Air Quality
Indiana Department of Environmental Management
100 N. Senate Avenue
Indianapolis, IN 46204-2251

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

Dear Mr. Chaddock:

This letter is being submitted on behalf of Warrick Newco LLC ("Warrick") to notify the Indiana Department of Environmental Management ("IDEM") of circumstances constituting Force Majeure, as defined in Section 13 of the above referenced Agreed Order. Warrick was made aware of the subject circumstances on May 25, 2023. I left you a voicemail regarding this matter on May 26, 2023, to satisfy the 3-day verbal notification requirement and this letter constitutes the 7-day follow-up notification in writing.

The Compliance Plan dated June 17, 2022, (the "Compliance Plan") associated with the Agreed Order 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 the "Complete capital procurement and installation of equipment for pH compliance at internal Outfalls 403 and 303" by September 30, 2023. Furthermore, it requires Warrick to "Demonstrate compliance with pH limits at internal Outfalls 403 and 303" by December 31, 2023. Because of Force Majeure circumstances described herein, these deadlines will not be met.

The pH System will be housed in a new building, a custom, prefabricated building. On May 25, 2023, the third-party project manager for the new building, Fluor, notified Warrick that because of vendor supply chain issues, it will not start receiving shipment of the building until August 15th, at the earliest. Consequently, the earliest we can expect to start setting equipment in the building will be the middle of September. Even with compressed timelines for installing and assembling the pH System, construction will not be completed by September 30. Furthermore, given that Warrick anticipates needing three months to make minor adjustments to the pH System to optimize its effectiveness and demonstrate compliance with the permit limits, the December 31, 2023, deadline likewise is expected to be missed.

As set out by Section 13 of the Agreed Order, this notice includes the following:

- (1) The Anticipated Length of the Delay - Based on information available at this time, the earliest the construction of the pH System can be completed is the week of December 18th, 2023.
- (2) Cause or Causes of the Delay - As noted above, there has been a third-party delay in the delivery of the new building that will house the pH System. Because of safety and logistical issues, the building needs to be constructed before the pH System can be installed and assembled.
- (3) Measures Taken or to be Taken by Respondent to Minimize the Delay - The project team for the new building already understands the criticality of timing for the completion of the new building. Warrick will work with the Fluor and the vendor for the new building to explore if the delivery of the necessary components reasonably could be accelerated and how other parts of the project might be compressed. In addition, measures will be taken to shorten the installation/assembly time for the pH System to the extent reasonably possible. That said, the project schedule already incorporated compressed installation and assembly assumptions.
- (4) Timetable by which these Measures will be Implemented – Fluor proactively has been in communication with the vendor for the building and will continue to do so. In addition, the project teams for the new building and the pH System both are evaluating how construction timelines might be safely compressed to minimize the delay.

In addition to the delay in the delivery of the components for the new building, supply chain issues also have delayed the anticipated delivery date for the logic control panel for the pH System. While the most recent delivery date provided by the vendor would not itself cause a delay of the September 30 deadline, any further delays in the delivery date most likely would result in an additional Force Majeure impact.

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

Sincerely,



Brandie Rucker
Environmental Manager
Warrick Newco LLC