



Anchor Glass Container Corporation
3001 North Rocky Point Drive East
Suite 300
Tampa, FL 33607
Mobile: (318) 265-9921
E-Mail: jamey.halley@anchorglass.com

VIA ELECTRONIC MAIL

September 30, 2020

Chief, Environmental Enforcement Section
Environmental and Natural Resources Division
U.S. Department of Justice
Box 7611 Ben Franklin Station
Washington, DC 20044-7611
Re: DOJ No. 90-5-2-1-10406/1

Director, Air Enforcement Division
U.S. Environmental Protection Agency
Office of Civil Enforcement
William Jefferson Clinton South Building
1200 Pennsylvania Avenue, N.W.
Mail Code 2242-A
Washington, DC 20460

Re: *United States, et al. v. Anchor Glass Container Corporation*
U.S. District Court, Middle District of Florida
Civil Action No.: 3:18-cv-943-BJD-JBT
DOJ Case No.: 90-5-2-1-10406/1
Paragraph 114, CEMS installation delay Warner Robins;
Notice of *Force Majeure* – COVID-19 National Emergency

To Whom It May Concern:

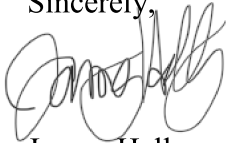
As advised in our correspondence dated April 1, 2020, several difficulties have been encountered in connection with the installation of COMS and CEMS as required by the Consent Decree entered in the above-referenced matter. COMS and CEMS are required to be installed at Shakopee Furnaces #1 and #2, Elmira Furnace #2 and Warner Robins Furnace #1 by September 26, 2020. CD ¶¶ 36, 64, 86; Elmira Title V Permit Condition 44.2, 46.2, 47.2. In addition, Anchor is required to install COMS at Jacksonville Furnaces #3 and #4 by September 26, 2020. CD ¶ 86. At that time we advised you that Anchor timely placed orders for COMS and CEMS for all of the furnaces, except Warner Robins Furnace #1, and has placed those systems in operation consistent with the requirements of the Consent Decree and relevant permits, except for those identified above. As of this time, we are able to confirm that all equipment has been

procured for all facilities and timely was installed and placed in operation, including calibration and RATA testing, with the exception of Warner Robins Furnace #1. Ordering of the equipment for Warner Robins Furnace #1 was delayed in light of the uncertainty regarding the continued operation of that furnace. Notwithstanding, the schedule for completion of construction, calibration and RATA testing at Warner Robins Furnace #1 was intended to meet the deadline imposed by the Consent Decree despite the tight timeframe and, until recently, we anticipated that timely compliance would be possible. RATA testing at Warner Robins Furnace #1 was completed on September 30, 2020.

At this time, we also wish to advise the Department of Justice and Environmental Protection Agency that Lawrenceburg Furnace # 2, which was previously expected to cease operations in October, is now projected to shut down on November 2, 2020.

Anchor is providing this notice to regulatory authorities with jurisdiction over the Warner Robins and Lawrenceburg facilities to streamline communications required under the circumstances of the COVID-19 national emergency. Because of the fluid nature of the situation affecting its operations and the evolving nature of the COVID-19 national emergency, Anchor will continue to update this notice as relevant circumstances change. Anchor appreciates your understanding and consideration during these difficult times. Should you require additional information or have further questions at this time, please do not hesitate to contact me.

Sincerely,



Jamey Halley
EHS Director

cc: Steve O'Rourke, Esq., DOJ (via e-mail)
Sabrina Argentieri, Esq., EPA (via e-mail)
Bonnie Sawyer, Esq. Region 4 EPA(via e-mail)
Padmavati Bending, Esq. Region 5 EPA(via e-mail)
r5ardreporting@epa.gov
Willard.erin@epa.gov
Indiana Department of Environmental Management
Chief, Air Compliance and Enforcement Branch
100 North Senate Avenue
MC-61-53, IGCN 1003
Indianapolis, IN 46204-2251
AirCompl@idem.IN.gov
KBurns@idem.IN.gov
Erin.filbantislow@atg.in.gov
Richard Wiedman, Esq. (via e-mail)
Sam Hijab, Esq. (via e-mail)