



June 3, 2024

Via Email to: gchaddoc@idem.IN.gov

Grant Chaddock, Enforcement Case Manager
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 Mr. Chaddock:

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 April 18, 2024. Kathy Martin left you a voicemail regarding the matter on April 19, 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 March 25, 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 April 19, 2024. Furthermore, it requires Warrick to "Demonstrate compliance with pH limits at internal Outfalls 403 and 303" by July 22, 2024. Because of Force Majeure circumstances described in Warrick's April 25, 2024, letter and as further described herein, these deadlines will not be met.

As mentioned in Warrick's April 25, 2024, force majeure letter, quality issues were identified for the EQ tank associated with the pH system that the vendor needed to address. On March 21, 2024, our contractor informed us that the tank manufacturer had been unable, yet, to correct the issue. On Monday, April 22, 2024, the tank manufacturer completed necessary modifications to the EQ tank. Also, on April 23, 2024, our contractor met with the pH treatment system vendor to identify remaining tasks that need to be completed for construction to be deemed complete. They include the sludge piping for the EQ tank; finishing electrical connections on level sensors for the EQ tank; installing pumps in the pump station; completing the air line controls; and finalizing air and electrical connects. For these reasons, we have been advised by our consultant for this project, Fluor, that completion of the project and final installation of equipment was further delayed.

At the time of notification in the April 25, 2024, update letter, Warrick did not have an anticipated construction completion date. Subsequently, Warrick received an anticipated construction completion date of June 28, 2024. Furthermore, because of the anticipated need for three months to optimize the new pH System, the revised demonstration of compliance date is September 26, 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 June 28, 2024 and demonstration of compliance date of September 26, 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	June 28, 2024 <i>Force majeure activated 5/25/23; tentative completion date 6/28/2024</i>
Demonstrate compliance with pH limits at internal Outfalls 403 and 303	September 26, 2024 <i>Force majeure activated 5/25/23; tentative completion date 9/26/2024</i>