

KING COUNTY RESPONSIBILITY LEASE DETAIL & ATTESTATION FORM

The proposed lessee, upon request, shall be required to complete this Responsibility Detail Form as specified in King County Code (K.C.C) 2.93.120; amending K.C.C. 4.56.160; and amending K.C.C. 4.56.190.

This completed Responsibility Detail and Attestation Form shall be submitted electronically (pdf) via email to the Leasing Supervisor , Facilities Management Division, King County Administration Building, Suite 800, 500 Fourth Avenue, Seattle, WA 98104.

Proposed Lessee's Company Name: Ardagh Glass Inc.

Dunn and Bradstreet (DUNS) No. (if applicable) 92-775-6882

FINANCIAL RESOURCES AND RESPONSIBILITY

Within the previous three years has your firm been the debtor in a bankruptcy?

Yes No

IF YES, EXPLAIN: _____

Is your firm in the process of or in negotiations to be sold?

Yes No

IF YES, EXPLAIN: _

Please provide a current financial statement showing all assets and liabilities of the proposer/bidder entity i.e., the entity executing the lease). Lessee is part of the Ardagh Group, which is owned by Ardagh Group, S.A. Ardagh Group's public financial information is accessible via its website (www.ardaghgroup.com).

For leases, subleases, ground leases, licenses, and other real property agreements in which your firm is a tenant or similar user of real property, has your firm received a notice of default within the previous three years?

Yes No

IF YES, EXPLAIN: _____

Within the previous three years, has your firm been the defendant in an unlawful detainer action, or similar judicial action to evict or remove your firm from leased or rented real property?

Yes No

IF YES,
EXPLAIN: _____

Within the previous three years, have the assets of your firm been subject to a judgment, attachment or lien [other than liens associated with a deed of trust, mortgage, or other financing]?

Yes No

IF YES,
EXPLAIN: _____

Within the previous three years, if your firm leased or subleased real property from King County, has your firm received any notices of default from King County regarding said lease[s] or sublease[s]?

Yes No

IF YES, EXPLAIN: _____

ENVIRONMENTAL RESPONSIBILITY

Within the previous three years has the bidder/ proposer: been found in violation of any environmental laws; received a notice of violation or other allegation of violation from an environmental regulatory agency; been the defendant in an administrative or judicial action concerning alleged violations of environmental laws; or entered into a consent decree with an environmental regulatory agency? Environmental laws shall mean any federal, state, or local statute, regulation, code, rule, ordinance, order, judgement, decree, injunction, or common law pertaining in any way to the protection of human health, safety, or the environment, including without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9602 et seq. ("CERCLA"); the Resource Conservation and Recovery Act of 1976, 42 U.S.C. § 6901 et seq. ("RCRA"); the Clean Air Act, 42 U.S.C. § 7401 et seq.; the Toxic Substances Control Act, 15 U.S.C. 2601 et seq. ("TSCA"); Federal Water Pollution Control Act, also known as the Clean Water Act, 33 U.S.C. 1251 et seq.; Federal Oil Pollution Control Act of 1990, 33 U.S.C. 2701 et seq.; the Washington State Model Toxics Control Act, RCW ch. 70.105D ("MTCA"); the Washington Hazardous Waste Management Act, RCW ch. 70.105; the Federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq., the Washington Water Pollution Control Act, RCW ch. 90.48, and any laws concerning above ground or underground storage tanks.

Yes No

IF YES, EXPLAIN: SEE ATTACHMENT A, ATTACHED HERETO.

WORKER SAFETY RESPONSIBILITY

Within the previous three years, has the Proposed Lessee been found by the Department of Labor and Industries, Division of Occupational Safety and Health (DOSH), to have violated any state occupational safety and health regulations as detailed in 29 CFR part 1952 subpart A?

Yes No

If Yes, explain:

LABOR LAWS

Has the Proposed Lessee been found by the Department of Labor and Industries to have violated a state wage payment law, including willful violation of a wage payment requirement as defined in RCW 49.48.082, and any provision of chapter 49.48 or 49.52 RCW, or had a civil judgement entered against it for violation of a state wage payment law, in the last 3 years?

Yes No

*IF YES,
EXPLAIN:*

Has the Proposed Lessee been found by the Department of Labor and Industries to have violated a state minimum wage law, including violation of a minimum wage payment requirement as defined in RCW 49.46, or had a civil judgement entered against it for violation of a state minimum wage law, in the last three years?

Yes No

*IF YES,
EXPLAIN:*

RULES AND REGULATIONS

Within the previous three years has your firm been found to have violated any antidiscrimination laws or regulations, whether they be local, state or federal?

Yes No

*IF YES,
EXPLAIN:*

Within the previous three years, has any principal, officer or employee who will perform any of the work for the County been convicted of a crime?

Yes No **Not Applicable as no work for the County is to be performed by the Lessee.**

IF YES,
EXPLAIN: _____

If a license is required for lessee to perform services as a 14 CFR 380 public charter, or any other required regulatory filings, are all such required licenses and regulatory filings currently valid?

Yes No **Not applicable.**

IF YES,
EXPLAIN: _____

Please provide copies of all licenses and regulatory filings required by the Federal Aviation Administration and/or federal Department of Transportation.

Is there any other information that the County should be aware of regarding your history with financial, criminal or legal history that has bearing on the work that the County is considering you to perform?

Yes No

IF YES,
EXPLAIN: _____

HUMAN TRAFFICKING

Has the Proposed Lessee been found in violation of the Trafficking Victims Violence Prevention Act of 2000, or any other federal, state, or local laws concerning human trafficking, in the last three years?

Yes No

IF YES,
EXPLAIN: _____

GOVERNMENT CONTRACTS

Please list all contracts for services as a charter airline the lessee or parent entity may have with the United States federal government, including any federal agency or any contractor doing business with the United States federal government. **Not applicable.**


RESPONSIBILITY ATTESTATION

The proposed lessee shall be required to complete and sign this Responsibility Attestation. **This completed and certified Responsibility Detail & Attestation Form shall be submitted electronically (pdf) via email, to the Lease Supervisor identified on page 1 of the this document.**

Attestation Requirement: By completing this Responsibility Detail & Attestation Form (Attachment 1), the proposed lessee is certifying that the information contained within Responsibility Detail & Attestation Form (Attachment 1), and any additional information requested by the County, is true and complete. The Proposed Lessee's failure to disclose the required information or the submittal of false or misleading information may result in the rejection of the lease award, revocation of award, or contract termination, and/or may impact the Proposer's ability to lease future locations with King County.

Proposed Lease Title: King County Harbor Bond Portfolio

Proposed Lease Location: King County Harbor Bond Portfolio

The information provided herein is true and complete.	
 Signature of Authorized Representative	<u>3/23/2022</u> Date
Print Name and Title: <u>Joshua Markus, General Counsel</u>	

Proposed Lessee's General Information

Proposed Lessee's Legal Name: Ardagh Glass Inc.

Contact Name and Title: Joshua Markus, General Counsel

Address: 8770 W. Bryn Mawr
Chicago, IL 60631

Contact Phone Number: 773-399-3509

Contact Email: Joshua.markus@ardaghgroup.com

@Legal Name and Members of Joint Venture: _____

Identify the City and State of Company headquarters: Indianapolis, IN

Attachment A

Lessee operates a glass container manufacturing facility located adjacent to the property currently leased by Lessee. The manufacturing facility operates pursuant to the terms of a Title V Operating Permit which regulates the emissions of certain air pollutants. Under the terms of the Title V Permit, Lessee is subject to strict emission limits for NO_x, SO₂ and Particulate Matter (PM) on each of its four (4) glass furnaces, as well as numerous record keeping, reporting and testing requirements. In 2021, Lessee was issued Notices of Violation (NOVs) under the provisions of the Title V Operating permit relating to PM exceedances on its Furnace #5. These exceedances were caused by various issues related to the emission control device installed to remove PM emissions and subsequent delay in Lessee's ability to come back into compliance due to the manufacturer's delay in performing repair due to the COVID-19 pandemic. Lessee has completed the required repairs to the Furnace #5 and paid a stipulated penalty due to the NOVs. Additionally, Lessee is working with environmental officials to agree upon a further penalty related thereto. Except as noted, Lessee has met all other emission limits and requirements for each of its three (3) current operating furnaces during this time. Additionally, Furnace #2, which had been cited for previous PM emission exceedances, was permanently shut-down in early 2019. Lessee continues to work with the manufacturer to address any issues with the Furnace #5 emission controls.

In addition to Lessee's Title V Permit for air emission compliance, Lessee also has wastewater discharge permits for its manufacturing facility and a stormwater discharge permit for the leased premises. Within the previous three (3) years, Lessee has reported fourteen (14) exceedances to its wastewater permit. Three (3) of the exceedances were caused by excessive discharges due to increased safety cooling water usage related to a furnace glass leak. Four (4) of the exceedances were caused by mechanical equipment failure and two (2) were caused by severe weather events. The remainder of the exceedances were caused by various malfunctions or tank overflows due to vendor driver shortages during the COVID-19 pandemic. Lessee has increased its cleaning and maintenance of the wastewater equipment, and has requested King County Industrial Wastewater for approval to install coalescing media packs to improve the wastewater system removal efficiency, which Lessee is awaiting. Additionally, in February 2022 Lessee received a discharge authorization renewal that increased the daily flow limitation to accommodate weather related events.

Under Lessee's stormwater discharge permit, Lessee has experienced periodic excess levels of zinc, copper and water turbidity above the benchmark levels therefor. Lessee has committed significant resources to identify the sources of and to reduce the current levels and has installed additional treatment equipment for the southern portion of the leased property. Additionally, Lessee is in the process of installing additional stormwater treating equipment for the northern portion of the leased property which such installation is pending construction permit approval by the City of Seattle. Lessee continues to diligently work to improve the stormwater issues on the property and recently entered into a Consent Decree with the Puget Soundkeeper Alliance and Waste Action Project related to past exceedances and in which Lessee agreed to more stringent future wastewater discharge levels and monitoring.