



2640 E. Edison Ave., Suite 1
Sunnyside, WA 98944

October 9, 2019

Mr. Doug Pettinger
Sr. Director Environmental Health and Safety
Darigold, Inc.
5601 6th Avenue S, Ste 300
Seattle, WA 98108

Re: Follow-up to letter addressing the Issues with Spike Loading from Darigold Leading
to Upset Conditions in the Port's Industrial Wastewater Treatment Facility

Dear Doug:

Amendment Twenty-Five is follow-up to our letter to Darigold concerning the Port of Sunnyside's (Port) Industrial Wastewater Treatment Facility (IWWTF) and our concerns regarding occasional variances in influent loading and the effects on treatment performance and compliance. The purpose of this Amendment is to institute a charge for the new daily maximum loading limit as discussed with Darigold and Washington Department of Ecology (Ecology).

Amendment Twenty-Five to Darigold User Contract

We have prepared an amendment, requiring your signature, to the current Darigold User Contract establishing a new daily maximum organic load limit based on BOD/COD (Biochemical Oxygen Demand/Chemical Oxygen Demand). The Port has also set a reasonable pounds-per-day limit to be consistent with the CAL's maximum design loading capacity, thereby reducing the potential for upset conditions in the ALS. The current User Contract contains average monthly limits for BOD; however, does not include a daily maximum limit. Daily maximum limits for COD/BOD are needed to control spike or slug loads and upset conditions described in this letter. The new limit will go into effect on November 1, 2019.

The Amendment states the new daily maximum loading limit shall be 51,750 pounds of COD during any calendar day. Any introduction to the Port's ATS of more than 51,750 pounds of COD during a calendar day shall be considered a "spike load" and shall be subject to the Contracted User surcharge set forth in Amendment Twenty-Five. The discharges exceeding the new daily organic load limit will be assessed a surcharge equal to fifty percent (50%) of the hydraulic contract capacity charge ("capital charge"). Discharges causing upsets to the ALS are not permitted under the NPDES permit. The Port was compelled to establish a limit and surcharge on daily spike loads to avoid violating their NPDES permit with Ecology and to cover potential losses resulting from permit violations and third-party lawsuits.

Conclusion

The Port will continue to work with Darigold on remedies to ensure future avoidance of upset conditions. This letter provides Darigold an overview of the new Amendment to your User Contract which the Port will have go into effect on November 1, 2019. We would like the Amendment signed and returned before October 31st.

Sincerely,



Jay Hester
Executive Director

Enclosure

cc: Scott Burelson, Darigold
Matthew Durkee, Ecology
Jim Leier, Ecology