



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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September 30, 2016

Frank DeVries
Active Berry Packers LLC
210 Nooksack Ave, Suite 101
Lynden, WA 98264

Re: **WARNING LETTER:** State Waste Discharge Permit Number ST0045505, Active Berry Packers LLC.

Dear Mr. DeVries:

Your discharge monitoring reports (DMRs) for June, July, and August 2016 show that your daily maximum and monthly average values for flow have been exceeded. Your permit special condition S1 shows that the maximum daily limit is 10,000 gpd and the maximum average monthly limit is 30,000 gpd.

We have received following monitoring data for the month of June, July and August.

| Monitoring Period | Parameter | Reported Value (daily max, gallons) | Reported Value, (average monthly, gpd) | Daily Maximum Limit, gpd | Average Monthly Limit, gpd |
|-------------------|-----------|-------------------------------------|--|--------------------------|----------------------------|
| June 2016 | Flow | 20303* | 13453 | 30,000 | 10,000 |
| July 2016 | Flow | 42755 | 23865 | 30,000 | 10,000 |
| August 2016 | Flow | 30277 | 21540 | 30,000 | 10,000 |

*No violation.

As per the above information your facility was not in compliance from June to August. In addition, the sampling frequency for BOD and TSS was not met in August. Your permit special condition S2.A specifies that the sampling frequency for BOD and TSS is weekly when there is discharge. On August 17, 2016, there was a discharge of 18243 gallons but there is no BOD and TSS data for that week (8/14/2016 through 8/20/2016). A comment was provided by Active Berry on the comments section of the DMR as to why a sample was not taken. It is Active Berry's responsibility to institute best management practices to make sure a sample is taken every week and have the proper planning necessary to assure that a sample is taken as soon as possible lest a sampling opportunity is missed on any given week where there is discharge.

The DMR is the principal tool used to evaluate compliance with permit requirements. The Department of Ecology places great importance on timely submittal of complete and accurate DMRs. Failure to comply with the conditions of your permit could result in Ecology taking formal administrative enforcement action, including issuing orders and penalties.

Sincerely,

A handwritten signature in dark ink, appearing to read "Biniam Zelelow". The signature is fluid and cursive, with the first name "Biniam" being more prominent than the last name "Zelelow".

Biniam Zelelow
Enforcement Specialist

cc: Central Files: Active Berry Packers LLC, ST0045505, WQ 6.4