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MAY 24, 2022

Dear Darigold,

05.23.2022

The Port of Sunnyside and Darigold have previously entered into an Industrial Wastewater Treatment Facility Industry Contract, dated June 24, 2020. This Industry Contract provides restrictions against “spike” or “slug” discharges that are sent to the Port’s Facility from Darigold. This Industry Contract also provides for a surcharge, together with records and reporting requirements, for “slug” discharges that are sent to the Port’s Facility.

It is the intent of the parties to replace the surcharge provision after the Port’s completion of construction of a new membrane bioreactor which would replace the sequencing batch reactors at the Port’s Facility. The replacement provision is to provide for a surcharge or rate increase which approximates the additional operational costs and lost revenue created by “slug” discharges. The Port recently approved the new membrane bioreactor with a date of substantial completion of April 4, 2022.

The new membrane reactor has significantly reduced any risk of overflowing the storage lagoon at the Facility as the Port is now able to treat a much greater volume of wastewater each day. Additionally, the Facility is better able to divert and treat “slug” discharges if the Port receives notice of such discharges before they reach the Facility. However, if the Port does not receive timely notice of a “slug” discharge, then the Facility’s anaerobic treatment system may upset similarly to the upsets that existed before the completion of the new membrane bioreactor.

To fully understand all the cost associated with operating the new MBR system, and how it fits within the existing system, the Port needs additional operating time in order to fairly make any rate changes. Therefore, at this time, the Port proposes to continue the surcharge provision which currently exists through the remainder of the 2022 calendar year, with one change.

The proposed change is that the Port will waive (rather than may waive) any surcharge when Darigold fully complies with Section 7.1 of the Industry Contract, which requires immediate notification of a “slug” discharge. Immediate notification would include any notification from Darigold which allows the Port to divert the “slug” discharge away from the Facility’s anaerobic treatment system. A call to the Ports “On Call” phone (509.391.9007), which is monitored 24/7”, will suffice as immediate notification. This shall then be followed up within 5 days with an email to [wastewater@portofsunnyside.com](mailto:wastewater@portofsunnyside.com), stating the approximate loadings and reasons for the spill. The Port will acknowledge both calls and emails with follow-up emails. The Port will also notify Darigold of any “slug” discharges or other anomalies as detected.

The Port will again look at its “slug” load surcharge to Darigold for the 2023 calendar year at the same time when the Port reviews and sets its 2023 rates for discharges to its Facility. The Port would like to make any other necessary changes to the Contract or Schedule A at this time also.

Sincerely,



Travis Jansen,  
Operations Manager