

CITY OF PROSSER
Industrial Wastewater User Contract

CONTRACT AMENDMENT

Contracted User: Desert Wind Vineyard LLC.
2258 Wine Country Rd
Prosser, WA 99350

Date: March 22, 2011

WHEREAS, the City Prosser, a municipal corporation, has entered into an Industrial Wastewater User Contract with the above Contracted User; and

WHEREAS, paragraph 2.9 of the Industrial Wastewater User Contract references Schedule A attached to the Contract, which lists the allowable wastewater discharges to the City's wastewater collection and treatment system; and

WHEREAS, adjustment of the Contracted User's allowable discharges is reasonable to match the needs of the Contracted User with available system capacity; and

WHEREAS, paragraph 4.1.B. of the Industrial Wastewater User Contract specifies that wastewater discharges to the City system shall have a pH between 5.0 and 11.0, inclusive; and

WHEREAS, the City collection system can withstand occasional wastewater discharges with a lower pH of 4.0 to 5.0 since wastewater from the Contract User is mixed with other wastes.

NOW, THEREFORE, the parties agree to amend the Industrial Wastewater User Contract as follows:

1. The Schedule A, Allowable Wastewater Discharges, referenced in paragraph 2.9, and attached to the Industrial Wastewater User Contract, shall be replaced with the Updated Schedule A attached hereto.

2. The first sentence of paragraph 3.1 shall be revised as follows:

A Sewer Availability Fee of \$100.00 per month shall be charged Desert Wind for the available use of the City's wastewater system, and said Sewer Availability Fee shall be assessed for each month of this Contract.

3. Paragraph 4.1.B. shall be revised as follows:

Pollutants that will cause corrosive structural damage to the wastewater system, but in no case discharges with a pH lower than 4.0 or greater than 11.0;

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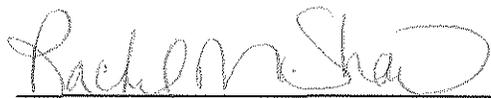
IN WITNESS WHEREOF, the parties hereto have executed this Contract Amendment as of the day and year first above written.

CITY OF PROSSER



PAUL WARDEN, MAYOR

ATTEST:



RACHEL SHAW, CITY CLERK

DESERT WIND VINEYARD, LLC



DULY AUTHORIZED REPRESENTATIVE

CITY OF PROSSER
INDUSTRIAL WASTEWATER USER CONTRACT
DESERT WIND VINEYARD LLC
 March 22, 2011

UPDATED SCHEDULE A
ALLOWABLE WASTEWATER DISCHARGES³

Month	Average Daily Flow¹ (gallons per day)	Monthly Flow (gallons per month)	Average Daily BOD Loading¹ (pounds per day)	Monthly BOD Loading (pounds per month)	Average Daily TSS Loading¹ (pounds per day)	Monthly TSS Loading (pounds per month)
January	5,000	155,000	150	4,650	14	434
Peak Quarterly ²	460,000 gallons		13,800 pounds		1,768 pounds	
February	5,000	140,000	150	4,200	14	392
March	5,000	155,000	80	2,480	14	434
April	5,000	150,000	80	2,400	14	420
Peak Quarterly ²	445,000 gallons		9,080 pounds		1,246 pounds	
May	5,000	155,000	80	2,480	14	434
June	5,000	150,000	80	2,400	14	420
July	5,000	155,000	80	2,480	14	434
Peak Quarterly ²	460,000 gallons		7,360 pounds		1,268 pounds	
August	5,000	155,000	80	2,480	14	434
September	5,000	150,000	150	4,500	14	420
October	5,000	155,000	150	4,650	30	930
Peak Quarterly ²	460,000 gallons		11,630 pounds		1,784 pounds	
November	5,000	150,000	150	4,500	30	900
December	5,000	155,000	150	4,650	14	434

Footnotes:

- ¹ Average daily discharges are considered to be the maximum discharges for a month expressed in terms of gallons or pounds per day. They represent the average daily loading over the month based on available test data. They do not represent maximum daily discharge limits.
- ² The Contracted user may exceed the monthly contract allocation so long as the quarterly amount (3 month total) does not exceed the Peak Quarterly amount listed.
- ³ Wastewater discharges shall not be considered a violation of the Industrial User's Washington Department of Ecology State Waste Discharge Permit until they reach 150% of the values listed in Schedule A. However, the surcharge provisions found in paragraph 3.6 shall apply to discharges in

Schedule A. However, the surcharge provisions found in paragraph 3.6 shall apply to discharges in excess of those listed in Schedule A.

CITY OF PROSSER

INDUSTRIAL WASTEWATER USER CONTRACT
DESERT WIND VINEYARD LLC

January 9, 2008

SCHEDULE A
ALLOWABLE WASTEWATER DISCHARGES

Month	Average Daily Flow (gallons per day)	Average Daily BOD Loading (pounds per day)	Average Daily TSS Loading (pounds per day)
January	3,000	40	14
February	3,000	40	14
March	3,000	40	14
April	3,000	40	14
May	3,000	40	14
June	3,000	40	14
July	3,000	40	14
August	3,000	40	14
September	3,000	40	14
October	3,000	60	14
November	3,000	50	14
December	3,000	50	14