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Attorneys for Plaintiff Columbia Riverkeeper

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON

COLUMBIA RIVERKEEPER, a Washington non-profit corporation,

Plaintiff,

v.

DARIGOLD, INC., a Washington corporation,

Defendant.

Case No. 1:25-cv-03114

COMPLAINT

I. INTRODUCTION.

1. This action is a citizen suit brought under section 505 of the Clean Water Act ("CWA"), 33 U.S.C. § 1365, as amended. Plaintiff Columbia Riverkeeper ("Riverkeeper") seeks declaratory and injunctive relief, the imposition of civil penalties, and an award of costs, including attorneys' and expert witness fees, for Defendant Darigold, Inc.'s ("Darigold") repeated and ongoing violations

of the terms and conditions of its National Pollutant Discharge Elimination System ("NPDES") permit authorizing discharges of pollutants from Darigold's facility in Sunnyside, Washington to waters of the United States.

II. JURISDICTION AND VENUE.

2. This Court has jurisdiction pursuant to section 505(a) of the CWA, 33 U.S.C. § 1365(a) (CWA citizen suit provision), and 28 U.S.C. § 1331 (federal question). Darigold is in violation of an "effluent standard or limitation" as defined by section 505(f) of the CWA, 33 U.S.C. § 1365(f). The requested relief is authorized by sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d) and 1365, and 28 U.S.C. §§ 2201 and 2202.

3. Riverkeeper has satisfied the jurisdictional requirements for bringing this lawsuit. In accordance with section 505(b)(1)(A) of the CWA, 33 U.S.C. § 1365(b)(1)(A), by certified letter dated and postmarked May 1, 2025, Riverkeeper notified Darigold of its alleged violations of its NPDES permit and the CWA and of Riverkeeper's intent to sue for those violations ("Notice Letter"). Riverkeeper also notified the Administrator of the United States Environmental Protection Agency ("EPA"), the Administrator of EPA Region 10, and the Director of the Washington State Department of Ecology ("Ecology") of its intent to sue Darigold by mailing a copy of the Notice Letter to those officials on May 1, 2025. A copy of the Notice Letter is attached to this Complaint as Exhibit 1.

4. At the time of the filing of this Complaint, more than sixty days have passed since Riverkeeper mailed the Notice Letter in the manner described in the preceding paragraph.

5. At the time of the filing of this Complaint, the violations complained of are continuing or reasonably likely to recur. Darigold is in ongoing violation of its NPDES permit and the CWA.

6. At the time of the filing of this Complaint, neither EPA nor Ecology has commenced any action constituting diligent prosecution to redress the violations alleged in the Notice Letter.

7. Venue is appropriate in this District under section 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1), because the source of the violations complained of is located in this District, in Yakima County, Washington.

8. A copy of this Complaint will be served on the Attorney General of the United States, the Administrator of EPA, and the Administrator of EPA Region 10, as required by section 505(c)(3) of the CWA, 33 U.S.C. § 1365(c)(3), and 40 C.F.R. § 135.4.

III. PARTIES.

9. Plaintiff Columbia Riverkeeper is a non-profit corporation organized under section 501(c)(3) of the Internal Revenue Code and registered in the State of Washington. The mission of Riverkeeper is to restore and protect the water quality

of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. To achieve these objectives, Riverkeeper implements scientific, educational, and legal programs aimed at protecting water quality and habitat in the Columbia River Basin. This lawsuit is part of Riverkeeper's effort to improve water quality in the Columbia River Basin for purposes including recreation, habitat quality, and subsistence, recreational, and commercial fishing. Riverkeeper's principal place of business is in Hood River, Oregon. Riverkeeper brings this Complaint on behalf of itself and its member(s). Riverkeeper and its members are "citizens" as defined by section 505(g) of the CWA, 33 U.S.C. § 1365(g).

10. Riverkeeper has representational standing to bring this action. Riverkeeper is a membership organization with approximately 20,000 members, some of whom are injured by the violations of the NPDES permit and CWA at Darigold's facility discussed herein. Members of Riverkeeper use and enjoy the waters and the surrounding areas that are adversely affected by Darigold's discharges. Riverkeeper's members use these areas for, *inter alia*, fishing, swimming, hiking, walking, photography, boating, and observing wildlife. The environmental, health, aesthetic, scientific, cultural, spiritual, and/or recreational interests of Riverkeeper's members have been, are being, and will be adversely affected by Darigold's NPDES permit and CWA violations addressed herein, and

by the members' reasonable concerns related to the effects of the violations and pollutant discharges. Darigold has consistently exceeded the NPDES permit's numeric effluent limits and otherwise violated other conditions of the permit. Darigold's operations and pollutant discharges degrade water quality in affected waterbodies, including the Roza-Sunnyside Board of Joint Control Drain 33.4 ("JD 33.4"), Sulphur Creek, the Yakima River, and the Columbia River. Riverkeeper and its members have serious concerns about the impacts of Darigold's operations and wastewater discharges on these affected waterbodies. Riverkeeper's members' uses of the impacted watersheds are thereby diminished, adversely affected, and suppressed by Darigold's violations addressed herein and by the members' reasonable concerns related to the effects of the violations and the pollutant discharges. These injuries are fairly traceable to Darigold and Darigold's activities and violations described herein, and the relief sought in this lawsuit can redress the injuries to Riverkeeper's and its members' interests.

11. Riverkeeper also has organizational standing to bring this action. Riverkeeper has been actively engaged in a variety of educational and advocacy efforts to improve water quality and to address sources of water quality degradation in the Columbia River Basin. Darigold has failed to fulfill its monitoring, recordkeeping, and reporting requirements, among others, necessary for compliance with its NPDES permit. As a result, Riverkeeper is deprived of

information that supports its ability to serve its members by disseminating information and taking appropriate action. Riverkeeper's efforts to educate and advocate for greater environmental protection for the benefit of its members is thereby obstructed. For these and other reasons, Riverkeeper's organizational interests have been adversely affected by Darigold's violations of its NPDES permits and the CWA. These injuries are fairly traceable to Darigold and Darigold's activities and violations described herein, and the relief sought in this lawsuit can redress the injuries to Riverkeeper's interests.

12. Defendant Darigold, Inc., is a corporation authorized to do business in the State of Washington. Defendant owns and operates an industrial facility at or about 400 Alexander Road, Sunnyside, Washington 98944 ("Facility").

IV. LEGAL BACKGROUND.

13. Congress enacted the Clean Water Act to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters." 33 U.S.C. § 1251(a).

14. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person unless authorized under certain provisions of the CWA, including an NPDES permit issued pursuant to section 402 of the CWA, 33 U.S.C. § 1342.

15. The State of Washington has established a federally-approved state

NPDES program administered by Ecology. Wash. Rev. Code § 90.48.260; Wash. Admin. Code ch. 173–220. This program was approved by the Administrator of EPA pursuant to section 402(b) of the CWA, 33 U.S.C. § 1342(b).

16. Section 505(a) of the CWA, 33 U.S.C § 1365(a), provides that any citizen may commence a civil action against any person alleged to be in violation of an effluent standard or limitation. Section 505(f), 33 U.S.C. § 1365(f), defines "effluent standard or limitation" to include an NPDES permit or condition of an NPDES permit. *See* 33 U.S.C. § 1341.

V. FACTS.

A. Darigold's Sunnyside Facility.

17. Darigold processes raw milk into several products at the Facility, including cheese, whey powder, and milk powder. Currently available information indicates that the Facility processes around 7.7 million pounds of raw milk every day of the week.

18. Darigold's Facility is located near JD 33.4, which drains into Sulphur Creek. Sulphur Creek is tributary to the Yakima River, which is tributary to the Columbia River.

19. Darigold's Facility discharges wastewater through several outfalls, including Outfalls 1, 2, and 4.

20. Outfall 1 at the Facility discharges wastewater to JD 33.4.

21. Outfall 2 at the Facility discharges wastewater to the Port of Sunnyside Industrial Wastewater Treatment Facility ("IWWTF"). The IWWTF treats this wastewater and then discharges it to JD 33.4 or onto agricultural land.

22. Outfall 4 at the Facility discharges wastewater to the Port of Sunnyside IWWTF's lagoon 4, which discharges the wastewater onto agricultural land.

23. Upon information and belief, Darigold's and the Port of Sunnyside IWWTF's discharges of effluent onto agricultural lands migrate to and adversely impact adjacent and nearby surface waters, including JD 33.4, Sulphur Creek, and downstream waters.

B. Darigold's NPDES Permit.

24. Ecology issued NPDES permit No. WA0052078, which became effective on June 1, 2021 (the "Permit"). The permit was amended on October 1, 2024 (the "Amended Permit"). The Permit and Amended Permit (collectively, the "Permits") authorize discharges of treated wastewater from the Facility and they impose terms and conditions, including numeric effluent limits on discharges of wastewater, monitoring and sampling requirements, and reporting and recordkeeping requirements.

25. Darigold has violated the terms and conditions of its Permits. Darigold's violations of the Permits are set forth in section II and Appendices A–C

of the Notice Letter, attached hereto as Exhibit 1 at 2–8 and Appendices A–C, and are hereby incorporated by reference. In particular, and among the other violations described in the Notice Letter, Darigold has violated the Permits by exceeding the Permits' numeric effluent limitations, failing to properly monitor and report discharges, and failing to properly operate and maintain all facilities or systems of treatment control to achieve compliance with the terms and conditions of the Permits.

C. Darigold's Violations of Numeric Effluent Limitations.

26. Condition S1.A of the Permits requires that Darigold's wastewater discharges from the Facility comply with numeric effluent limits.

27. Condition S1.A.1 of the Permits imposes the following limits on wastewater discharges from the Facility at Outfall 001:

Parameter	Average Monthly [a]	Maximum Daily [b]
Flow [c]	250,000 gallons/day (gpd)	550,000 gpd
Temperature	N/A	28.3 °C
Biochemical Oxygen Demand (5-day) (BOD_5)	30 milligrams/liter (mg/L)	45 mg/L
Total Ammonia	1.1 mg/L	1.6 mg/L [e]
Turbidity	No more than a 5 NTU increase over background turbidity	
	Minimum	**Maximum**
pH [d]	6.0 standard units	9.0 standard units
a	Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.	
b	Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. For pollutants with	

	limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. This does not apply to pH or temperature.
c	Ecology uses the flow data submitted in the application to set permit fees. The Permittee must report to Ecology when actual flows exceed the values reported on the permit application.
d	Indicates the range of permitted values. The Permittee must report the instantaneous maximum and minimum pH monthly. Do not average pH values.
e	For permit limit compliance purposes the daily ammonia 24-composite sample analyzed by a laboratory will be used.

28. Condition S1.A.2 of the Permits requires that Darigold's wastewater discharges from the Facility at Outfall 002 comply with limits set by the Port of Sunnyside in its contract with Darigold. Condition S1.A.2 of the Permits provides that those limits may be modified where the Port of Sunnyside and Darigold enter into a new contract if Ecology approves the new limits and they are incorporated into the Facility's operations and maintenance manual. The following limits for Outfall 002 were in effect from June 1, 2021 through September 30, 2024:

	HYDRAULIC DISCHARGE CONTRACTED SEE BELOW FN 1 MONTHLY TOTAL CUBIC FT	BIOCHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	CHLORIDE SEE BELOW FN 2
JANUARY	4,144,385	794,020	46,105	
FEBRUARY	3,877,005	742,790	43,130	
MARCH	4,144,385	794,020	46,105	
APRIL	4,010,695	768,405	44,615	
MAY	4,144,385	794,020	46,105	
JUNE	4,010,695	768,405	44,620	
JULY	4,144,385	794,020	46,105	
AUGUST	4,144,385	794,020	46,105	
SEPTEMBER	4,010,695	768,405	44,615	
OCTOBER	4,144,385	794,020	46,105	
NOVEMBER	4,010,695	768,405	44,615	
DECEMBER	4,144,385	794,020	46,105	
ANNUAL TOTAL	48,930,480	9,374,550	544,330	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Debt Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentration shall not exceed 250 mg/L.

29. The following limits on Outfall 2 become effective on October 1, 2024 and remain effective:

	HYDRAULIC DISCHARGE CONTRACTED MONTHLY TOTAL GALLONS	CHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	CHLORIDE SEE BELOW FN2 MONTHLY
JANUARY	31,777,209	1,203,061	53,021	
FEBRUARY	29,727,064	1,125,439	49,600	
MARCH	31,777,209	1,203,061	53,021	
APRIL	30,752,136	1,164,250	51,307	
MAY	31,777,209	1,203,061	53,021	
JUNE	30,752,136	1,164,250	51,307	
JULY	31,777,209	1,203,061	53,021	
AUGUST	31,777,209	1,203,061	53,021	
SEPTEMBER	30,752,136	1,164,250	51,307	
OCTOBER	31,777,209	1,203,061	53,021	
NOVEMBER	30,752,136	1,164,250	51,307	
DECEMBER	31,777,209	1,203,061	53,021	
ANNUAL TOTAL	375,176,071	14,203,866	625,975	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Capital Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentration shall not exceed 250mg/L.

30. Condition S1.A.4 of the Permits requires that Darigold's wastewater discharges from the Facility at Outfall 004 comply with limits set by the Port of Sunnyside in its contract with Darigold. Condition S1.A.4 of the Permits provides that those limits may be modified where the Port of Sunnyside and Darigold enter into a new contract if Ecology approves the new limits and they are incorporated into the Facility's operations and maintenance manual. The following limits for Outfall 004 were in effect from June 1, 2021 through September 30, 2024:

	HYDRAULIC DISCHARGE CONTRACTED MONTHLY TOTAL CUBIC FT	BIOCHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL SUSPENDED SOLIDS MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	TOTAL NITROGEN MONTHLY TOTAL POUNDS	TOTAL PHOSPHORUS MONTHLY TOTAL POUNDS	CHLORIDE MONTHLY TOTAL POUNDS	TOTAL DISSOLVED SOLIDS MONTHLY TOTAL POUNDS	FIXED DISSOLVED SOLIDS MONTHLY TOTAL POUNDS
JANUARY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
FEBRUARY	1,163,102	7,256	3,628	1,306	1,451	145	2,177	5,079	4,353
MARCH	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
APRIL	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
MAY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
JUNE	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
JULY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
AUGUST	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
SEPTEMBER	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
OCTOBER	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
NOVEMBER	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
DECEMBER	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
ANNUAL TOTAL	14,679,150	91,572	45,786	16,482	18,312	1,830	27,474	64,098	54,947
MAXIMUM FLOW-WEIGHTED CONCENTRATION. See Note 1.		165 mg/L	60 mg/L	45 mg/L	50 mg/L	3 mg/L	50 mg/L	150 mg/L	100 mg/L

32. The following limits on Outfall 4 become effective on October 1, 2024 and remain effective:

	HYDRAULIC DISCHARGE CONTRACTED SEE BELOW FN 1 MONTHLY TOTAL GALLONS	CHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	MONTHLY TOTAL POUNDS
JANUARY	9,300,650	11,752	1,396	
FEBRUARY	8,700,607	10,994	1,306	
MARCH	9,300,650	11,752	1,396	
APRIL	9,000,628	11,373	1,351	
MAY	9,000,628	11,752	1,396	
JUNE	9,300,650	11,373	1,351	
JULY	9,300,650	11,752	1,396	
AUGUST	9,300,650	11,752	1,396	
SEPTEMBER	9,000,628	11,373	1,351	
OCTOBER	9,300,650	11,752	1,396	
NOVEMBER	9,000,628	11,373	1,351	
DECEMBER	9,300,650	11,752	1,396	
ANNUAL TOTAL	109,807,669	138,750	16,482	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Capital Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentrations shall not exceed 250 mg/L

33. Darigold has repeatedly violated these numeric effluent limits imposed by Conditions S1.A.1, S1.A.2, and S1.A.4 of the Permits. These requirements of the Permits and Darigold's violations thereof are described in section II.A and Appendix A of the Notice Letter, attached hereto as Exhibit 1 at 2–6 and Appendix A. Attached hereto as Exhibit 2 is a table identifying Darigold's violations of the numeric effluent limits that have occurred since those identified in the Notice Letter.

D. Darigold's Violations of Discharge Monitoring and Reporting Requirements.

34. Conditions S2.A, S2.B, and S2.D of the Permits require that Darigold monitor discharges at the Facility from Outfalls 001, 002, and 004 for specific parameters at specified frequencies. Condition S3.A of the Permits requires that Darigold summarize, report, and submit all monitoring data to Ecology on discharge monitoring reports ("DMRs"). Darigold must submit monthly DMRs by the 15th day of the following month.

35. Darigold has violated these requirements by failing to monitor and/or report as required by the Permits. These requirements of the Permits and Darigold's violations thereof are described in section II.B and Appendices B–C of the Notice Letter, attached hereto as Exhibit 1 at 6 and Appendices B–C.

E. Darigold's Violations of the Noncompliance Reporting Requirements.

36. Condition S3.F of the Permits requires Darigold to take certain actions each time it is unable to comply with conditions of the Permit, including to report noncompliance to Ecology and to take certain measures to stop the noncompliance.

37. Darigold has repeatedly violated these requirements by failing to timely notify Ecology of noncompliance, failing to timely submit complete and accurate reports for noncompliance, and failing to take the required responsive actions. These requirements of the Permits and Darigold's violations thereof are described in section II.C of the Notice Letter, attached hereto as Exhibit 1 at 6–7.

F. Darigold's Violations of the Operations and Maintenance Manual Requirements.

38. Condition S4 of the Permits requires Darigold to, at all times, properly operate and maintain all facilities or systems of treatment or control that are installed to achieve compliance with the terms and conditions of the Permit. To effectuate this, Condition S4.A of the Permits requires Darigold prepare an Operations and Maintenance ("O&M") Manual that meets certain requirements and to follow the O&M Manual at all times.

39. Upon information and belief, Darigold has violated these requirements by failing at all times to properly operate and maintain all facilities or systems of treatment or control that are installed to achieve Permit compliance and by failing to develop, update, and/or implement an O&M Manual that meets the

requirements of the Permits. These requirements of the Permits and Darigold's violations thereof are described in section II.D of the Notice Letter, attached hereto as Exhibit 1 at 7–8.

G. Darigold's Violations Should Be Remedied.

40. Discharges from Darigold's Facility contribute to the polluted conditions of the waters of the United States, including JD 33.4, Sulphur Creek, the Yakima River, and the Columbia River Basin. Discharges from Darigold's Facility contribute to the ecological impacts that result from the polluted condition of these waters and to Riverkeeper's and its members' injuries resulting therefrom.

41. The vicinity of the Facility's discharges is used by the citizens of Washington and Oregon and visitors, including some members of Riverkeeper, for activities including swimming, boating, biking, fishing, and nature watching. Riverkeeper's members also derive aesthetic benefits from the receiving waters. Riverkeeper's and its members' enjoyment of these activities and waters is diminished by the polluted state of the receiving waters and by Darigold's contributions to such a polluted state.

42. A significant penalty should be imposed against Darigold under the penalty factors set forth in section 309(d) of the CWA, 33 U.S.C. § 1319(d).

43. Darigold's violations were avoidable had Darigold been diligent in overseeing the Facility's operations and maintenance.

44. Darigold has benefited economically as a consequence of its violations and its failure to timely implement improvements at the Facility.

VI. CAUSE OF ACTION.

45. Riverkeeper hereby alleges and incorporates by reference all of the preceding paragraphs and the allegations in section II and Appendices A–C of the Notice Letter, attached hereto as Exhibit 1 at 2–8 and Appendices A–C.

46. Darigold's violations of the Permits described herein and in the Notice Letter constitute violations of an "effluent standard or limitation" as defined by section 505(f) of the CWA, 33 U.S.C. § 1365(f).

47. Upon information and belief, these violations committed by Darigold are continuing or are reasonably likely to continue to recur. For example, Darigold has continued to exceed the Amended Permit's numeric effluent limits since the Notice Letter was issued on May 1, 2025. Any and all additional violations of the Permit that occur after the date of Riverkeeper's Notice Letter, but before a final decision in this action, should be considered continuing violations subject to this Complaint.

VII. RELIEF REQUESTED.

Wherefore, Riverkeeper respectfully requests that this Court grant the following relief:

A. Declare that Darigold has violated and continues to be in violation of the Permits and the Clean Water Act, as alleged herein;

B. Enjoin Darigold from operating the Facility in a manner that results in further violations of the Permits;

C. Order Darigold to immediately implement an Operations and Maintenance Manual that complies with the Permits;

D. Order Darigold to provide Riverkeeper, for a period beginning on the date of the Court's Order and running for one year after Darigold achieves compliance with all of the conditions of the Permits, with copies of all reports and other documents that Darigold submits to or receives from Ecology and/or EPA regarding Darigold's coverage under the Permits, at the same time those documents are submitted to or received from Ecology and/or EPA;

E. Order Darigold to take specific actions to remediate the environmental harm caused by its violations;

F. Grant such other preliminary and/or permanent injunctive relief as Riverkeeper may from time to time request during the pendency of this case;

G. Order Darigold to pay civil penalties as authorized by sections 309(d) and 505(a) of the CWA, 33 U.S.C. §§ 1319(d) and 1365(a), and 40 C.F.R. § 19;

H. Award Riverkeeper its litigation expenses, including costs and reasonable attorneys' and expert witness fees, as authorized by section 505(d) of the CWA, 33 U.S.C. § 1365(d), or as otherwise authorized by law; and

I. Award such other relief as this Court deems appropriate.

DATED this 21st day of July 2025.

KAMPMEIER & KNUTSEN, PLLC

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EXHIBIT 1

KAMPMEIER & KNUTSEN PLLC
ATTORNEYS AT LAW

BRIAN A. KNUTSEN
Licensed in Oregon & Washington
503.841.6515
brian@kampmeierknutsen.com

May 1, 2025

Via CERTIFIED MAIL—Return Receipt Requested

Managing Agent
Darigold, Inc.
400 Alexander Road
Sunnyside, Washington 98944

Managing Agent
Darigold, Inc.
P.O. Box 876
Sunnyside, Washington 98944

Managing Agent
Darigold, Inc.
5601 6th Avenue South, Suite 300
Seattle, Washington 98108

Re: NOTICE OF INTENT TO SUE UNDER THE CLEAN WATER ACT

Dear Managing Agents:

This letter provides you with 60 days of notice of Columbia Riverkeeper's intent to file a citizen suit against Darigold, Inc. ("Darigold") under section 505 of the Clean Water Act ("CWA"), 33 U.S.C § 1365, for the violations described below.

Darigold owns and operates a facility used primarily to produce bulk cheese and dried whey located at or about 400 Alexander Road, Sunnyside, Washington 98944 ("Facility"). The Facility that is the subject of this Notice of Intent to Sue includes all contiguous or adjacent properties owned, leased, and/or operated by Darigold. Currently available information indicates that the Facility processes 7.7 million pounds of raw milk into 547,000 pounds of cheese, 245,000 pounds of whey powder, and 262,000 pounds of milk powder every day (7 days per week).

The Facility discharges wastewater through several outfalls. Outfall 001 at the Facility discharges wastewater to the Roza-Sunnyside Board of Joint Control Drain 33.4 ("JD 33.4"), which is tributary to Sulphur Creek and then the Yakima River. Outfall 002 discharges wastewater to the Port of Sunnyside's ("Port") Industrial Wastewater Treatment Facility ("IWWTF"), which treats the wastewater prior to discharge into JD 33.4 or onto agricultural land. Outfall 004 discharges wastewater to the IWWTF's lagoon 4, which discharges the wastewater to agricultural land.

The Washington Department of Ecology ("Ecology") issued Darigold a National Pollutant Discharge Elimination System ("NPDES") permit for the Facility dated April 28, 2021, effective June 1, 2021, and modified on October 1, 2024, under NPDES No. WA0052078 ("Permit"). The Permit authorizes Darigold to discharge wastewater from the Facility subject to terms and conditions intended to reduce adverse impacts on water quality. Darigold has violated and continues to violate the terms and conditions of the Permit with respect to the operations of, and discharges of pollutants from, the Facility.

I. COLUMBIA RIVERKEEPER'S COMMITMENT TO PROTECTING A FISHABLE AND SWIMMABLE COLUMBIA RIVER.

Columbia Riverkeeper's mission is to restore and protect the water quality of the Columbia River and all life connected to it, from the headwaters to the Pacific Ocean. Columbia Riverkeeper is a non-profit organization with members who live, recreate, and work throughout the Columbia River basin, including near and downstream of the Facility's discharges.

Threats facing the Columbia River are severe by any measure. *See Columbia River Basin State of the River Report for Toxics*, Environmental Protection Agency, Region 10 (January 2009) (available online at: https://www.epa.gov/sites/production/files/documents/columbia_state_of_the_river_report_jan2009.pdf). In fact, the vast majority of rivers and streams in Washington fail to meet basic state water quality standards for pollutants such as toxics and temperature. *See* State of Washington 303(d) List (available online at: https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d). Water quality standards are designed to protect designated uses, including aquatic life, fishing, swimming, and drinking water.

This Notice of Intent to Sue is part of Columbia Riverkeeper's effort to improve water quality in the Columbia River Basin for purposes including swimming, habitat quality, and subsistence, recreational, and commercial fishing. Columbia Riverkeeper has serious concerns about the impacts of Darigold's operations and pollution discharges. As discussed below, Darigold has repeatedly discharged contaminants in excess of the Permit's effluent limitations and has failed to develop and implement an operations and maintenance manual as required to ensure compliance with the Permit. Darigold's operations and pollution discharges from the Facility degrade water quality in the Columbia River Basin, including in the Yakima River Basin, and may contribute to conditions that place the health of those who use the Columbia River and its tributaries at risk.

II. DARIGOLD'S VIOLATIONS OF THE PERMIT.

A. Violations of Numeric Effluent Limitations.

Condition S1.A of the Permit requires that Darigold's wastewater discharges comply with numeric effluent limits.

Condition S1.A.1 imposes the following limits on wastewater discharges from the Facility at Outfall 001:

Parameter	Average Monthly [a]	Maximum Daily [b]
Flow [c]	250,000 gallons/day (gpd)	550,000 gpd
Temperature	N/A	28.3 °C
Biochemical Oxygen Demand (5-day) (BOD_5)	30 milligrams/liter (mg/L)	45 mg/L
Total Ammonia	1.1 mg/L	1.6 mg/L [e]
Turbidity	No more than a 5 NTU increase over background turbidity	
	Minimum	**Maximum**
pH [d]	6.0 standard units	9.0 standard units

a	Average monthly effluent limit means the highest allowable average of daily discharges over a calendar month. To calculate the discharge value to compare to the limit, you add the value of each daily discharge measured during a calendar month and divide this sum by the total number of daily discharges measured.
b	Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. For pollutants with limits expressed in units of mass, calculate the daily discharge as the total mass of the pollutant discharged over the day. This does not apply to pH or temperature.
c	Ecology uses the flow data submitted in the application to set permit fees. The Permittee must report to Ecology when actual flows exceed the values reported on the permit application.
d	Indicates the range of permitted values. The Permittee must report the instantaneous maximum and minimum pH monthly. Do not average pH values.
e	For permit limit compliance purposes the daily ammonia 24-composite sample analyzed by a laboratory will be used.

Condition S1.A.2 requires that Darigold's wastewater discharges from the Facility at Outfall 002 comply with limits set by the Port in its contract with Darigold. Condition S1.A.2 provides that those limits may be modified where the Port and Darigold enter into a new contract if Ecology approves the new limits and they are incorporated into the Facility's operations and maintenance manual. The following limits for Outfall 002 were in effect from June 1, 2021 through September 30, 2024:

	HYDRAULIC DISCHARGE CONTRACTED SEE BELOW FN 1 MONTHLY TOTAL CUBIC FT	BIOCHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	CHLORIDE SEE BELOW FN 2
JANUARY	4,144,385	794,020	46,105	
FEBRUARY	3,877,005	742,790	43,130	
MARCH	4,144,385	794,020	46,105	
APRIL	4,010,695	768,405	44,615	
MAY	4,144,385	794,020	46,105	
JUNE	4,010,695	768,405	44,620	
JULY	4,144,385	794,020	46,105	
AUGUST	4,144,385	794,020	46,105	
SEPTEMBER	4,010,695	768,405	44,615	
OCTOBER	4,144,385	794,020	46,105	
NOVEMBER	4,010,695	768,405	44,615	
DECEMBER	4,144,385	794,020	46,105	
ANNUAL TOTAL	48,930,480	9,374,550	544,330	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Debt Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentration shall not exceed 250 mg/L.

The following limits on Outfall 002 became effective on October 1, 2024:

	HYDRAULIC DISCHARGE CONTRACTED MONTHLY TOTAL GALLONS	CHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	CHLORIDE SEE BELOW FN2 MONTHLY
JANUARY	31,777,209	1,203,061	53,021	
FEBRUARY	29,727,064	1,125,439	49,600	
MARCH	31,777,209	1,203,061	53,021	
APRIL	30,752,136	1,164,250	51,307	
MAY	31,777,209	1,203,061	53,021	
JUNE	30,752,136	1,164,250	51,307	
JULY	31,777,209	1,203,061	53,021	
AUGUST	31,777,209	1,203,061	53,021	
SEPTEMBER	30,752,136	1,164,250	51,307	
OCTOBER	31,777,209	1,203,061	53,021	
NOVEMBER	30,752,136	1,164,250	51,307	
DECEMBER	31,777,209	1,203,061	53,021	
ANNUAL TOTAL	375,176,071	14,203,866	625,975	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Capital Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentration shall not exceed 250mg/L.

Condition S1.A.4 requires that Darigold's wastewater discharges from the Facility at Outfall 004 comply with limits set by the Port in its contract with Darigold. Condition S1.A.4 provides that those limits may be modified where the Port and Darigold enter into a new contract if Ecology approves the new limits and they are incorporated into the Facility's operations and maintenance manual. The following limits for Outfall 004 were in effect from June 1, 2021 through September 30, 2024:

	HYDRAULIC DISCHARGE CONTRACTED MONTHLY TOTAL CUBIC FT	BIOCHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL SUSPENDED SOLIDS MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	TOTAL NITROGEN MONTHLY TOTAL POUNDS	TOTAL PHOSPHORUS MONTHLY TOTAL POUNDS	CHLORIDE MONTHLY TOTAL POUNDS	TOTAL DISSOLVED SOLIDS MONTHLY TOTAL POUNDS	FIXED DISSOLVED SOLIDS MONTHLY TOTAL POUNDS
JANUARY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
FEBRUARY	1,163,102	7,256	3,628	1,306	1,451	145	2,177	5,079	4,353
MARCH	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
APRIL	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
MAY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
JUNE	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
JULY	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
AUGUST	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
SEPTEMBER	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
OCTOBER	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
NOVEMBER	1,203,209	7,506	3,753	1,351	1,501	150	2,252	5,254	4,504
DECEMBER	1,243,316	7,756	3,878	1,396	1,551	155	2,327	5,429	4,654
ANNUAL TOTAL	14,679,150	91,572	45,786	16,482	18,312	1,830	27,474	64,098	54,947
MAXIMUM FLOW-WEIGHTED CONCENTRATION. See Note 1.		165 mg/L	60 mg/L	45 mg/L	50 mg/L	3 mg/L	50 mg/L	150 mg/L	100 mg/L

The following limits on Outfall 004 became effective on October 1, 2024:

	HYDRAULIC DISCHARGE CONTRACTED SEE BELOW FN 1 MONTHLY TOTAL GALLONS	CHEMICAL OXYGEN DEMAND MONTHLY TOTAL POUNDS	TOTAL KJELDAHL NITROGEN MONTHLY TOTAL POUNDS	MONTHLY TOTAL POUNDS
JANUARY	9,300,650	11,752	1,396	
FEBRUARY	8,700,607	10,994	1,306	
MARCH	9,300,650	11,752	1,396	
APRIL	9,000,628	11,373	1,351	
MAY	9,000,628	11,752	1,396	
JUNE	9,300,650	11,373	1,351	
JULY	9,300,650	11,752	1,396	
AUGUST	9,300,650	11,752	1,396	
SEPTEMBER	9,000,628	11,373	1,351	
OCTOBER	9,300,650	11,752	1,396	
NOVEMBER	9,000,628	11,373	1,351	
DECEMBER	9,300,650	11,752	1,396	
ANNUAL TOTAL	109,807,669	138,750	16,482	

THE FOLLOWING CONTAINS ALL WASTEWATER COMPONTENTS WHICH MAY BE CONSIDERED TOXIC OR HAZARDOUS SUBSTANCES.

NOTES:

1. Capital Charges are based on monthly contract volumes; see user contract for excess volumes.
2. The monthly flow-weighted average chloride concentrations shall not exceed 250 mg/L

Darigold has repeatedly violated these numeric effluent limits imposed by Conditions S1.A.1, S1.A.2, and S1.A.4 of the Permit. These violations are identified in the table attached hereto as Appendix A.

B. Violations of the Discharge Monitoring and Reporting Requirements.

Condition S2.A of the Permit requires that Darigold monitor discharges from Outfall 001 at the Facility for specific parameters at specified frequencies. Condition S2.B of the Permit requires that Darigold or the Port monitor discharges from Outfall 002 at the Facility for specific parameters at specified frequencies. Condition S2.D of the Permit requires that Darigold or the Port monitor discharges from Outfall 004 at the Facility for specific parameters at specified frequencies. Tables summarizing these monitoring requirements are attached hereto in Appendix B. Condition S3.A of the Permit requires that Darigold summarize, report, and submit all monitoring data to Ecology on discharge monitoring reports ("DMRs"). Darigold must submit monthly DMRs by the 15th day of the following month. Darigold has violated these requirements by failing to monitor and/or report as required by the Permit. These violations are identified in the table attached hereto as Appendix C.

C. Violations of the Noncompliance Reporting Requirements.

Condition S3.F.1 of the Permit requires that Darigold take the following actions when it violates or is unable to comply with any Permit condition: (1) immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance and correct the problem; and (2) if applicable, immediately repeat sampling and analysis and submit the results to Ecology within 30 days.

As documented in the table attached hereto as Appendix A, Darigold has repeatedly violated the Permit's numeric effluent limitations and thereby made unauthorized discharges. Darigold has violated the requirements of Condition S3.F.1 by failing to immediately take action to stop and contain unauthorized discharges, to otherwise stop the noncompliance, and to correct the problem for each exceedance of a numeric effluent limit documented in the table attached hereto as Appendix A.

Condition S3.F.b of the Permit requires that Darigold report any of the following events to Ecology via telephone within 24 hours of becoming aware of the event:

1. Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.
2. Any unanticipated bypass that causes an exceedance of any effluent limit in the Permit (See Part S4.B., "Bypass Procedures").
3. Any upset that causes an exceedance of an effluent limit in the Permit (See G.15, "Upset").
4. Any violation of a maximum daily or an instantaneous maximum discharge limit for any of the pollutants in Section S1.A of the Permit.
5. Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the Permit.

> This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

Condition S3.F.c of the Permit requires that Darigold submit a written report for any event that must be reported under Condition S3.F.b within 5 days of becoming aware of the event. The report must contain the following:

1. A description of the noncompliance and its cause.
2. The period of noncompliance, including exact dates and times.
3. The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
5. If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

Darigold has violated these requirements by failing to timely report to Ecology each event that must be reported under Condition S3.F.b of the Permit since June 1, 2021, including for each violation of a maximum daily or an instantaneous maximum discharge limit identified in the table attached hereto as Appendix A. Darigold has further violated these requirements by failing to timely submit complete and accurate written reports containing all information required by Condition S3.F.c of the Permit for each reportable event under Condition S3.F.b of the Permit since June 1, 2021, including for each violation of a maximum daily or an instantaneous maximum discharge limit identified in the table attached hereto as Appendix A.

D. Violations of Requirements for Operations and Maintenance Manual.

Condition S4 of the Permit requires that Darigold at all times properly operate and maintain all facilities or systems of treatment or control that are installed to achieve compliance with the terms and conditions of the Permit. To effectuate this, Condition S4.A of the Permit requires Darigold prepare an Operations and Maintenance ("O&M") Manual. Condition S4.A.a of the Permit provides that the O&M Manual must meet the requirements of WAC 173-240-150; be submitted to Ecology by June 1, 2022; be submitted to Ecology for review and approval for any substantial changes or updates; be kept at the Facility; and be followed by Darigold at all times. Upon information and belief, including the extensive exceedances of numeric effluent limits identified in Appendix A and failures to monitor and/or report identified in Appendix C, Darigold has violated these requirements by failing to properly operate and maintain all facilities or systems of treatment or control that are installed to achieve Permit compliance and by failing to develop and/or implement an O&M Manual that meets the requirements of the Permit. These violations, described in more detail below, have occurred each and every day since June 1, 2021 and continue to occur each day.

Darigold has violated Condition S4.A.b of the Permit because its O&M Manual is not consistent with the requirements of WAC 173-240-150. Darigold violated Condition S4.A.b of the Permit from June 1, 2021 through September 30, 2024 because its O&M Manual was not consistent with the guidance in Table G1-3 in the 'Criteria for Sewage Works Design' (Orange

Book) 2008 and Darigold has violated that condition since October 1, 2024 because the O&M Manual is not consistent with the guidance in Table G1-3 in the 'Criteria for Sewage Works Design' (Orange Book) 2023. Darigold has violated Condition S4.A.b because the O&M Manual does not include: emergency procedures for plant shutdown and cleanup in the event of a wastewater system upset or failure; a review of system components which if failed could pollute surface water or could impact human health, including a procedure for a routine schedule of checking the function of these components; wastewater system maintenance procedures that contribute to the generation of process wastewater; any directions to maintenance staff when cleaning, or maintaining other equipment or performing other tasks which are necessary to protect the operation of the wastewater system; wastewater sampling protocols and procedures for compliance with the sampling and reporting requirements in the Permit; minimum staffing adequate to operate and maintain the treatment processes and carry out compliance monitoring required by the Permit; and treatment plant process control monitoring schedule.

Darigold has violated Condition S4.A.c of the Permit by failing to include a Treatment System Operating Plan ("TSOP") in the initial chapter of the O&M Manual that does not conflict with the O&M Manual and that includes the following information: a baseline operating condition that describes the operating parameters and procedures used to meet the effluent limits of Condition S1 of the Permit at the production levels used in developing these limits; a description of operating procedures and conditions needed to maintain design treatment efficiency in the event production rates are below the baseline levels used to establish the Permit's effluent limits, including applicable monitoring and reporting; a description of the operating procedures and conditions employed to mitigate an upset due to plant maintenance activities, severe stormwater events, startups or shut downs, or other causes, including applicable monitoring and reporting; and a description of any regularly scheduled maintenance or repair activities at the Facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

III. PARTY GIVING NOTICE OF INTENT TO SUE.

The full name, address, and telephone number of the party giving notice is:

Columbia Riverkeeper
2621 Wasco Street, Suite A
Hood River, OR 97031
(541) 387-3030

IV. ATTORNEYS REPRESENTING COLUMBIA RIVERKEEPER.

The attorneys representing Columbia Riverkeeper in this matter are:

Teryn Yazdani, Staff Attorney
Columbia Riverkeeper
1125 S.E. Madison Street, Suite 103A
Portland, Oregon 97214
(503) 933-7636
teryn@columbiariverkeeper.org

Brian A. Knutsen
Kampmeier & Knutsen, PLLC
1300 S.E. Stark Street, Suite 202
Portland, Oregon 97214
(503) 841-6515
brian@kampmeierknutsen.com

V. CONCLUSION.

The above-described violations reflect those indicated by the information currently available to Columbia Riverkeeper based on its review of the public record. These violations are ongoing. Columbia Riverkeeper intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

Under section 309(d) of the CWA, 33 U.S.C § 1319(d), Darigold is subject to a separate daily penalty assessment for each violation. The current maximum daily penalty assessment for each violation is $68,445. 40 C.F.R. § 19.4. In addition to civil penalties, Columbia Riverkeeper will seek injunctive relief to prevent further violations under sections 505(a) and (d) of the CWA, 33 U.S.C. § 1365(a) and (d), and such other relief as is permitted by law. Section 505(d) of the CWA, 33 U.S.C. § 1365(d), further authorizes prevailing parties to recover costs, including attorney's fees.

Columbia Riverkeeper believes that this Notice of Intent to Sue sufficiently states grounds for filing suit. Columbia Riverkeeper intends, at the close of the 60-day notice period, or shortly thereafter, to file a citizen suit against Darigold, Inc. under section 505(a) of the CWA for the violations described herein.

Columbia Riverkeeper is willing to discuss effective remedies for the violations described in this Notice of Intent to Sue and settlement terms during the 60-day notice period. If you wish to pursue such discussions without litigation, we suggest you initiate those discussions within ten (10) days of receiving this Notice of Intent to Sue so that a meeting can be arranged and negotiations may be completed promptly. Columbia Riverkeeper does not intend to delay the filing of a complaint if discussions are ongoing at the end of the notice period. If you believe that any of the allegations in this Notice of Intent to Sue are incorrect or based on incomplete information in the public record, please bring those facts to our attention.

Thank you for your prompt attention to this matter.

KAMPMEIER & KNUTSEN, PLLC

By: _____
Brian A. Knutsen

CERTIFICATE OF SERVICE

I, Brian A. Knutsen, declare under penalty of perjury of the laws of Washington and the United States that I am counsel for Columbia Riverkeeper and that on May 1, 2025, I caused copies of the foregoing Notice of Intent to Sue Under the Clean Water Act to be served on the following by depositing them with the United States Postal Service, certified mail, return receipt requested, postage prepaid:

Managing Agent
Darigold, Inc.
400 Alexander Road
Sunnyside, Washington 98944

Managing Agent
Darigold, Inc.
P.O. Box 876
Sunnyside, Washington 98944

Managing Agent
Darigold, Inc.
5601 6th Avenue South, Suite 300
Seattle, Washington 98108

CT Corporation System
Registered Agent for Darigold, Inc.
711 Capitol Way South, Suite 204
Olympia, Washington 98501-1267

Administrator Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
(Mail Code 1101A)
Washington, D.C. 20460

Regional Administrator Emma Pokon
U.S. Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

Director Casey Sixkiller
Washington Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600

Brian A. Knutsen, WSBA No. 38806

APPENDIX A

Date	Outfall	Pollutant	Limit Type	Unit	Limit	Result
Jun. 2021	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,024,102
Jun. 2021	2	Chloride	Monthly Average	mg/L	250	255
Jun. 2021	2	Total Dissolved Solids	Monthly Total	lbs/month	5,254	13,979
Jun. 2021	2	Fixed Dissolved Solids	Monthly Total	lbs/month	4,504	7,218
7/26/2021	1	pH	Maximum Daily	Standard Units	6	5.97
7/27/2021	1	pH	Maximum Daily	Standard Units	6	5.85
Jul. 2021	2	Chloride	Monthly Average	mg/L	250	271
Aug. 2021	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	49,513
Aug. 2021	2	Chloride	Monthly Average	mg/L	250	267
Sept. 2021	2	Chloride	Monthly Average	mg/L	250	292
Oct. 2021	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	47,987
Oct. 2021	2	Chloride	Monthly Average	mg/l	250	314
Nov. 2021	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	51,429
Nov. 2021	2	Chloride	Monthly Average	mg/L	250	353
Dec. 2021	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,157,446
Dec. 2021	2	Chloride	Monthly Average	mg/L	250	302
Jan. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	50,750
Jan. 2022	2	Chloride	Monthly Average	mg/L	250	251
Feb. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	43,130	44,871
Feb. 2022	2	Chloride	Monthly Average	mg/L	250	253
Mar. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	106,362
Mar. 2022	2	Chloride	Monthly Average	mg/L	250	253
Apr. 2022	2	BOD_5	Monthly Total	lbs/month	768,405	817,356
Apr. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	49,605
Apr. 2022	2	Chloride	Monthly Average	mg/L	250	272
May 2022	2	Chloride	Monthly Average	mg/L	250	272
Jun. 2022	2	Chloride	Monthly Average	mg/L	250	284
Jun. 2022	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,351	1,523
Jun. 2022	4	Total Nitrogen	Monthly Total	lbs/month	1,501	1,528
Jul. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	46,345
Jul. 2022	2	Chloride	Monthly Average	mg/L	250	307
Aug. 2022	2	BOD_5	Monthly Total	lbs/month	794,020	927,542
8/2/2022	4	Total Kjeldahl Nitrogen	Maximum Flow Weighted Concentration	mg/L	45	47.3
8/16/2022	4	Total Kjeldahl Nitrogen	Maximum Flow Weighted Concentration	mg/L	45	47
Sept. 2022	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,142,033
Sept. 2022	2	BOD_5	Monthly Total	lbs/month	768,405	938,592
Sept. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	49,641
Sept. 2022	2	Chloride	Monthly Average	mg/L	250	252
Oct. 2022	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,393,973
Oct. 2022	2	BOD_5	Monthly Total	lbs/month	794,020	799,673
Nov. 2022	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,119,799
Nov. 2022	2	BOD_5	Monthly Total	lbs/month	768,405	778,911

Dec. 2022	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,262,673
Dec. 2022	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	58,727
2022	2	Total Kjeldahl Nitrogen	Annual Total	lbs/year	544,330	627,201
Dec. 2022	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,396	3,014
Dec. 2022	4	Total Nitrogen	Monthly Total	lbs/month	1,551	3,034
Dec. 2022	4	Total Dissolved Solids	Monthly Total	lbs/month	5,429	8,313
Dec. 2022	4	Fixed Dissolved Solids	Monthly Total	lbs/month	4,654	7,004
Jan. 2023	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,278,832
Jan. 2023	2	BOD_5	Monthly Total	lbs/month	794,020	821,703
Jan. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	54,270
Jan. 2023	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,396	1,695
Jan. 2023	4	Total Nitrogen	Monthly Total	lbs/month	1,551	1,702
Feb. 2023	2	Flow	Monthly Total	$Feet^3$/month	3,877,005	4,010,958
Mar. 2023	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,425,735
Mar. 2023	2	BOD_5	Monthly Total	lbs/month	794,020	860,203
Mar. 2023	2	Chloride	Monthly Average	mg/L	250	279
Apr. 2023	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,274,062
Apr. 2023	2	BOD5	Monthly Total	lbs/month	768,405	946,635
Apr. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	52,005
May 2023	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,554,285
June 2023	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,431,067
June 2023	2	BOD_5	Monthly Total	lbs/month	768,405	829,609
June 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,620	49,158
July 2023	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,803,028
July 2023	2	BOD_5	Monthly Total	lbs/month	794,020	1,524,338
July 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	58,239
Jul. 2023	2	Chloride	Monthly Average	mg/L	250	252
Aug. 2023	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,280,570
Aug. 2023	2	BOD_5	Monthly Total	lbs/month	794,020	1,160,767
Aug. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	55,587
Aug. 2023	2	Chloride	Monthly Average	mg/L	250	288
Sept. 2023	2	BOD_5	Monthly Total	lbs/month	768,405	946,770
Oct. 2023	2	BOD_5	Monthly Total	lbs/month	794,020	1,112,532
Oct. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	52,907
Nov. 2023	2	BOD_5	Monthly Total	lbs/month	768,405	1,433,002
Nov. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	51,170
Nov. 2023	2	Chloride	Monthly Average	mg/L	250	275
Dec. 2023	2	BOD_5	Monthly Total	lbs/month	794,020	1,144,338
Dec. 2023	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	51,835
Dec. 2023	2	Chloride	Monthly Average	mg/L	250	296
Dec. 2023	4	BOD_5	Monthly Total	lbs/month	7,756	11,301
Dec. 2023	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,396	2,237
Dec. 2023	4	Total Nitrogen	Monthly Total	lbs/month	1,551	2,246
Dec. 2023	4	Total Phosphorus	Monthly Total	lbs/month	155	232
Dec. 2023	4	Chloride	Monthly Total	lbs/month	2,327	2,340
Dec. 2023	4	Total Dissolved Solids	Monthly Total	lbs/month	5,429	17,258

Dec. 2023	4	Fixed Dissolved Solids	Monthly Total	lbs/month	4,654	7,135
2023	2	Flow	Annual Total	$Feet^3$/year	48,930,480	50,967,437
2023	2	BOD_5	Annual Total	lbs/year	9,374,550	12,237,109
2023	2	Total Kjeldahl Nitrogen	Annual Total	lbs/year	544,330	592,918
Jan. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,192,768
Jan. 2024	2	BOD_5	Monthly Total	lbs/month	794,020	1,054,247
Jan. 2024	2	BOD_5	Monthly Total	lbs/month	46,105	54,394
Jan. 2024	2	Chloride	Monthly Average	mg/L	250	272
Jan. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,429	7,071
Feb. 2024	2	Flow	Monthly Total	$Feet^3$/month	3,877,005	4,205,143
Feb. 2024	2	BOD_5	Monthly Total	lbs/month	742,790	1,152,773
Feb. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	43,130	47,467
Feb. 2024	2	Chloride	Monthly Average	mg/L	250	281
Mar. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,294,054
Mar. 2024	2	BOD_5	Monthly Total	lbs/month	794,020	1,081,348
Mar. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	49,662
Mar. 2024	2	Chloride	Monthly Average	mg/L	250	293
Apr. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,079,829
Apr. 2024	2	BOD_5	Monthly Total	lbs/month	768,405	1,222,760
Apr. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	47,037
Apr. 2024	2	Chloride	Monthly Average	mg/L	250	261
Apr. 2024	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,351	1,799
Apr. 2024	4	Total Nitrogen	Monthly Total	lbs/month	1,501	1,803
Apr. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,254	8,407
May 2024	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,426,989
May 2024	2	BOD_5	Monthly Total	lbs/month	794,020	969,752
Jun. 2024	4	Total Nitrogen	Monthly Total	lbs/month	1,501	1,522
Jun. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,254	5,539
Jul. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,631,979
Jul. 2024	2	BOD_5	Monthly Total	lbs/month	794,020	938,261
Jul. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	46,105	49,255
Jul. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,429	7,132
Jul. 2024	4	Fixed Dissolved Solids	Monthly Total	lbs/month	5,654	4,750
Aug. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,144,385	4,645,606
Aug. 2024	2	BOD_5	Monthly Total	lbs/month	794,020	1,105,026
Aug. 2024	4	Total Nitrogen	Monthly Total	lbs/month	1,551	1,650
Aug. 2024	4	Chloride	Monthly Total	lbs/month	2,327	2,705
Aug. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,429	10,955
Aug. 2024	4	Fixed Dissolved Solids	Monthly Total	lbs/month	4,654	7,357
Sept. 2024	2	Flow	Monthly Total	$Feet^3$/month	4,010,695	4,452,065
Sept. 2024	2	BOD_5	Monthly Total	lbs/month	768,405	1,060,316
Sept. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	44,615	49,137
Sept. 2024	2	Chloride	Monthly Average	mg/L	250	322
Sept. 2024	4	BOD_5	Monthly Total	lbs/month	7,506	12,267
Sept. 2024	4	Total Phosphorus	Monthly Total	lbs/month	150	237
Sept. 2024	4	Chloride	Monthly Total	lbs/month	2,252	3,522

Sept. 2024	4	Total Dissolved Solids	Monthly Total	lbs/month	5,254	18,509
Sept. 2024	4	Fixed Dissolved Solids	Monthly Total	lbs/month	4,504	9,539
Oct. 2024	2	Flow	Monthly Total	gal./month	31,777,209	38,329,487
Oct. 2024	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,203,061	1,931,591
Oct. 2024	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	53,021	61,641
Oct. 2024	4	Chemical Oxygen Demand	Monthly Total	lbs/month	11,752	12,779
Nov. 2024	2	Flow	Monthly Total	gal./month	30,752,136	35,617,868
Nov. 2024	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,164,250	1,970,938
Dec. 2024	2	Flow	Monthly Total	gal./month	31,777,209	34,410,184
Dec. 2024	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,203,061	1,458,545
1/22/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	1.81
1/23/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	5.32
1/24/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	8.21
1/25/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	6.27
1/26/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	7.41
1/27/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	8.14
1/28/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	6.8
1/29/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	5.98
1/30/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	4.3
1/31/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	4.71
Jan. 2025	1	Total Ammonia	Monthly Average	mg/L	1.1	5.895
Jan. 2025	2	Flow	Monthly Total	gal./month	31,777,209	34,274,534
Jan. 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,203,061	1,635,789
Jan. 2025	2	Chloride	Monthly Average	mg/L	250	270.81
2/1/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	7.98
2/2/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	18.5
2/3/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	35.6
2/6/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	3.77
2/7/2025	1	Total Ammonia	Daily Maximum	mg/L	1.6	4.26
Feb. 2025	1	Total Ammonia	Monthly Average	mg/L	1.1	14.02
Feb. 2025	2	Flow	Monthly Total	gal./month	29,727,064	31,947,110
Feb. 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,125,439	1,465,886
Feb. 2025	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	49,600	53,429
Feb. 2025	2	Chloride	Monthly Average	mg/L	250	258.1
Mar. 2025	2	Flow	Monthly Total	gal./month	31,777,209	36,592,532
Mar. 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,203,061	1,660,547
Mar. 2025	2	Chloride	Monthly Average	mg/L	250	285.8

APPENDIX B

Monitoring Requirements for Outfall 001 From June 1, 2021 through September 30, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	gallons/day (gpd)	Continuous **a**	Flow meter **b**
Flow (Average Daily)	gpd	Monthly	Calculation **c**
Daily Maximum pH	Standard Units	Continuous	Recorded **b**
Daily Minimum pH	Standard Units	Continuous	Recorded
pH excursions between 5.0 and 6.0	Minutes	Monthly	Calculation
pH excursions between 9.0 and 10.0	Minutes	Monthly	Calculation
Instantaneous pH excursions less than 5.0	Number	Monthly	Calculation
Instantaneous pH excursions greater than 10.0	Number	Monthly	Calculation
Dissolved Oxygen	mg/L	1/week **e**	Grab **f**
BOD5	mg/L	1/week	24-hour composite **g**
BOD5	lbs/day	1/week	Calculation
Ammonia (Total)	mg/L	1/day	24-hour composite
Ammonia (Total)	lbs/day	1/day	Calculation
Ammonia (Total)	mg/L	As required **h**	Grab
Ammonia (Total)	lbs/day	As required	Calculation
Average Daily Ammonia (Total) **d**	mg/L	Continuous	Recorded
Maximum Daily Ammonia (Total)	mg/L	Continuous	Recorded
Ammonia (Total)	lbs/day	Continuous	Calculation
Average Daily Temperature	ºC	Continuous	Recorded **b**

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Maximum Daily Temperature	ºC	Continuous	Recorded
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	Quarterly	24-hour composite
TKN	lbs/day	Quarterly	Calculation
Nitrate plus Nitrite N	mg/L as N	Quarterly	24-hour composite
Nitrate plus Nitrite N	lbs/day	Quarterly	Calculation
Total Nitrogen	mg/L as N	Quarterly	Calculation **i**
Total Nitrogen	lbs/day	Quarterly	Calculation
Phosphorus (Total)	mg/L as Phosphorus	Quarterly	24-hour composite
Phosphorus (Total)	lbs/day	Quarterly	Calculation
Chloride	mg/L	Quarterly	24-hour composite
Chloride	lbs/day	Quarterly	Calculation
Alkalinity	mg/L as CaCO3	Quarterly	Grab
Total Dissolved Solids	mg/L	Quarterly	24-hour composite
Turbidity	NTU **j**	Quarterly	Grab
(2) Receiving Water Monitoring [k]			
Turbidity	NTU	Quarterly	Grab

Monitoring Requirements for Outfall 001 Since October 1, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	gallons/day (gpd)	Continuous a	Flow meter b
Flow (Average Daily)	gpd	Monthly	Calculation c
Daily Maximum pH	Standard Units	Continuous	Recorded b
Daily Minimum pH	Standard Units	Continuous	Recorded
pH excursions between 5.0 and 6.0	Minutes	Daily	Calculation
pH excursions between 9.0 and 10.0	Minutes	Daily	Calculation
Instantaneous pH excursions less than 5.0	Number	Daily	Calculation
Instantaneous pH excursions greater than 10.0	Number	Daily	Calculation
Dissolved Oxygen	mg/L	1/week d	Grab e
BOD5	mg/L	1/week	24-hour composite f
BOD5	lbs/day	1/week	Calculation
Ammonia (Total)	mg/L	1/day	24-hour composite
Ammonia (Total)	lbs/day	1/day	Calculation
Ammonia (Total)	mg/L	As required g	Grab
Ammonia (Total)	lbs/day	As required	Calculation
Ammonia (Total)	Minutes	As required	Calculation
Average Daily Temperature	ºC	Continuous	Recorded b
Maximum Daily Temperature	ºC	Continuous	Recorded

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	Quarterly	24-hour composite
TKN	lbs/day	Quarterly	Calculation
Nitrate plus Nitrite N	mg/L as N	Quarterly	24-hour composite
Nitrate plus Nitrite N	lbs/day	Quarterly	Calculation
Total Nitrogen	mg/L as N	Quarterly	Calculation h
Total Nitrogen	lbs/day	Quarterly	Calculation
Phosphorus (Total)	mg/L as Phosphorus	Quarterly	24-hour composite
Phosphorus (Total)	lbs/day	Quarterly	Calculation
Chloride	mg/L	Quarterly	24-hour composite
Chloride	lbs/day	Quarterly	Calculation
Alkalinity	mg/L as CaCO3	Quarterly	Grab
Total Dissolved Solids	mg/L	Quarterly	24-hour composite
Turbidity	NTU i	Quarterly	Grab
(2) Receiving Water Monitoring [j]			
Turbidity	NTU	Quarterly	Grab

Monitoring Requirements for Outfall 002 From June 1, 2021 through September 30, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	Gallons / day	Continuous a	Flow meter b
Flow	Gallons / month	Monthly	Calculation
Flow	cubic feet / month	Monthly	Calculation
Flow (Annual Total)	cubic feet / year	Annual	Calculation
pH	Standard Units	1/week c	Grab d
BOD5	mg/L	4/week	24-hour composite e
BOD5	lbs/month	Monthly	Calculation f
BOD5	lbs/year	Annual	Calculation
Chemical Oxygen Demand (COD)	mg/L	1/day g	24-hour composite
COD	lbs/day	1/day	Calculation
COD	lbs/month	Monthly	Calculation
COD	lbs/year	Annual	Calculation
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	4/week	24-hour composite
TKN	lbs/month	Monthly	Calculation
TKN	lbs/year	Annual	Calculation
Chloride	mg/L	1/week	24-hour composite
Chloride (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation h

Monitoring Requirements for Outfall 002 Since October 1, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	Gallons / day	Continuous a	Flow meter b
Flow (Annual Total)	Gallons / year	Annual	Calculation
pH	Standard Units	1/week c	Grab d
Chemical Oxygen Demand (COD)	mg/L	1/day e	24-hour composite
COD	lbs/day	1/day	Calculation
COD	lbs/year	Annual	Calculation
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	2/week	24-hour composite
TKN	lbs/day	1/day	Calculation
TKN	lbs/year	Annual	Calculation
Chloride	mg/L	1/week	24-hour composite
Chloride (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation f

Monitoring Requirements for Outfall 004 From June 1, 2021 through September 30, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	gallons/day (gpd)	Continuous a	Flow meter b
Flow	Gallons / month	Monthly	Calculation
Flow	cubic feet/month	Monthly	Calculation
Flow (Annual Total)	cubic feet/year	Annual	Calculation
pH	Standard Units	1/week [c]	Grab d
BOD5	mg/L	1/week	24-hour composite e
BOD5	lbs/month	Monthly	Calculation f
BOD5	lbs/year	Annual	Calculation
BOD5 (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g
Total Suspended Solids (TSS)	mg/L	1/week	24-hour composite
TSS	lbs/month	Monthly	Calculation f
TSS	lbs/year	Annual	Calculation
TSS (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	1/week	24-hour composite
TKN	lbs/month	Monthly	Calculation f
TKN	lbs/year	Annual	Calculation
TKN (Monthly Flow Weighted Average)	mg/L as Nitrogen (N)	Monthly	Calculation g
Ammonia (Total)	mg/L	1/week	24-hour composite
Ammonia (Total)	lbs/month	Monthly	Calculation
Ammonia (Total)	lbs/year	Annual	Calculation

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Ammonia (Total) (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g
Nitrate plus Nitrite N	mg/L as N	1/week	24-hour composite
Nitrate plus Nitrite N	lbs/month	Monthly	Calculation f
Nitrate plus Nitrite N	lbs/year	Annual	Calculation
Nitrate plus Nitrite N (Total) (Monthly Flow Weighted Average)	mg/L as N	Monthly	Calculation f
Total Nitrogen	mg/L as N	1/week	Calculation [h]
Total Nitrogen	lbs/month	Monthly	Calculation f
Total Nitrogen	lbs/year	Annual	Calculation
Total Nitrogen (Monthly Flow Weighted Average)	mg/L as N	Monthly	Calculation g
Total Phosphorus	mg/L as P	1/week	24-hour composite
Total Phosphorus	lbs/month	Monthly	Calculation f
Total Phosphorus	lbs/year	Annual	Calculation
Total Phosphorus (Monthly Flow Weighted Average)	mg/L as P	Monthly	Calculation g
Chloride	mg/L	1/week	24-hour composite
Chloride	lbs/month	Monthly	Calculation f
Chloride	lbs/year	Annual	Calculation
Chloride (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g
Total Dissolved Solids (TDS)	mg/L	1/week	24-hour composite
TDS	lbs/month	Monthly	Calculation f
TDS	lbs/year	Annual	Calculation
TDS (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
Fixed Dissolved Solids (FDS)	mg/L	1/week	24-hour composite
FDS	lbs/month	Monthly	Calculation f
FDS	lbs/year	Annual	Calculation
FDS (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation g

Monitoring Requirements for Outfall 004 Since October 1, 2024

Parameter	Units & Speciation	Minimum Sampling Frequency	Sample Type
(1) Wastewater Effluent			
Flow	gallons/day (gpd)	Continuous **a**	Flow meter **b**
Flow	Gallons / month	Monthly	Calculation
Flow (Annual Total)	Gallons / year	Annual	Calculation
pH	Standard Units	1/week **c**	Grab **d**
Chemical Oxygen Demand (COD)	mg/L	1/day **e**	24-hour composite
COD	lbs/day	1/day	Calculation
COD	lbs/year	Annual	Calculation
Total Kjeldahl Nitrogen (TKN)	mg/L as Nitrogen (N)	2/month	24-hour composite
TKN	lbs/month	1/day	Calculation **f**
TKN	lbs/year	Annual	Calculation
Chloride	mg/L	1/week	24-hour composite
Chloride (Monthly Flow Weighted Average)	mg/L	Monthly	Calculation **g**

APPENDIX C

Outfall	Pollutant	Unit	Req'd Monitoring Frequancy	Missed Monitoring Period
2	Total Kjeldahl Nitrogen	mg/L	4 times/week	August 2022, week 3
2	Total Kjeldahl Nitrogen	mg/L	4 times/week	September 2022, week 3
2	BOD_5	mg/L	4 times/week	Nov. 2022, week 2
2	BOD5	mg/L	4 times/week	Nov. 2022, week 4
2	BOD5	mg/L	4 times/week	Nov. 2022, week 4
2	BOD5	mg/L	4 times/week	Nov. 2022, week 5
2	BOD5	mg/L	4 times/week	Nov. 2022, week 5
2	COD	mg/L	daily	Nov. 23, 2022
1	Ammonia	mg/L	daily	Dec. 2, 2022
1	Ammonia	mg/L	daily	Dec. 3, 2022
1	Ammonia	mg/L	daily	Dec. 4, 2022
1	Ammonia	mg/L	daily	Dec. 5, 2022
1	Ammonia	mg/L	daily	Dec. 6, 2022
1	Ammonia	mg/L	daily	Dec. 7, 2022
2	BOD5	mg/L	4 times/week	Dec. 2022, week 4
2	BOD5	mg/L	4 times/week	Dec. 2022, week 4
2	BOD5	mg/L	4 times/week	Dec. 2022, week 5
2	BOD5	mg/L	4 times/week	Dec. 2022, week 5
2	BOD5	mg/L	4 times/week	Jan. 2023, week 2
4	BOD5	mg/L	weekly	Jan. 2023, week 2
2	BOD5	mg/L	4 times/week	Feb. 2023, week 3
4	BOD5	mg/L	weekly	Feb. 2023, week 3
2	BOD5	mg/L	4 times/week	May 2023, week 4
2	BOD5	mg/L	4 times/week	Jun. 2023, week 3
2	COD	mg/L	daily	Jun. 9, 2023
2	COD	mg/L	daily	Jun. 10, 2023
2	COD	mg/L	daily	Jun. 11, 2023
1	Ammonia	mg/L	daily	Jul. 8, 2023
2	BOD5	mg/L	4 times/week	Oct. 2023, week 4
2	BOD5	mg/L	4 times/week	Nov. 2023, week 2
2	BOD5	mg/L	4 times/week	Nov. 2023, week 2
2	BOD5	mg/L	4 times/week	Nov. 2023, week 2
2	BOD5	mg/L	4 times/week	Nov. 2023, week 4
2	BOD5	mg/L	4 times/week	Nov. 2023, week 4
2	COD	mg/L	daily	Nov. 22, 2023
2	Total Kjeldahl Nitrogen	mg/L	4 times/week	Nov. 2023, week 4
4	BOD5	mg/L	weekly	Nov. 2023, week 2
2	BOD5	mg/L	4 times/week	Dec. 2023, week 4
2	BOD5	mg/L	4 times/week	Dec. 2023, week 4
2	BOD5	mg/L	4 times/week	Dec. 2023, week 5
2	BOD5	mg/L	4 times/week	Jan. 2024, week 2
2	BOD5	mg/L	4 times/week	Jan. 2024, week 3
2	BOD5	mg/L	4 times/week	Jan. 2024, week 4
2	COD	mg/L	daily	Jan. 17, 2024
2	BOD5	mg/L	4 times/week	Feb. 2024, week 3
2	BOD5	mg/L	4 times/week	May 2024, week 4
1	Ammonia	mg/L	daily	Aug. 8, 2024

1	BOD5	mg/L	weekly	Aug. 2024, week 2
1	BOD5	mg/L	weekly	Aug. 2024, week 3
1	BOD5	mg/L	weekly	Aug. 2024, week 5
1	Dissolved Oxygen	mg/L	weekly	Aug. 2024, week 2
1	Dissolved Oxygen	mg/L	weekly	Aug. 2024, week 3
1	Dissolved Oxygen	mg/L	weekly	Aug. 2024, week 5
1	BOD5	mg/L	weekly	Sept. 2024, week 1
1	BOD5	mg/L	weekly	Sept. 2024, week 2
1	BOD5	mg/L	weekly	Sept. 2024, week 3
1	Dissolved Oxygen	mg/L	weekly	Sept. 2024, week 1
1	Dissolved Oxygen	mg/L	weekly	Sept. 2024, week 2
1	Dissolved Oxygen	mg/L	weekly	Sept. 2024, week 3
2	Total Kjeldahl Nitrogen	mg/L	4 times/week	Sept. 2024, week 2
2	Total Kjeldahl Nitrogen	mg/L	4 times/week	Sept. 2024, week 3
1	BOD5	mg/L	weekly	Jan. 2025, week 3
1	Dissolved Oxygen	mg/L	weekly	Jan. 2025, week 3
1	Ammonia	mg/L	daily	Jan. 17, 2025

EXHIBIT 2

Violations of Numeric Effluent Limits Reported by Darigold Since Those Identified in the Notice Letter

Date	Outfall	Pollutant	Limit Type	Unit	Limit	Result
Apr. 2025	2	Flow	Monthly Total	gal./month	30,752,136	35,218, 413
Apr. 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,164,250	1,975,363
Apr. 2025	2	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	51,307	51,436
Apr. 2025	2	Chloride	Monthly Average	mg/L	250	267.976
May 2025	2	Flow	Monthly Total	gal./month	31,777,209	34,836,155
May 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,203,061	2,029,349
May 2025	2	Chloride	Monthly Average	mg/L	250	254.2
May 2025	4	Chemical Oxygen Demand	Monthly Total	lbs/month	11,752	18,359
May 2025	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,396	2,591
June 2025	2	Flow	Monthly Total	gal./month	30,752,136	35,305,381
June 2025	2	Chemical Oxygen Demand	Monthly Total	lbs/month	1,164,250	1,671,960
June 2025	4	Chemical Oxygen Demand	Monthly Total	lbs/month	11,373	26,230
June 2025	4	Total Kjeldahl Nitrogen	Monthly Total	lbs/month	1,351	3,517