

September 28, 2017

Scott Algate
Sr. Environmental, Health, and Safety Manager
618 Allumbaugh Street
Boise, ID 83704

Dear Mr. Algate:

It has come to our attention that there have been three incidents of significant non-compliance in the last twelve months that were not reported to The City of Caldwell as required in your current Discharge Permit. Permit # DAR-0003, section VI (Non-Compliance Reporting) states:

“In the event that any self monitoring indicates noncompliance, Darigold must:

- a. Notify the City within 24 hours of becoming aware of the noncompliance.
- b. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days of the first violation.”

In addition, the same section of the permit also states the relevant requirement:

“Within five days following an accidental discharge, the permittee shall submit to the City of Caldwell Pre-Treatment Coordinator a detailed written report.”

Please see section VI to read the details of what must be included in such a report.

A summary of the incidents we are aware of based on Self-Monitoring reports are as follows:

Date of Significant Non-Compliance	Type	Results	SNC Limit	City notified within 24 hours?	Written letter within 5 days?
01/20/2017	Flow	.58 MGD	.48 MGD	No	No
01/21/2017	Flow	.63 MGD	.48 MGD	No	No
07/09/2017	BOD	6277 lbs/day	4500 lbs/day	Yes	No ¹
07/13/2017	BOD	6844 lbs/day	4500 lbs/day	No	No ²

¹ Written notification was received from Mr. Wing on 07/19/2017.

² The comments from Mr. Wing on the July Self-Monitoring Report indicate the City was notified of both July Non-Compliance events, however notice was only received for the event on 07/09/2017.

The incidents in January and July of 2017 were mentioned by Mr. Wing on the comments section of the monthly Self-Monitoring reports, however this does not satisfy the permit requirements.

According to the City of Caldwell’s NPDES discharge permit, the City must publish in a local newspaper, incidents where any Significant Industrial User has been in significant non-compliance, as defined in 40

CFR 403.8 (f)(2)(viii). Subsection G of this portion of 40 CFR 403.8 indicates “failure to accurately report noncompliance” as criteria to include public notice.

If you believe any of the recorded incidents are in error, or if you have any questions, please let us know right away.

The City of Caldwell appreciates your efforts for transparency with this issue. Darigold has notified the city of construction work and other events that may increase the risk of a violation in the past. These communications are helpful and appreciated. Going forward, it is imperative that Darigold comply with all Non-Compliance reporting procedures as outlined in the permit as well.

Thank you for your time and attention to this matter.

Sincerely,

Brent Orton
Public Works Director