



Issuance Date: August 6, 2024  
Effective Date: September 1, 2024  
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## STATE WASTE DISCHARGE PERMIT ST0501356

**State of Washington  
DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316  
Shoreline, WA 98133-9716

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington

**Western Chemical Inc. dba Syndel USA  
1441 W Smith Rd  
Ferndale, WA 98248**

is authorized to discharge in accordance with the Special and General Conditions that follow.

Facility Location: 1441 W Smith Rd, Ferndale, WA 98248

Industry Type: Pharmaceutical manufacturing

POTW Receiving Discharge: City of Ferndale NPDES Permit WA0022454

SIC Code: 5169

NAICS Code: 325412

Categorical Industry

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Washington State Dept of Ecology

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## SUMMARY OF PERMIT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

**Table 1 – Summary of Permit Submittals**

Permit Section	Submittal	Frequency	First Submittal Date
S2.E	Request for reduction in monitoring	As necessary	
S3.A	Semiannual Discharge Monitoring Report (DMR)	Semiannual	7/28/2025 * "Each batch" monitoring results for 9/1/2024-12/31/2024 must be reported by 1/28/2025
S3.A	Permit renewal application monitoring data	1/permit cycle	6/28/2029
S3.F	Reporting permit violations	As necessary	
S3.K	Changes in contract	As necessary	
S4.A	Wastewater system operating plan	1/permit cycle	9/1/2025
S4.B	Building C aboveground tank installation notification and operating plan update	When installation complete	
S4.C	Bypass notification	As necessary	
S8	Application for permit renewal	1/permit cycle	7/1/2029
G1	Notice of change in authorization	As necessary	
G4	Reporting planned changes	As necessary	
G5	Engineering report for construction or modification activities	As necessary	
G7	Notice of permit transfer	As necessary	
G10	Duty to provide information	As necessary	

## SPECIAL CONDITIONS

### S1. Discharge limits

All discharges and activities authorized by this permit must comply with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a level in excess of, that identified and authorized by this permit violates the terms and conditions of this permit.

A discharge of a pollutant in excess of local limits set by the City of Ferndale violates the terms and conditions of this permit.

Beginning on the effective date of this permit, the Permittee is authorized to discharge process wastewater from the following sources to the City of Ferndale sewer system subject to compliance with the limits in Table 2.

- Categorical wastewater from the cleaning process equipment and room washdown from Syncaine and Ovadine production (Outfall 001).
- Non-categorical wastewater from the cleaning process equipment and room washdown from Vidalife production.

**Table 2 – Outfall 001 effluent limits**

Latitude: 48.832870 Longitude: -122.559620

Parameter	Monthly Average <sup>a</sup> (mg/L)	Daily Maximum <sup>b</sup> (mg/L)
Toluene	0.2	0.3
Xylenes	0.7	3.0
Acetone	8.2	20.7
4-methyl-2-pentanone	8.2	20.7
Chloroform	0.03	0.1
Cyanide, total	N/A	0.9
Isobutyraldehyde	8.2	20.7
n-Amyl acetate	8.2	20.7
n-Butyl acetate	8.2	20.7
Ethyl acetate	8.2	20.7
Isopropyl acetate	8.2	20.7
Methyl formate	8.2	20.7
Isopropyl ether	8.2	20.7
Tetrahydrofuran	3.4	9.2
Benzene	0.7	3.0
n-Heptane	0.7	3.0
n-Hexane	0.7	3.0
Methylene chloride	0.7	3.0
1,2-dichloroethane	8.2	20.7
Chlorobenzene	0.7	3.0
1,2-Dichlorobenzene (o-dichlorobenzene)	8.2	20.7
Diethyl amine	100	255
Triethyl amine	100	255

Parameter	Minimum	Maximum
pH	5.0 standard units	11.0 standard units

Footnotes for Table 2:

<sup>a</sup> Monthly average 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.

<sup>b</sup> Daily maximum effluent limit is the highest allowable daily discharge. The daily discharge is the average discharge of a pollutant measured during a calendar day. The average daily measurement does not apply to pH or temperature. If only one discharge occurs in a month, the more stringent monthly average effluent limit is the limiting factor for compliance.

## S2. Monitoring requirements

### S2.A. Monitoring schedule

The Permittee must monitor the wastewater and production according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Permittee uses an alternative method not specified in the permit, it must report the test method, detection level (DL), and quantitation level (QL) on the discharge monitoring report or in the required report. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix-specific detection level (MDL) and a quantitation level (QL) to Ecology with appropriate laboratory documentation.

**Table 3 – Outfall 001 final wastewater effluent monitoring**

Monitoring for Outfall 001 must occur at the storage tank for Building C when the tank is being pumped (i.e. discharged).

Parameter	Units	Laboratory Method	Required DL/QL (µg/L) <i>If applicable</i>	Minimum Sampling Frequency	Sample Type
Flow <sup>a</sup>	gallons per day	N/A		Each batch <sup>c</sup>	Estimated
pH	standard units	SM4500-H+ B		Each batch	Grab <sup>b</sup>
Toluene	mg/L	624.1	6.0/18.0	Each batch	Grab
Xylenes	mg/L	624.1		Each batch	Grab
Acetone	mg/L	624.1		Semiannually <sup>d</sup>	Grab
4-methyl-2-pentanone	mg/L	624.1		Semiannually	Grab
Chloroform	mg/L	624.1	1.6/4.8	Semiannually	Grab
Cyanide, total	mg/L	335.4	5/10	Semiannually	Grab
BOD <sub>5</sub>	mg/L	SM5210-B	-/2000	Semiannually	Grab
Isobutyraldehyde <sup>f</sup>	mg/L	1666		1/permit <sup>e</sup>	Grab
n-Amyl acetate <sup>f</sup>	mg/L	1666		1/permit	Grab

Parameter	Units	Laboratory Method	Required DL/QL (µg/L) <i>If applicable</i>	Minimum Sampling Frequency	Sample Type
n-Butyl acetate <sup>f</sup>	mg/L	1666		1/permit	Grab
Ethyl acetate <sup>f</sup>	mg/L	624.1		1/permit	Grab
Isopropyl acetate <sup>f</sup>	mg/L	1666		1/permit	Grab
Methyl formate <sup>f</sup>	mg/L	1666		1/permit	Grab
Isopropyl ether <sup>f</sup>	mg/L	1666		1/permit	Grab
Tetrahydrofuran <sup>f</sup>	mg/L	624.1		1/permit	Grab
Benzene <sup>f</sup>	mg/L	624.1	4.4/13.2	1/permit	Grab
n-Heptane <sup>f</sup>	mg/L	1666		1/permit	Grab
n-Hexane <sup>f</sup>	mg/L	1666		1/permit	Grab
Methylene chloride <sup>f</sup>	mg/L	624.1	2.8/8.4	1/permit	Grab
1,2-dichloroethane <sup>f</sup>	mg/L	624.1	2.8/8.4	1/permit	Grab
Chlorobenzene <sup>f</sup>	mg/L	624.1	6.0/18.0	1/permit	Grab
1,2-Dichlorobenzene (o-dichlorobenzene) <sup>f</sup>	mg/L	624.1	1.9/7.6	1/permit	Grab
Diethyl amine <sup>f</sup>	mg/L	1666		1/permit	Grab
Triethyl amine <sup>f</sup>	mg/L	1666		1/permit	Grab
TSS	mg/L	SM 2540 D	-/5000	1/permit	Grab
Arsenic, total	mg/L	200.8	0.1/0.5	1/permit	Grab
Cadmium, total	mg/L	200.8	0.05/0.25	1/permit	Grab
Copper, total	mg/L	200.8	0.4/2.0	1/permit	Grab
Chromium, total	mg/L	200.8	0.2/1.0	1/permit	Grab
Lead, total	mg/L	200.8	0.1/0.5	1/permit	Grab
Mercury	mg/L	1631E	0.0002/ 0.0005	1/permit	Grab
Nickel, total	mg/L	200.8	0.1/0.5	1/permit	Grab
Selenium, total	mg/L	200.8	1.0/1.0	1/permit	Grab
Silver, total	mg/L	200.8	0.04/0.2	1/permit	Grab
Zinc, total	mg/L	200.8	0.5/2.5	1/permit	Grab

Footnotes for Table 3:

<sup>a</sup> Syndel may estimate the total flow discharged from the Building C storage tank by adding up the accumulated estimated wastewater volumes from the cleaning log, see S4.C, or from estimates of the volume stored in the Building C underground tank prior to discharge.

<sup>b</sup> Grab means an individual sample collected over a fifteen (15) minute, or less, period.

<sup>c</sup> Each batch means every time the Building C wastewater storage tank contents is pumped to the main onsite storage tank (does not refer to each processing day). Syndel must report these results on the semiannual discharge monitoring report. Each batch monitoring must begin on permit effective date.

<sup>d</sup> Semiannual means twice per year. Semiannual monitoring periods are January through June and July through December. Begin semiannual monitoring on 1/1/2025 and report results by 7/28/2025.

<sup>e</sup> 1/permit monitoring is required for permit renewal application purposes. This 1/permit monitoring must occur during the final year of the permit, no earlier than 6/1/2028, and be submitted by 6/28/2029.

<sup>f</sup> Ecology has authorized a monitoring waiver for the specified pollutants. All pollutants covered under the monitoring waiver were found to be non-detect during baseline monitoring. Syndel submitted a waiver request to Ecology during permit application. If during any sampling event these pollutants are found to be present, Syndel must notify Ecology and immediately begin monitoring for these pollutants on a semiannual basis. The 1/permit monitoring requirement is for permit renewal purposes to reevaluate the waiver provisions for the next permit term.

### **S2.B. Sampling and analytical procedures**

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or *Standard Methods for the Examination of Water and Wastewater* (APHA) unless otherwise specified in this permit or approved in writing by Ecology.

### **S2.C. Flow measurement and field measurement devices**

The Permittee must:

1. Select and use appropriate flow measurement and field measurement devices and methods consistent with accepted scientific practices.
2. Install, calibrate, and maintain these devices to ensure the accuracy of the measurements is consistent with the accepted industry standard, the manufacturer's recommendation, and approved O&M manual procedures for the device and the wastestream.
3. Use field measurement devices as directed by the manufacturer and do not use reagents beyond their expiration dates.
4. Establish a calibration frequency for each device or instrument in the O&M manual that conforms to the frequency recommended by the manufacturer.
5. Calibrate flow-monitoring devices at a minimum frequency of at least one calibration per year.
6. Maintain calibration records for at least three years.

### **S2.D. Laboratory accreditation**

The Permittee must ensure that all monitoring data required by Ecology for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 Washington Administrative Code (WAC), Accreditation of Environmental Laboratories. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.



### **S2.E. Request for reduction in monitoring**

The Permittee may request a reduction of the sampling frequency after twelve (12) months of monitoring. Ecology will review each request and at its discretion grant the request when it reissues the permit or by a permit modification.

The Permittee must:

1. Provide a written request.
2. Clearly state the parameters for which it is requesting reduced monitoring.
3. Clearly state the justification for the reduction.

### **S3. Reporting and recording requirements**

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

#### **S3.A. Discharge Monitoring Reports**

The first monitoring period begins on the effective date of the permit (unless otherwise specified). The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic Discharge Monitoring Report (DMR) form provided by Ecology within the [Water Quality Permitting Portal](#)<sup>1</sup>. Include data for each of the parameters tabulated in Special Conditions S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.
2. Submit DMRs no later than the dates specified below, unless otherwise specified in this permit.
3. Submit DMRs for parameters with the monitoring frequencies specified in S2 at the reporting schedule identified below. The Permittee must:
  - a. Submit **semiannual** DMRs by July 28th and January 28th of each year. Semiannual sampling periods are January through June, and July through December. The first semiannual sampling period begins on 1/1/2025. Each batch monitoring, as required in S2, must begin on the effective date of the permit with the first report due on 1/28/2025 for September 1 through December 31, 2024.
  - b. Submit **permit renewal application monitoring data (1/permit)** in WQWebDMR, as required in Special Condition S2, by 7/1/2029.
4. Enter the "No Discharge" reporting code for an entire DMR or for a specific monitoring point, as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.

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<sup>1</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance/WQWebPortal-guidance>

5. Report single analytical values below detection as “less than the Detection Level (DL)” by entering the < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and Quantitation Level (QL) identified in the permit report the actual QL and DL in the comments or in the location provided.
6. Report single analytical values between the DL and the QL by entering the estimated value, the code for estimated value/below quantitation limit (J) and any additional information in the comments.
7. Submit a copy of the laboratory report as an attachment using WQWebDMR. Contract laboratory reports must include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter.
8. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in Special Condition S2.
9. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
  - a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
  - b. One-half (1/2) the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
  - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for reporting period.

### **S3.B. Permit submittals and schedules**

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all permit-required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Region Office  
P.O. Box 330316  
Shoreline, WA 98133-9716

### **S3.C. Records retention**

The Permittee must retain records of all monitoring information for a minimum of three years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation,

copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

### **S3.D. Recording of results**

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The individual who performed the analyses.
5. The analytical techniques or methods used.
6. The results of all analyses.

### **S3.E. Additional monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

### **S3.F. Reporting permit violations**

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within 30 days of sampling.

#### **a. Immediate reporting**

The Permittee must **immediately** report to Ecology and the City of Ferndale, at the numbers listed below, any noncompliance that may endanger worker health and safety or the City's infrastructure.

Ecology Northwest Region Office    206-594-0000

City of Ferndale                            360-384-4006

#### **b. Twenty-four (24) hour reporting**

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at the telephone number listed above, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- (i) Any noncompliance that may endanger health or the environment, unless previously reported under immediate reporting requirements.

- (ii) Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., Bypass Procedures).
  - (iii) Any upset that causes an exceedance of any effluent limit in the permit. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
  - (iv) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Special Condition S1.A. of this permit.
  - (v) 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.
- c. Report within five days
- The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subparts a or b, above. The report must contain:
- (i) A description of the noncompliance and its cause.
  - (ii) The period of noncompliance, including exact dates and times.
  - (iii) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
  - (iv) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
  - (v) If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.
- d. Waiver of written reports
- Ecology may waive the written report required in subpart c, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.
- e. All other permit violation reporting
- The Permittee must report all permit violations, which do not require immediate or within 24 hours reporting, when it submits monitoring reports for Special Condition S3.A. (Reporting). The reports must contain the information listed in subpart c, above. Compliance with these

requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

### **S3.G. Other reporting**

#### **1. Spills of oil or hazardous materials**

In addition to the requirements in S3.F, the Permittee must report a spill of oil or hazardous materials in accordance with the requirements of Revised Code of Washington (RCW) 90.56.280 and WAC 173-303-145. Visit the website [How to Report a Spill<sup>2</sup>](#) for further instructions.

#### **2. Failure to submit relevant or correct facts**

Where the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

### **S3.H. Maintaining a copy of this permit**

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

### **S3.I. Dangerous waste discharge notification**

The Permittee must notify the publicly owned treatment works (POTW) and Ecology in writing of the intent to discharge into the POTW any substance designated as a dangerous waste in accordance with the provisions of WAC 173-303-070. It must make this notification at least 90 days prior to the date that it proposes to initiate the discharge. The Permittee must not discharge this substance until authorized by Ecology and the POTW. It must also comply with the notification requirements of Special Condition S8 and General Condition G4.

### **S3.J. Spill notification**

The Permittee must notify the POTW immediately (as soon as discovered) of all discharges that could cause problems to the POTW, such as process spills and unauthorized discharges (including slug discharges).

### **S3.K. Changes in contract**

The Permittee must notify the Ecology immediately of any changes in the user agreement or contract with the POTW.

## **S4. Operation and maintenance**

The Permittee must, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances), which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance includes adequate laboratory controls and appropriate quality assurance procedures. This provision of the permit requires the Permittee to operate backup or

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<sup>2</sup> <https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this permit.

**S4.A. Wastewater discharge operating plan**

For the purposes of this permit, a Wastewater Discharge Operating Plan is a concise summary of specifically defined elements of the O&M Manual.

The Permittee must prepare and submit a Wastewater Discharge Operating Plan to Ecology by 9/1/2025. The plan must include the following information:

1. A description of the cleaning practices generating wastewater.
2. A description of the management of the Building A and C wastewater storage tanks and pumping schedule.
3. A description of any maintenance or inspection activities of the wastewater system, including, but not limited to, storage tank integrity and pump maintenance.
4. A summary of the required wastewater monitoring, including person(s) responsible for sampling, sampling schedule, sample location, and sampling procedure(s).
5. A description of procedures and practices used to comply with the best management practices listed in S4.C.
6. Example log forms for the logs requires in S4.C.
7. A description of the reverse osmosis system, including maintenance provider information, water generation rates, and wastewater disposal volume estimates.
8. In the event of an upset or spill affecting any portion of the wastewater discharge system, a description of the response including person(s) responsible, who to contact, and what actions to take to prevent discharge to the City of Ferndale sewer system.

**S4.B. Building C aboveground tank installation**

Syndel must notify Ecology when the aboveground storage tank is installed at Building C. If the aboveground tank is installed after the development and submission of the Wastewater Discharge Operating Plan, S4.A, then Syndel must update that plan to incorporate the operating conditions of this tank.

**S4.C. Bypass procedures**

A bypass is the intentional diversion of waste streams from any portion of a treatment facility. This permit prohibits all bypasses except when the bypass is for essential maintenance, as authorized in special condition S4.C.1, or is approved by Ecology as an anticipated bypass following the procedures in S4.C.2.

1. Bypass for essential maintenance without the potential to cause violation of permit limits or conditions: This permit allows bypasses for essential maintenance of the treatment system when necessary to ensure efficient operation of the system. The Permittee may bypass the treatment system for essential maintenance only if doing so does not cause violations of effluent limits. The Permittee is not required to notify Ecology when bypassing for essential maintenance. However, the Permittee must comply with the monitoring requirements specified in special condition S2.B.
2. Anticipated bypasses for non-essential maintenance: Ecology may approve an anticipated bypass under the conditions listed below. This permit prohibits any anticipated bypass that is not approved through the following process.
  - a. If a bypass is for non-essential maintenance, the Permittee must notify Ecology, if possible, at least ten (10) days before the planned date of bypass. The notice must contain:
    - A description of the bypass and the reason the bypass is necessary.
    - An analysis of all known alternatives which would eliminate, reduce, or mitigate the potential impacts from the proposed bypass.
    - A cost-effectiveness analysis of alternatives.
    - The minimum and maximum duration of bypass under each alternative.
    - A recommendation as to the preferred alternative for conducting the bypass.
    - The projected date of bypass initiation.
    - A statement of compliance with SEPA.
    - Details of the steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass.
  - b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project planning and design process. The project-specific engineering report as well as the plans and specifications must include details of probable construction bypasses to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.
  - c. Ecology will determine if the Permittee has met the conditions of special condition S4.C.2 a and b and consider the following prior to issuing a determination letter, an administrative order, or a permit modification as appropriate for an anticipated bypass:

- If the Permittee planned and scheduled the bypass to minimize adverse effects on the public and the environment.
- If the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- If feasible alternatives to the bypass exist, such as:
  - The use of auxiliary treatment facilities.
  - Retention of untreated wastes.
  - Stopping production.
  - Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance.
  - Transport of untreated wastes to another treatment facility.

#### **S4.D. Best management practices**

The Permittee must,

1. Not discharge any concentrated pharmaceuticals to the sanitary sewer.
2. Not discharge any concentrated chemicals to the sanitary sewer.
3. Store hazardous materials away from drains and/or on containment to minimize and eliminate potential spills to the sewer.
4. Manage the discharge of wastewater from the Building A and Building C storage tanks manually. Do not allow automatic discharge to the main onsite storage tank.
5. Maintain a log of production cleaning and discharges from each of the three process lines (Syncaïne, Ovadine, and Vidalife). The log must include the date, time, and estimated wastewater flow volume.
6. For Syncaïne, maintain a log of the wastewater collected for off-site disposal, including the date and estimated volume.
7. For Vidalife, a pH log must be maintained. The pH must be recorded every time the storage tank is discharged.

#### **S5. Prohibited discharges**

The Permittee must comply with these general and specific prohibitions.

##### **S5.A. General prohibitions**

The Permittee must not introduce into the POTW pollutant(s), which cause pass through or interference.



**S5.B. Specific prohibitions**

In addition, the Permittee must not introduce the following into the POTW:

1. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 degrees C (140 degrees F) using the test methods specified in 40 CFR 261.21.
2. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
3. Any pollutant (including oxygen-demanding pollutants (BOD<sub>5</sub>, etc.), released in a discharge at a flow rate or pollutant concentration that will cause interference with the POTW.
4. Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40 degrees C (104 degrees F) unless the approval authority, upon request of the POTW, approves alternative temperature limits.
5. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.
6. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
7. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
8. Pollutants that will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0 or greater than 11.0.

**S5.C. Prohibited unless approved**

Any of the following discharges are prohibited unless approved by Ecology under extraordinary circumstances (such as a lack of direct discharge alternatives due to combined sewer service or a need to augment sewage flows due to septic conditions):

1. Noncontact cooling water in significant volumes.
2. Storm water and other direct inflow sources.
3. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.
4. The discharge of dangerous wastes as defined in Chapter 173-303 WAC (Unless specifically authorized in this permit).

**S6. Dilution prohibited**

The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, noncontact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limits contained in this permit.

**S7. Solid wastes**

**S7.A. Solid waste handling**

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

**S7.B. Leachate**

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

**S8. Application for permit renewal or modification for facility changes**

The Permittee must submit an application for renewal of this permit by 7/1/2029.

The Permittee must also submit a new application or addendum at least sixty days (60) prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

## GENERAL CONDITIONS

### G1. Signatory requirements

1. All applications submitted to Ecology must be signed and certified.
  - a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
    - The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - b. In the case of a partnership, by a general partner.
  - c. In the case of sole proprietorship, by the proprietor.
  - d. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity shall be submitted by the public entity.

2. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to Ecology.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

3. Changes to authorization. If an authorization under paragraph G1.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph G1.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.
4. Certification. Any person signing a document under this section must make the following certification:

“I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

## **G2. Right of entry**

Representatives of Ecology have the right to enter at all reasonable times in or upon any property, public or private for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times include normal business hours; hours during which production, treatment, or discharge occurs; or times when Ecology suspects a violation requiring immediate inspection. Representatives of Ecology must be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit; to inspect any monitoring equipment or method required in the permit; and to sample the discharge, waste treatment processes, or internal waste streams.

## **G3. Permit actions**

This permit is subject to modification, suspension, or termination, in whole or in part by Ecology for any of the following causes:

1. Violation of any permit term or condition;
2. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;
3. A material change in quantity or type of waste disposal;
4. A material change in the condition of the waters of the state; or
5. Nonpayment of fees assessed pursuant to RCW 90.48.465.

Ecology may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

**G4. Reporting a cause for modification**

The Permittee must, as soon as possible, but no later than one hundred eighty (180) days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in the discharge of more of any pollutant, a new pollutant, or more flow than specifically authorized under this permit.

The Permittee must submit a State Waste Discharge permit application, along with required plans and reports. Required plans and reports may include an Engineering Report, Plans and Specifications, and an Operations and Maintenance manual, (see Chapter 173-240 WAC). The Permittee must continue to comply with the existing permit until it is modified or reissued. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

**G5. Plan review required**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

**G6. Compliance with other laws and statutes**

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

**G7. Transfer of this permit**

This permit is automatically transferred to a new owner or operator if:

1. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to Ecology;
2. A copy of the permit is provided to the new owner and;
3. Ecology does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to conditions 1-3 above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by Ecology.

**G8. Reduced production for compliance**

The Permittee must control production or discharge to the extent necessary to maintain compliance with the terms and conditions of this permit upon reduction of efficiency, loss, or failure of its treatment facility until the treatment capacity is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power for the treatment facility is reduced, lost, or fails.

**G9. Removed substances**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the effluent stream for discharge.

**G10. Payment of fees**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

**G11. Penalties for violating permit conditions**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each such violation is a separate and distinct offense, and in case of a continuing violation, each day's continuance is deemed to be a separate and distinct violation.

**G12. Duty to provide information**

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

**G13. Duty to comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of chapter 90.48 RCW and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.