

State of Washington
Department of Ecology

In the Matter of a Companion Order Against
Sila Nanotechnologies
Administrative Order (Companion Order) Docket #23652

To: Jim Dobrzynski
EHS&S Risk Manager
Sila Nanotechnologies
3741 Road N NE
Moses Lake, Washington 98837

Administrative Order Docket #	23652
Site Location	3741 Road N NE, Moses Lake, WA 98837

RCW 90.48.200 states that in the event of failure of Ecology to act upon an application for a waste discharge permit within sixty days after it has been filed the applicant shall be deemed to have received a temporary permit. Said permit shall authorize the applicant to discharge waste into waters of the state as requested in its application only until such time as the department shall have acted upon said application.

RCW 90.48.120(2) gives the Department of Ecology (Ecology) the authority to issue Administrative Orders whenever it believes immediate action is necessary to accomplish the purposes of chapters 90.48 or 90.56 RCW.

Ecology has issued this Administrative Order (Order)(Companion Order) requiring Sila Nanotechnologies (Sila) to monitor and report discharges to the City of Moses Lake Dunes WWTP as authorized by RCW 90.48.200 under temporary permit ST0501358.

Order to Monitor and Report

Description:

Sila applied for a new State Waste Discharge Permit (Permit) to discharge wastewater to the City of Moses Lake Dunes WWTP. Ecology plans on writing a new permit and accompanying fact sheet. Because Sila is a new discharger, they will be required to conduct sampling and report the results to Ecology. Data will be analyzed and used in writing the permit and fact sheet to establish a monitoring schedule and permit limits.

Ecology has determined that to accomplish the purposes of Chapter 90.48 RCW, it is ordered that Sila take the following actions. These actions are required at the location known as Moses Lake Anode Manufacturing Plant located at 3741 Road N NE, Moses Lake, Washington 98837.



Upon receipt of this Order, until such time as Ecology acts on the waste discharge application and issues a new State Waste Discharge Permit, Sila must do the following:

- Take samples at the grab sample location, have samples analyzed, and report the results to Ecology.
- Sample using the following schedule and specified methods.
- Submit data to Sila's permit manager at Ecology by the 15th day of the month following each sampling period.
 1. Submit copies of laboratory reports as an attachment when an outside laboratory performs analysis on the samples. Lab reports must include information on the chain of custody, QA/QC results, and documentation for accreditation of each parameter.

Monitoring Section

Below is the required sampling and reporting schedule for Sila's discharge to the City of Moses Lake Dunes WWTP. Sila must sample using the following schedule and specified methods.

Table 1: Effluent Wastewater Discharge to the City of Moses Lake Dunes WWTP

The Permittee must monitor the wastewater at the grab sampling location.

Parameter	Units	Minimum Sampling Frequency	Sample Type	Method
Flow	Gallons per day (gpd)	Continuous ^a	Metered	NA
Conductivity	micromhos/cm	Continuous ^a	Metered	NA
pH	Standard Units (s.u.)	1/month	Grab ^b	SM4500-H+B
Temperature	Degrees F	1/month	Grab ^b	NA
Biochemical Oxygen Demand (BOD ₅)	Milligrams per liter (mg/L)	1/month	Grab ^b	SM5210-B
Chloride	mg/L	1/month	Grab ^b	SM4500-Cl B/C/D/E and SM4110 B
Sodium	mg/L	1/month	Grab ^b	EPA 200.7
Total Suspended Solids (TSS)	mg/L	1/month	Grab ^b	SM2540-D
Total Dissolved Solids (TDS)	mg/L	1/month	Grab ^b	SM2540-C



Parameter	Units	Minimum Sampling Frequency	Sample Type	Method
Fats, Oils, & Grease (FOG)	mg/L	1/month	Grab ^b	1664B
Color	mg/L	1/month	Grab ^b	SM2120 B/C/E
Calcium	mg/L	1/month	Grab ^b	EPA 200.7
Magnesium	mg/L	1/month	Grab ^b	EPA 200.7
Potassium	mg/L	1/month	Grab ^b	EPA 200.7
Sulfate	mg/L	1/month	Grab ^b	SM4110-B
Carbonate Alkalinity (as CaCO ₃)	mg/L	1/month	Grab ^b	SM2320-B
Bicarbonate Alkalinity	mg/L	1/month	Grab ^b	SM2320-B
Nitrate (as Nitrogen)	mg/L	1/month	Grab ^b	SM4110-B
Ammonia (as nitrogen)	mg/L	1/month	Grab ^b	SM4500-NH ₃ -B and C/D/E/G/H
Total Phosphorus	mg/L	1/month	Grab ^b	SM4500 PB followed by SM4500-PE/PF

Table Footnotes:

^a Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 30 minutes. The Permittee must sample each batch before discharge when continuous monitoring is not possible.

^b Grab means an individual sample collected over a 15-minute, or less, period. Grab sampling should coincide with batch discharges from the cooling system equipment.

Amendments to the Monitoring Requirements

Ecology will consider requests to amend the monitoring requirements when requested in writing. To be effective, revised monitoring requirements must be incorporated in amendments to this Order.

Failure to Comply With This Order

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.



Your Right to Appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B0.001(2).

To appeal, you must do all of the following within 30 days of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see address below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology by mail, in person or by mail (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit the [PCHB website](#)

¹ or call (360) 664-9160.

Service on Ecology

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, Washington 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, Washington 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

Contact Information

Please direct all questions about this Companion Order to:

Rob Buchert
Senior Compliance Specialist
Water Quality Program
Eastern Regional Office
4601 North Monroe Street
Spokane, Washington 99205-1265

(509) 209-1586
Rob.Buchert@ecy.wa.gov

¹ <https://eluhho.wa.gov/>



More Information

Pollution Control Hearings Board Website:

<https://www.eluho.wa.gov>

Chapter 43.21B RCW – Environmental and Land Use Hearings Office –

Pollution Control Hearings Board:

<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice and Procedure

<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 34.05 RCW – Administrative Procedure Act

<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

Ecology's Laws, Rules, & Rulemaking Website

<https://ecology.wa.gov/Footer/rulemaking>

Signature

Adriane P. Borgias
Section Manager
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Eastern Regional Office

