

# Fact Sheet for State Waste Discharge Permit No. ST0501341

Real Greek LLC dba Ellenos

Date of Public Notice: February 21, 2023

Permit Effective Date: June 1, 2023

## Purpose of this fact sheet

This fact sheet explains and documents the decisions the Department of Ecology (Ecology) made in drafting the proposed State Waste Discharge permit for Real Greek LLC dba Ellenos (Ellenos) that will allow discharge of wastewater to the Lakehaven Water and Sewer District (Lakehaven) Lakota Wastewater Treatment Plant (Lakota WWTP).

State law requires any commercial or industrial facility to obtain a permit before discharging waste or chemicals to municipal sanitary sewer collection and treatment systems.

Ecology makes the draft permit and fact sheet available for public review and comment at least 30 days before it issues the final permit to the facility operator. Copies of the fact sheet and draft permit for Real Greek LLC dba Ellenos, State Waste Discharge permit ST0501341, were available for public review and comment from February 21, 2023 until the close of business March 23, 2023. For more details on preparing and filing comments about these documents, please see **Appendix A - Public Involvement Information**.

Ellenos reviewed the draft permit and fact sheet for factual accuracy. Ecology corrected any errors or omissions about the facility's location, history, product type, production rate, or discharges prior to publishing this draft fact sheet for public notice.

After the public comment period closes, Ecology will summarize substantive comments and our responses to them. Ecology will include our summary and responses to comments to this fact sheet as **Appendix E - Response to Comments** and publish it when we issue the final State Waste Discharge permit. Ecology generally will not revise the rest of the fact sheet. The full document will become part of the legal history contained in the facility's permit file.

## Summary

Real Greek LLC dba Ellenos (Ellenos) produces yogurt. Ellenos has been operating in the Federal Way facility since 2017. As production has increased, Ellenos has been generating a higher volume of process wastewater discharged to the sewer and passed the 25,000 gallons per day threshold. Since Ellenos discharges greater than 25,000 gallons per day, they are considered a significant industrial user and must obtain an Ecology-issued permit. This is the first permit issued to Ellenos.

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## I. Introduction

The legislature defined Ecology's authority and obligations for the wastewater discharge permit program in the Water Pollution Control law, chapter 90.48 RCW (Revised Code of Washington).

Ecology adopted rules describing how it exercises its authority:

- State waste discharge program (chapter 173-216 WAC)
- Submission of plans and reports for construction of wastewater facilities (chapter 173-240 WAC)

These rules require any industrial facility owner/operator to obtain a State Waste Discharge permit before discharging wastewater to state waters. This rule includes commercial or industrial discharges to sewerage systems operated by municipalities or public entities which discharge into public waters of the state. They also help define the basis for limits on each discharge and for other performance requirements imposed by the permit.

Under the State Waste Discharge permit program and in response to a complete and accepted permit application, Ecology generally prepares a draft permit and accompanying fact sheet and makes it available for public review before final issuance. If the volume of the discharge has not changed or if the characteristics of the discharge have not changed Ecology may choose not to issue a public notice. When Ecology publishes an announcement (public notice); it tells people where they can read the draft permit, and where to send their comments, during a period of 30 days. (See **Appendix A - Public Involvement Information** for more detail about the public notice and comment procedures). After the public comment period ends, Ecology may make changes to the draft State Waste Discharge permit in response to comment(s). Ecology will summarize the responses to comments and any changes to the permit in **Appendix E**.

## II. Background Information

**Table 1 - Facility Information**

Applicant	Real Greek LLC dba Ellenos
Facility Name and Address	Ellenos Federal Way 34114 21 <sup>st</sup> Avenue S Federal Way, Washington 98003
Contact at Facility	Name: Brian Bright, Facilities Maintenance Manager Telephone #: 206-850-5889
Responsible Official	Name: John Tucker Title: CEO
Industrial User Type	Other Significant Industrial User (Flow > 25,000 gpd)
Industry Type	Yogurt production

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Type of Treatment by Industry	pH neutralization
Fee Category (WAC 173-224)	Food processing; c. 10,000 -< 50,000 gpd
SIC Codes	2026
NAIC Codes	311511
Facility Location (NAD83/WGS84 reference datum)	Latitude: 47.295659 Longitude: -122.306642
Treatment Plant Receiving Discharge	Lakehaven Water and Sewer District – Lakota Wastewater Treatment Plant (WWTP) NPDES Permit WA0022624
Discharge Location of Lakota WWTP (NAD83/WGS84 reference datum)	Puget Sound – Dumas Bay Latitude: 47.33592 Longitude: -122.38175

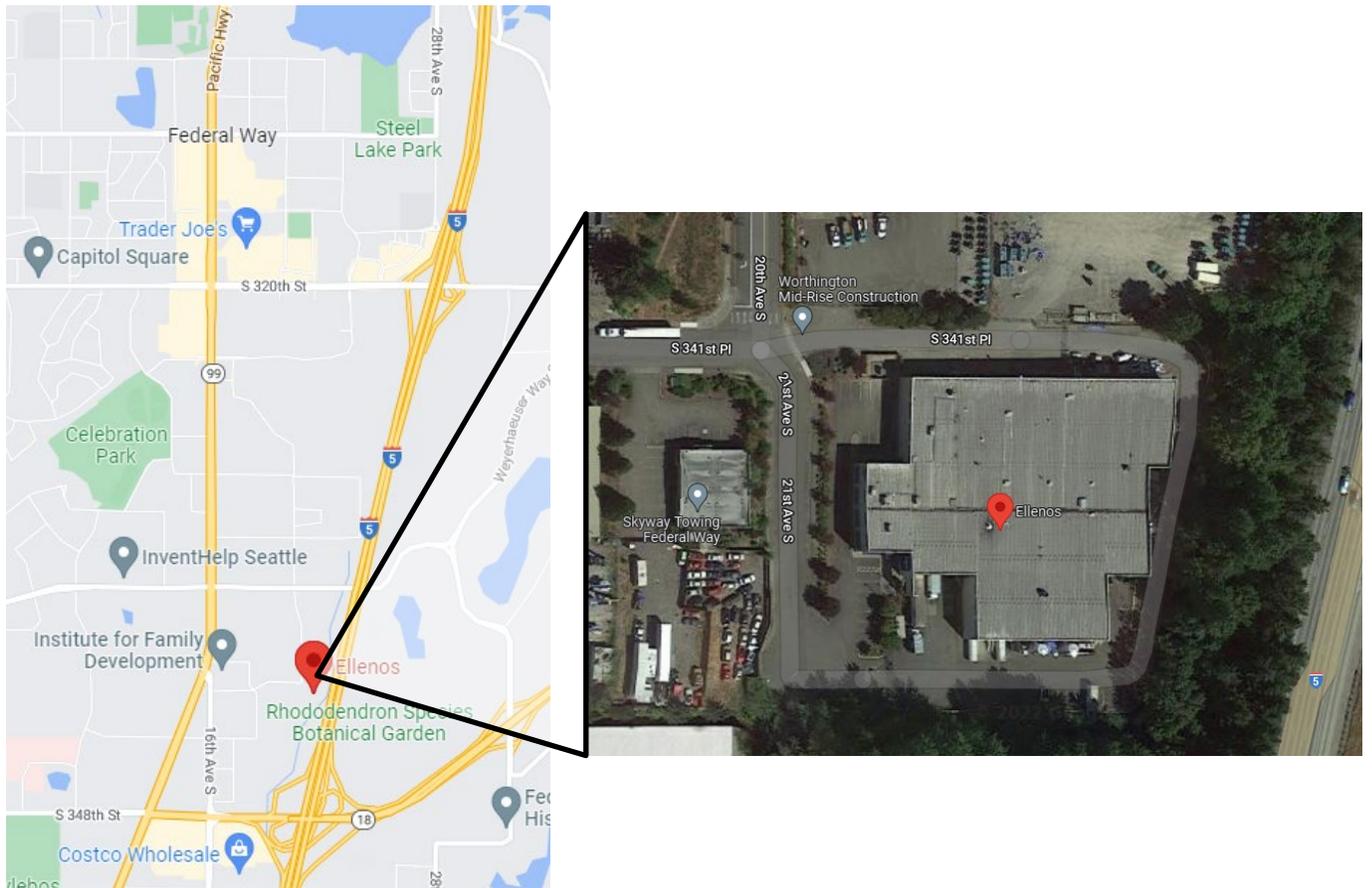
### **Permit Status**

Application for Permit Submittal Date: July 15, 2022

Date of Ecology Acceptance of Application: July 28, 2022

### **Inspection Status**

Date of Last Inspection: October 13, 2022



**Figure 1 - Facility Location Map** (Source: Google Maps)

## A. Facility description

### History

Ellenos has been producing yogurt in the pacific northwest since 2013. The Federal Way production facility started operation in 2017.

### Industrial process(s)

Ellenos produces dairy yogurt. The facility receives dairy ingredients, including a mixture of dairy solids and milk in liquid form, as well as yogurt inclusions, including fruit puree and grain. The dairy ingredients are pasteurized onsite, cultured, and dosed into 35lb pails to mature for three days. Pails are then mixed with any inclusions and packaged in various size containers for retail sale and use in scoop shops. Ellenos estimates they produce about 7.5 million pounds of yogurt per year.

Ellenos currently operates 17 hours per day, 6 days per week. Ellenos expects that they can increase production by up to 3 times the current amount within this production facility.

Chemical usage at Ellenos is dominated by acidic and caustic cleaners, sanitizers, and disinfectants. These chemicals are typically purchased in the concentrated form and diluted for use. A few chemicals include quaternary ammonium compounds. Additional chemicals used include boiler and cooling tower scale inhibitors and biocides.

### **Wastewater generation and pretreatment**

Ellenos estimates a monthly average process wastewater discharge of 36,400 gallons per day (gpd). This is based on current operation and production. Over 95%, or 35,080 gpd, of the wastewater generated is from equipment and facility cleaning, including washdown of floors and walls and clean-in-place of equipment. Other minor sources of process wastewater include boiler blowdown (~260 gpd) and cooling tower blowdown/pump cooling water (1,060 gpd).

Appendix D includes a production schematic flow diagram including points of wastewater generation.

All process wastewater passes through grease interceptors and then through a pH adjustment system prior to discharge to the sanitary sewer system. The grease interceptors (Make: Schier; Model: GB-250) are oriented in two parallel trains with two interceptors in parallel with flow split between the two trains. After the grease interceptors, wastewater flows into a sump and then is pumped into a 1,400 gallon pH neutralization tank. The pH neutralization tank is equipped with a recirculation valve which constantly measures the pH to automatically dose either acid or caustic. Neutralized wastewater is discharged from near the bottom of the tank. The final discharge line is equipped with a continuous pH meter and a sample port. The pH neutralization tank is also equipped with an overflow line. These treatment facilities were installed in 2017 and upgraded with new controls in early 2022.

Ellenos is a significant industrial user because the process wastewater effluent flow is greater than 25,000 gallons per day on average.

### **Solid wastes**

The majority of solid waste at the facility is from packaging of ingredients. Cardboard is recycled. Other non-recyclable material is disposed of in the municipal solid waste dumpsters.

Ellenos disposes of most off-spec product or ingredients at the Edaleen Dairy anaerobic digester, although this is an infrequent occurrence. Small amounts of packaged off-spec product may be disposed of in the municipal solid waste dumpsters.

Seeds, other small food particles, and small amounts of paper and plastic accumulate in the grease interceptors and bottom of the pH neutralization tank. These systems are periodically pumped out to remove solids.

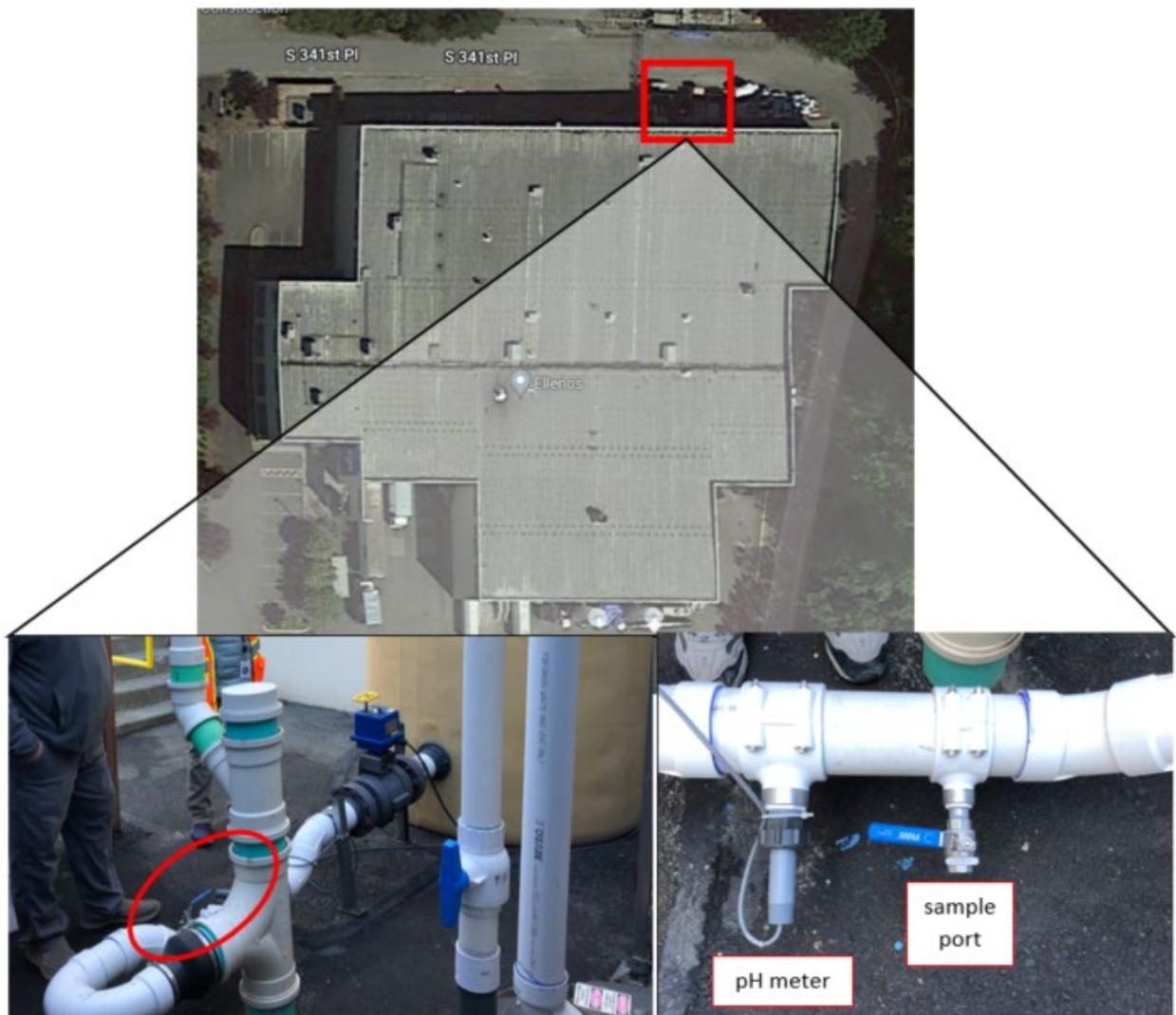
## **B. Discharge location to the Lakehaven Water and Sewer District – Lakota Wastewater Treatment Plant**

Ellenos' discharge line is equipped with a continuous pH meter and sample port, see Figure 2. Process wastewater, including cooling tower and boiler blowdown, is captured by this sampling location. Sanitary wastewater from the facility combines with process wastewater downstream from the sampling port.

Process wastewater effluent flow is estimated from the incoming potable water meter minus the approximate domestic water use in restrooms and the employee break room. Ellenos does not have an effluent flow meter. Ecology will evaluate the need for a dedicated effluent flow meter during the next permit reissuance.

Wastewater from the Ellenos facility is discharged into the Lakehaven Water and Sewer (LWSD) District sewer system and ultimately discharge to the Lakota Wastewater Treatment Plant (WWTP). The Lakota WWTP is a 10 million gallon per day activated sludge facility that discharges to Dumas Bay – Puget Sound. The biological oxygen demand, 5-day (BOD<sub>5</sub>) and total suspended solids (TSS) maximum month loading design criteria for Lakota WWTP is 24,100 lbs/day and 19,760 lbs/day, respectively. The Lakota WWTP is approaching the designed capacity for TSS and is in the planning phases for a facility upgrade. Since Ellenos is an existing user, and therefore, represents an existing load to the Lakota WWTP, Ecology does not expect the discharge from Ellenos to cause an adverse effect to the WWTP.

The Lakota WWTP treated effluent discharge to Dumas Bay is authorized by NPDES Permit WA0022624. Additionally, discharges of nitrogen from the Lakota WWTP are currently authorized by the new Nutrients General Permit coverage WAG994568.



**Figure 2 – Ellenos Sampling location** (Source: Google Maps)

### **C. Wastewater characterization**

Ellenos reported the concentration of pollutants in the permit application from a sampling event in May 2022. The tabulated data represents the anticipated quality of the effluent. The effluent is characterized as follows:

**Table 2 - Wastewater Characterization**

Parameter	Units	# of Samples	Reported Value
Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	1	2420
Total Suspended Solids (TSS)	mg/L	1	235
Chemical Oxygen Demand (COD)	mg/L	1	4090
Oil & Grease	mg/L	1	254
Total Dissolved Solids	mg/L	1	2050
Conductivity	mS/cm	1	1260
Fecal Coliform	#/100mL	1	370
Total Coliform	#/100mL	1	ND: RL=10
Dissolved Oxygen	mg/L	1	9.86

Parameter	Units	# of Samples	Minimum Value	Maximum Value
pH	standard units	39	5.6	9.8

#### **D. State environmental policy act (SEPA) compliance**

State law exempts the issuance, reissuance or modification of any wastewater discharge permit from the SEPA process as long as the permit contains conditions that are no less stringent than federal and state rules and regulations (RCW 43.21C.0383). The exemption applies only to existing discharges, not to new discharges. Ellenos is an existing discharge and began operations at this facility in 2017.

### **III. Proposed Permit Limits**

State regulations require that Ecology base limits in a State Waste Discharge permit on the:

- Technology and treatment methods available to treat specific pollutants (technology-based). Technology-based limits are set by the EPA and published as a regulation (40 CFR 400 - 471), or Ecology develops limits on a case-by-case basis (40 CFR 125.3, and RCW 90.48). Dischargers must treat wastewater using all known, available, reasonable methods of prevention, control, and treatment (AKART).

- Effects of the pollutants on the publicly owned treatment works (POTW). Wastewater must not interfere with the operation of the POTW. Ecology considers local limits in developing permit limits.
- Applicable requirements of other local, state and federal laws.

Ecology applies the most stringent of these limits to each parameter of concern and further describes the proposed limits below.

The limits in this permit reflect information received in the application and from supporting reports (engineering, hydrogeology, monitoring, etc.). Ecology evaluated the permit application and determined the limits needed to comply with the rules adopted by the state of Washington. Ecology does not develop effluent limits for all reported pollutants. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, and are not listed in regulation.

Ecology does not usually develop permit limits for pollutants not reported in the permit application but may be present in the discharge. The permit does not authorize the discharge of the non-reported pollutants. During the five-year permit term, the facility's effluent discharge conditions may change from those conditions reported in the permit application. The facility must notify Ecology if significant changes occur in any constituent. Until Ecology modifies the permit to reflect additional discharge of pollutants, a permitted facility could be violating its permit.

## **A. Technology-based effluent limits**

Waste discharge permits issued by Ecology specify conditions requiring all available and reasonable methods of prevention, control, and treatment (AKART) of discharges to waters of the state (RCW 90.48).

There are no existing federal categorical pretreatment standards for this industry type.

The state waste discharge permit regulations include restrictions and prohibitions to protect publicly owned sewerage systems. A facility may not discharge any wastewater having a pH less than 5.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel unless the:

- System is specifically designed to accommodate such discharge.
- Discharge is authorized by a permit (WAC 173-216-060).

Federal regulations (40 CFR 403.5b) also prohibits the discharge of pollutants which will cause corrosive structural damage to the POTW, but in no case discharges with pH lower than 5.0, unless the collection and treatment system is designed to accommodate such discharges.

Ecology typically applies the maximum daily flow value provided by the permittee as the flow limit in the permit.

Ellenos had a pH neutralization system in place prior to applying for this permit. Ecology did not require Ellenos to submit an engineering report for the existing system. Ecology expects that Ellenos is able to meet the permitted effluent limits with the existing system. Ecology will reevaluate whether Ellenos must submit an engineering report if a pretreatment issue arises or during the next permit reissuance.

The following permit limits are necessary to satisfy the requirement for AKART:

**Table 3 - Technology Based Effluent Limits**

Parameter	Daily Minimum	Daily Maximum
Flow	Not applicable	42,000 gallons per day
pH	5.0 standard units	11.0 standard units

## **B. Effluent limits based on local limits**

Pollutant concentrations in the proposed discharge with technology-based controls in place will not cause problems at the receiving POTW such as interference, pass-through or hazardous exposure conditions to POTW workers nor will it result in unacceptable pollutant levels in the POTW's sludge/biosolids.

Ecology discussed the Ellenos wastewater characterization data with Lakehaven staff. Since Ellenos is an existing user, and therefore, represents an existing load to the Lakota WWTP, Lakehaven is not proposing a local limit on BOD<sub>5</sub> or TSS at this time. Ecology will review continued monitoring data to determine if future limits are required.

Many industrial user permits will include a local limit for oil and grease. Lakehaven manages oil and grease through compliance with system maintenance. Therefore, Ecology is not including an oil and grease limit at this time and is instead including a best management practice in line with Lakehaven's requirements.

## **IV. Monitoring Requirements**

Ecology requires monitoring, recording, and reporting (WAC 173-216-110) to verify that the treatment process functions correctly and that the discharge complies with the permit's effluent limits.

If a facility uses a contract laboratory to monitor wastewater, it must ensure that the laboratory uses the methods and meets or exceeds the method detection levels required by the permit. The permit describes when facilities may use alternative methods. It also describes what to do in certain situations when the laboratory encounters matrix effects. When a facility uses an alternative method as allowed by 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.

## **A. Lab accreditation**

Ecology requires that facilities must use a laboratory registered or accredited under the provisions of chapter 173-50 WAC, Accreditation of Environmental Laboratories, to prepare all monitoring data (with the exception of certain parameters).

## **B. Wastewater monitoring**

Ecology details the proposed monitoring schedule under Special Condition S2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

The proposed permit requires monitoring to further characterize the facility's wastewater and to evaluate any potential impacts to the Lakota WWTP. BOD<sub>5</sub>, TSS, oil & grease, ammonia (total), nitrate+nitrite nitrogen (as N), and total kjeldahl nitrogen could have a significant impact on the receiving POTW.

Ecology included a permit condition which allows Ellenos to request a reduction in monitoring frequency. If 24 months of data show limited variability in the characteristics of the wastewater, Ecology may grant a reduction in monitoring for BOD<sub>5</sub>, TSS, oil & grease, ammonia (total), nitrate+nitrite nitrogen (as N), and total kjeldahl nitrogen.

## **V. Other Permit Conditions**

### **A. Reporting and recordkeeping**

Ecology based Special Condition S3 on its authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges [WAC 173-216-110 and CFR 403.12 (e),(g), and (h)].

### **B. Operations and maintenance**

Ecology requires dischargers to take all reasonable steps to properly operate and maintain their wastewater treatment system in accordance with state regulations (WAC 173-240-080 and WAC 173-216-110). The facility must prepare and submit an operation and maintenance (O&M) manual as required by state regulation for the construction of wastewater treatment facilities (WAC 173-240-150). Implementation of the procedures in the operation and maintenance manual ensures the facility's compliance with the terms and limits in the permit.

Ecology included several best management practices including,

- Maintaining the grease interceptors in accordance with Lakehaven Water and Sewer District pretreatment resolution. This resolution states, "All grease interceptors are

required to be professionally serviced at least every 90 days, and before the inches of FOG or solids exceed the manufacturer's specifications."

At the time of permit writing, the manufacturer recommendation for Schier GB-250 (Gen 1) grease interceptors, which are what is installed at Ellenos, has the following design capacity,

Flow capacity – 100 gpm (Ellenos has two parallel trains, so 200 gpm)

Maximum Grease Height – 18.8 inches

Maximum Solids Height – 12.8 inches

- Proper management of concentrated chemicals to eliminate spills to the sewer and proper dilution of chemicals based on manufacturer recommendation and food safety requirements. The cleaners, sanitizers, and disinfectants used at Ellenos may act as surfactants and/or negatively impact biological activity at the Lakota WWTP if disposed of in concentrated amounts.
- Do not discharge off-spec product or large quantities of dairy ingredients. The minimal residual product discharged to the sewer during the standard CIP process and/or facility wide cleaning is permitted. Discharging large volumes of product or ingredients will likely cause a spike in BOD<sub>5</sub> loading to the sewer which could negatively impact the Lakota WWTP.
- Periodically measure the temperature of the wastewater entering the grease interceptors. High temperature water (~160 °F) is used in the clean-in-place and dishwasher operations. Ecology is not requiring effluent temperature monitoring at this time. However, Ecology included a best management practice to prevent introduction of wastewater with a temperature > 150 °F to the grease interceptors. The maximum operating temperature for the installed grease interceptors is 150 °F. Wastewater temperatures exceeding the operating temperature may impact the integrity of the unit and/or redissolve grease. The O&M manual submittal requires Ellenos to evaluate the temperature entering the grease interceptors. Ecology will evaluate if ongoing temperature monitoring is necessary during the next permit reissuance or as necessary.

### **C. Prohibited discharges**

Ecology prohibits certain pollutants from being discharged to the POTW. These include substances which cause pass-through or interference, pollutants which may cause damage to the POTW or harm to the POTW workers (chapter 173-216 WAC) and the discharge of designated dangerous wastes not authorized by this permit (chapter 173-303 WAC).

#### **D. Dilution prohibited**

Ecology prohibits the facility from diluting its effluent as a partial or complete substitute for adequate treatment to achieve compliance with permit limits.

#### **E. Slug discharge plan**

Ecology determined that Ellenos has the potential for a batch discharge or a spill that could adversely affect the treatment plant, therefore the proposed permit requires a slug discharge control plan [(40 CFR 403.8 (f)(I) (iii)(B)(6) and (f) (2)(vi)].

#### **F. General conditions**

Ecology bases the standardized general conditions on state law and regulations. They are included in all state waste discharge permits issued by Ecology.

### **VI. Public Notification of Noncompliance**

Ecology may annually publish a list of all industrial users in significant noncompliance with Pretreatment Standards or Requirements during any of the previous four quarters in a local newspaper. Accordingly, this permit Special Condition informs the Facility that noncompliance with this permit may result in publication of the noncompliance.

### **VII. Permit Issuance Procedures**

#### **A. Permit modifications**

Ecology may modify this permit to impose or change the numerical limits, if necessary to comply with changes in the pretreatment requirements, conditions in local sewer ordinances, or based on new information from sources such as inspections and effluent monitoring. It may also modify this permit to comply with new or amended state or federal regulations.

#### **B. Proposed permit issuance**

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limits and conditions believed necessary to control toxics. Ecology proposes that the permit be issued for five years.

## VIII. References for Text and Appendices

Ellenos

Permit application, July 2022.

Washington State Department of Ecology.

[Laws, Rules & Rulemaking](https://ecology.wa.gov/About-us/How-we-operate/rulemaking) (https://ecology.wa.gov/About-us/How-we-operate/rulemaking)

[Permit and Wastewater Related Information](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance) (https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Water-quality-permits-guidance)

[Permit Writer's Manual](https://apps.ecology.wa.gov/publications/documents/92109.pdf), July 2018. Publication Number 92-109  
(https://apps.ecology.wa.gov/publications/documents/92109.pdf)

Focus Sheet on [Developing a Solid Waste Control Plan](https://apps.ecology.wa.gov/publications/SummaryPages/0710024.html) for Industrial Wastewater Discharge Permittees, February 2007 (Revised 2019). Publication Number 07-10-024.  
(https://apps.ecology.wa.gov/publications/SummaryPages/0710024.html)

## Appendix A - Public Involvement Information

Ecology proposes to issue a permit to Ellenos. The permit includes wastewater discharge limits and other conditions. This fact sheet describes the facility and Ecology's reasons for requiring permit conditions.

Ecology placed a Public Notice of Application on September 6, 2022 and September 13, 2022 in The Seattle Times to inform the public about the submitted application and to invite comment on the issuance of this permit.

Ecology placed a Public Notice of Draft on February 21, 2023 in the Seattle Times to inform the public and to invite comment on the proposed draft State Waste Discharge permit and fact sheet.

The notice:

- Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (the closest Regional or Field Office and posted on our website).
- Offers to provide the documents in an alternate format to accommodate special needs.
- Urges people to submit their comments, in writing, before the end of the Comment Period
- Tells how to request a public hearing of comments about the proposed state waste discharge permit.
- Explains the next step(s) in the permitting process.

Ecology has published a document entitled [Frequently Asked Questions about Effective Public Commenting](https://apps.ecology.wa.gov/publications/documents/0307023.pdf), available at <https://apps.ecology.wa.gov/publications/documents/0307023.pdf>.

You may obtain further information from Ecology by telephone, (206) 594-0000, or by writing to the address listed below.

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Regional Office  
PO Box 330316  
Shoreline, WA 98133-9716

The primary author of this permit and fact sheet is Maia Hoffman.

## Appendix B - Your Right to Appeal

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

To appeal you must do the following within 30 days of the date of receipt of this permit:

- File your appeal and a copy of this permit with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this permit on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

### ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p>
<p><b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>

## Appendix C - Glossary

**AKART** - The acronym for “all known, available, and reasonable methods of prevention, control and treatment.” AKART is a technology-based approach to limiting pollutants from wastewater discharges, which requires an engineering judgment and an economic judgment. AKART must be applied to all wastes and contaminants prior to entry into waters of the state in accordance with RCW 90.48.010 and 520, WAC 173-200-030(2)(c)(ii), and WAC 173-216-110(1)(a).

**Average monthly discharge limit** - The average of the measured values obtained over a calendar month time.

**Best management practices (BMPs)** - Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

**BOD<sub>5</sub>** - Determining the five-day Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of organic material present in an effluent that is utilized by bacteria. The BOD<sub>5</sub> is used in modeling to measure the reduction of dissolved oxygen in receiving waters after effluent is discharged. Stress caused by reduced dissolved oxygen levels makes organisms less competitive and less able to sustain their species in the aquatic environment. Although BOD<sub>5</sub> is not a specific compound, it is defined as a conventional pollutant under the federal Clean Water Act.

**Bypass** - The intentional diversion of waste streams from any portion of a treatment facility.

**Categorical pretreatment standards** - National pretreatment standards specifying quantities or concentrations of pollutants or pollutant properties, which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories.

**Clean water act (CWA)** - The federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

**Compliance inspection-without sampling** - A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

**Compliance inspection-with sampling** - A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations. In addition it includes as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for

municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Ecology may conduct additional sampling.

**Composite sample** - A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots).

**Construction activity** - Clearing, grading, excavation, and any other activity, which disturbs the surface of the land. Such activities may include road building; construction of residential houses, office buildings, or industrial buildings; and demolition activity.

**Continuous monitoring** - Uninterrupted, unless otherwise noted in the permit.

**Date of receipt** - This is defined in RCW 43.21B.001(2) as five business days after the date of mailing; or the date of actual receipt, when the actual receipt date can be proven by a preponderance of the evidence. The recipient's sworn affidavit or declaration indicating the date of receipt, which is unchallenged by the agency, constitutes sufficient evidence of actual receipt. The date of actual receipt, however, may not exceed forty-five days from the date of mailing.

**Engineering report** - A document that thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report must contain the appropriate information required in WAC 173-240-060 or 173-240-130.

**Grab sample** - A single sample or measurement taken at a specific time or over as short a period of time as is feasible.

**Groundwater** - Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**Industrial user** - A discharger of wastewater to the sanitary sewer that is not sanitary wastewater or is not equivalent to sanitary wastewater in character.

**Industrial wastewater** - Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business; from the development of any natural resource; or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

**Interference** - A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

- Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), sludge regulations appearing in 40 CFR Part 507, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

**Local limits** - Specific prohibitions or limits on pollutants or pollutant parameters developed by a POTW.

**Maximum daily discharge limit** - The highest allowable daily discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. The daily discharge is the maximum discharge of a pollutant measured during a calendar day.

**Method detection level (MDL)** - See Detection Limit.

**National pollutant discharge elimination system (NPDES)** - The NPDES (Section 402 of the Clean Water Act) is the federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the state of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/State permits issued under both state and federal laws.

**pH** - The pH of a liquid measures its acidity or alkalinity. It is the negative logarithm of the hydrogen ion concentration. A pH of 7 is defined as neutral and large variations above or below this value are considered harmful to most aquatic life.

**Pass-through** - A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), or which is a cause of a violation of State water quality standards.

**Reasonable potential** - A reasonable potential to cause or contribute to a water quality violation, or loss of sensitive and/or important habitat.

**Responsible corporate officer** - 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 employing more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980

dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

**Sample Maximum** - No sample may exceed this value.

**Significant industrial user (SIU) --**

- 1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N and;
- 2) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blow-down wastewater); contributes a process wastestream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Control Authority\* on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].

Upon finding that the industrial user meeting the criteria in paragraph 2, above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority\* may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

\*The term "Control Authority" refers to the Washington State Department of Ecology in the case of non-delegated POTWs or to the POTW in the case of delegated POTWs.

**Slug discharge** - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge to the POTW. This may include any pollutant released at a flow rate that may cause interference or pass through with the POTW or in any way violate the permit conditions or the POTW's regulations and local limits.

**Solid waste** - All putrescible and non-putrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials.

**Soluble BOD<sub>5</sub>** - Determining the soluble fraction of Biochemical Oxygen Demand of an effluent is an indirect way of measuring the quantity of soluble organic material present in an effluent that is utilized by bacteria. Although the soluble BOD<sub>5</sub> test is not specifically described in Standard Methods, filtering the raw sample through at least a 1.2 um filter prior to running the standard BOD<sub>5</sub> test is sufficient to remove the particulate organic fraction.

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**State waters** - Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

**Stormwater** - That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

**Technology-based effluent limit** - A permit limit based on the ability of a treatment method to reduce the pollutant.

**Total suspended solids (TSS)** - Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

**Upset** - 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, lack of preventative maintenance, or careless or improper operation.

**Water quality-based effluent limit** - A limit imposed on the concentration of an effluent parameter to prevent the concentration of that parameter from exceeding its water quality criterion after discharge into receiving waters.

## Appendix D – Facility Diagrams

### Ellenos - Yogurt Flow Chart

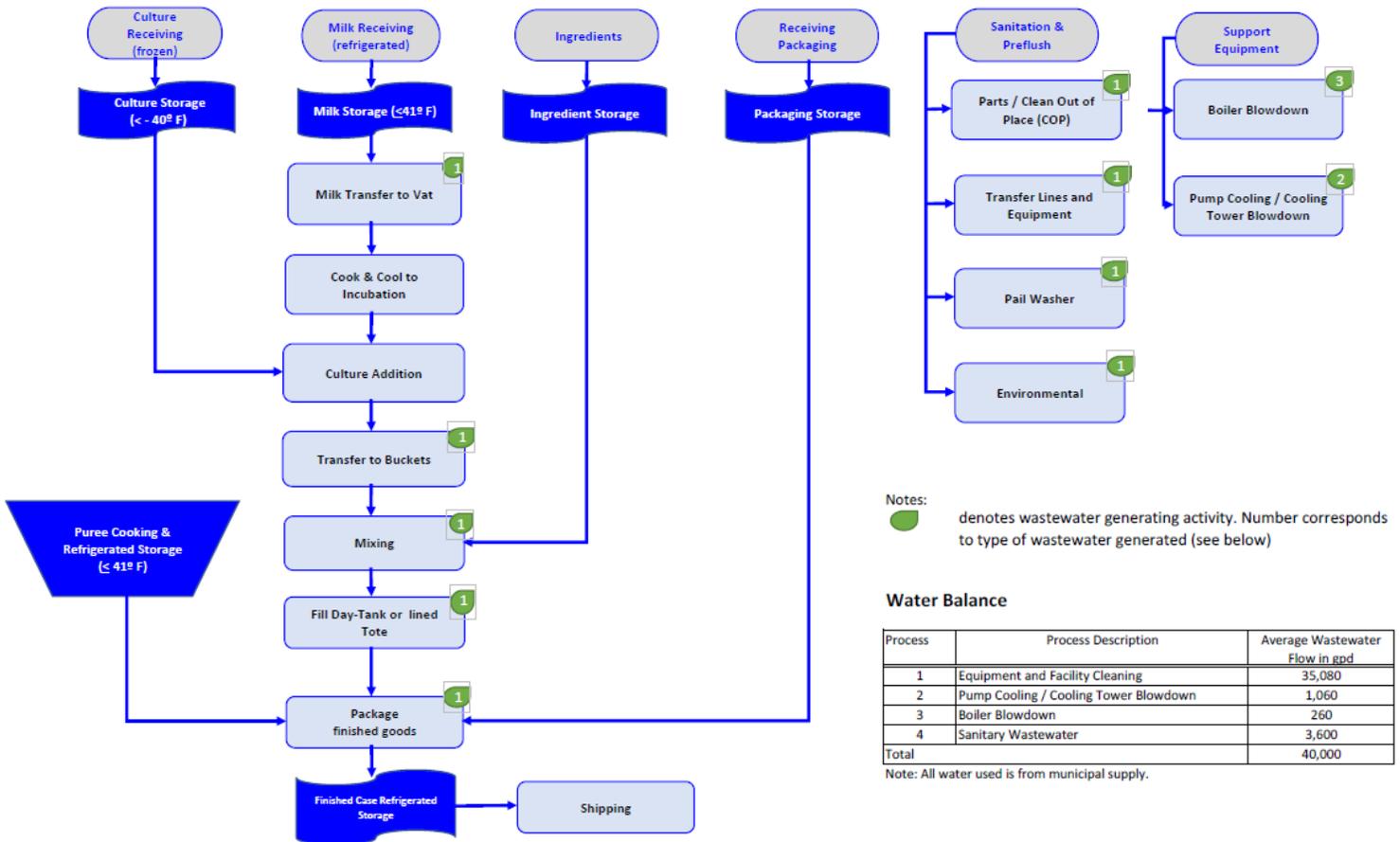


Figure 3 – Production schematic flow diagram and water balance

## **Appendix E - Response to Comments**

Ecology did not receive any comments during the public comment period.