



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

4601 North Monroe St., Spokane, WA 99205-1295 • 509-329-3400

May 5, 2025

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

RE: Notice of Temporary State Waste Discharge Permit for Sila Nanotechnologies –
ST0501358

Dear David Modde:

Sila Nanotechnologies application for a State Waste Discharge permit for their Moses Lake Anode Manufacturing Plant was received by this office on April 3, 2024. The Department of Ecology (Ecology) has reviewed and accepted the application as sufficiently complete on June 14, 2024. A temporary permit was issued and effective 60-days from the date the application was received by our office (RCW 90.48.200). We recently reviewed our files and realized Sila should have received a temporary permit letter based on the permit application received by Ecology.

A public notice was published on March 3, 2025 and March 10, 2025 in the Columbia Basin Herald per WAC 173-216-090 informing the public that an application was available to the public.

Any applicant who proposes to discharge waste materials into waters of the state or into a municipal sewerage system must file an application with Ecology at least 60-days prior to discharging. Washington Administrative Code (WAC) 173-216-070 explains what satisfies the requirement for filing a permit application. WAC 173-216-090 requires publication of a public notice followed by a 30-day comment period.

Revised Code of Washington (RCW) 90.48.200 states, “In the event of failure of Ecology to act upon an application within 60 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 wastes into waters of the state as requested in its application only until such time as Ecology shall have taken action upon said application”.

Therefore, as RCW 90.48.200 and WAC 173-216 provide, your temporary permit became effective June 3, 2024, and will remain in force until notified by Ecology.

Ecology requests that Sila comply with any temporary provisions associated with the application accepted on June 14, 2024 or until Ecology issues a permit. Sila will have an opportunity to review the proposed permit prior to final issuance by Ecology.

You are required to comply with all water pollution laws and regulations.

This authorization does not allow Sila to discharge pollutants not specified in your application and attachments or in quantities exceeding those specified in your application. A new application or supplement to the current application must be submitted along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated. An application or supplement must be submitted at least 60 days prior to the proposed change or increase in discharge.

A new application must be submitted if the discharge of wastewater is to continue after five years from the effective date of the temporary permit. Ecology may issue a new permit for this discharge at any time. Ecology may also request an updated application if a substantial amount of time passes before acting on your original application.

Ecology has adopted a regulation (Chapter 173-224 WAC) establishing annual permit fees for all municipal/domestic and industrial wastewater discharge permit holders. Teck Washington Inc.'s temporary permit is subject to this fee starting on its effective date and will be notified of the amount of the fee, payment schedules, and other details in a separate mailing from Ecology Fee Unit.

Your right to appeal

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

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

- File your notice of appeal and a copy of this permit with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this permit on the Department of Ecology by mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit the PCHB website¹ 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

Please contact Pat Hallinan at (509) 329-3500 or by email at phal461@ecy.wa.gov if you have questions about the application or the permitting process.

Sincerely,

Adriane P. Borgias
Water Quality Section Manager
Eastern Regional Office
Washington State Department of Ecology

APB:sj

cc: Chris Campbell, City of Moses Lake
Ecology Permit Fee Unit
Pat Hallinan, WQP Permit Manager, Ecology Eastern Region
Art Jenkins, PE, WQP Permit Management Unit Supervisor, Ecology Eastern Region
Greg Dobb, PE, WQP Permit Development Unit Supervisor, Ecology Eastern Region

¹ <https://elaho.wa.gov/>