Workshop and Public Hearing

State Waste Discharge and NPDES General Permit for Wastewater and Stormwater Discharges from Boatyards

April 19 and 20, 2016

DEPARTMENT OF ECOLOGY
State of Washington

NPDES General Permit No. WAG-030000
Issuance Date: June 1, 2016
Effective Date: July 2, 2016
Expiration Date: June 30, 2021

BOATYARD GENERAL PERMIT

A National Pollutant Discharge Elimination System (NPDES) and
State Waste Discharge General Permit for Stormwater and Wastewater Discharges
Associated with Boatyards

State of Washington
Department of Ecology
Olympia, Washington

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, § 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage by this permit are authorized to discharge in accordance with the special and general conditions which follow.

Heather R. Bartlett
Water Quality Program Manager
Washington State Department of Ecology

Fact Sheet for NPDES and State Waste Discharge General Permit for Boatyards

March 16, 2016

Purpose of this fact sheet

This fact sheet is a companion document to the National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Boatyards (boatyard general permit). It explains the nature of the proposed discharges, summarizes the history of the permit, documents the Washington State Department of Ecology's (Ecology's) decisions for limiting the pollutants in the wastewater discharges, provides the regulatory and technical bases for those decisions, and fulfills the requirements of Washington Administrative Code (WAC) Section 173-226-110.

On March 16, 2016, Ecology prepared and made available a draft permit for boatyards and this accompanying fact sheet for public evaluation during a minimum 30-day review period (WAC 173-226-130). Copies of the draft general permit and this fact sheet will be available at Ecology regional offices and via the Internet for public review and comment from March 16, 2016, through April 29, 2016. Details about how to prepare and submit comments are in Appendix D (Public Involvement Information).

After the public comment period has closed, Ecology will make changes to the draft NPDES general permit in response to comments, summarize substantive comments, and provide responses to them in Appendix E (Responses to Comments). Ecology will maintain the final fact sheet and permit in the permit file as part of the legal history.

Summary

The boatyard general permit provides coverage for discharges of treated pressure-wash wastewater and stormwater runoff from certain boatyards to waters of the State. The general permit provides coverage for boatyards that:

1. Engage in the construction, repair, or maintenance of small vessels (boats or ships), where 85% of those vessels are 65 feet or less in length; or
2. Generate more than 85% of their gross receipts from revenues returned from the construction, repair, or maintenance of those small vessels.

The boatyard general permit includes both technology-based and water quality-based limits or benchmarks depending on the source of the wastewater and the receiving water.

Draft Fact Sheet for the Boatyard General Permit
1

Purpose of Today's Session

- Explain Permit Reissuance Schedule and Public Process
- Explain changes to the permit proposed by Ecology
- Answer questions
- Accept comments

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3

Reissuance Background

- Federal regulations:
  - Duration of NPDES permits is 5 years maximum
  - Facilities must re-apply 180 days before expiration
- Current permit expires May 31, 2016
- Ecology sent instructions in October 2015
- Electronic applications
- Re-Application due date was December 2, 2015

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4

Currently about 70 facilities are covered under the BY GP.

Reissuance Schedule (to date)

- March 16, 2016:
  Ecology released *Draft* Permit and Fact Sheet
  Began public comment period
- April 19 and 20, 2016:
  Public Workshops and Hearings
- April 29, 2016: Last day of public comment period
- Ecology reviews public comments and makes appropriate revisions.

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5

Since at least July of last year, ECY has asked for and received ideas from the public and from Permittees about the current BYGP and how it might be improved.

Reissuance Schedule (goals)

- June 1, 2016:
  - Ecology releases Final Permit, Fact Sheet, and Responses to Comments
  - Ecology issues coverage to facilities
- July 1, 2016: First appeal period ends
- July 2, 2016: Final Permit becomes effective
- August 1, 2016: Second appeal period ends

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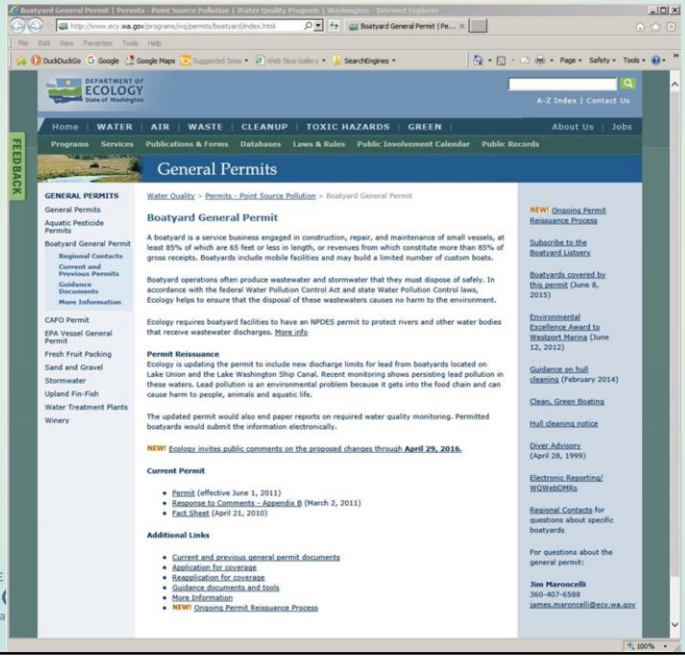
6

Boatyard General Permit Website



Only Two Substantive Changes

Electronic Reporting:

- Monitoring data (eDMR)
- Applications (eNOI)
- Reports and other Notifications

  [≥55% of permittees already have registered SAW accounts]

Decrease the Maximum Limit for Discharges of Total Lead:

- Only for impaired waterbodies [303(d) Listed, Category 5]

  Dischargers to Lake Union and Lake Washington Ship Canal

  Decreased from 185 ug/L to 78 ug/L

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Plus: Correct errors (mostly grammar)

Add more explicit details to some requirements & processes

Clarify confusing language

SAW SecureAccess WASHINGTON®
Login to your SecureAccess Washington Account
User ID:
Password:
login
Do not have an account? Create one
Forgot your User ID?
Forgot your password?
Haven't received activation email?
Activate your account
Privacy Notice Help
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Water Quality Permitting Portal WQWebPortal
Home Help Reports
Welcome to the Water Quality Permiting Portal
The WQWebPortal allows you a single sign-on for all your electronic Water Quality permit actions. You can access and reference your electronic submissions at the WQWebPortal site anytime—day or night.
Entering your data electronically guarantees instant receipt of the data—no more mailing paper DMRs every month! It also reduces application approval times and improves the accuracy of the data.
Apply for:
Permit Coverage - Notice of Intent (NOI)
Construction Stormwater General Permit
Industrial Stormwater General Permit
Sand and Gravel General Permit
Upland Fin-Fish Hatching and Rearing General Permit
Water Treatment Plant General Permit
Boatyard General Permit
Conditional No Exposure Exemption (CNE)
Industrial Stormwater General Permit
Submit data for:
Discharge Monitoring Report (DMR)
Permit Submittals
Ecology only:
Web Documents - Mass permit letter processing
Ecology Home | Home | Technical Assistance Request (TAR) | Help | Release Notes | Contact Us

S9. Reporting and Recordkeeping

- Permittees must use the WQ Web Portal for DMRs and all other reports and notifications (in part to comply with Federal Regulations).
- Alternately, you must obtain a waiver from Ecology.
- DMRs are due on the 28th of the month following each month with required monitoring, whether or not a discharge or sampling occurred.
- Full-Time phone support for technical issues at:

  360-407-7097 (Olympia area)
  800-633-6193 / Option 3 (Elsewhere)
  WQWebPortal@ecy.wa.gov

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10

Tonya

Comparison of Limits and Benchmarks: Current Permit versus Proposed Permit

		Lake Union and Lake Washington Ship Canal		Other Freshwater Bodies		Marine Waters		Groundwater		Non-Delegated POTW	
		Daily Maximum (ug/L)	Seasonal Average (ug/L)	Daily Maximum (ug/L)	Seasonal Average (ug/L)	Daily Maximum (ug/L)	Seasonal Average (ug/L)	Daily Maximum (ug/L)	Seasonal Average (ug/L)	Daily Maximum (ug/L)	Seasonal Average (ug/L)
Copper	Old	147	50	147	50	147	50	1,000	1,000	2,400	NA
	New	147	50	147	50	147	50	1,000	1,000	2,400	NA
Lead	Old	**185**	NA	NA	NA	NA	NA	NA	NA	1,200	NA
	New	**78**	NA	NA	NA	NA	NA	NA	NA	1,200	NA
Zinc	Old	90	85	90	85	90	85	1,020	1,020	3,300	NA
	New	90	85	90	85	90	85	1,020	1,020	3,300	NA
pH (S.U.)	Old	NA	NA	NA	NA	NA	NA	NA	NA	5.0 to 11.0	NA
	New	NA	NA	NA	NA	NA	NA	NA	NA	5.0 to 11.0	NA

ug/L = Micrograms per liter.
NA = Not applicable.
POTW = Publicly-Owned Treatment Works.
S.U. = Standard units.

= Discharge limit.
= Benchmark.
185 = Changed value.

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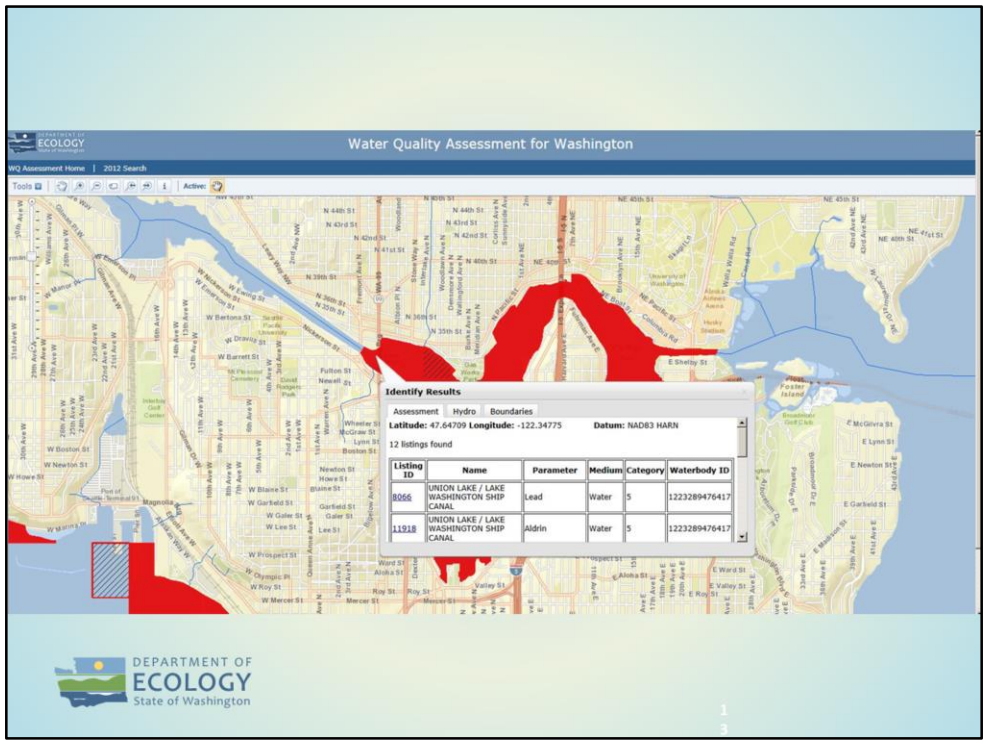
Table 9. Waterbodies in Western Washington Impaired by Boatyard-Related Pollutants [303(d) List, Category 5]

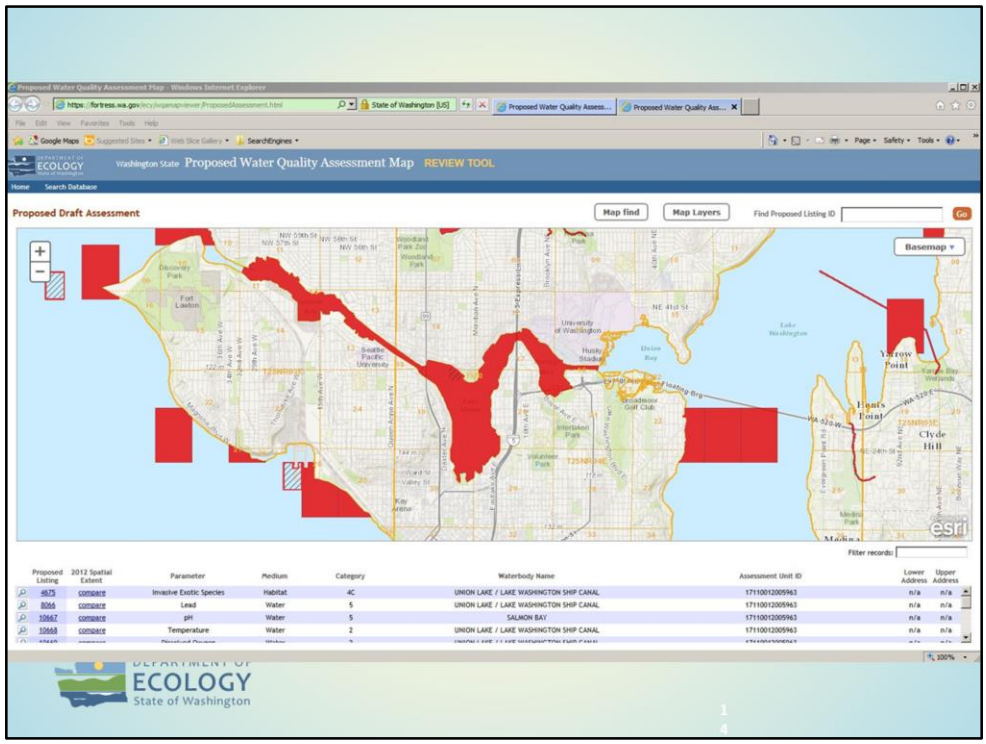
Water Resources Inventory Area	Water Body Name	Pollutant (in water or sediment)
1 - Nooksack	Bellingham Bay (Inner)	Copper, Lead, Zinc
1 - Nooksack	Fever Creek	Zinc
3 - Lower Skagit-Samish	Padilla Bay, Fidalgo Bay, and Guemes Channel	Copper, Lead, Zinc
3 - Lower Skagit-Samish	Rosario Strait	Copper
8 - Cedar-Sammamish	Lake Union / Lake Washington Ship Canal	Lead
9 - Duwamish-Green	Des Moines Creek	Copper, Zinc
9 - Duwamish-Green	Des Moines Creek, East Tributary	Copper
9 - Duwamish-Green	Duwamish Waterway	Copper, Lead, Zinc
9 - Duwamish-Green	Hill (Mill) Creek	Copper
9 - Duwamish-Green	Massey Creek	Copper, Zinc
9 - Duwamish-Green	McSorley Creek	Copper
9 - Duwamish-Green	Newaukum Creek	Copper
10 - Puyallup-White	Hylebos Creek, East Fork	Copper
12 - Chambers-Clover	Dalco Passage and East Passage	Copper, Lead, Zinc
13 - Deschutes	Budd Inlet (Inner)	Copper, Lead, Zinc
15 - Kitsap	Hood Canal (North)	Copper, Lead, Zinc
15 - Kitsap	Port Gamble Bay	Copper, Lead, Zinc
15 - Kitsap	Sinclair Inlet	Zinc
15 - Kitsap	Unnamed Creek (Trib to North Creek)	Lead
18 - Elwha-Dungeness	Port Angeles Harbor	Copper, Lead, Zinc

This list is based on the Washington State 303(d) List, approved by the U.S. EPA in 2012, available at: http://www.ecy.wa.gov/programs/wq/303d/currentassessmt.html.

305(b)	303(d)	Impaired	Category	Situation
Yes	Yes	Yes	5	Does not have a TMDL
Yes	No	Yes	4A	Has a TMDL
Yes	No	Yes	4B	Has a plan similar to a TMDL
Yes	No	Yes	4C	A TMDL cannot fix the problem
Yes	No	No	3	Insufficient information / No data
Yes	No	No	2	"Water of Concern" – Not bad enough
Yes	No	No	1	Acceptable for those parameters tested



Present extent of “Lake Union and Lake WA Ship Canal”



Proposed extent of “Lake Union and Lake WA Ship Canal”

Would take precedence if EPA approves ECY’s WQ Assessment pre-issuance of GP

S7. Response to Monitoring Results that Exceed Benchmarks

Three Levels of Corrective Actions:

- Level 1 – Operational Source Control BMPs
- Level 2 – Structural Source Control BMPs
- Level 3 – Treatment BMPs
  - Treatment Option
  - Permit Modification Option

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Level 1 - Operational Source Control

Example: Increase Sweeping

Example: Clean Up Spills

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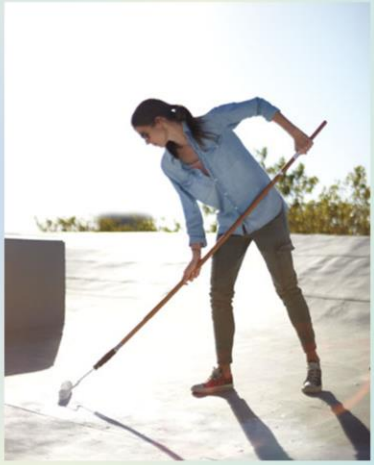
16

Level 2 - Structural Source Control

Example: Install Cover



Example: Coat Roof

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Level 3 – Treatment

Example: Media Filter

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Level 3 – Proposed Clarifications

- Clarified the Permittee's option either to propose new treatment or to request modification of the permit.
- Removed the incorrect requirement that the engineering report comply with WAC 173-240.
- Replaced that requirement with a list of eight required elements.
- Removed the incorrect hardship certification language to comply with RCW 90.48.520.
- Explained the requirements of the permit modification option.

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Other Specific Clarifications and Updates

S1 – Call out coverage of discharge to ground

S1.B – Clarify "marine surveys"
– Clarify "25% of the vessel surface to the vessel superstructure"

S3.C – Clarify "25% of the vessel surface to the vessel superstructure"

S4.A – Remove language; Add explanation to Fact Sheet

S6.B – No monitoring required for BOD, NO_2+NO_3, or Total Phosphorus

multi – "stormwater runoff potentially contaminated by industrial activities"

multi – Clarify that permittee is responsible for third parties on site

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S1.B: "for marine surveys" == "for inspections by marine surveyors"

[What does 25% of . . . mean?]

S4.A: Explanation of "mixing allowance"
No action required of Permittees, so this will move to the Fact Sheet.

Multi1: "Stormwater" has been used at several points in the permit where it's unclear whether it refers to **all** or **some** stormwater.
So, similar to the ISWGP, we'll make the meaning clear.

Multi2: Too many violations due to DIYs or boat owners.

Reissuance Schedule

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- Ecology reviews public comments and makes appropriate revisions.
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  - Ecology releases Final Permit, Fact Sheet, and Responses to Comments
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How to provide comments

- **Stay for the Public Hearing**
  - **Oral:** Step up to the microphone. **(Raise Hand)**
  - **Written:** Give them to me today.
- **Send written comments to Ecology**
  - **Email preferred:** BoatyardGPComments@ecy.wa.gov
  - **Otherwise to:** James M. Maroncelli
    Department of Ecology
    P.O. Box 47600
    Olympia, Washington 98504-7600
- **Include your name, address, and phone number.**

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Questions before the Formal Hearing?

Boatyard General Permit Website:

http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html

Jim Maroncelli
Department of Ecology, HQ, Lacey
James.Maroncelli@ecy.wa.gov
360-407-6588

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If you have questions re on-site issues:
Call local ECY rep via contact info on the Web.

If you have questions, comments, or suggestions re the new permit,
Call me.