

WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y



WASHINGTON STATE DEPARTMENT OF
Natural Resources

**ENVIRONMENTAL
ADVISORY**

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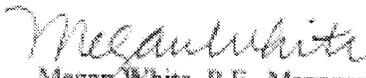
Wastes generated by commercial divers when conducting in-water hull cleaning constitute point source discharge of pollutants to waters of the state. As point source discharges, divers would need to apply for and receive a National Pollutant Discharge Elimination System (NPDES) permit from Ecology. Ecology cannot issue an NPDES permit to a discharger whose discharge will violate the water quality standard for copper. A person or persons who discharge without a permit may be subject to the enforcement provisions of Chapter 90.48 RCW, Water Pollution Control Act. Consequently;

The Washington State Departments of Ecology (Ecology) and Natural Resources (DNR) have determined the cleaning, by commercial divers, of vessels (as defined by federal regulation) painted with sloughing and ablative anti-fouling paints, and those vessels painted with tin-based compounds while the vessel is afloat is prohibited by state law. The use of mechanical or hydraulic devices for in-water hull cleaning and the manual scraping of hard growth off surfaces painted with anti-foulants is also prohibited.

The anti-fouling paints contain toxic metals such as copper, tin, and lead. The available data indicate that the wastestream generated during in-water hull cleaning violates the water quality standard for copper. The water quality standard for copper in marine waters is less than 5 parts per billion. The freshwater standard for copper is also in the low parts per billion although it varies with the hardness of the receiving water.

The standards have been developed to protect the beneficial uses of surface waters. Aquatic resources are one of those uses being protected. Anti-fouling paints are specifically designed to deter the attachment of aquatic organisms. However, the copper and other metals used in the paints are highly toxic to non-target organisms as well, resulting in both acute (lethal) and chronic (sub-lethal) effects. The chronic effects can result in anatomical abnormalities, growth and reproduction effects, and bioaccumulation. A person or persons who violate water quality standards may be subject to the enforcement provisions of Chapter 90.48 RCW.

In addition to protecting water quality, the state of Washington has an interest in protecting sediment quality and the general health of aquatic lands, as provided by Chapter 79.01 RCW, Public Lands Act and Chapter 79.90 RCW, Aquatic Lands Act. DNR is the state agency responsible for managing state-owned aquatic lands and protecting their beneficial uses. DNR's programs are implemented to minimize and, where possible, eliminate impacts to sediments and other aquatic resources. Because there is a significant potential for exceedances of the sediment quality standard for copper as a result of in-water hull cleaning, this activity is inconsistent with DNR's management responsibilities. The sediment quality standard for copper is 390 mg/kg, dry weight. Be aware that the contamination of sediments above this standard could make the state, port districts, boatyards marinas, and commercial divers all jointly liable for cleanup and natural resource damage costs; and may be subject to the enforcement provisions of Chapter 90.48 RCW.


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