NPDES General Permit No. WAG-030000
Issuance Date: November 2, 2005
Effective Date: December 2, 2005
Expiration Date: November 2, 2010
1st Modification Date: May 20, 2006
2nd Modification Date: December 19, 2007
Effective: January 19, 2008

BOATYARD GENERAL PERMIT

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

State of Washington
Department of Ecology
Olympia, Washington 98504-8711
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.

David C. Peeler, Manager
Water Quality Program
Washington State Department of Ecology

FACILITY SPECIFIC COVER PAGE

General Permit No. WAG030000
Facility Specific Coverage No:WAG03
Issuance Date:
Expiration Date:
Coverage Date:

<+Owner>
<+Facility Name>
<+Street Address>
<+P.O. Box>
<+City, State, Zip>
<+Phone Number>

Meets the criteria for coverage under the General Boatyard National Pollution Discharge Elimination System Waste Discharge Permit.

Boatyard Location:

<+P.O. Box>
<+FACILITY LOC.>

Receiving Waters:

<+RECEIVING WATER>

Industry Type:

Boatyard

Discharge Location:

<+LATITUDE>
<+LONGITUDE>

Water Segment Number:

<WATER SEGMENT NUMBER>

Receiving Water Classification:

Class: <WQ STAND>

<+REGIONAL SUPERVISOR>, Region Supervisor Water Quality Program
<+REGION>

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SUMMARY OF PERMIT SUBMITTALS AND MONITORING REQUIREMENTS

Permit Section	Submittal	Frequency	Submittal Date
S2	Pressure Wash Wastewater Monitoring Results	June, July, August, and September	DMR- Fifteenth (15th) day of the month following sample collection
S4	Stormwater Monitoring Results	September, October, January, April, May	DMR-Fifteenth (15th) day of the month following sample collection
S4	Level One Response	Each exceedance of benchmark value	DMR -Fifteenth (15th) day of the month following sample collection.
S4	Level Two Response	Exceedance of 4 benchmarks	DMR -Fifteenth (15th) day of the month following sample collection. Level Two Report – three (3) months from DMR due date
S4	Level Three Response	Exceedance of 6 benchmarks	DMR -Fifteenth (15th) day of the month following sample collection. Level Three Report (Engineering Report) – three months from DMR due date.
G1	Notice of Change in Authorization	As necessary	
G8	Application for permit coverage renewal	One (1) during the permit cycle	May 2, 2010
G14	Transfer of Permit Coverage	As necessary	Thirty (30) days before expected transfer

DEFINITIONS

When used in this permit, the following terms have the meanings as given:

"Approved Stormwater Management Manuals" means stormwater manuals produced by the Department of Ecology or USEPA that contain best management practices (BMPs) appropriate for the discharges covered by this permit.

"AKART" is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methods of preventing, controlling, or abating the pollutants associated with a discharge that can be installed or used at a reasonable cost.

"Benchmarks" means a pollutant concentration used in this general permit as a threshold value such that effluent concentrations which are less than these values are considered unlikely to cause a water quality violation. Benchmark values are narrative effluent limits. Site-specific conditions must be considered to determine if an actual water quality violation exists when benchmarks are exceeded.

"Best Management Practices (BMPs) means 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. In this permit BMPs are further categorized as operational, source control, and treatment BMPs.

"Bilge water" means water from a boat's bilge spaces, whether single or double hulled.

"BOD" means biochemical oxygen demand.

"CWA" means Clean Water Act.

"Daily Discharge" means the "discharge of a pollutant" measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants with limitations expressed as concentration, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Date of coverage" means the date that the individual facility (identified on the Facility Specific Cover Page) is authorized to discharge under the conditions of this general permit.

"Department" means the Department of Ecology.

"DMR" means discharge monitoring report. The DMR is sent to Ecology on a periodic

basis set by the permit to report on the monitoring requirements of the permit.

"Ecology" means the Department of Ecology

"Enhanced filtration" means the treatment process defined as enhanced filtration in "Final Report- Shipyard AKART Analysis for Treatment of Storm Water" Hart Crowser report No. J-4699, May 7, 1997.

"Existing facilities" means those facilities which are not a "new source" or a "new discharge".

"First flush" means within the first 30 minutes of the formation of a discrete storm water discharge.

"FWPCA" means the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251 et seq.)

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

"Hull" means the body or frame of a ship or boat. It is a central concept in water vessels. The hull is essentially what keeps the water from entering the boat and acts as the walls and floor of the vessel.

"Interference" – means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
(2) 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), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
(40 CFR 403.3)

"Lake" means a waterbody, including reservoirs, with a mean detention time of greater than fifteen days. Lake includes Lake Union and the Lake Washington Ship Canal.

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with solid waste or gases.

"Maximum Daily Discharge Limitation" means the highest allowable "daily discharge."

"Method Detection Limit" means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR Part 136.

"ML" means minimum level.

"Minimum level" means the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence. The ML may also be called the quantitation level.

"Minimum Performance Standards" for vacuum sanding means:

<u>Sander</u> – 98% dust extraction
– Suitable for lead abatement work
– electric or air powered

<u>Vacuum</u> – Static water lift = 60 inches minimum
– Air flow = 116 cfs minimum
– Power = 900 watts minimum
– Filter = 1 micron cartridge minimum, recommended = 5 micron bag filter, plus a 1 micron cartridge filter, plus a 0.5 micron filter

"New Source" and "New Discharge" have the meaning as given in 40 CFR 122.2 and 122.29.

"Pass through" – means a discharge which exits the POTW into waters of the United States 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). (40 CFR 403.3)

"Permittee" means a facility which has obtained coverage under this general permit.

"POTW" means the term *Publicly Owned Treatment Works* or *POTW* - a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

"Pressure washing" means the use of a water pressure washer to remove paint or biological growth from a vessels hull. "Pressure washing" includes the practice of mechanical or hand scrubbing and rinsing with low pressure water from a hose.

"Pressure wash wastewater" means water which has been used to pressure wash, brush clean, or chemically clean boat hulls.

"Process Change" means any modification of the facility that would:

- add different pollutants of a significant amount to the discharge, or
- increase the pollutants in the stormwater discharge by a significant amount, or,
- add a new industrial activity (SIC) that was not previously covered; or
- add additional impervious surface or acreage such that stormwater discharge would be increased by 25% or more; or
- significantly change the frequency of an activity from that specified on the application for coverage of this permit

"Process wastewater" means any water which, during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Stormwater that commingles with process water becomes process water. This definition of process wastewater does not include non-stormwater discharges conditionally approved under section S2.C. *Non-Stormwater Miscellaneous Discharges*.

"Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Sheet flow" means runoff which flows over the ground surface as a thin, even layer, and not concentrated in a channel.

"SIC" means the U.S. Standard Industrial Classification code assigned to businesses by the U.S. Department of Labor.

"Site" means the location of the activity that is defined as a boatyard (see S.1.A. of the permit).

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes,

including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

"Storm event" means precipitation of 0.1 inch or more in a 24 hour period which is preceded by 24 hours of no precipitation (trace amount or less).

"Stormwater" means storm water runoff, snow melt and runoff, surface runoff, and drainage.

"Superstructure" means the structure consisting of the part of a ship above the main deck

"SWMM" means Stormwater Management Manual of Western Washington, Ecology Publication Nos. 99-11 through 99-15.

"SWPPP" means Stormwater Pollution Prevention Plan. Submittal of a SWPPP or modification to a SWPPP may be in electronic format. See Section S5 of this permit.

"Topside" means that part of a vessel above the wales (horizontal members that aid in wall/form reinforcement and distribution of forces.); now in yachts sometimes understood as the part between the water-line and deck, or the freeboard

"TR" means Total Recoverable metal.

"Turbidity" means the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample. Turbidity in water is caused by suspended matter, such as clay, silt, finely divided organic and inorganic matter, soluble colored organic compounds, and plankton and other microscopic organisms.

"Upset" – (1) means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations 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, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
(2) *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset,

and before an action for noncompliance, is final administrative action subject to judicial review.
(3) *Conditions necessary for a demonstration of upset.* A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
(i) An upset occurred and that the permittee can identify the cause(s) of the upset;
(ii) The permitted facility was at the time being properly operated; and
(iii) The permittee submitted notice of the upset as required in 40 CFR 122.41(1)(6)(ii)(B) (24 hour notice).
(iv) The permittee complied with any remedial measures required in the permit.
(4) *Burden of proof.* In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof. 40 CFR 122.41(n)

"Vacuum Sanding" means

<u>Sander or Rotary Tool</u>
– 98% dust extraction
– Suitable for lead abatement work
– electric or air powered
<u>Vacuum</u> – Static water lift = 60 inches minimum
– Air flow = 116 cfs minimum
– Power = 900 watts minimum
– Filter = 1 micron cartridge minimum,
recommended filtration = 5 micron bag filter, plus a 1 micron cartridge filter, plus a 0.5 micron filter

"Visual Monitoring" means an inspection by the Permittee of the permitted facility to determine, to the extent that can be determined by sight that BMPs are in place and effective at controlling pollutants in stormwater runoff. Visual monitoring includes observations to detect the presence of oil sheen in stormwater runoff. Visual monitoring inspections are logged and reported on the DMR.

"Waters edge" means the ordinary high water mark (freshwater) or the mean higher high tide level (marine water).

"Waters of the State" means 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.

SPECIAL CONDITIONS

S1. PERMIT COVERAGE

A. Boatyard Activities Requiring Coverage under This Permit

All boatyards in the state of Washington, as defined in this section, are required to obtain coverage under this permit unless exempted by the following section B. Boatyards shall comply with all conditions specified within this permit.

A boatyard, as defined for the purpose of this permit, is a commercial business engaged in the construction, repair and maintenance of small vessels, 85% of which are 65 feet or less in length, or revenues from which constitute more than 85% of gross receipts. Services typically provided include, but are not limited to: pressure washing hulls, painting and coating, engine and propulsion system repair and replacement, hull repair, joinery, bilge cleaning, fuel and lubrication system repair and replacement, welding and grinding of hull, buffing and waxing, marine sanitation device (MSD) repair and replacement, and other activities necessary to maintain a vessel. This definition includes mobile facilities.

B. Exemptions of Coverage

Boatyards that only provide the following services or conduct boatyard activities exclusively indoors **do not** require coverage under this permit:

- Use of tidal grids solely for emergency repair and marine surveys,
- Minor engine repair or maintenance within the engine space without vessel haul-out,
- Topside cleaning, detailing and bright work,
- Electronics servicing and maintenance,
- MSD servicing and repair that do not require haul-out,
- Vessel rigging, minor repairs or modifications (25% or less of the vessel's surface to the vessel's superstructure),

Facilities exempted from this permit may require coverage under the Industrial Stormwater General Permit.

C. Modification of Permit Coverage

1. Any facility with coverage under this general permit that intends to implement a change in processes from those identified on the application for coverage, change discharge location, or request an alternate sampling protocol, must request a modification of coverage by submitting a revised application for coverage, clearly indicating the proposed change.

2. The applicant must complete public notice requirements of WAC 173-226-130(5) before receiving modification of permit coverage.
3. The facility must have their Stormwater Pollution Prevention Plan (SWPPP) updated and implemented to reflect the change before commencement of the process change. The updated SWPPP must be submitted to Ecology with the application for coverage. Receipt of the SWPPP by Ecology does not constitute review or approval of the SWPPP contents.
4. The applicant must comply with the State Environmental Policy Act (SEPA) as applicable to the proposed significant process change.

S2. DISCHARGE LIMITATIONS

A. Discharge of Pressure Wash Wastewater to a non-delegated POTW

1. Prohibitions
Permittees shall not discharge pressure wash wastewater directly to any surface water of the state through stormwater drainage conveyances or otherwise.

2. Limitations
Permittees are authorized to discharge treated pressure wash wastewater to a municipal sanitary sewer operated by a sewer authority, which does not have a delegated pretreatment program, in accordance with the following effluent limitations and monitoring schedule:

Category	Parameter	Maximum[1] Daily	Sample Point	Minimum Sampling Frequency	Sample Type
Pressure Wash Wastewater	Copper, Total	2.4 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab
"	Zinc, Total	3.3 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab
"	Lead, Total	1.2 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab
"	pH	Within the range of 5 to 11	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab

[1.] Maximum daily effluent limitation is the highest allowable daily discharge, however, averaging does not apply to pH.

3. General Prohibitions
The Permittee shall not introduce into the POTW any pollutant(s) which cause Pass Through, Upset or Interference.

4. In addition, the following shall not be introduced into the POTW:

a. Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60°C (140°F) using the test methods specified in 40 CFR 261.21.

b. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference;

c Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW;

d Heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds 40°C (104°F) unless the approval authority, upon request of the POTW, approves alternative temperature limits;

e. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;

f. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

g. Any trucked or hauled pollutants, except at discharge points designated by the POTW.

h. Pollutants which will cause corrosive structural damage to the POTW.

i. Non-contact cooling water in significant volumes.

j. Storm water and other direct inflow sources unless specifically approved by Ecology.

k. Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

5. The discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

6. The Permittee shall not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, non-contact cooling water, or, in any way,

attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

B. Discharges of Treated Pressure Wash Wastewater to Delegated Municipal Sanitary Sewer Systems

Permittees shall not discharge pressure wash wastewater directly to any surface water of the state. Permittees may discharge pressure wash wastewater to a sanitary sewer system operated by a municipality with a delegated pretreatment program provided they receive a discharge authorization from the delegated municipality. Limitations, monitoring and reporting requirements will be determined by the municipality. All Permittees discharging treated pressure wash wastewater to a delegated municipal sanitary sewer system shall comply with any applicable sewer use ordinances adopted by the municipality operating the sewer system.

C. Stormwater Limitations

Beginning on the effective date of coverage under this permit and lasting through the date of expiration of this permit, the Permittee is authorized to discharge stormwater and conditionally approved non-stormwater discharges listed in S2.D. below, to waters of the state. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit.

1. General Prohibitions – all facilities must manage stormwater discharges to prevent each of the following:
   a. The discharge of synthetic, natural or processed oil, or oil-containing products;
   b. The discharge of floating materials; and
   c. A visible change in turbidity or color in the receiving water.

   The discharge of process wastewater is prohibited.

2. New source or new discharges to Lake Union and the Ship Canal. These facilities are subject to the following limitations and benchmarks:

Parameter	Limit	Benchmark
Oil/grease (mg/L)	NA	6.0
Total Suspended Solids (mg/L)	NA	21.0
Copper, Total (µg/L)	16.0	

3. Discharges (Existing, new source, new discharge) to Lake Union and the Ship Canal. These facilities are subject to the following limitation.

Parameter	Limit	Benchmark
Lead, Total (µg/L)	55.6	NA

4. Facilities (Existing, New source, or New discharge) which discharge stormwater to lakes other than Lake Union and facilities (existing) which discharge to Lake Union and the Ship Canal. These facilities are subject to the following limitations and benchmarks:

Parameter	Limit	Benchmark
Oil/grease (mg/L)	NA	6.0
Total Suspended Solids (mg/L)	NA	21.0
Copper, Total (µg/L)	NA	38

5. Facilities which discharge stormwater to rivers or to rivers with tidal fluctuation. These facilities are subject to the following limitations and benchmarks:

Parameter	Limit	Benchmark
Oil/grease (mg/L)	NA	6.0
Total Suspended Solids (mg/L)	NA	21.0
Copper, Total (µg/L)	NA	384

6. Facilities which discharge stormwater to marine waters. These facilities are subject to the following limitations and benchmarks:

Parameter	Limit	Benchmark
Oil/grease (mg/L)	NA	6.0
Total Suspended Solids (mg/L)	NA	21.0
Copper, Total (µg/L)	NA	229

7. Facilities discharging to an infiltration basin which is located at least 200 feet from the water's edge - These facilities are subject to the following limitations and benchmarks:

Parameter	Limit	Benchmark
Oil/grease (mg/L)	NA	6.0
Total Suspended Solids (mg/L)	NA	21.0
Copper, Total (µg/L)	1000	NA

8. Mandatory Best Management Practices (BMPs) – Permittees shall implement the following BMPs which are appropriate and applicable to their facility. Permittees shall prepare a handout describing these BMPs and provide copies to all employees, contractors, boat owners, and other customers. These BMPs shall be posted conspicuously within the work areas and incorporated into the facilities' SWPPP (See Condition S5 below)

   a. Use of Vacuum Sander – Required of all facilities
      A vacuum sander or rotary tool meeting minimum performance standards shall be used for all paint removal where a sander is appropriate. Non-vacuum sanders and grinders are prohibited. The permittee may petition Ecology for use of an alternative to this requirement for vacuum grinders.

The process for approval of alternatives is:

- The permittee must request consideration of an alternative by a letter to Ecology with a conceptual proposal and justification that the proposal will be equivalent to vacuum sanding/grinding. Ecology will respond with an approval to proceed or a denial.

- After Ecology approves conceptual proposal the permittee must submit details of the proposal including size, construction materials, equipment specifications, site plan with location, operational procedures, and any evidence that the proposal will be equivalent to vacuum sanding/grinding. Ecology may require a site visit by an Ecology inspector prior to a decision on the proposed alternative. Ecology will then again respond with approval or denial.

b. Tidal Grids

Tidal grids shall only be used for emergency repair and marine surveying. Tidal grids shall not be used for surface preparation, painting, routine maintenance or other non-emergency uses.

c. In-Water Vessel Maintenance and Repair

Cleaning, repair, modifications, surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited. If this work is necessary, then the vessel shall be hauled out into the upland portion of the a facility covered by this general permit or a facility covered by an individual permit issued in accordance with the provisions of Chapter 173-220 WAC.

Repairs, modifications, surface preparation, or coating of topside or superstructure shall be limited to 25% of the topside or superstructure surface where the deck composes one collection surface. When stripping, sanding, scraping, sandblasting, painting, coating and/or varnishing any deck or superstructure of a vessel in-water, all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids shall be collected and managed to prevent their release into the environment and entry into waters of the state.

Drop cloths, tarpaulins, drapes, shrouding or other protective devices shall be securely fastened between various portions of the vessel or between the vessel and the dock, pier, boathouse, bulkhead or shoreline to collect all such materials. No work shall be done from a float or another boat. The cleanup of all collected materials shall be conducted daily to prevent their release into the environment and entry into waters of the state.

d. Upland Vessel Maintenance and Repair

When stripping, sanding, scraping, sandblasting, painting, coating and/or varnishing any portion of a vessel, all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids shall be collected and managed to prevent their release into the environment and entry into waters of the state.

Drop cloths, tarpaulins, structures, drapes, shrouding or other protective devices shall be secured around the vessel, as necessary, to collect all such materials. The cleanup of all collected materials shall be routinely undertaken to prevent their release into the environment and entry into waters of the state.

e. Solids Management

All particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids from work, service and storage areas of the boatyard shall be collected to prevent their release into the environment and entry into waters of the state. The minimum collection frequency is once per day when solids-generating activity is occurring. Solids shall be kept as dry as possible during collection and shall not be washed into any surface water or into a stormwater collection system.

Marine railways and dry docks shall be cleaned of all solids and garbage prior to being submerged to prevent such materials from being washed into waters of the state. Sediment traps shall be installed in all storm drains to intercept and retain solids prior to their discharge into waters of the state. Sediment traps, storm drains and catch basins shall be visually inspected weekly and cleaned, either manually or with a vacuum device, on a routine basis to prevent the entry of solids into waters of the state.

f. Paint and Solvent Use

Paints and solvents shall be used in such a manner as to prevent their release into the environment and entry into waters of the state. Drip pans, drop cloths, tarpaulins or other protective devices shall be used during surface preparation, paint and solvent transfer, paint mixing, and application unless completely enclosed in a building.

Painting of the hull surface over water is prohibited except for minor touchup, such as the vessel numbers, with non-metallic paints. When painting decks or superstructure, paint cans shall be placed in a drip pan on top of a drop cloth or tarpaulin. Paints and solvents shall only be mixed at secure locations onshore or onboard a vessel.

Paints containing tributyltin are prohibited from use on any vessel less than 25 meters in length (82 feet) except as applied by a licensed applicator for the painting of aluminum hulls of a vessel that is less than 25 meters in length, and for the painting of outboard motors and outdrives of vessels less than 25 meters in length.

Only persons with a current Washington State Department of Agriculture pesticide applicator's license may purchase, handle and apply tributyltin.

g. Oils and Bilge Water Management

Hydraulic fluids, oily wastes and petroleum products shall not be discharged to waters of the state.

Bilge water discharges shall not cause any visible sheen in waters of the state.

Bilge waters shall not be discharged to waters of the state if solvents, detergents, emulsifying agents or dispersants have been added to the bilge. If a vessel is moved prior to pumping out the bilge, absorbent pads shall be used to prevent the accidental discharge of oils to waters of the state.

Drip pans or other containment devices shall be used during all petroleum product transfer operations to catch incidental leaks and spills. Absorbent pads and/or booms shall be available during petroleum transfer operations occurring over water.

h. Sacrificial Anode (Zincs) Management
Zincs used as sacrificial anodes shall not be disposed of into waters of the state. Spent zincs shall be stored in a covered container and be recycled for their material value.

i. Chemical Management
Solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries and lead and copper waste, shall be stored under cover on an impervious surface.

All chemical liquids and fluids shall be stored on a durable impervious bermed surface capable of containing 10% of the total tank and container volume or 110% of the largest tank or container volume, whichever is greater.

j. Wash Pad Decontamination
Prior to actively pumping or passively discharging any stormwater from the pressure wash pad to waters of the state, the pad shall be cleaned of all debris, paint waste, sludge and other solids. Then the entire pad shall be pressure washed into the collection sump and the sump cleaned of all debris and other solids.

k. Sewage and Gray Water Discharges
Owners of vessels moored for repair or under repair at a permitted facility shall be notified in writing by the Permittee that this permit prohibits the discharge of sewage (including discharges from the vessel's galley) into waters of the state. Sanitary waste discharges shall be to either the sanitary sewer or into a holding tank. The Permittee shall make available to customers a list of contractors providing holding tank pump-out services.

9. Compliance with Water Quality Standards
Permittees must comply with Washington State surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204

WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based water quality criteria in the National Toxics Rule (40 CFR 131.36).

Compliance with surface water quality standards means that stormwater discharges by a facility with permit coverage shall not cause or contribute to a violation of water quality standards in the receiving water.

a. The receiving water is the waterbody at the point of discharge. If the discharge is to a stormwater conveyance system, either surface or subsurface, the receiving water is the waterbody into which the stormwater conveyance system discharges. If the stormwater conveyance system leaves the permitted facility, the receiving water is the water in the conveyance system at the property boundary of the permitted facility.

b. For the purposes of this permit, all references and requirements associated with Section 303(d) of the Clean Water Act shall use the list which is in effect on the issuance date of this permit, or the 303(d) list which is in effect at the date the first application for coverage is received by Ecology, whichever is later.

D. Non-Stormwater Miscellaneous Discharges

The following non-stormwater discharges identified below are conditionally approved provided the non-stormwater discharge is in compliance with all applicable discharge limitations in S.2 including compliance with state water quality standards. These discharges (except from fire fighting activities) must be monitored according to S3. below and covered in the facility SWPPP (Condition S5 below).

1. Discharges from fire fighting activities;
2. Fire protection system flushing, testing, and maintenance;
3. Discharges of potable water including water line flushing, provided that water line flushing must be de-chlorinated prior to discharge;
4. Uncontaminated air conditioning or compressor condensate;
5. Uncontaminated ground water or spring water;
6. Discharges associated with dewatering of foundations, footing drains, or utility vaults where such discharges are not contaminated.

S3. MONITORING REQUIREMENTS

A. Pressure wash effluent to Sanitary Sewer – See permit condition S2.A.2 for the monitoring frequency.

B. Discharges to Waters of the State (including surface and ground)
Stormwater discharges shall be monitored at all permitted boatyards. Samples shall be collected from a location or locations affected by boatyard related activities and as noted on the application for coverage. If stormwater runoff from a facility occurs as sheet flow then a collection point shall be constructed

to collect an adequate sample volume. The samples shall be collected during the first flush of the storm event. If stormwater discharges do not occur during the sampling period, then it shall be indicated on the Discharge Monitoring Report (DMR) for that monitoring period. Stormwater shall be monitored in accordance with the following monitoring schedule:

Category	Parameter	Units	Sample Point	Minimum Sampling Frequency	Sample Type
Stormwater	Oil and Grease	mg/L	Consistent Location	September, October, January, April and May	Grab
"	Total Copper	µg/L	Consistent Location	September, October, January, April and May	Grab
"	Total Zinc	µg/L	Consistent Location	September, October, January, April and May	Grab
"	Total Lead	µg/L	Consistent Location	September, October, January, April and May	Grab
"	Total Suspended Solids	mg/L	Consistent Location	September, October, January, April and May	Grab
"	Visual Monitoring	NA	Facility	Weekly	Visual
Non Stormwater Misc. Discharges (S2.D)	Oil and Grease (mg/L) and Total Copper (µg/L)		Consistent Location	Monthly	Grab

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored discharge, including representative sampling of any unusual discharge or discharge condition such as bypasses, upsets and maintenance-related conditions affecting effluent quality.

C. Receiving Water Studies

The permittee must cooperate with Ecology in the collection and analysis of samples of receiving water in the vicinity of the permittee's boat yard.

D. Analytical Procedures

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136.

Copper shall be analyzed as follows:

GFAA method number 200.9 from 40 CFR Part 136. The expected method detection limit (MDL) is one (1) µg/L and the expected minimum level (ML) is five (5) µg/L. An alternate method from 40 CFR Part 136 may be used provided it yields an equivalent MDL and ML.

Lead shall be analyzed as follows:

GFAA method number 200.9 from 40 CFR Part 136. The expected method detection limit (MDL) is one (1) µg/L and the expected minimum level (ML) is five (5) µg/L. An alternate method from 40 CFR Part 136 may be used provided it yields an equivalent MDL and ML.

Zinc shall be analyzed as follows:

GFAA method number 289.2 from 40 CFR Part 136. The expected method detection limit (MDL) is 0.05 µg/L and the expected minimum level (ML) is 0.2 µg/L. An alternate method from 40 CFR Part 136 may be used provided it yields an equivalent MDL and ML.

Oil and grease shall be analyzed as follows:

USEPA method number 1664A (SGT-HEM) from 40 CFR Part 136 with an expected ML of five (5) mg/L or lower.

Total suspended solids shall be analyzed as follows:

USEPA method number 160.2 from 40 CFR Part 136 with an expected ML of four (4) mg/L

E. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC.

S4. RESPONSE TO MONITORING VALUES WHICH EXCEED BENCHMARKS

The following responses are required for any sample result which exceeds the benchmark value in a sample period. For example, if a sample during a monitoring period results in analytical values exceeding benchmarks for copper and TSS, then a level one response is required for each parameter.

Level One Response
Each time a sampling result for any parameter is above a benchmark value the Permittee shall take all of the following actions:
1) Conduct an inspection of the permitted facility as promptly as possible after the sampling results are available. 2) The inspection shall: • Identify and evaluate possible sources of the benchmark parameter in the stormwater discharge, • Identify **source /operational** control methods by which the stormwater contamination can be reduced, • Evaluate which improvements or changes to the stormwater pollution prevention plan (SWPPP) necessary to control the benchmark parameter, 3) Summarize the inspection results, including remedial actions taken or planned, and place them in the SWPPP (see section S5), and 4) Include a brief summary of inspection results and the proposed remedial actions with the discharge monitoring report (DMR) for the sampling period.

Level Two Response
Whenever **four** (4) sampling results for any parameter are above a parameter benchmark value(s) (example - any four copper values above the applicable copper benchmark) the Permittee shall **in addition** to Level One response perform all of the following actions:
1) Investigate all available and applicable stormwater **treatment** best management practices to reduce stormwater contaminant levels below permit benchmark values, At a minimum, these must include examination of the options for covering the hull preparation area, treating the stormwater runoff or sending the stormwater to the municipal sewage treatment plant. 2) Prepare a Level Two source control report outlining potential stormwater **treatment practices or structures** to reduce stormwater contaminant levels. These **treatment practices or structures** shall be prioritized in the report according to expected cost and ease of installation, and 3) Submit the Level Two source control report to Ecology within three (3) months of initiating a Level Two response.

Level Three Response
When any six (**6**) samples are above a parameter benchmark value (ex. six sample values exceed the copper benchmark) during the coverage under this permit, the Permittee shall **in addition** to the Level One response perform all of the following actions:
1) Prepare an engineering report that meets the requirements of WAC 173-240, *Submission of Plans and Reports for Construction of Wastewater Facilities.* The report shall include any design and construction information for treatment devices or structures which are to be installed. 2) Submit the engineering report to Ecology within three (3) months of initiating a Level Three response. The engineering report shall include an implementation schedule for implementation of the preferred option within twelve (12) months from the time Ecology accepts the engineering report. 3) Implementation of the preferred option requires a modification of coverage (See condition S1.C.)

S5. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Each facility covered under this permit must prepare and maintain a Stormwater Pollution Prevention Plan (SWPPP) specifically developed for their facility. The SWPPP must be consistent with permit requirements, be fully implemented and updated as necessary to maintain compliance with permit conditions. The SWPPP must include those BMPs necessary to provide all known, available and reasonable methods of prevention, control, and treatment (AKART) from S2C.7 above. It must also include any additional BMPs which are necessary to comply with state water quality standards. New sources and new dischargers must have a SWPPP developed and implemented before beginning operation. However, some components of a SWPPP are added over time and cannot be included in the first SWPPP. The Permittee must update the SWPPP as required by permit conditions.

The technical basis for the selection of all stormwater BMPs must be documented within the Stormwater Pollution Prevention Plan. The SWPPP must document how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected and the technical basis which support the performance claims for the BMPs being selected. The SWPPP must also provide an assessment of how the selected BMP will comply with state water quality standards and satisfy the state AKART requirements and the federal technology-based treatment requirements under 40 CFR part 125.3. See condition A.3. below for the exception to the requirements of this paragraph.

A. General Requirements

1. Public Access and Signature:

The Permittee(s) shall retain the SWPPP and permit on site or within reasonable access to the site and make it immediately available upon request to Ecology or the local jurisdiction.

a. A copy of the SWPPP shall be provided to Ecology within 14 days of receipt of a written request for the SWPPP from Ecology.

b. A copy of the SWPPP or access to the SWPPP shall be provided to the public when requested in writing. Upon receiving a written request from the public for the Permittee's SWPPP, the Permittee shall either:

i. Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or

ii. Provide access to the SWPPP within 14 days of receipt of the written request at a mutually agreed upon location for viewing and/or copying of the SWPPP. The Permittee will provide reasonable access to copying services for which a reasonable fee may be charged; or

iii. Provide a copy of the SWPPP to Ecology and promptly notify the requestor that the SWPPP may be reviewed at Ecology within 14 days of receipt of the written request.

The responsible party as identified in General Condition G17 shall sign the SWPPP and all of its modification.

2. Enhanced/Additional Best Management Practices (BMPs):

The Permittee shall provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary because of a notice from Ecology, facility changes, self-inspection, or monitoring values which exceed benchmark values (see S4 above) for one to three times. A schedule for implementation (plan) must be completed and entered into the SWPPP within thirty (30) days of a determination of necessary improvements or exceedance of benchmark values. BMPs identified in the plan must be implemented with due diligence. Non-capital BMPs shall be completed within two (2) weeks after completing the plan and capital BMPs within six (6) months. Enhanced/additional BMPs will comply with Special Condition S5.A.3 below. This paragraph does not apply to a Level Two or a Level Three Response (see Condition S4.) when four or more benchmark values have been exceeded. Complying with this provision does not limit the potential liability for enforcement action where the Permittee has failed to implement required BMPs or where stormwater discharges violate water quality standards.

Ecology may notify the Permittee when the SWPPP does not meet one or more of the minimum requirements of this Special Condition (S5) or when the SWPPP is not adequate to assure compliance with standards. The Permittee shall modify the SWPPP and the BMPs to correct the deficiencies identified in the notice within thirty (30) days of the notice or receipt of the inspection report.

The Permittee shall modify the SWPPP whenever there is a change in design, construction, operation or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.

This permit requires the Permittee to conduct visual monitoring. This monitoring may identify BMPs that are inadequate or pollutant sources that are not identified or poorly described in the SWPPP. When visual monitoring identifies inadequacies in the SWPPP, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP must be modified and BMPs adjusted to correct the deficiency.

3. Proper Selection and Proper Use of Stormwater Management Manuals (SWMM):

   Permittees who select BMPs from approved stormwater technical manuals must clearly specify the stormwater technical manuals in their SWPPP. Permittees who choose to use BMPs from approved stormwater control manuals do not have to demonstrate the technical basis for the BMPs as set forth in the introductory paragraphs of this section.

4. Other Pollution Control Plans:

   The Permittee may incorporate by reference applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit and must meet the availability requirements of the SWPPP (see S4.A.1. above). A Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan.

B. SWPPP Contents and Requirements

The SWPPP shall contain a detailed assessment of the facility and a detailed description of the best management practices (BMPs). Any parts of the SWPPP which the facility wants to claim as Confidential Business Information must be clearly identified in the plan. At a minimum, the SWPPP must include the following:

1. **Facility Assessment:**

The facility assessment must include a description of the facility, a detailed site map, an inventory of facility activities, equipment and materials that contribute to or have the potential to contribute pollutants to stormwater. The assessment must be as complete as possible (including incidental sources such as tire wear or equipment leaks) and must be updated to reflect substantive changes at the facility. The SWPPP must address each potentially significant pollutant source with best management practices that will eliminate or reduce the potential to contaminate stormwater through source control or treatment.

a. Facility Description: The facility description will describe the activities conducted at the site, the general layout of the facility including buildings and storage of raw materials, and the flow of goods and materials through the facility. It should include seasonal variations including peaks in production and any changes in work based on season or weather.

b. Site Map: The site map must be drawn to an identified scale or include relative distances between significant structures and drainage systems. It must provide identifiers (names) of significant features and be of sufficient size and detail to identify the following:

- The stormwater drainage and discharge structures,
- An outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water),
- Paved areas and buildings,
- Areas of pollutant contact (actual or potential),
- Surface water locations (including wetlands and drainage ditches),
- Lands and waters adjacent to the site shall also be depicted where helpful in identifying discharge points or drainage routes.

c. Industrial Activities: The inventory of industrial activities will identify all areas associated with industrial activities which have been or may potentially be sources of significant amounts of pollutants, including the following:

i) Loading and unloading of dry bulk materials or liquids.
ii) Outdoor storage of materials or products.
iii) Outdoor work and repair areas.
iv) Dust or particulate generating processes.
v) Roofs or other surfaces exposed to air emissions from an enclosed vessel repair or a process area.
vi) On-site waste treatment, storage or disposal.
vii) Vehicle and vessel fueling, maintenance and/or cleaning (includes washing).

viii) Roofs or other surfaces composed of materials that may be mobilized by stormwater (e.g. galvanized or copper roofs).

d. Inventory of Materials: The inventory of materials shall list all the types of materials handled at the site that potentially may be exposed to precipitation or runoff and could result in stormwater pollution of a significant amount. The inventory must include a short narrative for each material describing the potential of the pollutant to be present in stormwater discharges. The Permittee shall update this narrative when data become available to verify the presence or absence of these pollutants. The inventory shall include a narrative description of any potential sources of pollutants of a significant amount from past activities; significant materials that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater. The inventory must include the method and location of any on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants.

e. Non-stormwater Miscellaneous Discharges (from S2.D.): These discharges must be specified as to volume, frequency of discharge, expected duration of discharge and BMPs to assure they are uncontaminated. Monitoring must be included in 2. below.

2. **Monitoring Plan:** The SWPPP shall include a monitoring plan. The plan must identify all the points of discharge to the sanitary sewer (pressure wash, process and stormwater only), surface water, and to a storm drain system. If there is more than one point of discharge then the plan must include a discussion of how the Permittee has determined which points of discharge are to be monitored such that the monitoring is representative of the discharge (see permit application). The plan must identify who is responsible for monitoring and how monitoring will be conducted to comply with permit conditions. The monitoring plan will address stormwater sampling requirements and visual inspections. The plan must include the following:

a. Identification of points of discharge
b. A checklist for visual monitoring
c. The person (or position) who conducts stormwater sampling
d. Where samples will be taken
e. Parameters for analysis
f. Procedures for sample collection and handling
g. Procedures for sending samples to lab
h. Procedure for submitting results to Ecology

3. **BMPs:** The SWPPP must include a description of the best management practices (BMPs) in addition to those specified in Special Condition S2.B. that are necessary for the facility to eliminate or reduce the potential to

contaminate stormwater. BMPs must be considered to regulate peak flow and volume of stormwater discharge.

The SWPPP must document how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected, and the technical basis that supports the performance claims for the BMPs being selected and an assessment of how the selected BMP will comply with state water quality standards and satisfy the technology-based treatment requirements of 40 CFR Part 125.3 and Chapter 90.48 RCW.

Permittees who choose to follow the stormwater management practices, or their functional equivalents, contained in approved stormwater management manuals, including the proper selection, implementation, and maintenance of appropriate best management practices are presumed to have satisfied the demonstration requirement of the previous paragraph.

BMPs shall be included to comply with the following requirements:

a. **Operational Source Control BMPs:** Operational BMPs are common to all facilities. The categories listed below are a minimum set of BMPs that must be included in the SWPPP.

   i) Pollution Prevention Team: The SWPPP will include a BMP that identifies specific individual or individuals by name or by title within the plant organization responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.

   ii) Good Housekeeping: The SWPPP will include a BMP(s) that defines ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. The SWPPP will include the schedule/frequency for completing each housekeeping task.

   iii) Preventive Maintenance: The SWPPP will include a BMP(s) to inspect and maintain the stormwater drainage and treatment systems (if any), and equipment and systems that could fail and result in contamination of stormwater. The SWPPP will include the schedule and frequency for completing each maintenance task and the person(s) or position(s) responsible for preventive maintenance.

   iv) Spill Prevention and Emergency Cleanup Plan: The SWPPP will include BMP(s) to identify areas where potential spills can contribute pollutants to stormwater discharges. The BMP(s) must specify material handling procedures, storage requirements,

cleanup equipment and procedures as appropriate. The SWPPP may include excerpts of plans prepared for other purposes (e.g., Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA), where those excerpts meet the intent of this requirement. This section shall include:

1. A description of the reporting system which will be used to immediately alert facility managers and legal authorities (i.e. Department of Ecology and the Washington Military Department, Emergency Management Division, (800) 258-5990), in the event of a spill or unpermitted discharge which may endanger health or the environment.
2. A description of preventative measures and facilities, including an overall facility plot plan showing drainage patterns, which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers is prohibited without specific approval from the Director of the Department of Ecology.
3. A list of all oils and chemicals used, processed or stored at the facility which may be spilled or discharged into waters of the state.

v) Employee Training: The SWPPP will include a BMP(s) to provide SWPPP training for any employee(s) who have duties in areas of industrial activity subject to this permit. At a minimum, training shall include an overview of what is in the SWPPP and how employees make a difference in complying with the SWPPP and preventing contamination of stormwater. The training must address spill response procedures, good housekeeping, and material management practices. The BMP(s) must provide the content of the training, how training will be conducted and the frequency and schedule for assuring that employees receive training. Annual training is the minimum acceptable frequency. A log of the dates on which specific employees receive training shall be kept and included in the SWPPP.

vi) Inspections and Recordkeeping: The SWPPP will include documentation of procedures to assure compliance with permit requirements for inspections and recordkeeping. At a minimum it will include all of the following:

- Identify personnel who will inspect designated equipment and areas as required in Special Condition S3, Monitoring Requirements,

- Provide a tracking or follow-up procedure to ensure that a report is prepared and any appropriate action taken in response to visual monitoring,
- Define how Permittee will comply with signature requirements and records retention identified in Special Condition S6, Reporting and Recordkeeping Requirements, and
- Include certification of compliance with the SWPPP.

S6. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall report in accordance with the following conditions. False reporting is a violation of this permit.

A. Reporting

Monitoring results shall be submitted in accordance with the minimum sampling frequencies specified in Sections S2 and S3 of this permit. All data collected shall be submitted to Ecology. Monitoring data collected during the previous month shall be summarized and reported on a form provided, or otherwise approved, by Ecology, and be postmarked or received no later than the fifteenth (15th) day of the month following the sampling, unless otherwise specified in this permit. The report(s) shall be sent to the appropriate regional office of the Department of Ecology.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of five years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director. Copies of this permit, all reports and other permit records must be available at the permitted site for review by Ecology inspectors.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record all of the following information:

1. the date, exact place, method, and time of sampling;
2. the individual who performed the sampling or measurement;
3. the dates the analyses were performed;
4. the name of the person(s) who performed the analyses;

5. the analytical techniques or methods used; and
6. the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant identified in this permit more frequently than required by this permit using test procedures specified by Special Condition S3.C. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's DMR.

E. Noncompliance Notification

In the event of a spill, or a discharge not authorized by this permit which may endanger health or the environment, the Permittee must immediately notify Ecology and the Washington Military Department, Emergency Management Division, (800) 258-5990. This notification procedure must be included in the SWPPP as noted in Special Condition S5.B.3.a. above.

In the event the Permittee is unable to comply with any of the other permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and if applicable, repeat sampling and analysis of any noncompliance and submit the results to Ecology within five (5) days after becoming aware of the violation.
2. Immediately notify Ecology of the failure to comply; and
3. Submit a detailed written report to Ecology within five (5) days. The report should describe the nature of the violation, including exact dates and times, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the additional sampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

F. Discharges to a Delegated Municipal Sanitary Sewer System

Permittees who discharge treated pressure wash wastewater to a delegated municipal sanitary sewer system must maintain records of their contractual agreement with the municipality, including the conditions of discharge. These records must be available for inspection.

S7. BYPASS

A. Bypass Procedures

Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited for stormwater events below the approved design criteria for stormwater management. The Department may take enforcement action against a Permittee for bypass unless one of the following circumstances (1, 2, 3 or 4) is applicable.

1. Bypass is consistent with the design criteria and part of an approved management practice in the applicable stormwater management manual.

2. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this permit, or adversely impact public health.

3. Bypass is Unavoidable, Unanticipated, and Results in Noncompliance with this Permit.

   This bypass is permitted only if:

   a. Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass;

   b. A severe storm event overwhelms properly designed and maintained stormwater management systems and there are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility;

   c. Ecology is properly notified of the bypass as required in Special Condition S6E of this permit.

4. A Planned Action That Would Cause Bypass of Stormwater and has the Potential to Result in Noncompliance with this Permit During a Storm Event.

The Permittee shall notify Ecology at least thirty (30) days before the planned action and possible date of bypass. The notice shall contain all of the following elements:

(a) A description of the bypass and its cause;
(b) An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing;
(c) A cost-effectiveness analysis of alternatives including comparative resource damage assessment;
(d) The minimum and maximum duration of bypass under each alternative;
(e) A recommendation as to the preferred alternative for conducting the bypass;
(f) The projected date of bypass initiation;
(g) A statement of compliance with SEPA;
(h) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and
(i) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

The Department will consider the following prior to issuing an administrative order for this type of bypass:

a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, the Department will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

B. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S8. SOLID WASTE MANAGEMENT

The Permittee shall manage all solid waste materials, including leachate, to prevent their release into the environment and entry into waters of the state.

S9. REPORTING FOR ZEBRA MUSSEL CONTROL

A boat/vessel identified as a carrier of zebra mussels shall be quarantined and the appropriate Ecology Regional Office notified within 24 hours. The boat/vessel shall not be released, re-launched, pressure washed, or have its bilge pumped until it has been cleared by the U.S. Fish and Wildlife Service or the Washington State Department of Fish and Wildlife.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit shall be consistent with the terms and conditions of this general permit. The discharge of any pollutant more frequently than, or at a concentration in excess of that authorized by this general permit shall constitute a violation of the terms and conditions of this general permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee shall, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

G3. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records shall be kept under the terms and conditions of this permit;
B. To have access to and copy at reasonable times any records that shall be kept under the terms of this permit;
C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this permit;
D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and
E. To sample at reasonable times any discharge of pollutants.

G4. PERMIT COVERAGE REVOKED

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the Director may require any discharger authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

A. Violation of any term or condition of this permit;
B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;

C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;
D. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;
E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC;
F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G5. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:
A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit;
B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW, for the category of dischargers covered under this permit;
C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved; or
D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

G6. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows or has reason to believe that any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G5. above, or 40 CFR 122.62 shall report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

G7. TOXIC POLLUTANTS

The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

G8. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this general permit by reference.

G9. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in this permit shall be construed as excusing the Permittee from compliance with any applicable Federal, State, or local statutes, ordinances, or regulations.

G10. ADDITIONAL MONITORING

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative orders or permit modification.

G11. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are not paid.

G12. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of stormwater shall not be resuspended or reintroduced for discharge to State waters.

G13. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger shall submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for information to support the request. The Director shall either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G14. TRANSFER OF PERMIT COVERAGE

This permit coverage may be automatically transferred to a new Permittee if:

1. The Permittee notifies the Department at least 30 days in advance of the proposed transfer date.

2. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
3. The Department does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke permit coverage.

G15. DUTY TO REAPPLY

The Permittee shall reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under the permit continues in force and effect until a new permit (coverage) is issued or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

G16. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation. Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

G17. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology shall be signed and certified.

A. In the case of a municipal, State or other public facility, all permit applications shall be signed by a principal executive officer or ranking elected official. In the case of a corporation, partnership, or sole proprietorship, all permit applications shall be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.
B. All reports required by this permit and other information requested by Ecology shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
   1. The authorization is made in writing by a person described above and submitted to Ecology.
   2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly

authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of paragraph B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G18. APPEALS

The terms and conditions of the boatyard general permit are subject to appeal. There are two different appeal categories.

A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of the industrial boatyard general permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC; and

B. The applicability of the permit terms and conditions to an individual discharger are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger.

An appeal of the coverage of the boatyard general permit to an individual discharger is limited to the applicability or non-applicability of the boatyard general permit to that same discharger. Appeal of this permit coverage of an individual discharger will not affect any other individual dischargers. If the terms and conditions of the boatyard general permit are found to be inapplicable to any discharger(s), the matter shall be remanded to Ecology for consideration of issuance of an individual permit or permits.

G19. SEVERABILITY

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, shall not be affected thereby.