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

TABLE OF CONTENTS

SUMMARY OF PERMIT SUBMITTALS AND MONITORING REQUIREMENTS.....4

SPECIAL CONDITIONS.....6
S1. PERMIT COVERAGE REQUIRED.....6
A. Boatyard Activities Requiring Coverage under This Permit.....6
B. Exemption from Coverage.....6
C. Modification of Permit Coverage.....7

S2. DISCHARGE LIMITS.....8
A. Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW.....8
B. Boatyards Discharging Stormwater Runoff from Areas with Industrial Activity to a Non-Delegated POTW.....9
C. Boatyards Discharging Treated Pressure-Wash Wastewater or Stormwater Runoff to a Delegated POTW.....10
D. Boatyards Discharging Stormwater Runoff to Waters of the State.....10

S3. MANDATORY BEST MANAGEMENT PRACTICES.....13
A. Vacuum Sander Required.....13
B. Tidal Grids.....13
C. In-Water Vessel Maintenance and Repair.....14
D. Upland Vessel Maintenance and Repair.....14
E. Solids Management.....14
F. Paint and Solvent Use.....15
G. Oils and Bilge Water Management.....15
H. Sacrificial Anode (Zincs) Management.....16
I. Chemical Management.....16
J. Wash Pad Decontamination.....16
K. Sewage and Gray Water Discharges.....16
L. Oversight of Do-It-Yourselfers and Independent Contractors.....16

S4. COMPLIANCE WITH WATER QUALITY STANDARDS.....16

S5. NON-STORMWATER MISCELLANEOUS DISCHARGES.....17

S6. MONITORING REQUIREMENTS.....18
A. Pressure Wash Effluent to Sanitary Sewer.....18
B. Discharges to Waters of the State (including surface and ground).....18
C. Analytical Procedures.....19
D. Visual Inspection Requirements.....20

S7. RESPONSE TO MONITORING RESULTS THAT EXCEED BENCHMARKS.....22

S8. STORMWATER POLLUTION PREVENTION PLAN.....25
A. General Requirements.....26
B. SWPPP Contents and Requirements.....28

S9. REPORTING AND RECORDKEEPING REQUIREMENTS 33
A. Reporting 33
B. Records Retention.....34
C. Recording Results.....35
D. Additional Monitoring by the Permittee.....35
E. Noncompliance Notification.....35
F. Discharges to a Delegated Municipal Sanitary Sewer System 37

S10. BYPASS 37
A. Bypass Procedures.....37
B. Duty to Mitigate.....39

S11. SOLID WASTE MANAGEMENT 39

S12. REPORTING FOR ZEBRA MUSSEL CONTROL 39

S13. TERMINATION OF COVERAGE UNDER THIS PERMIT.....40
A. Conditions Required for Ecology Approval.....40
B. Procedure for Obtaining Termination of Coverage 40

GENERAL CONDITIONS 41
G1. DISCHARGE VIOLATIONS 41
G2. PROPER OPERATION AND MAINTENANCE.....41
G3. RIGHT OF ENTRY.....41
G4. PERMIT COVERAGE REVOKED.....41
G5. GENERAL PERMIT MODIFICATION AND REVOCATION 42
G6. REPORTING A CAUSE FOR MODIFICATION 42
G7. TOXIC POLLUTANTS.....43
G8. OTHER REQUIREMENTS OF 40 CFR.....43
G9. COMPLIANCE WITH OTHER LAWS AND STATUTES.....43
G10. ADDITIONAL MONITORING.....43
G11. PAYMENT OF FEES.....43
G12. REMOVED SUBSTANCES 43
G13. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT.....44
G14. TRANSFER OF PERMIT COVERAGE 44
G15. DUTY TO REAPPLY 44
G16. PENALTIES FOR VIOLATING PERMIT CONDITIONS 45
G17. SIGNATORY REQUIREMENTS.....45
G18. APPEALS 46
G19. SEVERABILITY.....46
G20. REPORTING OTHER INFORMATION.....47
G21. DUTY TO COMPLY 47

DEFINITIONS.....48

SUMMARY OF PERMIT SUBMITTALS AND MONITORING REQUIREMENTS

Permit Section	Submittal (a)	Frequency	Submittal Date
S1 S7	Request for Modification of Permit Coverage	As necessary	As necessary
S2 S9	Pressure-Wash Wastewater Monitoring Results	Once per month in June, July, August, and September	First DMR: July 28, 2016 Then, DMR: Twenty-eighth day of the month following the sample collection month
S6 S9	Stormwater Runoff Monitoring Results	Once per month in October, November, January, April, and May	First DMR: November 28, 2016 Then, DMR: Twenty-eighth day of the month following the sample collection month
S7	Level One Response Summary	Each exceedance of a benchmark or limit value	Along with the corresponding DMR
S7	Level Two Source Control Report	Four exceedances of a benchmark or limit value	Three months from DMR due date
S7	Level Three Engineering Report	Six exceedances of a benchmark or limit value	Three months from DMR due date
S9	Notification of Non-Compliance	As necessary	Immediately by phone Within 5 days by written report
S9	Additional Monitoring Results	As necessary	Twenty-eighth day of the month following the sample collection month
S9 S10	Notification of Spills or Other Discharges	As necessary	Immediately by phone Within 5 days by written report
S10	Notification of Planned Bypass	As necessary	As necessary
G1	Notice of Change in Signatory Authorization	As necessary	Prior to or upon document submittal
G6	Permit Application Supplement or Notification of Significant Change in Process or Discharge	As necessary	Sixty days prior to the planned change

Permit Section	Submittal (a)	Frequency	Submittal Date
G8	Application for permit coverage renewal	Once during the permit term	January 2, 2021
G14	Transfer of Permit Coverage	As necessary	Thirty days before expected transfer
G20	Other Information	As necessary	As necessary

(a) Electronic submittal is required via the Water Quality Permitting Portal. More information is available at http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html.

SPECIAL CONDITIONS

S1. PERMIT COVERAGE REQUIRED

This Statewide general permit applies to boatyards that discharge stormwater runoff from areas with industrial activity directly to the ground, to a surface waterbody, or to a storm sewer system that drains to a surface waterbody. This general permit also regulates wastewater from pressure washing in boatyards. The geographic area covered by this general permit is the entire State of Washington, except for Federal and Tribal lands and waters as specified in Condition S1.B (Exemption from Coverage).

A. Boatyard Activities Requiring Coverage under This Permit

All boatyards in the State of Washington must apply for coverage under this permit and must comply with all conditions specified in this permit, as applicable to their facility, unless exempted by the following section.

A boatyard, as defined for the purpose of this permit, is a facility engaged in the construction, repair, and maintenance of small vessels, where 85% of those vessels are 65 feet or less in length, or the boatyard generates more than 85% of its gross receipts working on those vessels. Services typically provided include, but are not limited to: pressure washing hulls, painting and coating, engine and propulsion system repair or replacement, hull repair, joinery, bilge cleaning, fuel and lubrication system repair or replacement, welding and grinding of the hull, buffing and waxing, marine sanitation device (MSD) repair and replacement, vessel deconstruction activity on land, and other activities necessary to maintain a vessel. This definition includes mobile and do-it-yourself activities.

B. Exemption from Coverage

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

- Use of tidal grids solely for emergency repair or for inspection by marine surveyors;
- 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 without vessel haul-out; or
- Minor repairs or modifications to the vessel rigging or superstructure (topside).

Discharges from facilities located on "Indian Country" as defined in 18 U.S.C. §1151, except portions of the Puyallup Reservation as noted below, are not covered by this general permit. Indian Country includes:

Deleted: unless exempted by the following section. ¶ S1.B. Boatyards

Deleted: which

Deleted: revenues from which constitute

Deleted: and

Deleted: and

Deleted: facilities

Deleted: which only

Deleted: and

Deleted: surveys;

Deleted: that do not require

Deleted: Vessel rigging, minor

Deleted: (25% or less

1. All land within any Indian Reservation notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation. This includes all Federal, Tribal, and Indian and non-Indian privately-owned land within the reservation.

2. All off-reservation Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

3. All off-reservation Federal trust lands held for Native American Tribes.

Puyallup Exception: Following the Puyallup Tribes of Indian Land Settlement Act of 1989, 25 U.S.C. §1773; this general permit does apply to surface water on land held in trust by the Federal Government.

Discharges from activities operated by any department, agency, or instrumentality of the executive, legislative, or judicial branches of the Federal Government of the United States, or another entity, such as a private contractor, performing industrial activity for any such department, agency, or instrumentality, are not covered by this permit.

This general permit does ***not*** cover vessel deconstruction activities that take place in the water or on a floating drydock or barge. For these situations, the boatyard must obtain either an individual permit or the vessel deconstruction general permit.

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 its discharge location, or request an alternate sampling protocol, must request a modification of coverage by submitting a revised application for coverage or a supplement to the existing application, clearly indicating the proposed change.

2. The Permittee must give advance notice to Ecology at least 60 days prior to commencement of significant process changes or any facility expansions, production increases, or other planned changes that may result in noncompliance with permit limits or conditions. Significant process changes include a substantially increased discharge of pollutants or a change in the nature of the discharge of pollutants.

3. The applicant must also complete the public notice requirements of WAC 173-226-130(5) before receiving modification of permit coverage.

4. The facility must have its Stormwater Pollution Prevention Plan (SWPPP) updated and implemented to reflect the change before commencement of any process change.

5. The applicant must comply with the State Environmental Policy Act (SEPA) as applicable to the proposed significant process change.

S2. DISCHARGE LIMITS

A. Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW

1. Limits

Permittees are authorized to discharge treated pressure-wash wastewater to a municipal sanitary sewer operated by a sewer authority (POTW), which does not have a delegated pretreatment program, in accordance with the following effluent limits, monitoring schedule, and permit conditions, and upon written acceptance of the municipality:

Limits for Discharges of Treated Pressure-Wash Wastewater or Stormwater Runoff to Non-Delegated POTWs

Parameter	Maximum Daily (a)	Sample Point	Minimum Sampling Frequency	Sample Type
Total Copper	2.4 mg/L	Discharge from Pressure-Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab or Composite
Total Lead	1.2 mg/L	Discharge from Pressure-Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab or Composite
Total Zinc	3.3 mg/L	Discharge from Pressure-Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab or Composite
pH	Within the range of 5.0 to 11.0	Discharge from Pressure-Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab or Composite

(a) Maximum daily effluent limit is the highest allowable daily discharge. The daily discharge is the arithmetic average measurement of the pollutant over a day. Averaging does not apply to pH, which must be reported as the highest and lowest values if more than one sample is taken in a day.

Deleted: for the reporting period.

Deleted: This

2. General Prohibitions

- The Permittee must not discharge pressure-wash wastewater directly to any surface water of the State through stormwater drainage conveyances or otherwise.
- The Permittee must not introduce into the POTW any pollutant(s) which cause pass through, upset, or interference. In addition, any discharges to a POTW must meet the discharge restrictions of 40CFR 403.
- The discharge of dangerous wastes, as defined in Chapter 173-303 WAC, is prohibited.
- The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, or 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 benchmarks or limits contained in this permit.

B. Boatyards Discharging Stormwater Runoff from Areas with Industrial Activity to a Non-Delegated POTW

Permittees may discharge stormwater runoff to a non-delegated POTW only upon special approval by Ecology. The Permittee must submit a request to Ecology demonstrating:

- That no other option is feasible;
- That the POTW has excess wet season hydraulic capacity (no sanitary sewer overflows or treatment system bypasses);
- That the POTW is willing to accept the discharge; and
- How it will reduce the amount of stormwater runoff sent to the POTW by separating uncontaminated water and discharging it directly.

The request must also certify that the Permittee routinely practices all BMPs applicable to the boatyard.

The limits, upon approval of the discharge by Ecology, are the same as provided in Condition S2.A (Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW) unless the POTW has more stringent limits or monitoring in which case the more stringent limits and monitoring requirements will apply. The Permittee must notify Ecology of the more stringent POTW limits. Ecology may impose additional requirements in the approval for this discharge, such as flow equalization and characterization of any uncontaminated water discharges.

Deleted: , and

Deleted:), and

Deleted: wastewater

Deleted: S2.A.2 and 3 above

C. Boatyards Discharging Treated Pressure-Wash Wastewater or Stormwater Runoff to a Delegated POTW

Permittees may discharge pressure-wash wastewater or stormwater runoff to a sanitary sewer system operated by a municipality with a delegated pretreatment program provided they receive a discharge authorization from the delegated municipality and authorization from all other applicable local sewerage authorities. Limits and monitoring and reporting requirements will be determined by the municipality. All Permittees discharging pressure-wash wastewater or stormwater runoff to a delegated municipal sanitary sewer system must comply with any applicable sewer use ordinances adopted by the municipality and/or local sewerage authority operating the sewer system.

The applicable limits and monitoring schedules for discharges to a POTW to which Ecology has delegated the authority to issue discharge permits are those limits and schedules specified in the permit issued by that POTW to cover the individual boatyard.

D. Boatyards Discharging Stormwater Runoff to Waters of the State

Beginning on the effective date of coverage under this general permit and lasting through the date of expiration of this permit, the Permittee is authorized to discharge stormwater runoff from areas with industrial activity and conditionally approved non-stormwater discharges listed in Condition S5 (Non-Stormwater Miscellaneous Discharges) to waters of the State. All discharges and activities authorized by this permit must 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. To calculate the arithmetic average use the following values:

   a. For all quantitative results measured at levels equal to or greater than the agency-required detection limit value:
   The reported numeric value.

   b. For results reported at less than the detection limit numerically (e.g., <0.01 mg/L or "not detected" with a specified detection limit value):
   One-half the reported detection limit value.

c. For results reported as less than the detection limit non-numerically (e.g., ND or "not detected") and *without* a specified detection limit value,

- If the same parameter was detected in another sample from the same monitoring point for the reporting period:
  One-half the detection limit value reported for the other sample.
- If the same parameter was not detected in another sample from the same monitoring point for the reporting period:
  Zero.

3. All boatyards discharging stormwater runoff from areas with industrial activity to Lake Union or the Lake Washington Ship Canal must meet the following effluent limit:

Deleted: and

Discharge Limit for Stormwater Runoff from Areas with Industrial Activity to Lake Union or the Lake Washington Ship Canal (a)

Parameter	Maximum Daily Limit
Lead, Total (µg/L)	78

Deleted: 185

Deleted: ¶
3. Facilities discharging stormwater to fresh and marine waters must meet the following benchmarks: ¶
¶
Parameter ...

(a) Lake Union and the Lake Washington Ship Canal consist of the surface waters between the Fremont Avenue bridge on the west and the eastern end of the Montlake Cut, about 50 meters west of the University of Washington Canoe House.

4. The following benchmarks apply to facilities discharging stormwater runoff from areas with industrial activity to any freshwater bodies in the State. If the Permittee's discharge exceeds a benchmark, the Permittee must take the actions specified in Condition S7 (Response to Monitoring Results that Exceed Benchmarks).

Deleted: Facilities

Deleted: to an infiltration basin lined

Deleted: adsorptive media:¶
The discharge point

Deleted: ground and all parts of the basin must be located at least 200 feet from the water's edge. These facilities are subject to

Deleted: the following limitations and benchmarks

Benchmarks for Discharges of Stormwater Runoff from Areas with Industrial Activity to Freshwater Bodies (a)

Parameter	Seasonal Average Benchmark (b)	Maximum Daily Benchmark
Copper, Total (µg/L)	50	147
Zinc, Total (µg/L)	85	90

(a) "Freshwater Bodies" also includes Lake Union and the Lake Washington Ship Canal.
(b) To determine the "seasonal average" for this general permit, calculate the arithmetic average of all the daily discharge concentrations determined during the entire wet season (October through May). The daily discharge is the arithmetic average measurement of the pollutant over a day. Averaging does not apply to pH, which must be reported as the highest and lowest values if more than one sample is taken in a day.

5. The following benchmarks apply to facilities discharging stormwater runoff from areas with industrial activity to marine waters. If the Permittee's discharge exceeds a benchmark, the Permittee must take the actions specified in Condition S7 (Response to Monitoring Results that Exceed Benchmarks).

Benchmarks for Discharges of Stormwater Runoff from Areas with Industrial Activity to Marine Waters

Parameter	Seasonal Average Benchmark (a)	Maximum Daily Benchmark
Copper, Total (µg/L)	50	147
Zinc, Total (µg/L)	85	90

(a) To determine the "seasonal average" for the purposes of only this general permit, calculate the arithmetic average of all the daily discharge concentrations determined during the entire wet season (October through May). The daily discharge is the arithmetic average measurement of the pollutant over a day. Averaging does not apply to pH, which must be reported as the highest and lowest values if more than one sample is taken in a day.

6. Facilities discharging stormwater runoff from areas with industrial activity to an infiltration basin or trench lined with absorptive media must comply with the following limits. The discharge point to ground and all parts of the basin or trench must be located at least 200 feet from the water's edge.

Limits for Discharges of Stormwater Runoff from Areas with Industrial Activity to the Ground

Parameter	Seasonal Average Limit (a)	Maximum Daily Limit
Copper, Total (µg/L)	1,000	1,000
Zinc, Total (µg/L)	1,020	1,020

(a) To determine the "seasonal average" for this general permit, calculate the arithmetic average of all the daily discharge concentrations determined during the entire wet season (October through May). The daily discharge is the arithmetic average measurement of the pollutant over a day. Averaging does not apply to pH, which must be reported as the highest and lowest values if more than one sample is taken in a day.

7. New facilities and existing facilities must comply with total maximum daily load (TMDL) wasteload allocations developed from a TMDL which was completed prior to the date permit coverage is issued.

8. New facilities that propose to discharge to an impaired waterbody that is on the current U.S. EPA-approved 303(d) list, but without a completed TMDL, must not discharge the listed pollutant at a concentration or volume that will cause or contribute to a violation of the applicable water quality standard in the receiving water.

9. Existing facilities that discharge to an impaired waterbody on the current U.S. EPA-approved 303(d) list must not increase their loading or concentration of the listed pollutant for the duration of the coverage of this permit or until a wasteload allocation is assigned from a completed TMDL. A wasteload allocation, assigned by a U.S. EPA-approved TMDL to this category of discharger, or to an individual facility covered by this permit, becomes a limit of this permit. The limit will be imposed by a revision of the facility coverage for the Permittee.

S3. MANDATORY BEST MANAGEMENT PRACTICES

Permittees must prepare a handout describing these best management practices (BMPs) and provide copies to all employees, contractors, boat owners, and other customers, as appropriate. The Permittee must post these BMPs conspicuously within the work areas and incorporate them into the facility's SWPPP, as required by Condition S8 (Stormwater Pollution Prevention Plan).

Deleted: facilities'

Deleted: below).

A. Vacuum Sander Required

Permittees must use a vacuum sander or rotary tool meeting minimum performance standards for all antifouling paint removal. 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 the 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 for construction.

B. Tidal Grids

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

Deleted: only

C. In-Water Vessel Maintenance and Repair

Cleaning, repair, modifications, and 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 Permittee must haul the vessel out onto the upland portion of a facility covered by this general permit or another facility covered by an individual permit issued in accordance with the provisions of Chapter 173-220 WAC.

Only minor in-water repair, modification, surface preparation, or coating of topside or superstructure is allowed. When stripping, sanding, scraping, sandblasting, painting, coating and/or varnishing any deck or superstructure of a vessel in-water, Permittees must collect all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris, and other solids to prevent their release into the environment and entry into waters of the State.

Permittees must securely fasten drop cloths, tarpaulins, drapes, shrouding, or other protective devices 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 from a float, a barge, or another boat is allowed. The Permittee must clean up all collected materials 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, Permittees must collect and manage all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris, and other solids to prevent their release into the environment and entry into waters of the State.

Permittees must secure drop cloths, tarpaulins, structures, drapes, shrouding or other protective devices around the vessel, as necessary, to collect all such materials. The Permittee must routinely cleanup all collected materials to prevent their release into the environment and entry into waters of the State.

E. Solids Management

The Permittee must collect all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris, and other solids from work, service, and storage areas of the boatyard 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. The Permittee must keep solids as dry as possible during collection and not wash solids into any surface water or into a stormwater collection system. Hull recoating work may be conducted on a marine railway only if the boat is positioned at least one boat length from the high water level. If the boat is to be positioned less than one boat length from the high water level, the Permittee must obtain prior approval from Ecology on a case-by-case basis before beginning the hull recoating work.

Deleted: into

Deleted: a

Deleted: Repairs, modifications

Deleted: limited to 25% of the topside or superstructure surface

Deleted: where the deck composes one collection surface.

Deleted: No h

Deleted: unless

Deleted: or unless all dust, debris and paint is contained and prevented from being exposed to the weather

The Permittee must clean marine railways and dry docks of all solids and garbage prior to submergence to prevent such materials from washing into waters of the State. The Permittee must install sediment traps in all storm drains to intercept and retain solids prior to their discharge into waters of the State. The Permittee must visually inspect sediment traps, storm drains, and catch basins weekly and clean these devices, 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

The Permittee must use all paints and solvents in such a manner as to prevent their release into the environment and entry into waters of the State. The Permittee must use drip pans, drop cloths, tarpaulins, or other protective devices during surface preparation, paint and solvent transfer, paint mixing, and application unless those activities are completely enclosed in a building.

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

Deleted: only

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 out drives 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

The Permittee must not discharge hydraulic fluids, oily wastes, and petroleum products to waters of the State.

Bilge water discharges must not cause any visible sheen in waters of the State.

The Permittee must not discharge bilge waters to waters of the State if it has added solvents, detergents, emulsifying agents, or dispersants to the bilge. If a vessel is moved prior to pumping out the bilge, the Permittee must use absorbent pads to prevent the discharge of oils to waters of the State.

Deleted: accidental

The Permittee must use drip pans or other containment devices during all petroleum product transfer operations to catch incidental leaks and spills. Absorbent pads and/or booms must be available during petroleum transfer operations occurring over water.

H. Sacrificial Anode (Zincs) Management

The Permittee must not dispose of zincs used as sacrificial anodes into waters of the State. The Permittee must store spent zincs in a covered container and properly dispose of them.

Deleted: recycle them for their material value

I. Chemical Management

The Permittee must store all of the following under cover on an impervious surface: solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries and lead and copper waste.

J. Wash Pad Decontamination

Prior to actively pumping or passively discharging any stormwater from the pressure-wash pad to waters of the State, the Permittee must clean the pad of all debris, paint waste, sludge, and other solids. The Permittee must then pressure wash the entire pad into the collection sump and clean the sump of all debris and other solids before the next high tide that would inundate any part of the wash pad or sump.

K. Sewage and Gray Water Discharges

The Permittee must notify all owners of vessels moored for repair or under repair at a permitted facility in writing that this permit prohibits the discharge of sewage (including discharges from the vessel's galley) into waters of the State. Sanitary waste must be discharged to either the sanitary sewer or into a holding tank. The Permittee must make available to customers a list of contractors providing holding tank pump-out services.

L. Oversight of Do-It-Yourselfers and Independent Contractors

The Permittee must ensure that all individuals who service marine vessels or any other motor-driven vehicle or otherwise conduct boatyard activities at its facility, whether employed by the boatyard or not, implement all of the mandatory BMPs described in Condition S3 (Mandatory Best Management Practices). Whether through signage and education, denial of access, or some other means, the Permittee must exercise control over all potential sources of pollutants at its facility.

S4. 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 water quality standards means

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

Prior to discharging stormwater and non-stormwater to waters of the State, the Permittee must apply all known and reasonable methods of prevention, control, and treatment (AKART). To comply with this condition, the Permittee must prepare and implement an adequate SWPPP, with all applicable and appropriate BMPs, including the BMPs necessary to meet the standards identified here in this condition, and must install and maintain the BMPs in accordance with the SWPPP, applicable stormwater technical manuals, and the terms and conditions of this permit.

Permittees who meet all the other conditions of this general permit are assigned an effluent dilution factor of 5.0 based upon a maximum 20-foot distance from the point of discharge into the receiving surface water. If 20 feet is insufficient to produce a dilution factor of 5.0, then the allowed dilution factor is correspondingly reduced to ensure compliance with surface water quality standards at that 20-foot distance.

S5. NON-STORMWATER MISCELLANEOUS DISCHARGES

The categories and sources of non-stormwater discharges identified in Paragraph (c) below are conditionally authorized, provided:

(a) The discharge is otherwise consistent with the terms and conditions of this permit, including Conditions S2 (Discharge Limits) and S4 (Compliance with Water Quality Standards); and

(b) The Permittee conducts the following assessment for each non-stormwater discharge (except for Items i and vi in Paragraph (c) below) and documents the assessment in the SWPPP, consistent with Condition S8.B.1 (Facility Assessment). The Permittee must:

i. Identify each source.

ii. Identify the location of the discharge into the stormwater collection system.

iii. Characterize the discharge including estimated flows or flow volume, and likely pollutants which may be present.

iv. Evaluate and implement available and reasonable source control BMPs to reduce or eliminate the discharge.

v. Evaluate compliance of the discharge with the state water quality standards.

vi. Identify appropriate BMPs for each discharge to control pollutants and/or flow volumes.

(c) Conditionally authorized non-stormwater discharges include:

i. Discharges from fire-fighting activities;

ii. Fire protection system flushing, testing, and maintenance;

iii. Discharges of potable water including water line flushing, provided that the Permittee de-chlorinates the water line flushing wastewater prior to discharge;

iv. Uncontaminated air conditioning or compressor condensate;

v. Landscape watering and irrigation drainage;

vi. Uncontaminated groundwater or spring water; and

vii. Uncontaminated discharges associated with dewatering of foundations, footing drains, or utility vaults.

S6. MONITORING REQUIREMENTS

Samples and measurements taken to meet the requirements of this general permit must represent the volume and nature of the monitored discharge within the monthly monitoring period, including representative sampling of any unusual discharge or discharge condition such as bypasses, upsets, and maintenance-related conditions affecting effluent quality.

A. Pressure Wash Effluent to Sanitary Sewer

See Condition S2.A (Boatyards Discharging Pressure-Wash Wastewater to a Non-Delegated POTW) for the required monitoring frequency.

Deleted: permit condition

B. Discharges to Waters of the State (including surface and ground)

The Permittee must monitor discharges of stormwater runoff from the areas of the facility where industrial activity occurs. The Permittee must collect samples from a location or locations affected by boatyard related activities and as noted on the application for coverage. If stormwater runoff from the industrial areas of a facility occurs as sheet flow, then the Permittee must construct a collection point to collect an adequate sample volume. If stormwater runoff discharges do not occur during the sampling period, then the Permittee must indicate that on the Discharge Monitoring Report (DMR) for that monitoring period. Stormwater runoff must be monitored in accordance with the following monitoring schedule:

Deleted: discharges at all permitted boatyards

Deleted: it

Deleted: be indicated

Schedule for Monitoring Stormwater Runoff Discharges

Parameter	Units	Sampling Point	Minimum Sampling Frequency	Sample Type
Total Copper	µg/L	Consistent Location	One sample in October, November, January, April, and May	Grab or composite
Total Zinc	µg/L	Consistent Location	One sample in October, November, January, April, and May	Grab or composite
Total Lead	µg/L	Consistent Location	One sample in October, November, January, April, and May	Grab or composite
Visual Monitoring	NA	Facility	Weekly (See S6.D.)	Visual

Deleted: Stormwater to marine waters

C. Analytical Procedures

Monitoring data required by Ecology in this general permit or by order must be prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, *Accreditation of Environmental Laboratories*.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this general permit must conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136. The required detection and quantitation levels are:

Deleted: (ml)

Analytical Methods and Specifications

Parameter	Analytical Method (Accuracy)	Detection Limit (a)	Quantitation Level (b)
Total Copper	EPA 200.8 – ICP/MS (+0.1 µg/L)	0.4	2.0
Total Zinc	EPA 200.8 – ICP/MS (+0.1 µg/L)	0.5	2.5
Total Lead	EPA 200.8 – ICP/MS (+0.1 µg/L)	0.1	0.5
pH	SM 4500-H^+ B – Meter (+0.02 standard units)	NA	NA

Analytical methods are from "Methods for Chemical Analysis of Water and Wastes," U.S. EPA, Environmental Monitoring Systems Laboratory – Cincinnati, EPA-600/4-020, Revised March 1983 and 1979; "Precision and Recovery Statements for Methods for Measuring Metals," Appendix D of 40 CFR Part 136; and 40 CFR Part 136.3.

(a) Detection Limit:
The minimum concentration of an analyte that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined from analysis of a sample in a given matrix containing the analyte by the procedure given in 40 CFR Part 136, Appendix B.

(b) Quantitation Level (also known as minimum level of quantitation or practical quantitation level):
(1) The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the laboratory has used all method-specified sample weights, volumes, and cleanup procedures. The quantitation level is calculated by multiplying the method detection limit by 3.18 and rounding the result to the number nearest to (1, 2, or 5) x 10^n, where n is an integer. (64 FR 30417)
(2) The smallest detectable concentration of analyte greater than the method detection limit where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs, Submitted to the U.S. EPA December 2007)

The Permittee must ensure laboratory results comply with the detection limit and quantitation level specified in the table. However, if an alternate method from 40 CFR Part 136 is sufficient to produce measurable results for the effluent, the Permittee may use that method for analysis. If the Permittee uses an alternative method it must report the test method and quantitation level on the DMR. If the Permittee is unable to obtain the required quantitation level due to matrix effects, the Permittee must report the matrix-specific method detection limit and quantitation level on the DMR.

Deleted: objective

Deleted: specifying these

Deleted: levels is

Deleted: reduce

Deleted: of analytical "non-detects" in permit monitoring and to measure effluent concentrations near or below criteria values

Deleted: possible at a reasonable cost. If a

Deleted: knows that a

D. Visual Inspection Requirements

1. The Permittee must conduct and document a visual inspection of the site once per week when boatyard activities are occurring at the site.
2. The Permittee must ensure that inspections are conducted by qualified personnel.
3. Each inspection must include:

a. Observations made at stormwater runoff sampling locations and areas where stormwater runoff associated with boatyard activity is discharged off-site; to waters of the State, or to a storm sewer system that drains to waters of the State.

Deleted: or discharged

b. Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater runoff discharge(s).

i) If these pollutants are observed, the source must be found and the pollutant discharge stopped. The observation and source control efforts must be recorded in the inspection report.

c. Observations for the presence of illicit discharges such as domestic wastewater or process wastewater (including leachate).

Deleted: ,

Deleted: noncontact cooling water,

i) If an illicit discharge is discovered, the Permittee must notify Ecology within 24 hours.

Deleted: seven days.

ii) The Permittee must eliminate the illicit discharge as soon as practicable, but in no case later than within 30 days of its discovery. The Permittee must also follow all of the applicable requirements of Condition S9.E (Noncompliance Notification)

d. A verification that the descriptions of potential pollutant sources required under this permit are accurate.

e. A verification that the site map in the SWPPP reflects current conditions.

f. An assessment of all BMPs that have been implemented, noting all of the following:

i) Probable effectiveness of the inspected BMPs in controlling pollutants.

ii) Locations of BMPs that need maintenance.

iii) The reason(s) maintenance is needed and a schedule for maintenance.

iv) Locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

4. The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site for Ecology review. The Permittee shall ensure each inspection report documents the observations, verifications and assessments required in Condition S6.D (Visual Inspection Requirements) and includes:

a. Time and date of the inspection.

b. Locations inspected.

c. Statements that, in the judgment of the person conducting the site inspection and described in Condition G17 (Signatory Requirements), the site is either in

compliance or out of compliance with the terms and conditions of the SWPPP and this permit.

d. A summary report and a schedule of implementation of the remedial actions that the Permittee plans to take if the site inspection indicates that the site is out of compliance. The remedial actions taken must meet the requirements of the SWPPP and the permit.

e. Name, title, and signature of the person conducting the site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."

f. Certification and signature of the person described in Condition G17.A or a duly authorized representative of the facility, in accordance with Condition G17.B (Signatory Requirements).

S7. RESPONSE TO MONITORING RESULTS THAT EXCEED BENCHMARKS

A. The following responses are required when any monitoring result exceeds a benchmark value in a sampling period. An exceedance of a seasonal average benchmark counts as one exceedance for Level Two and Level Three Responses, but no additional Level One Response is required for exceedance of a seasonal average.

1. Level One Response
Each time a monitoring result for any parameter is above a benchmark value, the Permittee must take all of the following actions. For example, if a single sample for a monitoring period yields analytical results exceeding benchmarks for total copper and total zinc, then a Level One Response is required for each parameter. A Level One Response is not required after four, five, or six exceedances.
a) Conduct an inspection of the permitted facility as promptly as possible after the monitoring results become available; b) The inspection must: • Identify and evaluate possible sources of the exceeding parameter in the discharge, • Identify source/operational control methods by which the contamination can be reduced, and • Evaluate which improvements or changes to the SWPPP are necessary to control the exceeding parameter;

Deleted: All monitoring data required by Ecology in this general permit or by order must be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC.¶
¶

Deleted: for

Deleted: sample

Deleted: which

Formatted Table

Deleted: sampling

Deleted: results in

Deleted: values

Deleted: TSS

Deleted: of a parameter

Deleted: sampling

Deleted: are

Deleted: benchmark

Deleted: stormwater

Deleted: stormwater

Deleted: benchmark

1. Level One Response
c) Summarize the inspection results, including remedial actions taken or planned, and place them in the SWPPP, described in Condition S8 (Stormwater Pollution Prevention Plan); and d) Submit a copy of the summary to Ecology at the same time as submitting the corresponding DMR.
2. Level Two Response
Whenever four monitoring results (potentially including the seasonal average) for any parameter are above a benchmark for that parameter (e.g., any four copper values above the applicable copper benchmark), the Permittee must perform the following actions.
a) Investigate all available and applicable stormwater treatment BMPs to reduce contaminant levels below the permit benchmark values. At a minimum, these must include examination of the options for covering the hull preparation area, treating the stormwater runoff, land infiltration of stormwater runoff, and sending the stormwater runoff to the municipal sewage treatment plant. b) Prepare a Level Two Source Control Report outlining potential stormwater treatment practices or structures that may be appropriate at that location. These treatment practices or structures must be prioritized in the report according to expected cost and ease of installation. Ecology recommends the Permittee review Ecology Publication Number 15-10-041 at http://www.ecy.wa.gov/pubs/1510041.pdf for some options and the approximate cost of the options. c) Submit the Level Two Source Control Report to Ecology within 3 months of reporting the fourth value above a benchmark.
3. Level Three Response
When any six monitoring results (potentially including the seasonal average) for an outfall are above a parameter benchmark value (e.g., six monitoring results exceed the copper benchmark) during the coverage under this permit; or when the monitoring results for any two samples exceed a parameter benchmark value during the coverage under this permit if a Level Two Response requirement had been triggered under the previous Boatyard General Permit (issued June 1, 2011), the Permittee must perform all of the following actions.

Formatted Table

Deleted: Include a brief summary of inspection results and the proposed remedial actions with the discharge monitoring report (DMR) for the sampling period.

Deleted: ¶

Deleted: (4) sampling

Deleted: parameter

Deleted: value

Deleted: stormwater

Deleted: , or

Deleted: 10-018

Deleted: http://www.ecy.wa.gov/pubs/1010018.pdf

Deleted: sample values

Deleted: for an outfall are above

Deleted: November 2, 2005

Deleted: shall

Select and complete *either* the Treatment *or* the Permit Modification tracks as described below.

Treatment

a) The Permittee must prepare an Engineering Report that includes the following items, at a minimum:

i. Brief summary of the treatment alternatives considered and the reasons the proposed option was selected. The report must include cost estimates of ongoing operation and maintenance, including disposal of any spent media.

ii. The basic design and construction data for all treatment devices and structures that are to be installed, including a characterization of the stormwater runoff influent and the sizing calculations of the treatment units.

iii. A description of the treatment process and operation, including a flow diagram.

iv. The types and amounts of chemicals used in the treatment process, if any.

v. A proposed schedule for implementation of the preferred option. Implementation must be completed within 12 months of the time when Ecology accepts the Engineering Report.

vi. Results expected from the treatment process, including the predicted characteristics of the stormwater runoff discharge.

vii. A statement expressing sound engineering justification (through the use of pilot plant data, results from similar installations, and/or scientific evidence) that the proposed treatment is reasonably expected to meet the permit benchmarks and limits.

viii. The Engineering Report must be prepared and certified by a licensed professional engineer unless the Permittee can demonstrate engineering competence and receives an exemption from Ecology.

b) The Permittee must submit the Engineering Report to Ecology within 3 months of reporting the six monitoring results above a benchmark. Ecology typically completes review of a well-done Engineering Report within 60 days. Failure to submit an acceptable Engineering Report may result in an order, penalty, or both. The Permittee must notify Ecology at the time the new or modified treatment BMP is in place and operational. Level One and Level Two Reports are not required during the period the preferred option is being put into place.

Permit Modification

The Permittee may request a waiver by submitting a request for permit modification within 3 months of reporting the six monitoring results above a benchmark. Ecology may approve modification of the permit in accordance with Condition S1.C (Modification of Permit Coverage) if the Permittee requests such a modification, fulfills

Deleted: a) Prepare an engineering report that meets the requirements of WAC 173-240, *Submission of Plans and Reports for Construction of Wastewater Facilities* and Ecology publication Number 05-10-014, *State Requirements for Submission of Engineering Reports and Plans for Industrial Wastewater Treatment Facilities.*¶

Deleted: information

Deleted: or

Deleted: c) Implementation of the preferred option requires a modification of coverage (See condition S1.C). The engineering report may be used as the substantive information required for re-application.¶
d) Hardship certification – A facility may submit to Ecology a signed certification that it is currently unable to fund the equipment necessary to meet the benchmarks of Section S2.D.3 of this permit within one year. The certification must specify the period of time necessary to finance the treatment BMP required to meet the permit benchmarks. If Ecology agrees with the hardship request, Ecology will issue the facility an order containing a compliance schedule, requiring annual reports and other interim requirements. All BMP requirements, monitoring , benchmarks, limits, and Level 1 reports are effective during the compliance period.¶

all the requirements specified in Condition S1.C, and demonstrates to Ecology's satisfaction that one or more of the following conditions apply:

a) Installation of necessary treatment BMPs is not feasible by the Level Three deadline, up to a maximum of 15 months following reporting the six monitoring results above a benchmark.

b) Installation of treatment BMPs is not feasible or not necessary to prevent discharges that may cause or contribute to violation of a water quality standard.

B. Boatyards with a Level Three Response Requirement (Engineering Report) at the Time of Issuance

Boatyards that have triggered the requirement for a Level Three Response under Condition S7 (Response to Monitoring Results that Exceed Benchmarks) of the previous Boatyard General Permit (effective June 1, 2011), but have not yet provided an Engineering Report to Ecology, must meet the following schedule: (1) Submit an Engineering Report that meets the content requirements listed in Item a in the Level Three Response; that results in discharge concentrations at or below benchmarks and any applicable effluent limits; and that evaluates treatment systems, not later than 3 months from the effective date of this general permit. (2) The Engineering Report must contain a schedule for implementing the preferred option within 12 months of acceptance of the Engineering Report by Ecology. The schedule may contain contingencies if other State or local permits are required. (3) The Permittee must implement the preferred option in accordance with the schedule and interim reports in the approved Engineering Report. The Permittee must notify Ecology at the time the new or modified treatment BMP is in place and operational. Level One and Level Two Responses are not required for benchmark exceedances for the same parameter(s) that may occur during the time the preferred option is being put in place and started up.

C. Boatyards with a Level Two Response Requirement at the Time of Issuance

Boatyards that have triggered the requirement for a Level Two Response under Condition S7 (Response to Monitoring Results that Exceed Benchmarks) of the previous Boatyard General Permit (effective June 1, 2011) must submit a Level Two Source Control Report to Ecology on the date required under the terms of that permit (within 3 months of reporting the fourth value above a benchmark), and must prepare a Level Three Response upon exceeding a benchmark two additional times during coverage under this permit.

Deleted: S4.

Deleted: issued November 2, 2005)

Deleted: of WAC 173-240, *Submission of Plans and Reports for Construction of Wastewater Facilities*

Deleted: A facility claiming hardship (see S7.A.3.d. above) must define the period of time required to fund a system necessary to meet the limits of S2.D. ¶

Deleted: S4.

Deleted: issued November 2, 2005

S8. STORMWATER POLLUTION PREVENTION PLAN

Every facility covered by this permit must prepare and maintain a Stormwater Pollution Prevention Plan (SWPPP) which is developed specifically for its facility. **The SWPPP must be consistent with requirements defined in this permit, and be fully implemented and**

updated as necessary to maintain compliance with permit conditions. The SWPPP must include those BMPs necessary to achieve the limits and benchmarks in Condition S2 (Discharge Limits).

Deleted: meet

New facilities must develop and implement a SWPPP 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 the general permit and as needed to reflect significant process changes before those changes occur.

Deleted: permit conditions.

The Permittee must document the technical basis for the selection of all stormwater BMPs within the SWPPP. The SWPPP must document how stormwater BMPs were selected, the pollutant removal performance expected from the selected BMPs and the technical basis which supports the performance claims for the selected BMPs. Ecology assumes this documentation is a demonstration the selected BMP will comply with water quality standards and satisfy the State AKART requirements and the Federal technology-based treatment requirements under 40 CFR Part 125.3. See Condition S8.A.3 (Proper Selection and Use of Stormwater Management Manuals) for an exception to the requirements of this paragraph.

A. General Requirements

1. Public Access and Signature:

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

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

   c. A copy of the SWPPP or access to the SWPPP must be provided to the public when requested in writing. Upon receiving a written request from the public for the Permittee's SWPPP, the Permittee must 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 Condition G17 (Signatory Requirements) must sign the SWPPP and all of its modifications.

2. Enhanced/Additional Best Management Practices:

The Permittee must provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary due to a notice from Ecology, facility changes, self-inspection, or monitoring results that exceed benchmark values for one to three times, as described in Condition S7 (Response to Monitoring Results that Exceed Benchmarks). The Permittee must complete and enter a schedule for implementation (plan) into the SWPPP within 30 days of a determination of necessary improvements or exceedance of benchmark values. BMPs identified in the plan must be implemented with diligence. The Permittee must complete non-capital BMPs within 2 weeks after completing the plan and capital BMPs within 6 months. Enhanced/additional BMPs must comply with Condition S8.A.3 (Proper Selection and Use of Stormwater Management Manuals). This paragraph does not apply to a Level Two or a Level Three Response 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 discharges of stormwater runoff violate water quality standards.

Deleted: because of

Deleted: . It must complete

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

Deleted: thirty (

Deleted:)

The Permittee must 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 Permittee must modify the SWPPP and adjust the BMPs to correct the deficiency.

3. Proper Selection and Use of Stormwater Management Manuals

Permittees who select BMPs from an Ecology-approved stormwater management manual must clearly specify the stormwater management manual in their SWPPP. Permittees who choose to use BMPs from approved stormwater management 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, described in Condition S8.A.1 (Public Access and Signature). A Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan.

Deleted: (see S9.A.1. above).

B. SWPPP Contents and Requirements

The SWPPP must contain a detailed assessment of the facility and a detailed description of the BMPs. The Permittee must clearly identify in the plan any parts of the SWPPP which it wants to claim as Confidential Business Information. 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, and 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 BMPs that will eliminate or reduce the potential to contaminate stormwater through source control or treatment.

a. Facility Description: The facility description must 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 must 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 that indicates the 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:

Deleted: or include

i) The stormwater drainage and discharge structures;

ii) An outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water);

iii) Paved areas and buildings;

iv) Areas of pollutant contact (actual or potential);

v) Surface water locations (including wetlands and drainage ditches); and

vi) Lands and waters adjacent to the site must also be depicted where helpful in identifying discharge points or drainage routes.

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

Deleted: will

i) Loading and unloading of dry bulk materials or liquids.

ii) Outdoor storage of materials or products.

iii) Outdoor work and repair areas, including any do-it-yourself 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 must 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 must update this narrative when data become available to verify the presence or absence of these pollutants. The inventory must 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, identified in Condition S5 (Non-Stormwater Miscellaneous Discharges): These discharges must be specified as to volume, frequency of discharge, expected duration of discharge, and BMPs to assure they are uncontaminated. Visual monitoring must be included in the plan described in Condition S8.B.2 (Monitoring Plan). Sampling and analysis of these discharges is required when directed to do so by an order from an Ecology inspector.

Deleted: . below.

2. Monitoring Plan:

The SWPPP must include a monitoring plan. The plan must identify all the points of discharge of pressure-wash wastewater, process wastewater, and stormwater runoff to the sanitary sewer, to surface water, and to a storm drain system, if any. If there is more than one point of discharge, then the plan must include a discussion of how the Permittee has determined which point(s) 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 must address stormwater sampling requirements and visual inspections. Records of these inspections must be kept as attachments to the SWPPP. The plan must include the following:

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

3. Best Management Practices:

The SWPPP must include a description of the best management practices (BMPs) in addition to those specified in Condition S3 (Mandatory Best Management Practices) 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 the Permittee selected stormwater BMPs, the pollutant removal performance expected from each BMP, the technical basis that supports the performance claims for the selected BMPs, 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.

Deleted: the selected

Deleted: and

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 BMPs, are presumed to have satisfied the demonstration requirement of the previous paragraph.

Many BMPs are common to all facilities. The categories listed below must be included in the SWPPP. The Permittee must identify in the SWPP the BMP categories listed below and implement those BMPs to meet the following requirements:

Deleted: The Permittee must include BMPs that comply with the following requirements:¶

(a) Operational Source Control BMPs:

The SWPPP must include those Operational Source Control BMPs listed as "applicable" in Ecology's Stormwater Management Manual (SWMM), approved stormwater technical manuals chosen per Condition S8.A.3 (Proper Selection and Use of Stormwater Management Manuals), or other guidance documents or manuals approved in accordance with Condition S8.A.3.

(b) Structural Source Control BMPs:

The SWPPP must include the Structural Source Control BMPs listed as "applicable" in Ecology's SWMM, approved stormwater technical manuals chosen per Condition S8.A.3 (Proper Selection and Use of Stormwater Management Manuals), or other guidance documents or manuals approved in accordance with Condition S8.A.3.

(c) Pollution Prevention Team:

The SWPPP must include a BMP that identifies specific individual(s) 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 must address all aspects of the facility's SWPPP.

(d) Good Housekeeping:

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

(e) Preventive Maintenance:

The SWPPP must 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 runoff. The SWPPP must include the schedule and frequency for completing each maintenance task and the person(s) or position(s) responsible for preventive maintenance. If any maintenance of facilities may necessitate unavoidable degradation of effluent quality, that maintenance must be scheduled during periods when the receiving waterbodies are not experiencing critical conditions and in a manner approved by Ecology.

(f) Spill Prevention and Emergency Cleanup Plan:

The SWPPP must include a BMP(s) to identify areas where potential spills can contribute pollutants to discharges of stormwater runoff. The BMP(s) must specify material handling procedures, storage requirements, and 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 must include:

i. A description of the reporting system which the Permittee plans to use to immediately alert facility managers and all appropriate legal authorities (i.e., Department of Ecology and the Washington Military Department, Emergency Management Division, at (800) 258-5990), in the event of a spill or unpermitted discharge which may endanger health or the environment. Condition S9 (Reporting and Recordkeeping Requirements) provides the contact information for those Ecology authorities.

ii. A description of preventive 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.

iii. 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.

(g) Employee Training:

The SWPPP must 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 must 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 runoff. 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 must be kept and included in the SWPPP.

(h) Inspections and Recordkeeping:

The SWPPP must include documentation of procedures to assure compliance with permit requirements for inspections and recordkeeping. At a minimum, it must include all of the following:

- Identify personnel who inspect designated equipment and areas as required in Condition S6 (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 the Permittee will comply with signature requirements and records retention identified in Condition S9 (Reporting and Recordkeeping Requirements); and
- Include certification of compliance with the SWPPP.

4. Illicit Discharges:

The SWPPP must include measures to identify and eliminate the discharge of process wastewater, domestic wastewater, and other illicit discharges, to stormwater sewers, or to surface waters and groundwaters of the State. The Permittee can find BMPs to identify and eliminate illicit discharges in Volume IV of Ecology's SWMM for Western Washington and Chapter 8 of the SWMM for Eastern Washington.

Deleted: shall

Deleted: noncontact cooling water,

S9. REPORTING AND RECORDKEEPING REQUIREMENTS

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

A. Reporting

Unless otherwise specified in this permit, the Permittee must use the on-line "Water Quality Permitting Portal" to submit all permit-required reports by the specified due dates (located at http://www.ecy.wa.gov/programs/wq/permits/paris/portal.html). Permittees unable to submit electronically (e.g., those who do not have an Internet connection) must contact their Washington State Department of Ecology regional permit administrator at the locations provided in Condition S9.E (Noncompliance Notification) to request a waiver and to obtain instructions on how to provide hardcopy paper versions of the required reports and documentation.

Where another condition of this permit requires submission of hardcopy paper documentation, the Permittee must ensure that the submission is postmarked or received by Ecology no later than the specified due date. The Permittee must submit hardcopy paper documentation to the water quality permit coordinator at the appropriate address provided in Condition S9.E (Noncompliance Notification).

The Permittee must submit a discharge monitoring report (DMR) for each calendar month during which monitoring is required, whether or not a discharge occurred. If the facility did not discharge during a given monitoring period, the Permittee must submit a completed DMR with "No Discharge" entered as the DMR Reporting Code.

Submission of DMRs must be completed by no later than the 28th day of the month following the completed monitoring period.

All DMRs must contain the following information:

1. Include data for each of the parameters for which monitoring is required by Condition S6 (Monitoring Requirements) and as required by the DMR entry screen or hardcopy paper form. Report a value for each day sampling occurred and for the monthly values.

2. If the Permittee did not discharge wastewater or stormwater runoff during a given monitoring period, enter the "No Discharge" reporting code.

3. Record onto the DMR those analytical values reported as "less than the detection limit" by entering "<" followed by the numeric value of the detection limit (e.g., < 2.0). If the method used did not achieve the detection limit or quantitation level identified in Condition S6.C (Analytical Procedures), report the actual detection limit and quantitation level in the DMR comments section or other location provided.

4. Report the analytical test method used in the DMR comments section or other location provided if the laboratory used an alternate method not specified in the permit and as allowed in Condition S6.C (Analytical Procedures).

The Permittee must submit monitoring results in accordance with the minimum sampling frequencies specified in Conditions S2 (Discharge Limits) and S6 (Monitoring Requirements) and must submit all data collected to Ecology. If the permittee discharges process water or stormwater runoff to a POTW and the POTW wishes to receive monitoring data, then DMRs must also be provided to the POTW at the same time they are sent to Ecology. The Permittee must summarize and report monitoring data collected during the previous month or sample period on a form provided, or otherwise approved, by Ecology. It must ensure that the report is postmarked or received by Ecology no later than the 28th day of the month following the sample collection month. Hardcopy written report(s) must be sent to the appropriate regional office of Ecology.

Deleted: it is

Deleted: The

B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of 5 years. Such information must 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 must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director of Ecology. Copies of this permit, all reports and other permit records must be available at the permitted site for review by Ecology inspectors.

Deleted: five

C. Recording Results

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

- Date, exact place, method, and time of sampling;
- Name of the individual who performed the sampling or measurement;
- Dates the analyses were performed;
- Name of the person(s) who performed the analyses;
- Analytical techniques or methods used; and
- Results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant at a designated sampling point (addressed in Condition S6 (Monitoring Requirements)) more frequently than required by this general permit using test procedures specified by Condition S6.C (Analytical Procedures), then it must include the results of this monitoring along with the data submitted in its monthly DMRs, as an electronic attachment or submittal to the Ecology Water Quality Permitting Portal. A Permittee with a waiver due to its inability to submit electronically must submit the additional monitoring data on a paper hardcopy to the appropriate address provided in Special Condition S9.E (Noncompliance Notification).

Deleted: identified

Deleted: this permit

Deleted: in the calculation and

Deleted: the Permittee's DMR.¶

E. Noncompliance Notification

In the event of a spill or a discharge not authorized by this general permit which may endanger health or the environment, the Permittee must immediately notify Ecology and the Washington Military Department, Emergency Management Division, at (800) 258-5990. This notification procedure must be included in the SWPPP as noted in Condition S8.B.3.a.vi (Spill Prevention and Emergency Cleanup Plan). The phone numbers of Ecology regional permit administrators are provided below.

Ecology Central Regional Office Water Quality Program 1250 West Alder Street Union Gap, WA 98903-0009 509-575-2490 TDY: 711 or 1-800-833-6341	**Counties** Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, and Yakima
Ecology Eastern Regional Office Water Quality Program North 4601 Monroe Spokane, WA 99205-1295 509-329-3400 TDY: 711 or 1-800-833-6341	**Counties** Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman
Ecology Northwest Regional Office Water Quality Program 3190 - 160th Avenue SE Bellevue, WA 98008-5452 (425) 649-7000 TDY: 711 or 1-800-833-6341	**Counties** Island, King, Kitsap, San Juan, Skagit, Snohomish, and Whatcom
Ecology Southwest Regional Office Water Quality Program P.O. Box 47775 Olympia, WA 98504-7775 360-407-6300 TDY: 711 or 1-800-833-6341	**Counties** Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce, Skamania, Thurston, and Wahkiakum

In addition to a spill or unauthorized discharge, in the event the Permittee is unable to comply with any of the other permit terms and conditions due to any cause, the Permittee must:

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 5 days after becoming aware of the violation;

2. Notify the regional Ecology facility inspector orally of the failure to comply within 24 hours from the time the Permittee becomes aware of the noncompliance; and

3. Submit electronically via the Water Quality Permitting Portal a detailed written report to Ecology within 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. Permittees who are unable to submit electronically (e.g., those who do not have an Internet connection) must contact

Deleted: 2. Immediately notify

their Ecology regional permit administrator at the locations provided above to request a waiver. Permittees with waivers must submit hardcopy paper reports to be received by Ecology no later than within 5 days of the time the Permittee became aware of the noncompliance.

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 Ecology inspection.

S10. BYPASS

A. Bypass Procedures

This permit prohibits a bypass which is the intentional diversion of waste streams from any portion of a treatment facility. Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

1. 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 limits or other conditions of this general permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least 10 days before the date of the bypass.

2. Bypass which is unavoidable, unanticipated, and results in noncompliance with this general permit.

   This bypass is permitted only if all three of the following conditions are met:

   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. No feasible alternatives to the bypass exist, such as:

- The use of auxiliary treatment facilities.
- Retention of untreated wastes.
- Stopping production.
- Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
- Transport of untreated wastes to another treatment facility.

Deleted: or preventative maintenance), or transport of untreated wastes to another treatment facility.

c. Ecology is properly notified of the bypass as required in Condition S9E (Noncompliance Notification).

3. If bypass is anticipated and has the potential to result in noncompliance with this general permit.

Deleted: of

a. The Permittee must notify Ecology at least 30 days before the planned date of bypass. The notice must contain:

- A description of the bypass and its cause.
- An analysis of all known alternatives that would eliminate, reduce, or mitigate the need for bypassing.
- A cost-effectiveness analysis of alternatives, including comparative resource damage assessment.
- The minimum and maximum duration of the bypass under each alternative.
- A recommendation as to the preferred alternative for conducting the bypass.
- The projected date of bypass initiation.
- A statement of compliance with SEPA.
- A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
- Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during the project

Deleted: preparation of the

planning and design process. The project-specific engineering report or facilities plan and plans and specifications and must include details of probable construction bypasses to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.

c. Ecology will consider the following prior to issuing a determination letter, an administrative order, or a permit modification for this type of bypass:

- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.
- 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.
- If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

Ecology will give the public an opportunity to comment on bypass incidents of significant duration, to the extent feasible.

Deleted: these

Deleted: After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors,

Deleted: approve or deny

Deleted: request. The

Deleted: must be notified and given

Deleted: 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.

S11. SOLID WASTE MANAGEMENT

The Permittee must manage all solid waste materials to prevent the release of leachate into waters of the State.

S12. REPORTING FOR ZEBRA MUSSEL CONTROL

The Permittee must quarantine a boat/vessel identified as a carrier of zebra mussels and notify the appropriate Washington Fish and Wildlife Regional Office within 24 hours. The boat/vessel must 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.

S13. TERMINATION OF COVERAGE UNDER THIS PERMIT

A. Conditions Required for Ecology Approval

Ecology may approve a Permittee's request for termination of its coverage under this permit when the Permittee meets one or more of the following conditions:

1. All discharges of stormwater runoff from areas with industrial activity that are authorized by this permit have ceased because the industrial activity has ceased, and no potential industrial source of pollutants remains exposed to stormwater.
2. The Permittee sells or otherwise legally transfers responsibility for the industrial activity at the boatyard.
3. All discharges of stormwater runoff from areas with industrial activity have been eliminated because that stormwater runoff has been redirected to a sanitary sewer.

B. Procedure for Obtaining Termination of Coverage

1. The Permittee shall complete a Notification of Termination (NOT) request form provided by Ecology or available from the website: http://www.ecy.wa.gov/programs/wq/permits/boatyard/index.html.
2. The Permittee shall sign the NOT Request form in accordance with the signatory requirements specified in General Condition G17 (Signatory Requirements).
3. The Permittee shall submit the completed NOT request form to Ecology either:
    a. Electronically through the Ecology Water Quality Permitting Portal; or
    b. If Ecology has issued a waiver due to the Permittee's inability to submit electronically, on a paper hardcopy sent to the appropriate address provided in Special Condition S9.E (Noncompliance Notification).

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit must 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, must constitute a violation of the terms and conditions of this general permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee must, 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 must 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 must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must 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 of Ecology 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; or

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 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 Federal Water Pollution Control Act or Chapter 90.48 RCW, for the category of dischargers covered under this permit;

Deleted: FWPCA

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 (General Permit Modification and Revocation) or 40 CFR 122.62, must 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 must 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 excuses 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 order or permit modification.

G11. PAYMENT OF FEES

The Permittee must 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 must 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 general permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger must submit to the Director of Ecology 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 will 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:

A. The Permittee notifies Ecology at least 30 days in advance of the proposed transfer date;

B. 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; and

C. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke permit coverage.

G15. DUTY TO REAPPLY

All Permittees covered by this general permit who wish to continue their permitted activities and discharges beyond the expiration date of this general permit must submit a new application for coverage under this general permit, or an application for an individual permit, at least 180 days prior to the expiration date of this general permit. When a Permittee has submitted a timely and sufficient application for the renewal of coverage under this general permit, the expiring general permit remains in effect and enforceable until Ecology:

A. Denies the application;
B. Issues a replacement permit; or
C. Cancels the expired general permit.

Coverage under an expired general permit for Permittees who fail to submit a timely and sufficient application expires on the expiration date of the general permit.

G16. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit will be deemed guilty of a crime, and upon conviction 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 incurs, 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 is considered a separate and distinct offense, and in case of a continuing violation, every day's continuance will be deemed to be a separate and distinct violation.

G17. SIGNATORY REQUIREMENTS

A. All permit applications and requests for permit modification, transfer, or termination must be signed and certified when submitted to Ecology by:

1. In the case of a municipal, State, or other public facility, by either a principal executive officer or ranking elected official.
2. In the case of a corporation, by a responsible corporate officer of at least the level of vice president.
3. In the case of a partnership, by a general partner.
4. In the case of a sole proprietorship, by the proprietor.

B. All reports required by this permit and other information requested by Ecology must 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

Deleted: The Permittee must reapply for coverage under this permit, at least180 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.¶

Deleted: , reports, or information submitted to Ecology

Deleted: all permit applications must be signed by

Deleted: principal executive

Deleted: all permit applications must 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

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 must 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 30 days of issuance of this 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 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 permit coverage of an individual discharger will not affect the coverage of 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 will be remanded to Ecology for consideration of issuance of an individual permit or permits.

Deleted: (individual coverage)

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, will not be affected thereby.

G20. REPORTING OTHER INFORMATION

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to Ecology, the Permittee must promptly submit such facts or information.

G21. DUTY TO COMPLY

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and may be grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of permit renewal.

DEFINITIONS

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

303(d) list means the list of Category 5 waterbodies periodically prepared by Ecology and approved by the U.S. EPA. This list specifies the waters of the State of Washington that are not meeting the water quality standards as given in Chapter 173-201A. This list is available at http://www.ecy.wa.gov/programs/wq/303d/index.html. The list applicable to discharges covered by this permit is the list approved by the U.S. EPA at the time of facility coverage under this permit.

Approved Stormwater Management Manual means a stormwater manual produced by Ecology or the U.S. EPA that contains best management practices appropriate for the discharges covered by this permit. Manuals produced by trade organizations may be approved if reviewed by Ecology, subjected to public comment, and posted on the appropriate Ecology web site.

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. AKART is a process of engineering and economic decision-making.

Benchmark means a pollutant concentration based on performance of source control best management practices (BMPs), treatment BMPs, or water quality criteria. Benchmarks are set to achieve AKART and meet water quality standards. Benchmark as used in this permit allows a period of adaptive management with increasing levels of effort or treatment to comply with the permit values.

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: Facility site runoff, spillage or leaks, sludge or waste disposal, and drainage from raw material storage. In this permit BMPs are further categorized as operational source control, structural source control, and treatment BMPs.

Deleted: discharge of

Deleted: ants to

Deleted: or

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

Clean Water Act (CWA) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117, and 100-4; and USC 1251 et seq.

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 limits 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 an individual boatyard is authorized to discharge under the conditions of this general permit.

Discharge [of a pollutant] means any addition of any pollutant or combination of pollutants to waters of the State of Washington from any point source. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

Discharge monitoring report (DMR) is the report that the Permittee must send to Ecology on a periodic basis set by the permit to report on the monitoring requirements of the permit.

Ecology means the Washington State Department of Ecology.

Existing facility means a facility that is not a "new facility."

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

Groundwater means water in a saturated zone or stratum beneath the land surface or a surface waterbody.

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.

Illicit Discharge means any discharge that is not composed entirely of stormwater except (1) discharges authorized pursuant to a separate NPDES permit, or (2) conditionally authorized non-stormwater discharges identified in Condition S5.

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

(1) Inhibits or disrupts a publicly-owned treatment works (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

Deleted: "Department" means the Department of Ecology.¶

Deleted: United States

Deleted: discharge

Deleted: "First flush" means within the first 30 minutes of the formation of a discrete discharge.¶
"FWPCA" means the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251 et seq.).¶
¶

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)

Leachate means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with a solid material or a gas.

Maximum Daily Discharge Limit 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.

Minimum Performance Standards [for vacuum sanding] means:

Sander – 98% dust extraction
– Suitable for lead abatement work
– electric or air powered
Vacuum – Static water lift = 60 inches minimum
– Air flow = 116 cfm 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

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking, and reissuing, terminating, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the State from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

New Facility means a boatyard facility that begins activities that result in a discharge or a potential discharge to waters of the State on or after the effective date of this general permit.

Non-delegated POTW means a publicly-owned treatment works (POTW) for which Ecology authorizes the industrial discharges to the POTW.

Operational Source Control BMP means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of waters of the State. Not included are BMPs that require construction of pollution control devices.

Deleted: "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 or reporting level.¶
¶

Deleted: cfs

Deleted: "Monthly Average" means the average or statistical mean of the daily discharges.¶
¶
"MSD" means marine sanitation device.¶
¶

Pass through means a discharge to a publicly-owned treatment works (POTW) 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 boatyard facility that has obtained coverage under this general permit.

Pollutant means discarded dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include dredged or fill material discharged in accordance with a permit issued under Section 404 of the Federal Water Pollution Control Act.

Deleted: the *discharge* of any of the following to *waters of the state*:

Pollution means contamination or other alteration of the physical, chemical, or biological properties of waters of the state; including change in temperature, taste, color, turbidity, or odor of the waters; or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life.

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

Pressure-wash wastewater means the wastewater resulting from pressure washing.

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 Condition S5 (Non-Stormwater Miscellaneous Discharges).

Deleted: "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 volume 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 ¶

Publicly-Owned Treatment Works (POTW) means a treatment works as defined by Section 212 of the Clean Water Act (CWA), which is owned by a state or municipality (as defined by Section 502(4) of the CWA). This definition includes any devices and systems used in the storage, treatment, recycling, or 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. The term also means the municipality, as defined in Section 502(4) of the CWA, that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

Deleted: and

Reasonable Potential means a process in which an effluent is projected or calculated to cause an excursion of a water quality criterion at the point of compliance in the receiving water based on a number of factors including, as a minimum, the four factors listed in 40 CFR 122.44(d)(1)(ii).

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

Receiving Water means 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.

Representative [sample] means a sample of the discharge that accurately characterizes stormwater runoff generated in the designated drainage area of the facility.

Responsible corporate officer means either: (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (2) The manager of one or more manufacturing, production, or operating facilities, provided (a) The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; (b) The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and (c) Where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures. (40 CFR 122.22)

Runoff means that portion of rainfall or snowmelt water not absorbed into the ground that becomes surface flow.

Sediment means the fragmented material that originates from the weathering and erosion of rocks, unconsolidated deposits, or unpaved yards, and is transported by, suspended in, or deposited by water.

Deleted: "Seasonal Average" means the average of daily maximum values reported on the monthly discharge monitoring reports from the period of October through May.¶

Significant amount means an amount of a pollutant in a discharge that is amenable to AKART; or an amount of a pollutant that has a reasonable potential to cause a violation of surface or groundwater quality standards or sediment management standards.

Significant process change means any modification of the facility that would:

(1) Add different pollutants of a significant amount to the discharge; or

(2) Increase the pollutants in the stormwater discharge by a significant amount; or

(3) Add a new industrial activity (SIC) that was not previously covered; or

(4) Add additional impervious surface or acreage such that stormwater discharge volume would be increased by 25% or more; or

(5) Change significantly the frequency of an activity from that specified on the application for coverage of this permit.

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.

Source control BMP means operational activities, or physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater.

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. SIC codes are being replaced by the NAICS code system.

Site means the location of the activity that is defined as a boatyard (see Condition S1.A.).

Solid waste means all putrescible and non-putrescible 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, or semisolid materials which are not the primary products of public, private, industrial, commercial, mining, or agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants, septage from septic tanks, wood waste, dangerous waste, and problem wastes.

Storm drain means an engineered opening for stormwater to enter a storm sewer system.

Storm sewer means a sewer that is specifically designed to carry stormwater. Also called a storm drain.

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

Superstructure means the structure consisting of the part of a vessel above the main deck.

SWMM means *The 2014 Stormwater Management Manual of Western Washington*, December 2014, Ecology Publication Number 14-10-055.

Deleted: and

Deleted: and

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

Deleted: Nos. 99-11 through 99-15

Stormwater Pollution Prevention Plan (SWPPP) means a written plan to implement measures to identify, prevent, and control the contamination from point source discharges of stormwater.

Structural source control BMPs means physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater.

Topside means that part of a vessel above the wales (horizontal members that aid in wall/form reinforcement and distribution of forces).

Tidal grid means a series of wooden or concrete beams laid on tidal land near the high tide line. The grid is used with blocking to support the boat during low tide. Tidal grids should be used only for emergency work on the hull or steering mechanism, and not for refinishing hull paint.

Treatment BMP means best management practices that are intended to remove pollutants from stormwater.

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 means:

(1) An exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits due to 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 limits if the requirements of Paragraph (3) of this definition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is a 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 must 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;

Deleted: documented

Deleted: of

Deleted: .); now in yachts sometimes understood as the part between the water-line and deck, or the freeboard.

(iii) The Permittee submitted notice of the upset as required in 40 CFR 122.41(1)(6)(ii)(B) (24 hour notice); and

(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:

Sander or Rotary Tool
- 98% dust extraction
- Suitable for lead abatement work
- electric or air powered

Vacuum
- Static water lift = 60 inches minimum
- Air flow = 116 cfm 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

Deleted: cfs

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

Water quality standards means the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A WAC; Ground Water Quality Standards (Chapter 173-200 WAC); Sediment Management Standards (Chapter 173-204 WAC); and human health-based criteria in the National Toxics Rule (40 CFR 131.36).

Water's 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.