

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LAHONTAN REGION**

**MEETING OF APRIL 11 AND 12, 2007
KINGS BEACH**

ITEM: 7

SUBJECT: **AMENDMENT TO THE MARINA GENERAL PERMIT, INDUSTRIAL STORMWATER NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT AND GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH MARINAS AND MAINTENANCE DREDGING IN THE LAKE TAHOE HYDROLOGIC UNIT- EL DORADO AND PLACER COUNTIES**

CHRONOLOGY: 1988 and 1989 The Water Board issued WDRs to nine of the twelve marinas.

May 10, 2000 The Water Board issued Order No. 6-00-36 updating requirements including NPDES requirements.

June 15, 2005 The Water Board issued Order R6T-2005-0015 updating requirements.

ISSUES: Should the Marina General Permit be amended to:

1. Void references to incorporating each marina's revised Storm Water Pollution Prevention Plan (SWPPP) into the Marina General Permit
2. Require implementation of the revised SWPPP
3. Replace references to "controlling non-point source pollutants associated with fueling, sewage and bilge pump-out activities, boat washing, and sunken vessels" with "eliminating, to the maximum extent practicable, discharges..."

DISCUSSION: Order No. R6V-2005-0015 (the Marina General Permit) regulates discharges of pollutants in stormwater associated with industrial activities conducted at marinas (fueling, boat and vehicle maintenance, boat and vehicle washing, etc.) within the Lake Tahoe Hydrologic Unit. The Marina General Permit requires the twelve existing enrollees covered under the Marina General Permit to develop and submit a revised Storm Water Pollution Prevention Plan (SWPPP) by November 15, 2005 for incorporation into the Marina General Permit at a later date by the Water Board.

This Proposed Order amends the Marina General Permit to void all references to incorporating the SWPPPs into an amended or revised Marina General Permit and clarifies that all revised SWPPPs must be implemented forthwith. These two items were included in the

Tentative Order that was distributed to the public in December 2006. On March 9, 2007, Water Board staff revised the Tentative Order and distributed a Proposed Order to the public that included additional changes that replace references to “controlling non-point source pollutants,” with “eliminating, to the maximum extent practicable, discharges associated with fueling, sewage and bilge pump-out activities...” and require implementation of Best Available Technology Economically Feasible (BAT) and Best Practicable Control Technology Currently Achievable (BCT) to reduce or prevent discharges of pollutants associated with industrial activity.

These changes are necessary to clarify and incorporate requirements in Clean Water Act stormwater regulations pertaining to the “maximum extent practicable” (MEP) standard and the standards of BAT and BCT to reduce or prevent pollutants associated with industrial activity in stormwater. Best Management Practices (BMPs) for such things as boat washing and sewage and bilge pump-out facilities at many Lake Tahoe marinas are in need of improvements and modifications. Maximum extent practicable is the standard in the federal Clean Water Act Section 402(p)(3)(B)(iii) and means that less effective treatment may not be substituted when it is practicable to provide more effective treatment.

Notice of the opportunity for a public hearing was published in the Tahoe Daily Tribune and the Tahoe World during the week of February 26, 2007. Interested parties and agencies were notified that a Proposed Order would be considered at the Water Board’s April meeting, and that it was available for review on the Water Board’s Internet website, or on request. No adverse comments were received as of March 12, 2007. Comments on the Proposed Order were solicited from interested parties and agencies as well as the Dischargers.

If comments are provided by April 6, 2007, the close of the period for accepting written comments, they will be provided to the Board under separate cover.

RECOMMENDATION: Adoption of the Order as proposed.

Enclosures: Proposed Order

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-
LAHONTAN REGION

ORDER NO. R6T-2005-0015-A1 **(PROPOSED)**
(NPDES CAG616003)

**AMENDED INDUSTRIAL STORMWATER
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES)
AND GENERAL WASTE DISCHARGE REQUIREMENTS (WDRs)**

FOR

**DISCHARGES OF STORM WATER RUNOFF ASSOCIATED WITH MARINAS
AND MAINTENANCE DREDGING IN THE
LAKE TAHOE HYDROLOGIC UNIT, EL DORADO AND PLACER COUNTIES**

The California Regional Water Quality Control Board, Lahontan Region (Water Board), finds:

1. Order History

On July 14, 2005, the Water Board adopted Board Order No. R6T-2005-0015, the Marina General Permit, which regulates pollutants in stormwater discharges associated with industrial activities conducted at marinas (fueling, boat and vehicle maintenance, boat and vehicle washing, etc.) to surface waters within the Lake Tahoe Hydrologic Unit (Department of Water Resources Hydrologic Unit (HU) No. 634.00).

2. Dischargers

The Marina General Permit applies to marina owners/operators conducting industrial activities at California marinas (hereafter Discharger) and private, public, or other legal entities (e.g., lakefront homeowner associations) conducting maintenance dredging (hereafter also Discharger). Twelve California marinas in the Lake Tahoe Basin are enrolled under the Marina General Permit for the long-term operation and maintenance of their marina facility. The WDRs contained in the Marina General Permit are also used to regulate discharges associated with maintenance dredging activities at marinas within the California-side of the Lake Tahoe Basin.

3. Storm Water Pollution Prevention Plan Requirements

The Marina General Permit requires the Dischargers to develop and implement revised Storm Water Pollution Prevention Plans (SWPPPs) for their marina operations by November 15, 2005. The Marina General Permit states that the permit would be amended by the Water Board to incorporate the new terms of the SWPPPs into the Marina General Permit at a Water Board public meeting.

The twelve marinas enrolled in the Marina General Permit submitted SWPPPs in 2005 to satisfy the requirements of the Marina General Permit.

4. Reason for Action

- a. This amendment to the Marina General Permit voids all references in the Marina General Permit to incorporating the SWPPPs into an amended or revised Marina General Permit and clarifies that all revised SWPPPs must be implemented forthwith. The incorporation of the revised SWPPPs into the Marina General Permit is not necessary as the Permit requires Dischargers to comply with numeric effluent limitations for pollutants (Total Nitrogen, Total Phosphorus, Total Iron, Turbidity, and Grease and Oil) in stormwater. The Marina General Permit also requires Dischargers to develop and implement a SWPPP that includes Best Management Practices (BMPs) that will achieve Best Available Technology Economically Feasible (BAT) and Best Practicable Control Technology Currently Achievable (BCT) and comply with water quality standards (Discharge Prohibitions, Effluent Limitations, and Narrative and Numeric Water Quality Objectives). The requirement to meet numeric limits allows staff and the Water Board to ensure compliance without the reliance on SWPPP adequacy. Incorporation of the SWPPPs into a revised Marina General Permit is, therefore, not necessary and precludes the evolution of the SWPPPs to incorporate newer and superior treatment technologies without further Marina General Permit amendments. The SWPPPs are reports that are available to the public on request.
- b. Changes to the Marina General Permit and Attachments are needed to clarify certain requirements pertaining to stormwater regulations (40 Code of Federal Regulations [CFR] Parts 122, 123, and 124) for compliance with Clean Water Act (CWA) section 402(p). These changes consist primarily of replacing references to “non-point source pollutants” with “eliminating, to the maximum extent practicable, discharges associated with fueling, sewage and bilge pump-out activities, boat washing, and sunken vessels.” Maximum extent practicable (MEP) is the appropriate legal standard pursuant to 33 U.S.C. section 1342(p)(3)(B)(iii) (Clean Water Act Section 402(p)(3)(B)(iii)) and means that less effective treatment may not be substituted when it is practicable to provide more effective treatment.

5. Reopener Provision

Standard Provision 14 in Attachment E to the Marina General Permit allows for modification of the Marina General Permit at the direction of the Water Board.

6. Severability

Standard Provision 13 in Attachment E to the Marina General Permit allows severance of any provision in the Marina General Permit without effect to other provisions.

7. California Environmental Quality Act

This action to adopt an amended NPDES permit is exempt from the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000, et seq.) in accordance with Water Code section 13389.

These waste discharge requirements regulate the continued operation of existing facilities. As such these waste discharge requirements are exempt from the provisions of CEQA in accordance with California Code of Regulations, title 14, section 15301. Expansion of the existing uses of the marina is not authorized and non-negligible expansion beyond the existing use is potentially subject to the provisions of CEQA.

8. Notice to Interested Parties and Public

The Water Board has notified the Dischargers and all known interested parties and persons of its intent to amend the Marina General Permit and published a public notice of the planned permit action in local newspapers.

9. Consideration of Comments

The Water Board, in a public meeting, heard and considered all comments pertaining to this Order.

10. Effective Date

This Order is an amendment to an NPDES General Permit in compliance with Section 402 of the Clean Water Act (CWA) and shall take effect upon adoption by the Water Board provided the Regional Administrator of the U.S. EPA has no objection. If the U.S. EPA Regional Administrator objects to its issuance, the Marina General Permit shall not become effective until such objection is withdrawn.

IT IS HEREBY ORDERED that the following changes be incorporated into Board Order No. R6T-2005-0015:

1. All references to the Marina General Permit being reopened to incorporate the SWPPPs at a public meeting are hereby null and void.
2. Each Discharger at a California marina enrolled in the Marina General Permit shall forthwith implement the revised SWPPP provided to the Water Board pursuant to Provision V.A. of the Marina General Permit, and any revisions thereto pursuant to provisions of the Marina General Permit.
3. Third paragraph of Finding C on page 3 of the Marina General Permit is changed as noted in underline/strike-out below:

The Marina Permit requires operators to (1) regulate potential pollutant discharges associated with the operation and maintenance of the marina, (2) require a vessel waste pumpout facility pursuant to the Harbors and Navigation Code Section 776, (3) require the design, installation, and maintenance of Best Management Practices (BMPs) to treat and retain runoff from a 20-year, 1-hour design storm from all impervious surfaces, (4) implement BMPs to ~~control~~ eliminate, to the maximum extent practicable, pollutant discharges of ~~non-point source pollutants~~ associated with fueling, sewage and bilge pump-out activities, boat washing, and sunken vessels, (5) eliminate unauthorized non-stormwater discharges, (6) monitor marina water quality, and (7) inspect the integrity of all BMPs installed at the marina. See also Section IV of the Marina Permit for a list of authorized non-stormwater discharges and conditions required for those authorized non-stormwater discharges.

4. Finding R on page 6 of the Marina Permit is changed as noted in underline/strike-out below:

R. Requirement to Prepare and Implement a SWPPP. This Marina Permit requires the Discharger to implement its SWPPP that employs BMPs (~~see Attachments M-X~~) to reduce and eliminate the presence of industrial pollutants associated with marinas from entering stormwater. Where appropriate, the SWPPP shall also identify and implement BMPs to eliminate, to the maximum extent practicable, pollutant ~~reduce non-point source~~ discharges associated with fueling and sewage and bilge pump-out activities, boat washing and sunken vessels.

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(The Discharger shall refer to Attachments D, F and G for details on BMPs that may be incorporated into the facility's SWPPP to ~~reduce~~ eliminate, to the maximum extent practicable, pollutant ~~non-point~~ discharges associated with fueling, ~~and~~ sewage and bilge pump-out activities, boat washing, and sunken vessels.)

5. Section III, Best Management Practices, on page 15 is changed as noted in underline/strike-out below:

A. Dischargers shall implement the minimum BMPs that are specified in Attachment D. Minimum BMPs include: (1) Good Housekeeping, (2) Preventive Maintenance, (3) Spill Response, (4) Material Handling/Waste Management, (5) Employee Training Program, (6) Record Keeping and Quality Assurance, (7) Erosion/Sediment Control, and (8) Periodic visual inspections of the facility.

Where appropriate, Dischargers shall also implement BMPs that eliminate, to the maximum extent practicable, pollutant discharges associated with ~~address non-point sources of pollution that may result from~~ fueling activities, bilge and sewage pump-out activities, boat washing and sunken vessels that occur at the marina. (The Discharger shall refer to Attachments F and G for details on BMPs that may be implemented to control ~~these non-point source~~ or eliminate, to the maximum extent practicable, discharges of pollutants from these activities.)

6. Section V (A and C), Storm Water Pollution Prevention Plan, is changed as noted in underline/strike-out below:

- A. The Discharger shall prepare a SWPPP with all elements specified in Attachment D, which is hereby made part of this Order. As required by this permit, the existing 12 California marinas are must implementing their respective updated SWPPPs ~~(see Attachments M-X).~~

The updated Marina Permit requires Dischargers to implement eight minimum BMPs to control stormwater pollutants and BMPs to address eliminate, to the maximum extent practicable, discharges of ~~containing non-point source~~ pollutants associated with fueling, sewage and bilge pump-out activities, boat washing, and sunken vessels. As such, Dischargers are required to reevaluate and revise their existing SWPPPs where appropriate to incorporate the minimum stormwater BMPs and the appropriate non-point source BMPs and implement Best Available Technology Economically Feasible (BAT) and Best Practicable Control Technology Currently Achievable (BCT) to reduce or prevent pollutants associated with industrial activity in stormwater discharges and authorized non-storm discharges.

- C. The SWPPP must also include a site map that clearly indicates ~~4) the~~ the sampling locations where stormwater runoff samples are ~~is~~ collected at the facility, and where ~~the stormwater runoff discharges from the~~ property (e.g. a vegetated swale, a rock-lined ditch, and infiltration basin, the lake, etc.). The site map must also include drainage areas, flow directions, collection and conveyance systems, catch basins or other treatment facilities, conveyance structures, locations of potential sources of pollutants, impervious areas, areas of industrial activity, locations where industrial materials are directly exposed to precipitation, snow storage areas, areas where vegetation is used for infiltration, facility boundary, topography and elevations, and lake shoreline with ordinary high water demarcated. (See Attachment D for additional details.)

7. Attachment D, Preparing a SWPPP, on page 1 is changed as noted in underline/strike-out below:

2. to identify and implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in stormwater discharges, non-stormwater discharges, and ~~non-point sources~~ eliminate, to the maximum extent practicable, pollutants associated with fueling and sewage and bilge pump-out activities, boat washing, and sunken vessels.

8. Attachment D, Preparing a SWPPP, on page 2 is changed as noted in underline/strike-out below:

The following checklist is designed to help Dischargers determine if they have prepared a complete SWPPP that includes 1) the eight minimum measures to control storm-water discharges, 2) additional facility-specific BMPs if needed, 3) BMPs to eliminate, to the maximum extent practicable (MEP), pollutant ~~address non-point source~~ discharges from fueling and sewage and bilge pump-out activities, boat washing, and sunken vessels, 4) a facility map that clearly identifies the stormwater sampling locations, 5) a worksheet identifying significant materials present on-site, and 6) a worksheet identifying potential pollutant sources and BMPs to control these pollutant sources, 7) the appropriate signature and date.

9. Attachment D, Complete SWPPP Checklist, is changed as noted in underline/strike-out below:

No.	Component	Included	No Included	Not Applicable
3.	BMPs to <u>eliminate, to MEP,</u> pollutant discharges address non-point source pollutants associated with:			
	Fueling			
	Bilge pump-out			
	Sewage pump-out			
	Sunken Vessels			
	<u>Pavement Cleaning</u>			
	<u>Boat Washing</u>			

10. Attachment Y, Section 4.c, Monitoring and Reporting Program, is changed as noted in underline/strike-out below:

4. Non-Stormwater Discharge Visual Observations
 - c. Visual observations shall document the presence of any discolorations, stains, odors, floating materials, etc., as well as the source of any

discharge. Records ~~shall~~must be maintained of the visual observation dates, locations observed, observations, and response taken to eliminate unauthorized non-stormwater discharges and to reduce or prevent pollutants from contacting non-stormwater discharges. These observation records must be submitted yearly with the Annual Report.

I, Harold J. Singer, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, Lahontan Region, on April 11, 2007.

HAROLD J. SINGER
EXECUTIVE OFFICER

Proposed