

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER NO. 92-98

NPDES NO. CAG032001

GENERAL WASTE DISCHARGE REQUIREMENTS FOR:

DISCHARGES OF STORMWATER FROM BOAT REPAIR FACILITIES

The California Regional Water Quality Control Board, San Francisco Bay Region, (hereinafter Board) finds that:

1. Federal Regulations for stormwater discharges were promulgated by the U.S. Environmental Protection Agency on November 19, 1990. The regulations [40 Code of Federal Regulations (CFR) Parts 122, 123, and 124] require facilities engaged in building and repairing ships or boats (Standard Industrial Classification Group No. 373), to obtain a National Pollutant Discharge Elimination System (NPDES) permit and to implement Best Available Technology Economically Achievable (BAT) and Best Conventional Pollutant Control Technology (BCT) to control pollutants in industrial storm water discharges.
2. This General Permit shall regulate discharges of storm water from boat repair and maintenance facilities which work primarily on pleasure vessels less than 65 feet in length, (hereinafter referred to as boatyards), except discharges from facilities determined ineligible by the Regional Board.
3. To obtain authorization for continued and future discharges of stormwater pursuant to this General Permit, owners or operators of boatyards (hereinafter referred to as Discharger(s)) must submit a Notice of Intent and receive a discharge authorization letter from the Executive Officer in accordance with Provisions 1. and 2. of this Order.
4. This General Permit is not intended to apply to the direct discharge of treated pressure wash water used to remove aquatic growths and loose paint from vessel hulls. This General Permit will apply only to boatyards which either recycle pressure wash water, discharge this waste to the sanitary sewer with pretreatment, or use some other alternative for treatment and disposal of this wastewater. This General Permit is also not intended to apply to shipyards, operations of large floating drydocks, (for vessels over 65 feet in length), or for facilities which primarily service vessels 65 feet in length or greater. Facilities which have these characteristics must apply for individual NPDES permits.

5. If an individual NPDES permit is issued to a Discharger otherwise subject to this General Permit, or another general permit that regulates storm water discharges is subsequently issued which covers dischargers regulated by this General Permit, the applicability of this General Permit to such Dischargers is automatically terminated on the effective date of the individual permit or the date of approval for coverage under the subsequent general permit.
6. Effluent limitations, and toxic and effluent standards established in Sections 208(b), 301, 302, 303(d), 304, 306, 307, and 403 of the Federal Clean Water Act (CWA), as amended, are applicable to storm water discharges regulated by this General Permit.
7. The State Water Resources Control Board (State Board) adopted the California Inland Surface Waters Plan and Enclosed Bays and Estuaries Plan on April 11, 1991. In addition, the Regional Board amended its Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan) on December 17, 1991. These plans establish water quality objectives which apply to San Francisco Bay and its tributaries.
8. The Basin Plan also prohibits discharge of "all conservative toxic and deleterious substances, above those levels which can be achieved by a program acceptable to the Board, to waters of the Basin." Prior to discharge, the Dischargers must demonstrate to the satisfaction of the Executive Officer that their stormwater discharge systems and associated operation, maintenance, stormwater pollution management and monitoring plans constitute acceptable programs for minimizing the discharge of toxic substances to waters of the State.
9. Effluent limitations in this General Permit are based on the Basin Plan, State plans and policies, U.S. EPA guidance, best professional engineering judgment, and best available technology economically achievable.
10. The Board has notified interested agencies and persons of its intent to issue general waste discharge requirements for discharge of stormwater from boatyards, and has provided them with an opportunity to submit their written views and recommendations.
11. The Board, in a public meeting, heard and considered all comments pertaining to general waste discharge requirements for stormwater discharges from boatyards.
12. This Order serves as an NPDES Permit, adoption of which is exempt from the provisions of Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code (CEQA) pursuant to Section 13389 of the California Water Code.

13. This Order shall serve as a general National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act or amendments thereto, and shall become effective 10 days after the date of its adoption provided the Regional Administrator, Environmental Protection Agency, has no objection. If the Regional Administrator objects to its issuance, the permit shall not become effective until such objection is withdrawn.

IT IS HEREBY ORDERED that dischargers of stormwater polluted by boatyard activities and other related wastes at boat repair facilities and similar sites, their agents, successors, and assigns, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the Clean Water Act as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. Recycle or pretreatment systems for treatment of polluted pressure wash water shall be constructed in such a way as to prevent overflow or wash out of solids or polluted liquids during a storm event to waters of the State either at the treatment system or from any of the collection or transport systems or pump wells tributary to the treatment system. Discharge of wastes from these systems to stormwater conveyances or State waters is prohibited.
2. Neither the treatment nor the discharge of pollutants shall create a pollution, contamination, or nuisance as defined by Section 13050 of the California Water Code.
3. The discharge of oily bilge water or other hydrocarbon polluted waters, oil, trash, industrial waste sludge, sand blast waste, wash water, water and sludge from wet sanding, paint waste in any form or other solids directly to stormwater conveyances or State waters is prohibited.

B. Effluent Limitation

1. Toxicity: The survival of test fish in 96-hour static bioassay of the discharge shall be not less than 70% survival.

C. Receiving Water Limitations

1. The discharge shall not cause the following conditions to exist in waters of the State at any place:

- a. Floating, suspended, or deposited macroscopic particulate matter or foam;
- b. Bottom deposits or aquatic growths;
- c. Alteration of temperature, turbidity, taste, odor, or apparent color beyond present natural background levels;
- d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
- e. Toxic or other deleterious substances to be present in concentrations or quantities that will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. Storm water discharges shall not cause or contribute to a violation of any applicable water quality objective for receiving waters contained in the California Inland Surface Waters Plan or Enclosed Bays and Estuaries Plan or the Water Quality Control Plan for the San Francisco Bay Region. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Clean Water Act, or amendments thereto, the Board will revise and modify this Order in accordance with such more stringent standards.

D. Provisions

1. Each Discharger shall, by September 19, 1992, submit to the Executive Officer, as part of the application for proposed discharge, a Notice of Intent letter requesting coverage under this NPDES General Permit, signed and certified in accordance with item 10. of the attached Standard Provisions. The following information must be included in the Notice of Intent letter, and an NPDES permit fee payment of \$500.00:

- a. A detailed description, including a site diagram of the system used for control of pressure wash water wastes from hull cleaning at the boatyard. This description shall include a statement certifying under penalty of perjury that wastes from this activity are not discharged to State waters.

b. The name and address of the boatyard business, and the name(s) and business address(es) of the owner(s) and operator(s).

c. A diagram of the boatyard shall be submitted showing the flow of stormwater from the site to State waters or the property boundaries. On this diagram proposed stormwater monitoring points shall be identified and proposed sediment monitoring sites shall be indicated where site stormwater enters State waters.

2. If the Executive Officer determines that the proposed discharger is eligible to discharge stormwater under this General Permit, the Executive Officer may (a) authorize the proposed discharge or (b) require the discharge proponent to obtain an individual NPDES permit. If the Executive Officer authorizes the discharge, a "discharge authorization letter" will be transmitted to the Discharger authorizing the discharge subject to the conditions of this Order and any other conditions necessary to protect the beneficial uses of the receiving waters.

3. Each Discharger shall produce and implement a Stormwater Pollution Control Plan (SPCP) for their individual site and submit it for approval by the Executive Officer by October 2, 1992. Upon review and approval by the Executive Officer, the SPCP shall be implemented immediately. Any substantial change in the activity and operation of the facility must be reflected in modification of the Stormwater Pollution Control Plan, with a copy of the changes sent to the Regional Board. The following key aspects of site management shall be described in a SPC Plan, which shall include a detailed site map:

a. Proper cleanup techniques to be used on a daily basis in the boatyard work area shall be described in detail, including responsibility for cleanup activities, spill containment and cleanup procedures, and preventative measures such as the placement of tarps and ground cloths during painting and paint removal. The goal of this requirement is to maintain work surfaces in such a clean condition that stormwater runoff will not mobilize any measureable pollutants. Daily inspection of the completion of cleanup activity must be documented through a walk through inspection sign-off by a responsible facility agent identified in the plan.

b. Maintenance of the pressure wash containment and recycle or pretreatment system must be documented in order to provide clear assurance that pollutant solids and liquids from the systems will not be released to stormwater conveyances or State waters either by overflow during dry weather or through washout during wet weather. Maintenance activities and schedule shall be identified.

c. Training procedures for boatyard workers must be developed to ensure that all aspects of the Stormwater Pollution Control Plan are successfully implemented on a daily basis. In addition, signs and handouts for customers who are working on their own boats in the yard shall be prepared.

4. New facilities must submit a Notice of Intent and a Stormwater Pollution Control Plan 90 days prior to operation.

E. Self Monitoring Program

1. Dischargers shall comply with the Self Monitoring Program by creating a detailed plan, which shall be submitted by October 19, 1992 for the Executive Officer's approval, for monitoring sediment and stormwater. The Self Monitoring Program can be modified at any time to include more frequent monitoring and monitoring of more pollutants of concern, at the direction of the Executive Officer. The Self Monitoring Program shall conform to the following specifications:

a. Stormwater runoff shall be sampled during two separate storm events, each separated by at least 14 days, and each preceded by 72 hours without rainfall, including the first storm of the year which generates runoff in volumes sufficient to allow sampling during normal business hours. Stormwater shall be sampled from one representative stormwater discharge point. The stormwater samples shall be either composited grab samples collected manually, or flow weighted composites which are automatically sampled. The water samples shall be analysed for total recoverable Copper, Lead, Zinc, Total Suspended Solids and pH. Boatyards which haul out vessels larger than 65 feet shall also analyze for tributyl and other butyltins. Rainfall amount at the facility shall be documented and runoff volume estimated.

The first of the two sampling events shall include an acute bioassay, 96 hour percent survival, with rainbow trout (Steelhead) as the test species.

b. Sediment shall be sampled from two locations, with the sampling locations clearly identified on the site plan. Sediment shall be analysed for Copper, Lead and Zinc twice a year. All sediment analyses shall be reported on a dry weight basis. One sampling event shall be in mid September, prior to the wet or winter season and one shall be in May, soon after the wet season. The first sampling in 1992 shall be in the first half of November. Each sample shall be

analyzed separately. Boatyards which haul out vessels larger than 65 feet shall also analyze for tributyl and other butyltins.

c. Monitoring reports including all of the sediment and stormwater analysis and bioassay results, including the original laboratory reports shall be due January 15, May 15 and July 15 of each year. Documentation of the Stormwater Pollution Control Plan measures, such as daily verification of yard cleanup shall be included in these reports.

d. Weekly visual observations shall be made and recorded as to the condition of the runoff and receiving water with reference to Section C.

2. All sampling and sample preservation shall be in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All monitoring instruments and equipment shall be calibrated and maintained in accordance with manufacturer's specifications to ensure accurate measurements. All analyses must be conducted according to test procedures under 40 CFR Part 136, unless other test procedures have been specified in this General Permit or by the Regional Board. All metals shall be reported as total metals. Toxicity tests shall be conducted in accordance with the latest revisions of Methods for Measuring the Acute Toxicity of Effluent to Freshwater and Marine Organisms, EPA-600/4-85-013 (March 1985). All analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. Dischargers may conduct their own laboratory analysis only if the discharger has sufficient capability (qualified employees, laboratory equipment, etc.) to adequately perform the test procedures.

3. Records of all storm water monitoring information and copies of all reports required by this General Permit shall be retained for a period of at least five years from the date of the sample, observation, measurement, or report.

These records shall include:

- a. The date, exact place, and time of sampling, observations and or measurements;
- b. The individual(s) who performed the sampling, observations and/or measurements;
- c. Flow measurements or estimates and all standard observations;
- d. The date(s) analyses were performed and the time(s) analyses were initiated;

- e. The individual(s) who performed the analyses;
- f. The analytical techniques or methods used and the results of such analyses;
- g. Quality assurance/ quality control results for the analytical results;
- h. All calibration and maintenance records of instruments used; and
- i. All original strip chart recordings for continuous monitoring instrumentation.

F. Other Provisions

1. This Order may be modified by the Board prior to the expiration date to add or revise monitoring for constituents determined to be present in significant amounts in discharges regulated by this General Permit (through the comprehensive monitoring program included as part of this Order).
2. Upon receipt of the Executive Officer's discharge authorization letter, the Discharger(s) shall comply with all conditions and limitations of this Order and the discharge authorization letter. Any permit noncompliance constitutes a violation of the Clean Water Act and the California Water Code and is grounds for enforcement action; for permit or authorization letter termination, revocation and reissuance, or modification; the issuance of an individual permit; or for denial of a renewal application.
3. Dischargers shall comply with the attached Standard Provisions.
4. The EPA Administrator may request the Executive Officer to require any Discharger authorized to discharge waste by the General Permit to subsequently apply for and obtain an individual NPDES permit. The Executive Officer may require any Discharger authorized to discharge waste by a general permit to subsequently apply for and obtain an individual NPDES permit. An interested person may petition the Executive Officer or the Regional Administrator to take action under this provision. Cases where an individual NPDES permit may be required include the following:
 - a. The Discharger is not in compliance with the conditions of this Order or the discharge authorization letter from the Executive Officer;

b. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source;

c. Effluent limitation guidelines are promulgated for point sources covered by the General Permit;

d. A water quality control plan containing requirements applicable to such point sources is approved; or

e. The requirements of 40 CFR 122.28(a) are not met.

5. This Order expires on August 21, 1997. Dischargers must file an application for proposed discharge and a certification report as described in Provision D.1. not later than 180 days in advance of such expiration date as application for issuance of new waste discharge requirements.

I, Steven R. Ritchie, Executive Officer do hereby certify the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 21, 1992.



STEVEN R. RITCHIE
Executive Officer

Attachments:

Standard Provisions

GUIDANCE TO ASSIST IN COMPLETING THE NOTICE OF INTENT LETTER -
BOATYARD GENERAL STORMWATER PERMIT

The following information should be included in a Notice of Intent letter to the Regional Board. If your situation is different from what we are describing here, describe what you are doing, and if you need further clarification of what is required, call Dale Bowyer at 510-464-1357, Fax 510-464-1380.

1. Name and address of the boatyard business, and the name(s) and business address(es) of the owner(s) and operator(s).
2. Describe your boatyard operation in general terms; what type and size of vessels do you work on, including maximum size you can haul. Do you remove or apply TBT paints? How many vessels did you haul last year? Describe your pressure washing and any sand blasting operations in detail. How is the water handled? How are the various types of solids handled? Include a site diagram which shows where pressure washing and sandblasting is done on the yard, and how the water treatment system is configured. We do not require as-built or similar level of detail; we need enough detail to understand your system, and no more. If what you supply is inadequate, we will ask you for more detail. The description shall include a statement certifying under penalty of perjury that wastes from the pressure washing activity are not discharged to State waters.
3. A diagram of the boatyard shall be submitted showing the flow of stormwater from the site to State waters or the property boundaries. On this diagram indicate one proposed representative stormwater monitoring point and two proposed sediment monitoring points. The stormwater monitoring point should be located where most of the stormwater from the yard enters State waters or leaves the property.

The sediment sampling points should be located in the same vicinity, but further out into the water body, at a point where any solids would be likely to settle out of the stormwater stream. You should create some type of triangulation measurements using a measuring tape from two points or some other system to be able to return to this sediment sampling point. Certainly there is some judgement involved in all of this effort, so make a common-sense effort at these items, and we will give you prompt feedback if we need more or different information.

Dale Bowyer, September 9, 1992