



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Ave SE • Bellevue, Washington 98008-5452 • (425) 649-7000
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June 21, 2019

Ed Ehler
Lovric's Sea-Craft Inc.
3022 Oakes Ave.
Anacortes, WA 98221

**RE: Dangerous Waste Compliance Inspection on May 10, 2019 at Lovric's Sea-Craft Inc.
EPA/State ID Number: WAR000003616**

Dear Ed Ehler:

Ecology's Hazardous Waste and Toxics Reduction Program recently conducted a dangerous waste compliance inspection at your facility. The Dangerous Waste Regulations¹ establish a safe and responsible system to manage dangerous waste.

The regulations are grouped into independent generator requirements, generator conditional exemptions from storage facility requirements, and other general requirements for used oil, universal waste, transporters, and permitted facilities.

All generators must meet a set of independent requirements². Additionally, generators that comply with certain conditions are allowed to accumulate and manage dangerous waste without a Treatment Storage and Disposal (TSD) permit³. The "[conditions for exemption](#)" for small quantity generators (SQGs) are found in WAC 173-303-171. Although Lovric's Sea-Craft Inc. is regulated as an SQG for the purposes of this inspection, please note your generator status is subject to change based on waste designation results following this inspection and ongoing monthly generation of dangerous waste.

The enclosed Notice to Comply lists the violations found during the inspection. You must correct these violations and return the [Compliance Certificate](#) within 30 days of receipt of this letter.

¹ Authority: [Chapter 173-303 WAC](#) and [RCW 70.105](#)

² [WAC 173-303-170\(2\)\(a\)](#)

³ RCW 70.105 and WAC 173-303 require any person who treats, stores, or disposes of hazardous waste have a dangerous waste permit. At a minimum, TSD facilities must comply with WAC 173-303-282, -400, -600, and -800. Note: getting a TSD permit is lengthy, costly, and most generators will not qualify.)]

Ed Ehler
June 21, 2019
Page 2 of 17

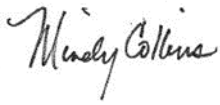
Lovric's Sea-Craft Inc.
RCRA Site ID: WAR000003616
Dangerous Waste Compliance Inspection

Failure to comply with the dangerous waste regulations may result in an administrative order(s) and a penalty of up to \$10,000 per day for each violation.

This report is a summary of observations and information we gathered from the facility during the inspection. Specific deficiencies, potential violations, or issues not discussed do not relieve your facility from complying with all applicable regulations.

If you have any questions or need clarification of the information in these documents, please contact me at (360) 255-4383 or minc461@ecy.wa.gov.

Sincerely,

A handwritten signature in cursive script that reads "Mindy Collins".

Mindy Collins
Hazardous Waste Compliance Inspector
Hazardous Waste and Toxics Reduction Program

Sent by email: Ed Ehler, lovric02@yahoo.com; lovricseacraft@gmail.com

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

NOTICE TO COMPLY

Site Contact Name and Title: Ed Ehler, Project Manager	Inspector Name: Mindy Collins
Site Phone Number: (360) 293-2042; Site Contact Cell Phone Number: (206) 979-0784	Inspector Phone Number: (360) 255-4383
Site Contact Email Address: Lovric02@yahoo.com ; lovricseacraft@gmail.com	Inspector Email Address: Minc461@ecy.wa.gov
Site Website: www.Lovricseacraft.com	Back-up Inspector Name: Susan Dier, Jonathan Rogers

Notes:

1. A re-inspection can occur at any time to verify the correction of the violations listed below.
2. Ecology may take formal enforcement action even if the violations are corrected.

Summary of Violations & Observations	Actions Required
Independent Requirement Violations	
<p>WAC 173-303-170(2)(a)(i)(A): Any person who generates a solid waste must determine if their solid waste designates as a dangerous waste or extremely hazardous waste according to WAC 173-303-070.</p> <p><u>Sandblast Storage Shed:</u></p> <ol style="list-style-type: none"> 1. Six cloth totes containing spent sandblast media have not been designated. Mr. Ehler stated these have accumulated over four years, and represent two distinct jobs (one wet blasting, the other dry). <p><u>Marine Railways:</u></p> <ol style="list-style-type: none"> 2. Spent unfiltered pressure wash water from washing boat hulls has not been tested prior to shipment to Venoil. 3. Sludge from pressure washing hulls coated with barnacles has not been tested since 2010, or more recent test results were not available for review. 	<p>When you return the enclosed Compliance Certificate, provide documentation that designation of the solid wastes listed has occurred. This documentation shall include, but not be limited to, copies of the analytical results of designation testing and justification for any determinations that are based on generator knowledge as defined in WAC 173-303-070.</p>

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

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<p><u>Paint Room:</u></p> <p>4. Three of four rooms within the Paint Room shed were filled with undesignated material Mr. Ehler called waste. Containers ranged from one gallon cans to 55-gallon drums (at least three, one on its side). Some containers were labeled as flammable, and others had illegible labels or no labels. It is unknown how many containers hold dangerous waste (photos 1 – 8, 10).</p> <p><u>East Building:</u></p> <p>5. Four 5-gallon containers labeled as Zep lubricant that Mr. Ehler said were possibly old product but would be managed as waste (photo 11).</p> <p>6. Ten 5-gallon containers, possibly old product, that Mr. Ehler said would be managed as wastes (photo 14).</p> <p style="text-align: center;"><u>REPEAT VIOLATION</u></p>	
<p>WAC 173-303-060(2): Sites must submit a revised "Dangerous Waste Site Identification Form" before changes are made to the company name, mailing address, ownership, physical location, or type of dangerous waste activity.</p> <p>Lovric's intentionally "kicks off" approximately five gallons of two part epoxy paints per year. This "treatment-by-generator" activity has not been reported on the Dangerous Waste Site Identification Form.</p>	<p>Submit an updated (revised) "Dangerous Waste Site Identification Form" to the Department per WAC 173-303-060 and 173-303-170. Include a copy of this Site ID form when you return the enclosed Compliance Certificate.</p>
Conditions for Exemption Violations for Small Quantity Generators⁴	
<p>WAC 173-303-170(2)(b)(i): SQGs must meet the conditions for exemption in WAC 173-303-171 or perform their operations in accordance with the TSD facility</p>	<p>Meet the requirements for treatment by generator. When you return the enclosed Compliance Certificate, include a log demonstrating that treatment volumes are</p>

⁴ Small quantity generators that do not meet the conditions for exemption are subject to regulation as a large quantity generator.

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

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<p>requirements as specified by WAC 173-303-600.</p> <p>Lovric's mixes approximately five gallons of two part epoxy paints per year for the purpose of disposal, but is not keeping a log to document (count and report) this activity as required.</p>	<p>being recorded every time paints are mixed for the purpose of disposal.</p>
Additional Violations⁵	
<p>WAC 173-303-573(9)(c): Universal waste lamps must be managed to prevent releases to the environment.</p> <p><u>West Building:</u> Three eight-foot and approximately 12 four-foot spent fluorescent lamps were not stored in a closed container (photo 11).</p>	<p>A small quantity handler must accumulate universal waste lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers and packages must remain closed and must lack evidence of leaks, spills or damage that could cause leaks. Photograph the properly contained lamps and include the photo when you return the enclosed Compliance Certificate.</p>
<p>WAC 173-303-573(10): Universal wastes must be properly labeled or marked to identify the type of universal waste as required by this section.</p> <p><u>West Building:</u> Three eight-foot and approximately 12 four-foot spent fluorescent lamps lacked "universal waste lamps" labels (photo 11).</p>	<p>Label or mark the universal waste lamps with the words "Universal Waste Lamp(s)," "Waste Lamp(s)," or "Used Lamp(s)." Photograph the properly labeled container(s) and include the photo when you return the enclosed Compliance Certificate.</p>
<p>WAC 173-303-573(11): Universal wastes may only be accumulated for up to one year, except as noted in WAC 173-303-573(11)(b). Documentation must exist to demonstrate that the time limits have been met.</p> <p><u>West Building:</u> Three eight-foot and approximately 12 four-foot spent fluorescent lamps were not labeled with an accumulation start date. The site</p>	<p>Properly transport universal waste to another universal waste handler or a universal waste destination facility. When you return the enclosed Compliance Certificate, show that accumulation time limits have been met, using one of the methods described in WAC 173-303-573(11)(c).</p>

⁵ These violations are not specific to generator status. They include requirements for used oil, universal waste, recycling, and transportation among others.

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
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<p>manager said they had been on site longer than one year.</p>	
<p>WAC 173-303-520(1) and 016(1)(b)(ii): Spent lead-acid batteries that are recyclable materials must be handled in a manner that does not pose a threat to public health or the environment.</p> <p><u>East Building:</u> Lead acid batteries Mr. Ehler said had been left at the site were stored in an open container. At least three had broken outer casings and exposed inner plates, which could lead to potential leakage of battery acid and lead contamination (photo 13).</p>	<p>Move all lead-acid batteries to a location where they are covered and contained. When you return the Compliance Certificate, include a photo of the properly contained batteries or describe the actions you will take to ensure the spent lead-acid batteries will not pose a threat to human health or the environment.</p>
<p>WAC 173-303-515(6) and by reference 40 CFR Part 279.22(c)(1): Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."</p> <p><u>East Building:</u> A 55-gallon drum of used oil had "waste oil" written on top, rather than "used oil" (photo 12).</p> <p style="text-align: center;"><u>REPEAT VIOLATION</u></p>	<p>Label all used oil collection containers with the words "Used Oil." Photograph the properly labeled container(s) and include the photo when you return the enclosed Compliance Certificate.</p>
<p>WAC 173-303-522(2)(a): The special requirements for generators recycling spent antifreeze were not met.</p> <p><u>East Building:</u> A 55-gallon drum of used antifreeze had "Dominick Antifreeze" written on top, rather than "spent antifreeze" (photo 12).</p>	<p>Label containers of spent antifreeze as "spent antifreeze." Accumulate antifreeze in a manner to prevent releases to the environment. This includes but is not limited to storing wastes in compatible containers, on impermeable surfaces, or in secondary containment structures. Photograph the container(s), showing the proper labeling and waste management, and include the photo when you return the enclosed Compliance Certificate.</p>

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
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COMPLIANCE CERTIFICATE

Complete and return this page, within 30 days of the receipt of the letter. Include all supporting documentation such as photos, copies of manifests/disposal records and receipts.

Note: You may request an extension before this Compliance Certificate is due. You must make this request in writing, include the reason for the extension, and propose a new date of completion. Send it to:

Mindy Collins
 Washington State Department of Ecology
 Hazardous Waste and Toxics Reduction Program
 913 Squalicum Way #101
 Bellingham, WA 98225
 Minc461@ecy.wa.gov

Summary Of Hazardous Waste Violation Compliance Actions Taken				
Violation Code WAC 173-303-	Documentation provided			Notes
	Photo	Paperwork	Statement	
170(2)(a)(i)(A)				
060(2)				
170(2)(b)(i)				
573(9)(c)				
573(10)				
573(11)				
520(1) and 016(1)(b)(ii)				
515(6) and by reference 40 CFR Part 279.22(c)(1)				
522(2)(a)				

- I certify that the violations noted on the Notice to Comply page have been corrected.
- I personally examined any attached documentation submitted as proof of compliance and I believe the information to be true, accurate, and complete.
- I am aware:
 - There are significant penalties for submitting false information and/or for non-compliance with regulations.
 - My signature **certifies compliance** with every regulation noted on the Notice to Comply page.
- I declare under penalty of perjury the foregoing certification is true and correct.

Signature:	Printed Name:
Position/Title:	Date:

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
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Concerns and Suggestions

Waste Designation

All waste streams generated at your facility must be properly designated. Inadequate designation creates risks and results in improper disposal of dangerous wastes. Common examples of dangerous wastes are waste solvents, filters, dusts, sludge, rags, paint, aerosols, fluorescent bulbs, batteries, and antifreeze.

To properly designate waste streams, take the following steps:

- Complete a list of all waste streams generated at your facility.
- Evaluate each waste stream for both federal and state dangerous waste characteristics including ignitability, corrosivity, reactivity, toxicity, and persistence. This may be accomplished with a combination of generator knowledge and laboratory testing.
- Maintain records of this designation process including any test results, waste analyses, or other determinations (i.e. generator knowledge) made for designating dangerous waste. Consider recording your designation determinations using the Designation Checklist template, available at the following link:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1604028.html>.
- Once you have properly designated each waste you may choose to consolidate dangerous wastes with similar waste codes to facilitate storage and disposal. It is essential that you have accurate designation information for each waste stream before combining them.
- Train staff on the designation status of all wastes. This will aid personnel at your facility in the proper handling and disposal of wastes.

You may find that a small amount of laboratory testing could lead to significant savings in waste disposal costs. Ecology has numerous publications and personnel available to assist with designation. Please contact me with questions or for clarification of the waste designation requirements.

For more information, see Ecology's Designate Your Waste webpage at <https://ecology.wa.gov/Designation> or refer to the publication *Designating Dangerous Waste* at: <https://fortress.wa.gov/ecy/publications/summarypages/96436.html>.

Ecology has also made a video on designation available on YouTube at:

<https://www.youtube.com/watch?v=MuuQK8ILQM4>.

If you are unable to use YouTube to watch the video, please request a free DVD from hwtrpubs@ecy.wa.gov.

Excess Paint Inventory

Lovric's has three rooms within the four room Paint Room shed that contain old paint or paint related inventory. All of the material within these rooms containing materials no longer used by Lovric's must be inventoried, then designated to determine proper management. I suggest

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

you consider hiring a contractor to assist with basic inventory. If any containers are moved during the inventory process, be sure to provide secondary containment for failing containers, or materials placed temporarily outside of the building. Once you have determined how much of the material is waste and whether it is dangerous waste, you must dispose of the waste within a specific timeframe depending on your generator status. I will plan to re-visit at some point, perhaps during or after the inventory process.

Sandblast Grit

In accordance with WAC [173-30-070](#)(3) and (4), when current evidence is insufficient for determining whether or not a waste designates as dangerous, sampling and laboratory testing is required.

At Lovric's Sea-Craft, sandblast grit is generated from a variety of ships, and waste characteristics could vary from ship to ship. Spent grit at Lovric's was formerly sent to a cement kiln for recycling, but this option is no longer available. Grit has been accumulating at Lovric's for the past four or so years and must be sampled and tested prior to shipment off-site.

To designate any waste, the first and most important step is to determine the point of generation of the waste to determine where samples should be collected, sampling frequency required, and sampling methods for gathering a sample that is representative of the waste. WAC 173-303-070(2)(a)(i) reads: accurately describe the variability or uniformity of the waste over time, and obtain demonstration samples which are representative of the waste's variability or uniformity.

As the wastes accumulating in the shed could be variable, I strongly recommend the preparation of a Sampling and Quality Assurance Project Plan (SQAP), in accordance with Ecology Publication No. 04-03-030 "[Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies](#)," to ensure the collection of representative samples.

For future jobs, a plan could be proposed for segregation of the spent sandblast material from each ship, sampling of each source, and co-mingling only after analytical results demonstrate that dangerous or hazardous wastes are not being mixed with non-hazardous materials. Please note that if you mix non-hazardous wastes with hazardous wastes, you must manage the entire volume as hazardous waste using all applicable hazardous waste codes.

Information presented below may be useful in preparing a SQAP for waste stream designation at your facility:

- TCLP Metals (RCRA 8) Extraction by EPA Method 1311, analysis by EPA Method 6010B and 7470A.
- Total Metals (RCRA 8 + Cu, Ni, Zn) by EPA Method 6010B and 7470A (*for book designation of dangerous wastes for Washington state toxicity criteria*).

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

- Static Acute Fish Toxicity by Ecology Method 80-12 Part A (*alternate to book designation, or to negate book designation*).

Sand blasting grit in Washington State often designates as a state only category D toxic waste. When certain conditions are met, this waste can qualify as "Special Waste" and can be disposed at some municipal solid waste landfills. Ecology's publication on [Managing Special Waste](#) describes the conditions to meet for this disposal option. Wastes managed as special waste must be reported on your dangerous waste annual report, but will not count towards generator status.

Designation of Pressure Wash Sludge from Boatyards

All wastes generated from pressure washing vessels must be designated prior to disposal. Boat hull pressure wash water has suspended solid materials that wash off the hull during pressure washing. The wash water contains dirt, marine life, and chips of ablative bottom paint. The solids that separate out form sludge. Ablative bottom paints used on vessels may contain copper and zinc in concentrations that could cause boat hull pressure wash water, if not filtered, and sludge to designate as a state-only toxic dangerous waste (WT02).

Washington toxic criteria wastes are regulated because testing shows they are lethal to fish or animals. Highly toxic chemicals will cause mortality at low concentrations.

Options:

- Assume the waste is dangerous waste, and manage it conservatively as WT02.
- OR
- Test a representative sample of the waste using Washington's [Biological Testing Methods 80-12](#) (fish bioassay). Manage in accordance with the Dangerous Waste Regulations, Chapter 173-303 WAC if found to be a dangerous waste due to fish toxicity.

Episodic Generation

New amendments to the *Dangerous Waste Regulations* went into effect on April 28, 2019. One change allows **small quantity generators (SQGs) and medium quantity generators (MQGs)** to manage episodically generated dangerous waste under new Alternative Standards for Episodic Generation, [WAC 173-303-173](#). This means SQGs and MQGs may maintain their existing generator category when temporarily exceeding their monthly dangerous waste generation limits due to non-routine episodic events.

At Lovric's, sandblast grit, waste solvent and paints generated routinely, and used oil, spent antifreeze, or other wastes generated as part of normal business operations would not be eligible for disposal during an episodic event. Because Lovric's has accumulated 30 tons of spent sandblast grit over two events, and this waste has not yet been designated, we are unsure of the generator status of your business. If the sandblast grit is determined to be dangerous waste (and

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

not a special waste), the volume of accumulated grit will cause Lovric's to be a large quantity generator, and as such would not qualify for an episodic generator event.

Episodic events (both planned and unplanned) are events that don't normally occur during generator operations. Planned episodic events are those which the generator has planned and prepared for, including tank cleanouts, short-term projects, and removal of excess chemical inventory. Unplanned events are those the generator did not plan or reasonably expect to occur including production process upsets, product recalls, accidental spill, or "acts of nature," such as a tornado, hurricane, earthquake, or flood.

Once Lovric's has designated all wastes and determined generator status, we can discuss management options for the excess or outdated inventory on site.

Please contact me if you are uncertain whether the dangerous waste generated by your event is eligible to be managed under the Alternative Standards for Episodic Generation.

These conditions include:

- Obtain an active EPA/State Identification (ID) number.
- Notify Ecology:
 - No later than 30 days prior to a planned event.
 - Within 72 hours of an unplanned event.
- Accumulate episodic dangerous waste in containers and tanks only.
- Label containers and tanks as required.
- Manifest dangerous waste to a treatment, storage, and disposal facility within 60 days.

Note: MQGs may treat episodic dangerous waste in accordance with treatment by generator provisions. SQGs may not treat episodic dangerous waste on-site.

- Count and report dangerous waste generated during the event for Pollution Prevention planning and fees.
- Maintain records for five years from the end of the episodic event.

Generators are limited to one planned or one unplanned episodic event per calendar year (January 1 – December 31). SQGs and MQGs may submit a petition to Ecology for a second episodic event (of the opposite type) within a calendar year.

For more information regarding episodic generation requirements and notification, see:

- WAC-173-303-173: <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-303-173>.
- Notification of Dangerous Waste Site ID Form <https://fortress.wa.gov/ecy/publications/documents/ecy070133.pdf>.
- Site ID Form Addendum: Episodic Generation: <https://fortress.wa.gov/ecy/publications/documents/ecy070602.pdf>.

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

INSPECTION NARRATIVE

Background

Lovric's Sea-Craft Inc. (Lovric's) website states the shipyard has been in operation since 1965. It says Lovric's provides moorage for 40 – 300-foot ships, has two floating dry docks (the site contact said they have one), two marine railways, and provides pressure washing, sand blasting, painting, maintenance, and minor fabrication. Lovric's Facility Manager, Ed Ehler, told us they employ approximately twelve staff (in addition to himself).

In 2018, Lovric's Sea Craft reported as a small quantity generator (SQG) of dangerous waste on their Dangerous Waste Annual Report. Lovric's has reported as SQG since 1993, with the exception of reporting once as medium quantity generator (MQG) in 1997.

Ecology last conducted a dangerous waste compliance evaluation inspection here on November 17, 2010 and cited the following violations: designation of pressure wash sludge not completed; open and inadequately labeled containers (including used oil).

Ecology's Water Quality and Toxics Cleanup programs are currently working with Lovric's, and the site is covered by Industrial Stormwater National Pollution Discharge and Elimination System permit (NPDES) #WA0501491. According to the 2013 permit fact sheet, Lovric's uses the following paints: Ameron 302 and 235 epoxy, and International 300. Among antifouling paint materials used on-site are Ameron 214 ABC 3, International, Pettit® Trinidad SR, and e-Paints.

According to the Lovric's Stormwater Pollution Prevention Plan (SWPP), dated September 4, 2016, the following wastes were being generated at that time – management practice follows:

- Pressure wash water (ship hull cleaning) – Venoil
- Sandblast grit – 16/30 Black Alum Oxide – Kleen Blast – Evergreen Recycling
- Used oil, spent antifreeze, used oil filters – ORRCO
- Solvent bottoms and waste paint – City of Anacortes Sanitations
- Waste paint and thinner – Emerald Recycling
- Spent/New Zinc anodes; scrap metal – Skagit River Steel

Inspection Summary

We conducted this routine unannounced compliance evaluation inspection to ensure compliance with standards for dangerous waste generators (Chapter 173-303 WAC). Susan Dier, Jonathan Rogers, and I, Mindy Collins, arrived at approximately 9:40 a.m. We did not see a main office so I called the phone number listed on Lovric's Dangerous Waste Annual Report (DWAR). Ed Ehler, Facility Manager, answered our call then came out to greet us. Mr. Ehler told us that Ecology's Water Quality and Toxics Cleanup programs had been at the site the previous day for a joint inspection that had lasted several hours. We informed Mr. Ehler

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

that we did not know that they had been there so recently and thanked him for being available for our inspection.

Based on waste streams discussed, on-going waste generation, and amount of waste observed on-site, I inspected Lovric's as a small quantity generator (SQG). This generator status is still being reviewed and determined, due to large quantities of undesignated wastes and expired or unusable products observed. See Concerns and Suggestions for more information.

Records Review

We did not review any records during this inspection.

Site Tour

During the inspection, we looked at the facility's processes, in addition to dangerous waste management practices, generation points, and accumulation areas. We looked for wastes that facility representatives had not yet identified or designated. We also observed the facility's lead-acid batteries, universal waste, spent antifreeze, and used oil management.

Mr. Ehler told us the following about the facility's processes and waste streams:

- Lovric's cleans and paint ships in three locations, including two marine railways and one floating dry dock.
- Sand blasting only occurs on the dry dock, and approximately 30 tons of spent grit have accumulated over the past four to five years (still at site). Lovric's does dry or wet blasting, and sometimes they simply do small spot sanding versus an entire hull surface.
- Lovric's services repeat customers, no military ships. Mr. Ehler stated that the ships they maintain have not been painted with coatings containing lead (not used for exterior surfaces), and said he has not seen tributyltin in over ten years. He said if they see very old reddish or orange primer, they clean down to that surface then recoat. Lovric's does not test surfaces prior to cleaning. Very little work is done on interior surfaces.
- Waste generated are consistent with those listed in the 2016 SWPP, described above.

We inspected the following areas of the site:

Marine Railways:

Both marine railways were clean, dry, and free of debris at the time of this inspection.

- According to Mr. Ehler, cleaning and preparation of ship hulls is completed by pressure washing and sometimes spot sanding in these areas.
- All pressure wash water is collected without filtering and stored in steel tanks adjacent to the marine railways. These tanks are emptied with vacuum pumps by Venoil. Mr. Ehler thought the unfiltered water had been tested but was not certain. He agreed to sample the water when cleaning the next ship (one was about to be pressure washed

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

that day). I advised that water should be collected prior to allowing solids to settle out, and that they must use lab-provided glassware for sample collection.

- Bilge water, if removed from vessels, is collected in totes and picked up by Venoil.
- Sludge containing barnacles is sometimes generated if there is a lot of growth on the hull's surface. The sludge is scooped up and disposed of in the solid waste dumpster. Some of this material was sampled in 2010 following the first dangerous waste compliance inspection, and passed a static acute fish bioassay, Method #80-12. Mr. Ehler thought they had sampled this material more recently, but wasn't sure where the records are kept. No pressure wash solids were on site during this inspection. Mr. Ehler stated that one boat every two months will be covered with enough barnacles to generate sludge. I requested that a sample be collected and retested the next time this waste is generated if more recent test results could not be found.

Paint cart:

A mobile cart sitting near the first marine railway we inspected held several containers of product and materials used for painting (we observed a similar one on the floating dock later). We noted the following-

- Paints or thinners within the cart included International Interthane 990/990FD0 and International Thinner GTA 280/T-10 Diluant. Mr. Ehler stated that customers sometimes request Sherwin Williams or Ameron paints. He stated the paints contain copper and zinc, but no other metals.
- Small plastic tubs within the cart contained residues of two-part epoxies mixed for jobs then left to cure (leftover paint). Mr. Ehler estimated that they intentionally waste, "kick off," five gallons of paint per year. Lovric's does not record this practice on a treatment log or notify on the Dangerous Waste Annual Report/Site Identification Form (as required for treatment-by-generator activity).
- Lovric's uses airless sprayers to apply paint to hulls, and rollers for top sides (above water line). Rollers soiled with two-part epoxies are disposed of into their dumpster once fully cured.
- Dirty solvent with paint is collected in a 55-gallon drum within the Paint Room shed, and Lovric's generates approximately two drums per year (see below).

Paint Room:

The Paint Room is a small shed located near the West Building (warehouse), north of one of the marine railways along the water (photo 1). The shed is divided into four rooms, one which contains products still in use, and three containing outdated product or older inventory that needs to be evaluated for use or thrown out (according to Mr. Ehler). Organization of materials in all rooms was lacking, and we saw evidence of materials having leaked or spilled out of containers or onto walls within the building (photos 4 and 10).

- Northeast corner room - In addition to multiple cans of paint of various sizes (product labels were old and some not legible), we observed a white metal 55-gallon drum on its side, with evidence of spilled material (photo 4) and another drum with contents

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

EPA/State ID Number: WAR000003616	Facility Name: Lovric's Sea-Craft Inc.	Inspection Date: May 10, 2019
Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

labeled "LH Fructose." Mr. Ehler stated that he thought the fructose drum contained an unidentified liquid waste (photo 5).

- Southeast corner room - In this room we observed multiple one- to five-gallon cans of unknown paint or related contents (photos 6 – 8). Mr. Ehler showed us a 55-gallon drum with closed funnel inserted. This drum was labeled as hazardous waste and flammable liquid. It was sitting within a secondary containment drum (yellow poly). He stated that Emerald Services picks up a full drum of this waste twice each year. Also in this room we saw a full blue 55-gallon drum labeled as acetone, and hazardous waste, flammable liquid. This drum lacked secondary containment, and had another container sitting on top (photo 6). Mr. Ehler did not know why the drum had not been picked up with other solvent waste.
- Northwest corner room – This room is used for storage of paint products (photo 9).
- Southwest corner room – More outdated or unused excess products were held in this room. Mr. Ehler stated that these materials were likely mostly waste. Some containers were leaking and drips were evident along the south wall (photo 10).

West Building:

The West Building is one of two several story buildings on site. Mr. Ehler told us that this one is used mostly for storage, and houses a machine shop (not in use) and a wood shop (also not used anymore).

Zinc Storage Room (photo 11):

- Three eight-foot and approximately 12 four-foot spent universal waste lamps were leaning against a wall. The lamps were not in a container, dated, or labeled.
- Four five-gallon containers labeled Zep lubricant Mr. Ehler said might need to be disposed of. He did not know if this was excess product or waste.

Maintenance Area:

We stopped at an area east of the small marine railway where Mr. Ehler said steel work is completed using 99% new mild A36 steel. He said they sweep up dust in the area and throw it in the on-site dumpster. We did not observe any waste accumulating in this roofed and recessed area (concrete floor and partial sidewalls). Adjacent to Maintenance, we observed a small, locked building that Mr. Ehler said the owners used for personal storage. He stated he did not believe there were any business wastes within the building, and said he had never been inside.

East Building:

East of the East Building (warehouse), and between another building with white roof that we did not enter, is an area that is open on two sides but covered with a roof. In this section between buildings we observed:

- Several 55-gallon poly drums, described below (others without labels were confirmed to be empty). These drums were sitting on secondary containment pallets (photo 12).

Washington State Department of Ecology Hazardous Waste and Toxics Reduction Program

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Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

- One full drum of used oil with “waste oil” written on top.
- Another labeled as “Dominick Antifreeze,” instead of “spent antifreeze,” (Mr. Ehler said it was antifreeze that had been used [Dominick is likely the name of the boat it came from, or the name of the boat’s owner]).
- One 55-gallon drum labeled “waste diesel fuel,” and one drum of “used oil filters.”
- And one 55-gallon drum containing absorbent pads.
- A metal box sitting on the floor was filled with lead-acid batteries that Mr. Ehler said had been “dumped” at Lovric’s. Several of the batteries were cracked open with exposed inner plates which could lead to potential leakage of battery acid and lead contamination (photo 13).
- North of this area, Mr. Ehler showed us the used oil accumulation tank, which is inside a secondary and lidded containment. The tank is labeled “Used Oil” and had an open filter inserted into the opening at the top.

East Building – Machine Shop:

We observed-

- Multiple five-gallon containers holding unknown and possibly excess product that Mr. Ehler thought might be waste (photo 14).
- Small quantities of miscellaneous legacy chemicals Mr. Ehler said were rarely used.

Sandblast Shed:

The sandblast shed is north of the building with a white roof (this building was not inspected). Mr. Ehler told us the six fabric totes holding spent sandblast material had:

- Resulted from two distinct sandblasting jobs at Lovric’s, one wet sanding and one dry sanding (he could tell them apart by color/consistency).
- Accumulated over the past four years, and would not be picked up until they had eight totes total.
- Been tested (TCLP) the last time the spent material (black alum/copper slag) was shipped, but he was not sure if they checked for copper concentration.

Floating Dock and Dry Dock:

We walked out onto the floating dock and dry dock. Mr. Ehler described the work conducted on the dry dock as being similar to work done on the marine railways. We observed a mobile paint cart on the floating dock, but no accumulated paint related waste. Near the end of the floating dock and adjacent to a moored vessel, we observed an unlabeled 55-gallon drum and other miscellaneous containers and debris. Mr. Ehler stated that these items had just been placed there, and had come off the adjacent vessel. He said this is a constant problem (people [clients] removing debris and leaving it on the dock). He spoke with the owner, who began moving items back onto their vessel before we departed. Prior to leaving Mr. Ehler expressed concern about a 2,000-gallon tank on the dock that he would like to see removed so customers will not use it for disposal of wastes generated on their vessels.

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Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

Closing Conference

We wrapped up our inspection with a discussion about episodic generation (might be a possibility for a one-time removal of excess or outdated inventory if Lovric's remains either SQG or MQG), then thanked Mr. Ehler for his time and left the facility at around 12:00 p.m.



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Generator Status: SQG	Facility Address: 3022 Oakes Ave., Anacortes, WA 98221	Date Report Sent: June 21, 2019

PHOTO LOG

Photographer: Susan Dier

Witness: Mindy Collins

Area & Description	Photographs
<p>1. Paint Room</p> <p>This photograph shows the outside entrance to the Paint Room building.</p>	
<p>2. Paint Room</p> <p>Northeast corner room: first of four photos (left side of room)</p> <p>Excess paint inventory that Lovric's may dispose of.</p> <p>Note: Photo lightened</p>	

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3. Paint Room

Northeast corner room: Second of four photos (center rear of room)

Excess paint inventory that Lovric's may dispose of.



4. Paint Room

Northeast corner room: Third of four photos (right side of room)

Excess paint inventory and other miscellaneous items that Lovric's may dispose of.



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5. Paint Room

Northeast corner room: fourth of four photos (looking straight through the doorway)

Excess paint inventory that Lovric's may dispose of. The drum at center, labeled "LH Fructose" held an unidentified liquid.



6. Paint Room

Southeast corner room: first of three photos (north wall, just inside doorway)

Excess paint inventory Lovric's may dispose of. A 55-gallon drum (far left) labeled "hazardous waste" was partially full of an unidentified liquid.



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7. Paint Room

Southeast corner room: second of three photos (east wall)

Excess paint product Lovric's may dispose of.



8. Paint Room

Southeast room: Third of three photos

Note: brightness and contrast increased to better show photo details.



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9. Paint Room

Northwest corner room shows paint inventory that is currently in use.



10. Paint Room

Southwest room - Excess paint inventory Lovric's may dispose of. Some of the containers were leaking.



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11. West Building – Zinc Storage Room

Three eight-foot and approximately 12 four-foot spent fluorescent lamps lacked “universal waste lamps” labels, accumulation start dates, and were not stored in a container.

Four 5-gallon containers labeled as Zep lubricant were unused and were considered excess inventory the site contact said would be managed as waste.



12. East Building

The 55-gallon drum at right had “waste oil” written on top, rather than “used oil.”

The 55-gallon drum at left had “Dominick Antifreeze” written on top, rather than “spent antifreeze.”



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13. East Building

A box held several spent lead acid batteries an unknown party had dumped at the site. At least three had broken outer casings and exposed inner plates, which could lead to potential leakage of battery acid and lead contamination (see arrows).



14. East Building – Machine Shop

Ten 5-gallon containers, possibly old product, that Mr. Ehler said would be managed as wastes.

