



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
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October 10, 2019

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

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

Dear Ed Ehler and Florence Lovric:

Ecology's Hazardous Waste and Toxics Reduction Program recently conducted a Dangerous Waste compliance inspection at your facility. The [Hazardous Waste Management Act](#)¹ authorizes Ecology to enforce the [Dangerous Waste Regulations](#)² which establish a safe and responsible system to manage dangerous waste.

I have listed the violations at Lovric's Sea-Craft in the included Notice to Comply.

You must:

- Complete **Actions Required** next to each violation (see Notice to Comply).
- Return the enclosed **Compliance Certificate** within 30 days of receipt of this letter.

Failure to comply may result in an administrative order(s) and a penalty of up to \$10,000 per day for violation(s). Other deficiencies, potential violations, or issues not documented on this inspection do not relieve your site from complying with all applicable regulations.

As of April 28, 2019 the Dangerous Waste Regulations are organized into generator independent requirements, conditions for exemption from treatment, storage, disposal facility requirements, and other requirements for used oil, universal waste, transporters, and permitted facilities, etc.

All generators must meet a set of [independent requirements](#)³ based on their generator category. Additionally, generators may accumulate dangerous waste on-site without obtaining a permit

¹ RCW 70.105: <http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105>

² Chapter 173-303 WAC: <http://apps.leg.wa.gov/wac/default.aspx?cite=173-303>

³ WAC 173-303-170(2)(a): <https://apps.leg.wa.gov/wac/default.aspx?cite=173-303-170>

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Dangerous Waste Compliance Inspection

provided they comply with conditions for exemption.⁴ All generators must also comply with other regulations in Chapter 173-303 WAC that are not independent requirements or conditions for exemption, as described above.

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 black ink that reads "Mindy Collins". The signature is written in a cursive, flowing style.

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

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

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call Ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

⁴ "Conditions for exemption" for large quantity generator are found in WAC 173-303- -174, -200, -201.



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NOTICE TO COMPLY

Site Contact Name: Ed Ehler	Inspector Name: Mindy Collins
Site Contact Phone: (206) 979-0784 (cell)	Inspector Phone: (360) 255-4383
Site Contact Email: lovric02@yahoo.com ; lovricseacraft@gmail.com	Inspector Email: minc461@ecy.wa.gov
Site Website: www.Lovricseacraft.com	Back-up Inspector: Stephanie Barney

Note:

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

Table 1. Independent Requirement Violations

A generator's violation of an independent requirement is subject to penalty and injunctive relief under the Dangerous Waste Regulations and Hazardous Waste Management Act.

Summary of Violations & Observations	Actions Required
<p>WAC 173-303-170(2)(a)(iii)(A) and by reference -070(1)(b): Large quantity generators must accurately designate solid waste prior to disposal. Large quantity generators must follow the designation procedures in WAC 173-303-070(3) when determining if a solid waste is also a dangerous waste or an extremely hazardous waste.</p> <p><u>Easternmost Building</u> (photos 20-34):</p> <p>All containers (some open and without labels, others closed) with contents stored within this building must be evaluated to determine if they are product or waste, and all wastes must be designated per -070(3).</p>	<p>When returning the enclosed Compliance Certificate, provide documentation that the solid wastes listed have been designated. The documentation shall include, at a minimum, copies of the analytical results of designation testing and/or justification for any determinations that are based on generator knowledge as defined in WAC 173-303-040.</p>

Table 2. Conditions for Exemption

Generators who do not meet the conditions for exemption are subject to regulation as a treatment, storage, disposal (TSD) facility. Without an exemption, any violations of such storage requirements are subject to



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penalty and injunctive relief under the Dangerous Waste Regulations and Hazardous Waste Management Act. Complete the Actions Required specified below to remain exempt from TSD requirements.

Summary of Violations & Observations	Actions Required
None	

Table 3. Other Violations

The requirements cited below are not specific to generator status, independent requirements, or conditions for exemption. Violation of these requirements is subject to penalty and injunctive relief under the Dangerous Waste Regulations and Hazardous Waste Management Act.

Summary of Violations & Observations	Actions Required
<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>Easternmost Building :</u></p> <p>At least three lead acid batteries are being stored underneath a container and on a wooden pallet. This could lead to potential leakage of battery acid and lead contamination (photo 23).</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>



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COMPLIANCE CERTIFICATE

Due date

Return this certificate within 30 days of receiving the Notice to Comply to avoid penalties.

Instructions

- Gather all documentation to support how you have corrected the violations. For example:
 - Photos
 - Copies of Uniform Hazardous Waste Manifests, receipts, or disposal records
 - Designation records
- Fill out the table below.
- Certify all statements (1 through 5) below are true.
- Sign the document.
- Attach all documentation to this certificate and return to Mindy Collins at: minc461@ecy.wa.gov or

Washington State Department of Ecology
 Hazardous Waste and Toxics Reduction Program
 913 Squalicum Way #101
 Bellingham, WA 98225

Need an extension?

If you need an extension, explain your reason(s). Make this request in writing and send it to me at the above address or to minc461@ecy.wa.gov before the due date.

Table 4. Summary of Hazardous Waste Violation Compliance Actions Taken

Violation Code WAC 173-303-	Documentation provided (photo, paperwork, statement, etc.)	Notes
070(1)(b)		
520(1) and 016(1)(b)(ii)		

1. I certify the violations cited in the Notice to Comply have been corrected.
2. I personally examined all documentation provided to support our actions to comply, and believe the information to be true, accurate, and complete.
3. I am aware there are significant penalties for submitting false information and/or for non-compliance with regulations.
4. My signature **certifies compliance** with every regulation noted in the Notice to Comply.
5. I declare under penalty of perjury the foregoing certification is true and correct.



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Signature:	Printed Name:
Position/Title:	Date:



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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 forty 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 12 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 May 10, 2019. This inspection (September 10) was conducted to note progress toward returning to compliance following the May inspection. The easternmost building at the site was not inspected in May. New violations were encountered during this inspection, as noted above and described in the narrative section below.

Inspection Summary

We conducted this routine unannounced compliance evaluation inspection to ensure compliance with standards for dangerous waste generators (Chapter 173-303 WAC). Stephanie Barney, Water Quality Inspector, and I, Mindy Collins, arrived at 10:10 a.m. We found Mr. Ehler in his office and began our tour of the facility.

Site Tour

During the inspection, we returned to areas identified needing attention during our first inspection of the facility. Following is a list of locations inspected and observations noted:

Paint Room (Shed):

- Paints in this shed have been organized and placed mostly in yellow trays. Mr. Ehler stated that he is having a hard time finding a contractor who will pick up the wastes. He said Skagit County Transfer Station had agreed to take 25 gallons at a time. I told him this was not permitted, as Lovric's has large quantity generator volumes of dangerous waste at this time. I offered to call Emerald Services to see why they were not able to assist Lovric's.
- Paints in the northeast room (photos 1-3) were divided into the following categories (no bottom paints) –
 - ◆ Two-part epoxies
 - ◆ Two-part polyurethanes



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- ◆ Rust-Oleum
- ◆ Chlorinated rubber "Woolsey"
- ◆ Latex (still useable, along back wall)



Photo 1: IMG_0977.JPG



Photo 2: IMG_0978.JPG



Photo 3: IMG_0979.JPG

- Paints in the southeast closet space (photo 4-6) have not been sorted yet but Mr. Ehler said they are wastes. All containers are sitting in secondary containment trays.



Photo 4: IMG_0981.JPG



Photo 5: IMG_0982.JPG



Photo 6: IMG_0983.JPG

- Materials in the southeast room include:
 - ◆ Two-part International brand "Interbond 988" in boxes along the east wall (photos 7-8).

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Photo 7: IMG_1244.JPG



Photo 8: IMG_1245.JPG

- ◆ Waste paints in the center of the room and on shelves along the wall (photos 9-10).



Photo 9: IMG_0985.JPG



Photo 10: IMG_0985.JPG



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- ◆ Mr. Ehler identified one drum as acetone product, and one 55-gallon drum as spent acetone and paint wastes, labeled “paint thinner,” and dated “8/12/19” (photo 11).



Photo 11: IMG_0986.JPG

- The Northwest and Southwest rooms contain useable products (photos 12 -15).



Photo 12: IMG_0987.JPG



Photo 13: IMG_1241.JPG

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Photo 14: IMG_1242.JPG



Photo 15: IMG_1243.JPG

Between East Warehouse and East Building (galvanized roof):

This area was referred to as the East building in the May 10, 2019 photo log. It is actually the area between, open at both ends.

- The lead-acid batteries that were here during the May inspection are now gone from this area.
- Remaining are three black steel 55-gallon drums sitting on a secondary containment pallet. Mr. Ehler stated that one of these drums contained oily rags (photo 16).

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Photo 16: IMG_1247.JPG

- Five five-gallon buckets, two with lids, were lying on a wooden pallet over a puddle of water. Oil was evident floating on the water. Mr. Ehler placed absorbent pads on the oily water and turned the buckets so they were sitting upright (photos 17-18).



Photo 17: IMG_1246.JPG



Photo 18: IMG_1266.JPG



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- Mr. Ehler showed us how Lovric's had recently cemented over drains that used to run along the east side of this area, in the north-south direction (photo 19).



Photo 19: IMG_1248.JPG

Easternmost Building (galvanized roof):

- We entered this building through a door with a red skull and crossbones painted on it and the words "No No Smoking" (Photo 20). Mr. Ehler told us this was "Motor Room Storage." This room is kept locked.

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Photo 20: IMG_1265.JPG

- Areas of the floor in this building were covered with wet mud and sand. Mr. Ehler told us the City of Anacortes had a water main break, and water flowed down the hill and through this building at the south end. He said it flowed into a drain then into underground pipes.
- The room is very dark and crowded. Numerous engines are stored on one side, and other non-hazardous materials throughout.

Materials of concern in this room (photos 21-34) include things such as:

- ◆ Numerous (10 or more) 55-gallon metal and plastic drums with unknown contents, some with original labels, others unlabeled. A few of these appeared empty.
- ◆ Numerous one-gallon paint cans that appeared to be primer.
- ◆ Numerous five-gallon pails with lids and unknown contents.
- ◆ Open containers stained with black material with the appearance of oily or asphaltic waste.
- ◆ Lead acid batteries on a wooden pallet, with a tote stacked on top. This is cited as a violation above.
- ◆ Numerous small paint-like cans.
- ◆ An open tub containing what looked like used or waste oil.
- ◆ Numerous gas cans that may or may not be empty.



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Photo 21: IMG_1249.JPG*⁵



Photo 22: IMG_1250brighter.JPG



Photo 23: IMG_1251.JPG



Photo 24: IMG_1252.JPG

⁵ Note: photos with an asterisk (*) have been lightened 20%.

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Photo 25: IMG_1253.JPG



Photo 26: IMG_1254.JPG*



Photo 27: IMG_1255.JPG



Photo 28: IMG_1256.JPG



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Photo 29: IMG_1257.JPG*



Photo 30: IMG_1260.JPG



Photo 31: IMG_1261.JPG*



Photo 32: IMG_1262.JPG

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Photo 33: IMG_1263.JPG



Photo 34: IMG_1264.JPG*

Looking through a window to the north we could see into the sandblast shed. All of the fabric totes of spent materials noted during the inspection in May are still in this area (photos 35 and 36.)



Photo 35: IMG_1258.JPG*



Photo 36: IMG_1259.JPG



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Machine Shop – East Warehouse:

- Five-gallon buckets holding oils identified during the last inspection have been deemed useable product and placed in secondary containment trays (photo 37).



Photo 37: IMG_1267.JPG

Records Review

We reviewed the following records:

- Edge Analytical Data Reports
 - ◆ “Waste Water E. Railway Sump,” collected May 14, 2019. This water is pumped into totes for disposal through Venoil, per Mr. Ehler. Concentrations of copper, zinc, iron, chromium and lead, plus diesel and heavier oils suggest this is not hazardous or state-only dangerous waste.
 - ◆ Toxics characteristic leaching procedure (TCLP) results for barnacles and spent sandblast media, collected June 25, 2019. Both samples passed all federal concentration limits for TCLP metals. Edge Analytical has completed a second requested analysis (total metals) but that report has not been sent to Lovric's yet (per phone conversation between myself and Larry Henderson, Edge Analytical, September 10, 2019.)

Closing Conference

We thanked Mr. Ehler for his time and left the facility at 11:19 a.m.