



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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November 12, 2019

Jim Rard  
Marine Servicenter  
2417 T Avenue  
Anacortes, WA 98221

Order Docket #	16801
Site Location	2417 T Avenue, Anacortes, WA 98221

Re: Administrative Order

Dear Jim Rard:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order) requiring Marine Servicenter to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-226-070 Washington Administrative Code (WAC) – Water Discharge General Permit Program
- Provisions of its NPDES Boatyard General Permit No. WAG030095

If you have questions please contact Stephanie Barney at [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov) or (360) 255-4390.

Sincerely,

Heather R. Bartlett  
Water Quality Program Manager

Enclosures: Administrative Order Docket #16801

By certified mail 9489 0090 0027 6066 2468 84





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN  
ADMINISTRATIVE ORDER  
AGAINST  
MARINE SERVICENTER  
JIM RARD

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ADMINISTRATIVE ORDER  
DOCKET #16801

To: Jim Rard  
Marine Servicenter  
2417 T Avenue  
Anacortes, WA 98221

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The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Marine Servicenter to comply with:

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Chapter 90.48.120(2) RCW gives Ecology the authority to issue Administrative Orders requiring compliance whenever it determines that a person has violated Chapter 90.48 RCW.

**DETERMINATION OF VIOLATION(s) AND ORDER TO COMPLY**

Ecology's determination that violations have occurred is based on the violations listed below.

National Pollutant Discharge Elimination System (NPDES) Boatyard General Permit (BYGP), No. WAG003095 authorizes Marine Servicenter's discharge of process water from pressure washing to the City of Anacortes Publicly Owned Treatment Works (POTW). The permit also allows stormwater discharges from boat building and repairing activities to marine waters. Discharges are subject to complying with all special and general requirements specified in BYGP.

The BYGP contains benchmarks and action levels for selected pollutant parameters likely to be present in stormwater discharges. Benchmarks are not water quality criteria nor numeric effluent limitations; benchmarks are numeric indicator values used to assess compliance with a water quality-based narrative effluent limitation. Benchmarks are intended to identify discharges that are at low risk of violating water quality standards. Discharges that exceed one or more

benchmarks represent a higher risk of violating water quality standards. After six exceedances, the boatyard must begin its Level 3 Response. Within 3 months of reporting the sixth benchmark exceedance, the Permittee must install additional treatment unless that treatment is either not feasible or not necessary.

Discharge Monitoring Reports demonstrate Marine Servicer triggered Level Three Response for copper and zinc stormwater benchmark exceedances on January 30, 2018 (see Tables 2 and 3). The sixth exceedance is shaded medium gray. Marine Servicer failed to meet the Level Three action level response of Condition S7 (S7.A.3) to monitoring results that exceed benchmarks. An engineering report describing stormwater treatment was due April 28, 2018. Ecology never received an engineering report for this Level Three response. Nor did Ecology receive a request for Modification of Permit Coverage, demonstrating that additional treatment Best Management Practices (BMPs) are not feasible or not necessary.

“During the effective term of the permit, when any six monitoring results (potentially including the seasonal average) have accumulated for any one parameter at any stormwater monitoring location and exceed the benchmark for that parameter (e.g., four zinc values from one monitoring location and two zinc values from another monitoring location)...the Permittee must install treatment...”

A compliance inspection conducted by Ecology on February 25, 2019, documented several violations that may contribute to the facility's zinc and copper benchmark exceedances. Follow-up actions by the facility addressed deficiencies in mandatory best management practices, but no actions taken satisfy the action levels of Condition S7.

Through file review and conversations with Marine Servicer representatives, Ecology learned the facility triggered a Level Three Response for zinc and copper benchmark exceedances under the previous BYGP permit cycle, effective June 1, 2011 - May 31, 2016.

At that time, the facility prepared and submitted an engineering report to address the benchmark exceedances. The report included a technical memorandum from Landau Associates to Marine Servicer, dated February 24, 2014. The memo concludes metals are leaching from contact with metal sources because copper and zinc consistently showed in dissolved form. Landau recommended implementation of short-term source control BMPs to reduce dissolved metals, which in conjunction with the long-term stormwater treatment, will allow for consistent achievement of permit benchmark values.

Steve Hood, Water Quality Engineer for the Bellingham Field Office, approved the report on August 14, 2014. Per the timeline provided in Condition S7, the report's schedule cited installation of a treatment system on or before August 14, 2015.

Marine Servicer never installed the treatment system nor implemented the recommended additional BMPs. A review of Ecology's records did not find documentation from the facility indicating concerns with the selected treatment system. Ecology believed Marine Servicer followed the implementation schedule defined in the approved report and reissued the BYGP in August 2016.

Sampling results since reissuance in 2016 demonstrate Marine Servicer requires stormwater treatment to meet permit benchmarks for zinc and copper. Since triggering Level Three Response, the facility has exceeded the benchmarks for zinc five more times, and copper two more times. The frequency of benchmark exceedances demonstrates Marine Servicer is at risk of violating water quality standards.

Table 2: Copper benchmark exceedances for stormwater discharge to marine water (Outfall # M001)

Violation Date	Monitoring Period Begin Date	Outfall	Parameter	Measured Value	Limit	Limit Type
10/28/2016	10/1/2016	M001	Copper	2736 µg/L	147	Monthly Max
11/18/2016	11/1/2016	M001	Copper	1060 µg/L	147	Monthly Max
1/31/2017	1/1/2017	M001	Copper	227 µg/L	147	Monthly Max
10/25/2017	10/1/2017	M001	Copper	252 µg/L	147	Monthly Max
11/28/2017	11/1/2017	M001	Copper	182 µg/L	147	Monthly Max
1/30/2018	1/1/2018	M001	Copper	191 µg/L	147	Monthly Max
4/30/2018	4/1/2018	M001	Copper	468 µg/L	147	Monthly Max
5/1/2019	5/1/2019	M001	Copper	81* µg/L	50	Seasonal Avg

\*Ecology calculated the seasonal average because the facility did not correctly calculate it on the May 2019 DMR.

Table 3: Zinc benchmark exceedances for stormwater discharges to marine water (Outfall # M001)

Violation Date	Monitoring Period Begin Date	Outfall	Parameter	Measured Value	Limit	Limit Type
10/28/2016	10/1/2016	M001	Zinc	371 µg/L	90	Monthly Max
11/18/2016	11/1/2016	M001	Zinc	590 µg/L	90	Monthly Max
1/31/2017	1/1/2017	M001	Zinc	424 µg/L	90	Monthly Max
10/25/2017	10/1/2017	M001	Zinc	411 µg/L	90	Monthly Max
11/28/2017	11/1/2017	M001	Zinc	259 µg/L	90	Monthly Max
1/30/2018	1/1/2018	M001	Zinc	353 µg/L	90	Monthly Max
4/30/2018	4/1/2018	M001	Zinc	297 µg/L	90	Monthly Max
10/31/2018	10/1/2018	M001	Zinc	200 µg/L	90	Monthly Max
1/31/2019	1/1/2019	M001	Zinc	131 µg/L	90	Monthly Max

5/1/2019	5/1/2019	M001	Zinc	111* µg/L	85	Seasonal Avg
5/31/2019	5/1/2019	M001	Zinc	96 µg/L	90	Monthly Max

\*Ecology calculated the seasonal average because the facility did not correctly calculate it on the May 2019 DMR.

Corrective actions required:

For these reasons and in accordance with NPDES BYGP No. WAG030095, WAC 173-226-070, and RCW 90.48.120(2), it is ordered that Marine Servicer take the following actions upon receipt of this Immediate Action Order (IAO). These actions are required at the location known as Marine Servicer located at 2417 T Avenue, Anacortes, WA 98221.

1. Install Level Three Response Stormwater Treatment, per the approved Engineering Report (dated August 8, 2014), on or before 3 MONTHS from receipt of this IAO.
  - a. Submit documentation confirming purchase of StormwaterRx Aquip filtration unit on or before ONE MONTH from receipt of this IAO.
  - b. Submit documentation confirming purchase of required equipment not supplied by StormwaterRx for operation of the Aquip filtration unit (i.e. pump) on or before ONE MONTH from receipt of this IAO.
  - c. Submit documentation confirming contract for construction services to install the StormwaterRx Aquip filtration unit on or before ONE MONTH from receipt of this IAO.
2. Submit an updated Operations and Maintenance plan 30 days after installation of the stormwater treatment system.
3. Implement short-term source control BMPs per the approved Engineering Report (dated August 8, 2014), on or before 6 MONTHS from receipt of this IAO.
  - a. Submit documentation of vacuum cleaning of the final stormwater catch basin.
  - b. Identify frequency for continued vacuum cleaning of this catch basin in the Stormwater Pollution Prevention Plan (SWPPP).
  - c. Submit documentation of seal coating of asphalt and concrete surfaces.
  - d. Submit documentation of epoxy coating of the building's roof.
4. Submit an updated SWPPP 30 days after installation of all treatment and source control BMPs listed above.

**ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to

whether you meet the definition of a "small business" under this section. However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.

#### **FAILURE TO COMPLY WITH THIS ORDER**

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

#### **ADDRESS AND LOCATION INFORMATION**

<b>Street Address</b>	<b>Mailing Address</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Street Address</b>	<b>Mailing Address</b>
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

#### CONTACT INFORMATION

Please direct all questions about this Order to:

Stephanie Barney  
Department of Ecology  
Bellingham Field Office  
913 Squalicum Way #101  
Bellingham, WA 98225  
Phone: (360) 255-4390  
Email: [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov)

#### MORE INFORMATION

- **Pollution Control Hearings Board Website**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, rules, & rulemaking website**  
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

#### SIGNATURE



Heather R. Bartlett  
Water Quality Program Manager



Date