



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**  
Bellingham Field Office • 913 Squalicum Way, Unit 101 • Bellingham, WA 98225  
(360) 255-4400 • FAX (360) 715-5225

August 19, 2020

Jim Rard  
Marine Servicenter Incorporated  
2442 Westlake Avenue North  
Seattle, WA 98109-2209

<b>Notice of Violation (NOV) Docket #</b>	18263
<b>Site Name</b>	Marine Servicenter located in Skagit County
<b>Site Location</b>	2417 T Avenue, Anacortes WA 98221

Re: Notice of Violation

Dear Jim Rard:

The Department of Ecology is issuing the enclosed Notice of Violation to you for failure to comply with the terms and conditions of Immediate Action Order (IAO) No. 16801. This Notice of Violation is issued under the authority of Revised Code of Washington 90.48.120(1).

All questions in response to this document should be directed to Stephanie Barney at (360) 927-4900 or [stephanie.barney@ecy.wa.gov](mailto:stephanie.barney@ecy.wa.gov).

Sincerely,

Enclosures: Notice of Violation Docket #18263

By Certified Mail 91 7199 9991 7036 8725 9494

WQ -NOV (2/2015)





STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE ) NOTICE OF VIOLATION  
BY JIM RARD ) DOCKET #18263  
WITH CHAPTER 90.48 RCW AND THE )  
RULES AND REGULATIONS OF )  
THE DEPARTMENT OF ECOLOGY )

To: Jim Rard  
Marine Servicenter Incorporated  
2442 Westlake Avenue North  
Seattle, WA 98109-2209

<b>Notice of Violation (NOV) Docket #</b>	18263
<b>Site Name</b>	Marine Servicenter located in Skagit County
<b>Site Location</b>	2417 T Avenue, Anacortes WA 98221

The Department of Ecology (Ecology) is issuing this Notice of Violation to you for violating provisions of Chapter 90.48 Revised Code of Washington (RCW) Water Pollution Control. This notice contains Ecology's determination that a violation has or will occur.

Ecology has the authority to issue this Notice of Violation under RCW 90.48.120(1) which reads in part:

"Whenever, in the opinion of Ecology, any person shall violate or create a substantial potential to violate the provisions of the chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state the department shall notify such person of its determination by registered mail...."

**PROJECT/SITE LOCATION**

Marine Servicenter  
2417 T Avenue, Anacortes WA 98221

**DETERMINATION OF VIOLATIONS**

Notice is hereby given in accordance with RCW 90.48.120(1), as follows:

On November 14, 2019, Marine Servicenter Inc. was in receipt of Immediate Action Order (IAO) No. 16801. IAO No. 16801 required Jim Rard/Marine Servicenter Inc. take immediate actions at the location known as Marine Servicenter located at 2417 T Avenue, Anacortes, WA 98221, to address violations under Boatyard General Permit (BYGP) No. WAG030095. The purpose for the immediate actions listed in the IAO is to address pollutants, specifically copper and zinc, generated by Marine Servicenter's boatyard operations occurring at 2417 T Avenue. Immediate actions required by IAO No. 16801:

1. Install Level Three Response Stormwater Treatment, per the approved Engineering Report (dated August 8, 2014), on or before February 14, 2020 (3 MONTHS from receipt of IAO No. 16801 on November 14, 2019).
  - a. Submit documentation confirming purchase of StormwaterRx AQUIP filtration unit on or before December 14, 2019 (ONE MONTH from receipt).
  - 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 December 14, 2019 (ONE MONTH from receipt).
  - c. Submit documentation confirming contract for construction services to install the StormwaterRx AQUIP filtration unit on or before December 14, 2019 (ONE MONTH from receipt).
2. Submit an updated Operations and Maintenance plan 30 DAYS after installation of the stormwater treatment system.
3. Implement storm-term source control best management practices (BMPs) per the approved Engineering Report (dated August 8, 2014), on or before May 14, 2020 (6 MONTHS from receipt of IAO No. 16801 on November 14, 2019).
  - 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.

Jim Rard/Marine Servicer Inc. appeal of IAO Order No. 16801 for violations of BYGP No. WAG030095 is pending, awaiting ruling from the Pollution Control Hearings Board (PCHB). Your appeal of IAO No. 16801 did not stay the effectiveness of the Order. You did not submit a stay request in accordance with RCW 43.21B.320. To date, you have not submitted any documentation of immediate actions taken. Failure to take required actions is failure to comply with IAO No. 16801. Failure to comply with IAO No. 16801 may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of the IAO.

#### **FILE A REPORT WITH ECOLOGY**

Pursuant to RCW 90.48.120(1), within thirty (30) days from receipt of this Notice of Violation Jim Rard/Marine Servicer Inc. must file a full report with Ecology stating:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology.
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology.

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**Send the report to:**

Stephanie Barney  
Department of Ecology BFO Water Quality  
913 Squalicum Way #101  
Bellingham, WA 98225

**ECOLOGY'S RESPONSE**

Upon receipt of the report, Ecology will review the information provided and issue an Order or directive as it deems appropriate under the circumstances, and shall notify Jim Rard.

**CONTACT INFORMATION**

Please direct all questions about this Notice of Violation to:

Stephanie Barney  
Department of Ecology  
Bellingham Field Office  
913 Squalicum Way #101  
Bellingham, WA 98225  
(360) 927-4900  
stephanie.barney@ecy.wa.gov

**MORE INFORMATION**

- **Chapter 90.48 RCW – Water Pollution Control**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>

**SIGNATURE**



Douglas R. Allen  
Manager  
Bellingham Field Office

08/19/2020  
Date