

RECOMMENDATION FOR ENFORCEMENT ACTION  
WATER QUALITY PROGRAM

Bellingham Field Office

Docket No. 18263

Date: August 19, 2020

From: Stephanie Barney  
Water Quality Specialist

Stephanie Barney

RECOMMEND ENFORCEMENT ACTION BE TAKEN:

I. Against:  
JIM RARD  
MARINE SERVICENTER INCORPORATED

II. Location (Address, City, State, Zip Code, Telephone Number):  
MARINE SERVICENTER INCORPORATED  
2417 T AVENUE  
ANACORTES WA 98221

MARINE SERVICENTER INCORPORATED  
2442 WESTLAKE AVENUE NORTH  
SEATTLE, WA 98109-2209

III. Type of Action

☐ A. Penalty, RCW 90.48.144

☒ B. Notice of Violation, RCW 90.48.120 (1)

☐ C. Follow-up Order, RCW 90.48.120(1)

☐ D. Immediate Action Order, RCW 90.48.120(2)

☐ E. Amendment of Action

☐ F. Other (specify authority) \_\_\_\_\_

IV. Nature of Violation

☐ 1) Unlawful Discharge of Polluting Matter into Waters of the State,  
RCW 90.48.080.

☐ 2) Violation of the Terms of a Waste Discharge Permit Issued under RCW  
90.48.160, 90.48.180 or 90.48.260 through 90.48.262.

- [ ] 3) Discharging Pollutants Without a Permit Authorized under RCW 90.48.160, 90.48.180, or 90.48.260 through 90.48.262.
- [X] 4) Violation of the Terms of a Regulatory Order or other provisions of RCW 90.48.
- [ ] 5) Environmental Justice: Location of violation evaluated using EJ Screen to determine whether the violation had impacts on an overburdened community (see Agency Compliance Assurance Manual).
- [ ] 6) Other

V. Name of Watercourse Involved:  
FIDALGO BAY/ANACORTES MUNICIPAL STORMWATER SYSTEM (MS4)

VI. Narrative of Incident:

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, 2417 T Avenue, Anacortes, Washington 98221, to address violations under Boatyard General Permit (BYGP) No. WAG030095. The purpose for the immediate actions listed in the IAO was 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 SERVICENTER INC. appeal of IAO Order No. 16801 for violations of BYGP No. WAG030095 is pending, awaiting ruling from the Pollution Control Hearings Board

(PCHB). The appeal of IAO No. 16801 did not stay the effectiveness of the Order. To date, JIM RARD/MARINE SERVICENTER INC. has not submitted any documentation of immediate actions taken.

VII. Technical Assistance Efforts to Resolve Violation:

On February 3, 2020, Stephanie Barney and Doug Allen of Ecology's Bellingham Field Office, and Gabrielle Gurian of Washington's Attorney General Office, met with Jim Rard at his business, Marine Servicenter in Anacortes to discuss settlement. Our discussions resulted in terms of settlement which were never accepted by Jim Rard.

VIII. Evidence Obtained:

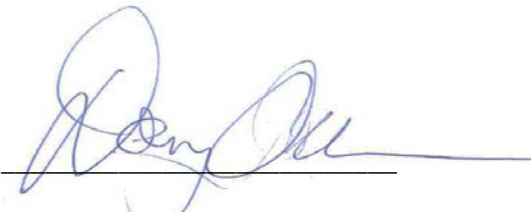
- ☐ Samples, Lab. Report No.
- ☐ Pictures
- ☐ Video Tape
- ☐ Witness Statements
- ☒ Documents
- ☐ Maps
- ☐ Other: \_\_\_\_\_

ENDORSEMENTS

The following actions are recommended to resolve this matter:

Issue a Notice of Violation to JIM RARD/MARINE SERVICENTER INC. for failure to comply with the terms and conditions of IAO #16801.

Douglas R. Allen  
Manager

  
Date 8/19/2020