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Permit No. WA0030864  
Issuance Date: August 3, 2022  
Effective Date: October 1, 2022  
Expiration Date: September 31, 2027  
Modification Date: March 16, 2023

**National Pollutant Discharge Elimination System  
Waste Discharge Permit No. WA0030864**

State of Washington  
DEPARTMENT OF ECOLOGY  
Northwest Regional Office  
PO Box 330316  
Shoreline, WA 98133-9716

In compliance with the provisions of  
The State of Washington Water Pollution Control Law  
Chapter 90.48 Revised Code of Washington  
and  
The Federal Water Pollution Control Act  
(The Clean Water Act)  
Title 33 United States Code, Section 1342 et seq.

**NORTHLAKE SHIPYARD, INC.**

1441 N Northlake Way  
Seattle, Washington 98103

is authorized to discharge in accordance with the Special and General Conditions that follow.

**Facility Name and Location:**

1441 N Northlake Way  
Seattle, Washington 98103  
King County

**Treatment Type:**

Collection, and haul off-site for disposal

**Industry Type:**

Ship Building, Repair and Conversion

**SIC Code:** 3731

**NAICS Code:** 336611

**Receiving Water:**

Lake Union

**Drydock Discharge Location:**

Outfall 001 (Drydock 9):

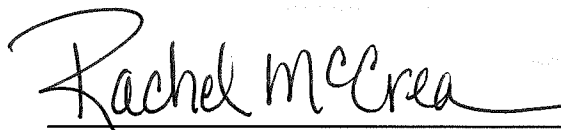
Latitude: 47.64624

Longitude: -122.340285

Outfall 002 (Drydock 2):

Latitude: 47.646247

Longitude: -122.340649



Rachel McCrea  
Water Quality Section Manager  
Northwest Region Office  
Washington State Department of Ecology

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## Summary of Permit Report Submittals

Refer to the Special and General Conditions of this permit for additional submittal requirements.

**Table 1: Summary of Permit Report**

Permit Section	Submittal	Frequency	First Submittal Date
S3.A	Discharge Monitoring Report (DMR)	Quarterly	January 28, 2023
S3.F	Reporting Permit Violations	As necessary	
S3.G	Corrective Action Annual Report	Annually	December 28, 2023
S4.A	Level 1 Corrective Action Response	As necessary	
S4.B	Level 2 Corrective Action Response	As necessary	
S6	Application for Permit Renewal	1/permit cycle	March 28, 2027
S7.A	Spill Control Plan Update	1/permit cycle	March 28, 2023
S8.D	Non-compliance Identified During Inspection	As necessary	
S9.A	Stormwater Pollution Prevention Plan Update	1/permit cycle	March 28, 2023
S10	Drydock Work Plan	1/permit cycle, Updates as necessary in accordance with S4.A and S4.B	March 28, 2023
G1.	Notice of Change in Authorization	As necessary	
G4.	Permit Application for Substantive Changes to the Discharge	As necessary	
G5.	Engineering Report for Construction or Modification Activities	As necessary	
G7.	Notice of Permit Transfer	As necessary	
G10.	Duty to Provide Information	As necessary	
G21.	Compliance Schedules	As necessary	

## Special Conditions

### S1. Discharge Limitations

All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

The discharge of any of the following pollutants more frequently than, or at a level in excess of that identified and authorized by this permit violates the terms and conditions of this permit.

#### S1.A. Process Wastewater discharges

The Permittee must NOT discharge the following wastewaters to waters of the state, including groundwater:

- Hydroblast or pressure wash wastewater.
- Bilge water, hydraulic fluid, synthetic, natural or processed oil, or oil-containing products, and solvents.
- Ballast water.
- Gray water (including discharges from any ship's galley or shower while at dockside).
- Ship sanitary wastes.
- Solvents.
- Wastewater, including all ship repair and parts repair, from a maintenance shop including but not limited to the steel process area.
- Wastewater including stormwater from any industrial activity and ship repair areas on the drydock, piers or upland areas.

The Permittee must notify owners of vessels under repair dockside in writing that federal and state regulations prohibit the discharge of sewage and gray water into the waterways. If a vessel must discharge untreated sanitary wastes it must discharge to either the sanitary sewer or into holding tanks that are periodically emptied into a sanitary sewer system. The Permittee will make available at all times a list of contractors providing disposal services and any other alternatives available for complying with these regulations, such as holding tanks and pump-out facilities.

#### S1.B. Drydock floodwater discharges, Drydocks #2 (Outfall 002), and #9 (Outfall 001)

Beginning on the effective date of this permit, the Permittee is authorized to discharge drydock floodwater (outfalls 001 and 002) to Lake Union at the permitted location subject to complying with the following discharge prohibitions and limits:

- Discharges of stormwater from the drydocks to surface water are prohibited during times that work is in progress on the drydock.

- The drydocks must be cleaned by manual or mechanical sweeping and vacuuming, followed by low-pressure washing to remove fine grit and debris. All wastewater including but not limited to process wastewater, contaminated stormwater and rinse water must be collected. The collection sumps must be emptied and cleaned prior to flooding. BMPs listed under S.11 must be checked and observations logged before flooding.
- If any of the benchmark values are exceeded, the Permittee must proceed with the corrective actions as identified in S4 of this permit. The Permittee is also required to report benchmark exceedances to Ecology upon receipt of sampling results, see S3.H.

**Table S1.B .1: Drydock Floodwater Effluent Limits (Outfalls 001 and 002)**

Parameter	Maximum Daily <sup>a</sup>
Visible oily sheen	No visible sheen <sup>b</sup>
Oil and Grease	5 mg/L
Turbidity	5 NTU above background turbidity <sup>c</sup>
<b>Footnotes to S1.B.1:</b>	
<sup>a</sup> Maximum daily effluent limit is the highest allowable daily discharge. Samples must be collected within 30' of the drydock during flooding.	
<sup>b</sup> No visible sheen is allowed in the drydock flood water.	
<sup>c</sup> If background turbidity is greater than 50 NTU, the turbidity of the drydock floodwater shall not exceed a 10% increase over background turbidity.	

**Table S1.B.2: Drydock Floodwater Benchmark Values (Outfalls 001 and 002)**

Parameter	Maximum Daily Benchmark <sup>a</sup>
Copper (total)	76 µg/L
Zinc (total)	48 µg/L
<b>Footnotes to S1.B.2:</b>	
<sup>a</sup> Maximum daily benchmark value is the highest allowable daily discharge. Exceedance of a benchmark is not a permit violation as long as the Permittee completes, on time, the required corrective actions listed in S4.	

The following summarizes when corrective actions are required for exceeding a benchmark value for any parameter.

**Table S1.B.3: Corrective Action Levels**

Exceedance	Corrective Action Level	Permit Condition
Exceed any benchmark value for any parameter for one sampling period (one quarter)	Level 1	See S4.A.
Exceed any benchmark value for any parameter for two consecutive sampling periods (two quarters)	Level 2	See S4.B.
Meet all benchmark values for all parameters for two consecutive sampling periods (two quarters)	Retain corrective actions taken to address benchmark exceedance. Sampling for rinse water and source water can be discontinued.	See S4.B.

**S1.C. Wastewater hauled off-site for disposal**

For off-site disposal, wastewater must be hauled by a licensed hauler to a permitted disposal facility. The Permittee must record the volume and retain receipts for each disposal event for a minimum of three (3) years. The records must be made available for Ecology's inspectors.

**S2. Monitoring requirements**

**S2.A. Monitoring schedule**

The Permittee must monitor the wastewater according to the following schedule. The Permittee must use the specified analytical methods unless the method used produces measureable results in the sample and EPA has listed it as an EPA-approved method [in 40 Code of Federal Regulations \(CFR\) Part 136](#). If the Permittee uses an alternative method, not specified in the permit and as allowed above, it must report test method, Detection Level (DL), and Quantitation Level (QL) on the Discharge Monitoring Report (DMR) or in the required report. If the Permittee is unable to obtain the required DL and QL in its effluent due to matrix effects, the Permittee must submit a matrix specified detection limit [Method Detection Level (MDL)] and a QL to the Department of Ecology (Ecology) with approved laboratory documentation.



**Table S2.A.1: Monitoring Requirements for Drydock Floodwater (Outfall 001 and 002)**

Parameter	Units	Laboratory Method	Quantitation Level (QL) <sup>1</sup>	Minimum Sampling Frequency	Sample Type
Oil and Grease, visible sheen	Yes/No	N/A	N/A	Every launch	Visual
Oil and Grease	mg/L	1664 A or B	5 mg/L	Quarterly <sup>2</sup>	Grab <sup>3, 4</sup>
Turbidity	NTU	Field meter	N/A	Quarterly <sup>2</sup>	Grab
Background Turbidity <sup>5</sup>	NTU	Field meter	N/A	Quarterly <sup>2</sup>	Grab
Copper (total)	µg/L	EPA 200.8	2.0	Quarterly <sup>2</sup>	Grab
Zinc (total)	µg/L	EPA 200.8	2.5	Quarterly <sup>2</sup>	Grab
<b>Footnotes to S2.A.1:</b>					
<sup>1</sup> Quantitation Level (QL) – also known as Minimum Level of Quantitation (ML) – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specified sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to (1, 2, or 5) x 10 <sup>n</sup> , where n is an integer. (64 FR 30417). Also Given As: The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).					
<sup>2</sup> Quarterly sampling periods are January through March, April through June, July through September, and October through December.					
<sup>3</sup> Grab means an individual sample collected over a fifteen (15) minute, or less, period.					
<sup>4</sup> Grab samples must be collected from the inboard apron area of the drydock after the initial submergence following hull repair activities and when there is at least three feet, and less than six feet, of water over the floor apron. Samples will be considered invalid if taken after the 6-foot water level is reached. If no undocking occurs in a given quarter, this must be clearly stated on the Discharge Monitoring Report.					
<sup>5</sup> Background turbidity samples must be taken from the apron, or further away from the apron of the drydock within one hour prior to flooding the drydock, or at another time and location agreed to by Ecology. Turbidity meter must be calibrated prior to each use.					

If benchmark(s) are exceeded for two consecutive quarters, triggering Level 2 Corrective Action, the following monitoring is required for both final Drydock rinse water and Source (hose/nozzle) water:

**Table S2.A.2: Level 2 Corrective Action Required Monitoring for Drydock Rinsewater**  
**Drydock 9 Source Water (Monitoring Point 001) and Rinse Water (Monitoring Point 002)<sup>a</sup>**  
**Drydock 2 Source Water (Monitoring Point 003) and Rinse Water (Monitoring Point 004)<sup>a</sup>**

Parameter	Units	Laboratory Method	Quantitation Level (QL) <sup>b</sup>	Minimum Sampling Frequency	Sample Type
Copper (total)	µg/L	EPA 200.8	2.0	Quarterly <sup>c</sup> (before launching)	Grab
Zinc (total)	µg/L	EPA 200.8	2.5	Quarterly <sup>c</sup> (before launching)	Grab
<b>Footnotes to S2.A.2:</b>					
<sup>a</sup> Drydock rinse water and source water monitoring are only required if the Permittee must complete a Level 2 corrective action as outlined in S.4. The Permittee must monitor the final rinse water in the dry dock sump and the source water (from hose nozzle) on the same day prior to launching a vessel. After sampling, the final rinse water must be pumped out, or otherwise removed, from the dry dock sump prior to flooding. This permit does not authorize discharge of rinse water to surface waters.					
<sup>b</sup> Quantitation Level (QL) – also known as Minimum Level of Quantitation (ML) – The lowest level at which the entire analytical system must give a recognizable signal and acceptable calibration point for the analyte. It is equivalent to the concentration of the lowest calibration standard, assuming that the lab has used all method-specified sample weights, volumes, and cleanup procedures. The QL is calculated by multiplying the MDL by 3.18 and rounding the result to the number nearest to (1, 2, or 5) x 10 <sup>n</sup> , where n is an integer. (64 FR 30417). Also Given As: The smallest detectable concentration of analyte greater than the Detection Limit (DL) where the accuracy (precision & bias) achieves the objectives of the intended purpose. (Report of the Federal Advisory Committee on Detection and Quantitation Approaches and Uses in Clean Water Act Programs Submitted to the US Environmental Protection Agency December 2007).					
<sup>c</sup> Quarterly sampling periods are January through March, April through June, July through September, and October through December.					

**Table S2.A.3: Reporting Requirement for Process Water and Contaminated Stormwater Hauling Off Site for Disposal (Monitoring Point 5)**

Parameter	Units	Minimum Reporting Frequency	Sample Type
Volume of process water and contaminated stormwater <sup>1</sup>	Gallons	Quarterly <sup>2</sup>	Total volume disposed of and billed for entire quarter

<b>Footnotes to S2.A.3:</b>
<sup>1</sup> This wastewater is prohibited to be discharged to waters of the state.
<sup>2</sup> Quarterly sampling periods are January through March, April through June, July through September, and October through December.

## **S2.B. Sampling and analytical procedures**

Samples and measurements taken to meet the requirements of this permit must represent the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets, and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the monitoring requirements specified in this permit must conform to the latest revision of the [Guidelines Establishing Test Procedures for the Analysis of Pollutants](#) contained in [40 CFR Part 136](#) (or as applicable in [40 CFR subchapter N](#) [Parts 400–471] or [40 CFR subchapter O](#) [Parts 501–503]) unless otherwise specified in this permit. Ecology may only specify alternative methods for parameters without limits and for those parameters without an EPA approved test method in [40 CFR Part 136](#).

## **S2.C. Laboratory accreditation**

The Permittee must ensure that all monitoring data required by Ecology for permit specified parameters is prepared by a laboratory registered or accredited under the provisions of [chapter 173-50 WAC, Accreditation of Environmental Laboratories](#). Visible oil sheen, flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

## **S3. Reporting and recording requirements**

The Permittee must monitor and report in accordance with the following conditions. Falsification of information submitted to Ecology is a violation of the terms and conditions of this permit.

### **S3.A. Reporting**

The first monitoring period begins on the effective date of the permit. The Permittee must:

1. Summarize, report, and submit monitoring data obtained during each monitoring period on the electronic discharge monitoring report (WebDMR) form provided by Ecology within the Water Quality Permitting Portal. Include data for each of the parameters tabulated in Special Condition S2 and as required by the form. Report a value for each day sampling occurred (unless specifically exempted in the permit) and for the summary values (when applicable) included on the electronic form.

To find out more information and to sign up for the [Water Quality Permitting Portal](#) go to: <http://ecyapwg/wqwebportal/>

2. Ensure that DMRs are electronically submitted no later than the dates specified below, unless otherwise specified in this permit.
3. Submit DMRs for parameters with the monitoring frequencies specified in S2 (monthly, quarterly, annual, etc.) at the reporting schedule identified below. The Permittee must:
  - a. Submit quarterly DMRs, unless otherwise specified in the permit, by the 28<sup>th</sup> day of the month following the monitoring period. Quarterly sampling periods are January through March, April through June, July through September, and October through December. The Permittee must submit the first quarterly DMR by January 28, 2023 for the first quarter beginning on October through December.
4. Enter the “No Discharge” reporting code for an entire DMR, for a specific monitoring point, or for a specific parameter as appropriate, if the Permittee did not discharge wastewater or a specific pollutant during a given monitoring period.
5. Report single analytical values below detection as “less than the detection level (DL)” by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. If the method used did not meet the minimum DL and quantitation level (QL) identified in the permit, report the actual QL and DL in the comments or in the location provided.
6. Report single analytical values between the detection level (DL) and the quantitation level (QL) by entering the estimated value, the code for estimated value/below quantitation limit (J) and any additional information in the comments. Submit a copy of the laboratory report as an attachment using WQWebDMR.
7. Report the test method used for analysis in the comments if the laboratory used an alternative method not specified in the permit and as allowed in S2.
8. Calculate average values and calculated total values (unless otherwise specified in the permit) using:
  - a. The reported numeric value for all parameters measured between the detection value and the quantitation value for the sample analysis.
  - b. One-half the detection value (for values reported below detection) if the lab detected the parameter in another sample from the same monitoring point for the reporting period.
  - c. Zero (for values reported below detection) if the lab did not detect the parameter in another sample for the reporting period.

**S3.B. Maintaining a Copy of this Permit**

The Permittee must keep a copy of this permit at the facility and make it available upon request to Ecology inspectors.

### **S3.C. Permit submittals and schedules**

The Permittee must use the Water Quality Permitting Portal – Permit Submittals application (unless otherwise specified in the permit) to submit all other written permit-required reports by the date specified in the permit.

When another permit condition requires submittal of a paper (hard-copy) report, the Permittee must ensure that it is postmarked or received by Ecology no later than the dates specified by this permit. Send these paper reports to Ecology at:

Water Quality Permit Coordinator  
Department of Ecology  
Northwest Regional Office  
PO Box 330316  
Shoreline, WA 98133-9716

### **S3.D. Records retention**

The Permittee must retain records of all monitoring information for a minimum of three (3) years. Such information must include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. The Permittee must extend this period of retention during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by Ecology.

### **S3.E. Recording of results**

For each measurement or sample taken, the Permittee must record the following information:

1. The date, exact place, method, and time of sampling or measurement.
2. The individual who performed the sampling or measurement.
3. The dates the analyses were performed.
4. The analytical techniques or methods used.
5. The results of all analyses.

### **S3.F. Additional monitoring by the Permittee**

If the Permittee monitors any pollutant more frequently than required by Special Condition S2 of this permit, then the Permittee must include the results of such monitoring in the calculation and reporting of the data submitted in the Permittee's DMR unless otherwise specified by Special Condition S2.

### **S3.G. Corrective Action annual report**

The Permittee must submit a complete and accurate annual report to Ecology by **December 28<sup>th</sup> of each year**. The report must be submitted using Ecology's Water Quality Permitting Portal – Permit Submittals application.

The annual report must include corrective action documentation as required in S4. If the Permittee did not exceed any of the benchmark values in the previous year, then the Permittee must only submit a certification statement stating no exceedances occurred.

For each benchmark exceedance which occurred in the previous year, the Permittee must include the following information in the annual report:

1. Identify the condition triggering the need for corrective action review (i.e. what benchmark was exceeded).
2. Describe the problem(s) that caused the exceedance and identify the dates they were discovered.
3. Summarize any Level 1 or 2 corrective actions, as outlined in S4.A and S4.B as applicable, completion status during the previous calendar year and the dates for completing corrective actions.
4. Describe the status of any Level 1 or 2 corrective actions triggered which have not yet been completed and the expected date(s) of completion.

Permittee must retain a copy of all annual reports on site for Ecology review.

### **S3.H. Reporting permit violations**

The Permittee must take the following actions when it violates or is unable to comply with any permit condition:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.
2. If applicable, immediately repeat sampling and analysis. Submit the results of any repeat sampling to Ecology within thirty (30) days of sampling.

#### **a. Twenty-four-hour reporting**

The Permittee must report the following occurrences of noncompliance by telephone, to Ecology at (206) 594-0000, within 24 hours from the time the Permittee becomes aware of any of the following circumstances:

- 1.) Any noncompliance that may endanger health or the environment.
- 2.) Any unanticipated bypass that causes an exceedance of any effluent limit in the permit (See Part S4.B., "Bypass Procedures").
- 3.) Any upset that causes an exceedance of an effluent limit in the permit (See G.15, "Upset").
- 4.) Any violation of a maximum daily or instantaneous maximum discharge limit for any of the pollutants in Section S1.A of this permit.

- 5.) Any overflow prior to the treatment works, whether or not such overflow endangers health or the environment or exceeds any effluent limit in the permit. This requirement does not include industrial process wastewater overflows to impermeable surfaces which are collected and routed to the treatment works.

**b. Report within five days**

The Permittee must also submit a written report within five days of the time that the Permittee becomes aware of any reportable event under subpart a, above. The report must contain:

- 1.) A description of the noncompliance and its cause.
- 2.) The period of noncompliance, including exact dates and times, if known.
- 3.) The estimated time the Permittee expects the noncompliance to continue if not yet corrected.
- 4.) Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- 5.) If the noncompliance involves an overflow prior to the treatment works, an estimate of the quantity (in gallons) of untreated overflow.

**c. Waiver of written reports**

Ecology may waive the written report required in S3.H.b, above, on a case-by-case basis upon request if the Permittee has submitted a timely oral report.

**d. All other permit violation reporting**

The Permittee must report all permit violations, which do not require within 24 hours reporting, when it submits monitoring reports for S3.A ("Reporting"). The reports must contain the information listed in S3.F.b, above. Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

**S3.I. Other reporting**

**1. Spills of oil or hazardous materials**

The Permittee must report a spill of oil or hazardous materials in accordance with the requirements of [RCW 90.56.280](#) and [chapter 173-303-145 WAC](#). You can obtain further instructions on [How to Report a Spill](#) at:

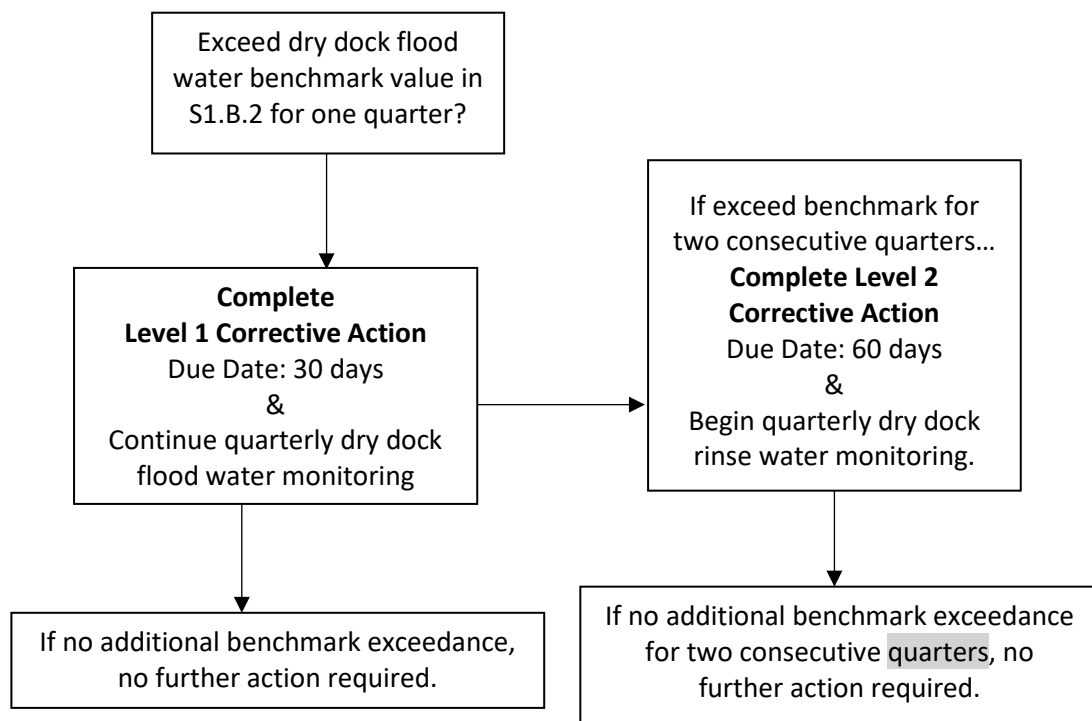
<https://ecology.wa.gov/About-us/Get-involved/Report-an-environmental-issue/Report-a-spill>

## 2. Failure to submit relevant or correct facts

When the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to Ecology, it must submit such facts or information promptly.

### S4. Response to Drydock Floodwater Benchmark Exceedance (Corrective Actions)

The following responses are required when any floodwater monitoring result exceeds a benchmark value in a sampling period. The following flow chart is intended to guide Permittees on determining which corrective response is required.



#### S4.A. Level 1 response

If the Permittee exceeds any applicable floodwater benchmark value for any parameter in S1.B.2, the Permittee must complete a Level 1 corrective action.

Within 30 days of receipt of sampling results that indicate a benchmark exceedance for any parameter, the Permittee must complete the following:

1. Submit a report outlining the work conducted on the drydock when the benchmark exceedance occurred as well as an evaluation of best management practices.
2. Revise the drydock work plan to add new procedures and practices for work conducted on the drydocks and clean up.



#### **S4.B. Level 2 response**

If the permittee exceeds any dry dock floodwater benchmark value for any parameter in S1.B.2 for two consecutive quarters, then the Permittee must complete a Level 2 corrective action.

Within 60 days of receipt of sampling results for second consecutive benchmark exceedance, the Permittee must:

1. Implement quarterly drydock rinse water and source water monitoring. The Permittee must evaluate the dry dock rinse water monitoring results with the source water monitoring results to evaluate the effectiveness of the BMPs and, therefore, cleanliness of the dry dock prior to flooding. The rinse water and source water monitoring results must be reported on the DMR.
2. Revise and resubmit the drydock work plan including:
  - a. Information on implementing additional *Operational and Structural BMPs* necessary to meet benchmark values, including description of how the new BMPs will help in preventing discharge of pollutants to surface waters.
  - b. If implementation or installation of new BMPs is not feasible within 60 days, the Permittee must provide a timeline for implementation to not exceed one year. To request an extension, the Permittee must include documentation of why implementation is not feasible within 60 days.

An *Operational BMP* means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the pollution of surface waters. Operational BMP does not include construction of pollution control devices.

A *Structural BMP* means physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering surface waters.

After two consecutive quarters of meeting benchmarks, rinse water and source water sampling and reporting is no longer required unless additional benchmark exceedances trigger corrective actions again.

#### **S5. Solid wastes**

##### **S5.A. Solid waste handling**

The Permittee must handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

##### **S5.B. Leachate**

The Permittee must not allow leachate from its solid waste material to enter state waters without providing all known, available, and reasonable methods of treatment, nor allow such leachate to cause violations of the [State Surface Water Quality Standards, Chapter 173-201A WAC](#), or the [State Ground Water Quality Standards](#),

[Chapter 173-200 WAC](#). The Permittee must apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

## **S6. Application for permit renewal or modification for facility changes**

The Permittee must submit an application for renewal of this permit by **March 28, 2027**. The Permittee must submit a paper copy and an electronic copy (preferably as a PDF).

The Permittee must also submit a new application or supplement at least 180 days prior to commencement of discharges, resulting from the activities listed below, which may result in permit violations. These activities include any facility expansions, production increases, or other planned changes, such as process modifications, in the permitted facility.

## **S7. Spill control plan**

### **S7.A. Spill Control Plan update submittals and requirements**

The Permittee must:

1. Submit to Ecology an update to the existing spill control plan by **March 28, 2023**.
2. Review the spill control plan at least annually and update it as needed.
3. Submit changes to the plan to Ecology as needed.
4. Follow the plan and any supplements throughout the term of the permit.

### **S7.B. Spill control plan components**

The spill control plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, designate as dangerous waste (DW) or extremely hazardous waste (EHW) by the procedures set forth in WAC 173-303-070. Include other materials used and/or stored on-site which may become pollutants or cause pollution upon reaching state's waters.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.
3. A description of the reporting system the Permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

The Permittee may submit plans and manuals required by [40 CFR Part 112](#), contingency plans required by [Chapter 173-303 WAC](#), or other plans required by other agencies, which meet the intent of this section. Approval of the Spill Control Plan with respect to this requirement does not constitute approval of the plans and manuals with respect to the underlying requirement.

- [Ecology's Regulation-Permits webpage](https://ecology.wa.gov/Regulations-Permits/Plans-policies/Spills-prevention-plans-for-facilities)  
<https://ecology.wa.gov/Regulations-Permits/Plans-policies/Spills-prevention-plans-for-facilities>
- [EPA Oil Spill Prevention & Preparedness Regulations](https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations)  
<https://www.epa.gov/oil-spills-prevention-and-preparedness-regulations>
- [WSDOT SPCC](https://wsdot.wa.gov/environment/technical/disciplines/hazardous-materials/spill-prevent-report)  
<https://wsdot.wa.gov/environment/technical/disciplines/hazardous-materials/spill-prevent-report>

## **S8. Inspections**

### **S8.A. Inspection frequency and personnel**

1. The Permittee must conduct and document visual inspections of the site each week.
2. The Permittee must ensure that inspections are conducted by *qualified personnel*.

### **S8.B. Inspection components**

Each inspection must include:

1. Observations for the presence of floating materials, visible oil sheen, discoloration, *turbidity*, odor, etc. in the *stormwater* discharge(s).
2. Observations for the presence of *illicit discharges* such as *domestic wastewater*, *noncontact cooling water*, or *process wastewater* (including *leachate*).
  - a. If an *illicit discharge* is discovered, the Permittee must notify *Ecology* within seven days.
  - b. The Permittee must eliminate the *illicit discharge* within 30 days.
3. A verification that the descriptions of potential *pollutant* sources identified under this permit are accurate.
4. A verification that the site map in the SWPPP reflects current conditions.
5. An assessment of all BMPs that have been implemented, noting all of the following:
  - a. Effectiveness of BMPs inspected.
  - b. Locations of BMPs that need maintenance.
  - c. Reason maintenance is needed and a schedule for maintenance.
  - d. Locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

### **S8.C. Inspection results**

The Permittee must record the results of each inspection in an inspection report/logbook or checklist and keep the records on-site for *Ecology* review. The Permittee must ensure

each inspection report documents the observations, verifications and assessments required in S7.B and includes:

- a. Time and date of the inspection.
- b. Locations inspected.
- c. Statements that, in the judgment of 1) the person conducting the site inspection, and 2) the person described in Condition G1., the site is either in compliance or out of compliance with the terms and conditions of the SWPPP and this permit.
- d. A summary report and a schedule of implementation of the remedial actions that the Permittee plans to take if the site inspection indicates that the site is out of compliance. The remedial actions taken must meet the requirements of the SWPPP and the permit.
- e. Name, title, and signature of the person conducting site inspection; and the following statement: "I certify that this report is true, accurate, and complete, to the best of my knowledge and belief."
- f. Certification and signature of the person described in Condition G1.A, or a duly authorized representative of the *facility*, in accordance with Condition G.1.B.

#### **S8.D. Reports of non-compliance**

The Permittee must notify Ecology of non-compliance identified during an inspection.

### **S9. Stormwater pollution prevention plan**

The Permittee must submit to Ecology an update to the existing stormwater pollution prevention plan (SWPPP) specifically developed for this Shipyard by **March 28, 2023**. The SWPPP must be consistent with permit requirements, fully implemented as directed by permit conditions, and updated as necessary to maintain compliance with permit conditions. The stormwater pollution prevention plan (SWPPP) must contain best management practices (BMP) consistent with Special Section S11.

The Permittee must implement elements of the SWPPP concurrent with permit effective date.

#### **S9.A. General requirements**

The Permittee must retain the SWPPP on-site or within reasonable access to the site and make it immediately available, upon request, to Ecology.

##### **1. Enhanced/additional best management practices (BMPs)**

The Permittee must provide a schedule in the SWPPP for implementation of any additional or enhanced BMPs that are necessary because of a facility change, a self-inspection, or a notice from Ecology. Unless otherwise authorized by Ecology in writing, a schedule for implementation (plan) must be completed and entered into the SWPPP within thirty (30) days of a notice/determination of necessary improvements, or in accordance with an approved compliance schedule. BMPs identified in the plan must be implemented with due diligence. Unless otherwise authorized by Ecology in writing, noncapital BMPs must be completed within two (2) weeks after completing the plan and capital BMPs within six (6) months.

The Permittee must modify the SWPPP whenever there is a change in design, construction, operation, or maintenance of any BMP which cause(s) the SWPPP to be less effective in controlling the pollutants.

This permit requires the Permittee to conduct visual monitoring, and this monitoring may identify BMPs that are inadequate or pollutant sources that are not identified or poorly described in the SWPPP. When visual monitoring identifies inadequacies in the SWPPP, due to the actual discharge of or potential to discharge a significant amount of any pollutant, the SWPPP must be modified and BMPs adjusted to correct the deficiency.

#### **S9.B. SWPPP contents and requirements**

The SWPPP must contain a detailed assessment of the facility and a detailed description of the BMPs being implemented.

##### **1. Facility assessment**

The facility assessment must include a description of the facility, a detailed site map, an inventory of facility activities, and equipment that contribute to or have the potential to contribute pollutants to stormwater, and an inventory of materials that contribute to or have the potential to contribute pollutants to stormwater. The assessment must be as complete as possible and must be updated to reflect changes at the facility. The SWPPP must address each potential source of pollutants with best management practices that will eliminate or reduce the potential to contaminate stormwater.

- a. **Facility description:** The facility description will describe the industrial activities conducted at the site; the general layout of the facility, including buildings and storage of raw materials; and the flow of goods and materials through the facility. It should include seasonal variations, including peaks in production and any changes in work based on season or weather (for example, moving work outdoors on dry days).
- b. **Site map:** The site map must be drawn to an identified scale or include relative distances between significant structures and drainage systems. It must provide identifiers (names) of significant features and be of sufficient size and detail to identify the following: The site map will show the stormwater drainage and discharge structures, an outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water), paved areas and buildings, areas of pollutant contact (actual or potential), surface water locations (including wetlands and drainage ditches), areas of existing and potential soil erosion and vehicle service areas; lands and waters adjacent to the site must also be depicted where helpful in identifying discharge points or drainage routes.
- c. **Industrial activities:** The inventory of industrial activities will identify all areas associated with industrial activities which have been or may potentially be sources of significant amounts of pollutants, including the following:
  - i) Loading and unloading of dry bulk materials or liquids.

- ii) Outdoor storage of materials or products.
- iii) Outdoor manufacturing and processing.
- iv) Dust or particulate generating processes.
- v) Roofs or other surfaces exposed to air emissions from a manufacturing building or a process area.
- vi) On-site waste treatment, storage, or disposal.
- vii) Vehicle and equipment fueling, maintenance, and/or cleaning (includes washing).
- viii) **Material list:** The inventory of materials will list all the types of materials handled at the site that potentially may be exposed to precipitation or runoff. The inventory will include a short narrative for each material describing the potential of the pollutant to be present in stormwater discharges. The Permittee will update this narrative when data become available to verify the presence or absence of these pollutants. The inventory will include a narrative description of any potential sources of pollutants from past activities; significant materials that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater; the method and location of on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants.

## 2. **Monitoring plan**

The SWPPP will include a monitoring plan. The plan must identify all the points of discharge to surface water or to a storm drain system. The plan must identify who is responsible for monitoring and how monitoring will be conducted to comply with permit conditions. The monitoring plan will address stormwater sampling requirements and visual inspections. The plan must include the following:

- a. Identification of points of discharge.
- b. A check list for visual monitoring.
- c. Who conducts stormwater sampling.
- d. Procedures for sample collection and handling.
- e. Procedures for sending samples to the lab.

## 3. **BMPs**

The SWPPP will include a description of the BMPs that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. BMPs must be included to comply with the following requirements:

- a. **Operational Source Control BMPs:** Operational BMPs are common to all facilities. The categories listed below and those listed in S8 of the permit are a minimum set of BMPs that must be included in the SWPPP.
  - i) Pollution prevention team: The SWPPP will include a BMP that identifies specific individuals by name or by title within the facility who are responsible for developing the

SWPPP and assisting the facility manager in its implementation, maintenance, and modification. The activities and responsibilities of the team should address all aspects of the facility's SWPPP.

- ii) Good housekeeping: The SWPPP will include a BMP(s) that defines ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. The SWPPP will include the schedule/frequency for completing each housekeeping task.
  - iii) Preventive maintenance: The SWPPP will include a BMP(s) to inspect and maintain the stormwater drainage and treatment systems (if any), and plant equipment and systems that could fail and result in contamination of stormwater. The SWPPP will include the schedule/frequency for completing each maintenance task.
  - iv) Employee training: The SWPPP will include a BMP(s) to provide SWPPP training for employees who have duties in areas of industrial activity subject to this permit. At a minimum, training must include an overview of what is in the SWPPP and how employees make a difference in complying with the SWPPP and preventing contamination of stormwater. The training must address spill response procedures, good housekeeping, and material management practices. The BMP(s) must provide the content of the training, how training will be conducted, and the frequency/schedule for assuring employees will receive training. Annual training is the minimum acceptable frequency. A log of the dates on which specific employees receive training must be kept and included in the SWPPP.
  - v) Inspections and record keeping: The SWPPP will identify personnel responsible for inspection of BMPs (i.e., structural and non-structural) and other equipment and plant areas of Part II of this permit. The Permittee also provide a tracking or follow-up procedure to ensure that appropriate action has been taken in response to monitoring. There must be documentation of visual, and other monitoring reporting and record keeping procedures and schedules as required by the permit.
- b. **Structural Source Control BMPs**: Structural source control BMPs must be provided to eliminate or minimize the exposure of stormwater to pollutants. This includes installation of an absorbent pad or storm filter for each catch basin on-site, especially the main employee parking lot where there is a high likely hood of motor oil might be leaked from vehicles. Volume IV of Ecology's *Stormwater Management Manual for Western Washington* provides useful information for source control BMPs in S401 - BMPs for the Building, Repair, and Maintenance of Boats and Ships. Those BMPs listed as "applicable" are considered the minimum set of required BMPs for compliance with this permit. BMPs listed in S9 Shipyard Best Management Practices are also required. Equivalent BMPs may be selected which result in equal or better quality of stormwater discharge.
- c. **Treatment BMPs**: Treatment BMPs are required when operational and source control BMPs are not adequate to reduce pollutants below a significant amount and maintain compliance with water quality standards. At a minimum, the SWPPP must include a narrative that

describes how the Permittee determined if treatment BMPs are or are not required. When treatment BMPs are required, refer to Ecology's *Stormwater Management Manual for Western Washington*, Volume V, or equivalent manual, for guidance on selecting treatment BMPs.

- d. **Other BMPs:** Nothing in Special Condition S9 of this permit is intended to preclude the application of innovative treatment, source control, reduction or recycle, or operational BMPs beyond those identified in Ecology's *Stormwater Management Manual for Western Washington*. Additional BMPs beyond those identified in Ecology's *Stormwater Management Manual for Western Washington* may be necessary to achieve compliance with standards. However, treatment BMPs that include addition of chemicals to provide treatment must be approved by Ecology before implementation.

## **S10. Drydock Work Plan**

The Permittee must prepare and submit a general work plan for vessel repair and maintenance projects that require flooding the drydock surface by **March 28, 2023**. As part of the work plan, the Permittee must review the facility work practices and ensure that they fully comply with Permit Condition S11 Shipyard Best Management Practices.

The work plan must include the following:

1. Description of the work conducted.
2. Primary onsite contact information.
3. Typical duration of the project and daily work shifts.
4. List of all the pollutants of concern.
5. List of all the industrial processes that have potential to generate pollutants, including, but not limited to, dust, paint chips, overspray, oil spills, etc.
6. Solid waste handling and disposal procedures.
7. Description of all the structural and non-structural BMPs and special features on the dry dock that prevent discharge of pollutants to surface water. This must include an evaluation of the permit required BMPs, listed in S11, and a description of how the Permittee complies with each.
8. Monitoring locations and sampling methods that will be used to demonstrate that dry dock surface is pollutant free by monitoring the final dry dock rinse water.

## **S11. Shipyard best management practices**

The Permittee must implement the following best management practices (BMPs).

### **S11.A. Control of large solid materials**

Prior to flooding a drydock, the Permittee must remove floatable and low density waste, such as wood, plastic, and miscellaneous trash, such as paper, insulation, and packaging, from the drydock floors.



**S11.B. Control and cleanup of over spraying paint dust and abrasive blasting debris**

The Permittee must:

1. Confine dust and overspray to the shipyard repair and construction areas to the maximum extent feasible during abrasive blasting and spray painting of vessels and modules. Feasible methods of control include conducting the work in a sandblast/spray paint shed or installing plastic barriers around the vessel.
2. Secure, seal, and arrange the plastic barriers hung from the vessel or temporary structures around the vessel to prevent the fugitive emissions of abrasive grit and dust, as well as effectively capture overspray from spray painting activities.
3. Weight or fasten the bottom edge of tarpaulins and plastic sheeting so they remain in place during windy conditions.
4. Permittee must use a vacuum sander or rotary tool meeting minimum performance standards for all antifouling paint removal. The Permittee may petition Ecology for use of an alternative to this requirement for vacuum sanders. The process for approval of alternatives is:
  - The Permittee must request consideration of an alternative by a letter/email to Ecology with a conceptual proposal and justification that the proposal will be equivalent to vacuum sanding/grinding. Ecology will respond with an approval to proceed or a denial.
  - After Ecology approves the conceptual proposal, the Permittee must submit details of the proposal including size, construction materials, equipment specifications, site plan with location, operational procedures, and any evidence that the proposal will be equivalent to vacuum sanding/grinding. Ecology may require a site visit by an Ecology inspector prior to a decision on the proposed alternative. Ecology will then again respond with approval or denial for the proposal.
5. Consider other feasible innovative procedures, as appropriate, to improve the effectiveness of controlling dust emissions and paint overspray. Such innovative methods may include wet abrasive blasting (slurry blasting), product substitution for blasting media, for example, sodium bicarbonate, or overall waste minimization and recycling, for example, the use of vacuum return sandblasting heads or steel shot blast technology.
6. **Do not** use abrasive blast or spray paint while vessels are docked pier-side, such that material is discharged to the receiving water.
7. Clean up spent paint, paint chips, protective coating materials, and abrasive grit as part of the repair or production activities, to the extent maximally feasible, to prevent their entry into state waters.
8. Set vessels on the drydock ways in such a way as to maximize accessibility to the floor of the drydock beneath the vessel for collection of spent abrasive.
9. Use mechanical sweeper along with manual methods and any other innovative methods to clean the drydock of spent sandblast grit and debris prior to launching a vessel.

10. Take photographs and maintain them in a logbook to demonstrate the condition of the drydock floor prior to launching every vessel. Documentation accompanying the photographs must include the name of the vessel, the drydock number, the launch date, the date of the photograph, and the name of the photographer. The Permittee may use a videotape that documents the same information in place of a photograph collection. Document in a logbook the visual observations (yes/no) during each launch of any change in turbidity or observable oil sheen due to the launch.
11. Must clean the previously inaccessible area of the drydock floor after a vessel has been removed from the drydock and the dock has been deflooded for repositioning of the keel and bilge blocks. The requirement to clean the previously inaccessible area can be waived either in emergency situations or when another vessel is ready to be introduced into the drydock within 15 hours.
12. Clean the yard on a regular basis to minimize the possibility that stormwater runoff will carry sandblasting grit or other debris into the receiving water.
13. Collect and store spent abrasive grit and debris under cover in a designated area until it is transported off-site for disposal.
14. Adopt innovations and procedures to improve the effectiveness of cleanup operations where they are feasible, appropriate and the Permittee can demonstrate they prevent the discharge of solids to water.

**S11.C. In-water vessel maintenance - surface preparation BMPs**

The Permittee must not clean any portion of a vessel's hull below the waterline or employ conventional abrasive blasting while the vessel is afloat.

**S11.D. In-water vessel maintenance – hull cleaning activities**

1. The Permittee may conduct the following types of surface preparation activities on a floating vessel's hull above the waterline at a permitted shipyard facility provided that containment and collection BMP measures effectively prevent dust, dirt, debris, or any other pollutants generated from these surface preparation operations from being deposited on or entering into waters of the state:
  - a. Hand preparation, such as scraping or wire brushing.
  - b. Conventional mechanical grinding or use of other powered mechanical abrading tools.
2. Ecology may allow the Permittee to conduct innovative abrasive blasting systems or ultrahigh water pressure systems for surface preparation on a vessel's hull while it is in the water if the Permittee demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

**S11.E. In-water vessel maintenance - paint and coating application BMPs**

1. The Permittee must not spray-paint or apply spray-coating applications to a vessel's hull while that vessel is in the water. The Permittee may conduct the following methods of paint and

coating applications to a vessel's hull while in the water at an NPDES-permitted shipyard, if all containment, collection, and spill prevention BMPs are in place before it makes any applications.

- a. Application by roller.
  - b. Application by brush.
2. Ecology may allow the Permittee to conduct innovative spray-paint or spray-coating application methods on a vessel's hull while it is in the water if it demonstrates beforehand to Ecology's satisfaction that such methods do not release generated pollutants into waters of the state.

**S11.F. BMPs for floats used for in-water vessel maintenance**

Floats are free-floating, unattached work platforms capable of moving back and forth along the length of the ship and around its hull. The Permittee must:

1. Maintain floats at a minimum of one foot of freeboard during all phases of maintenance operations.
2. Maintain this minimum one foot freeboard requirement with all scaffolding configurations and number of persons onboard the float.
3. Take all necessary precautions while onboard the float to prevent paints, cleaning materials, petroleum products, all other liquids and unsecured materials from entering into the water from the float.
4. Provide secondary containment for any container greater than one-gallon holding paint, marine coating, or any other liquid product for painting or surface preparation when used onboard a float.
5. Provide all roller pans used on a float with secondary spill containment equal to the entire volume of the container plus 10 percent of the volume of that same container.
6. BMPs for vessel draft adjustments for in-water vessel maintenance and repairs. The Permittee must:
  - a). Maintain a boom around a vessel when performing ballasting operations in order to conduct repairs on stern tubes, bow thrusters or repair work and maintenance that may require raising or adjusting the vessel stern draft.
  - b). Take all necessary precautions, including face to face communication with the vessel's senior officers, to ensure that the vessel's stern tube lube oil system is isolated by securing the appropriate machinery and valving to prevent pressure extremes that may exacerbate the stern tube seal design tolerances leading to seal failure and thereby oil loss to water.

**S11.G. Documentation requirements for in-water vessel maintenance BMPs**

The Permittee must comply with documentation requirements for any in-water surface preparation operations of one hour or more in duration, and any in-water coating or painting operation involving 1/2 gallon or more of paint or marine coating.

Documentation requirements consist of, one or more representative photographs of all in-water vessel maintenance BMPs which the Permittee implements for surface preparation operations and all painting and coating operations. The Permittee must date all such photographs and maintain them in a logbook, with all necessary descriptive narrative of the in-water vessel maintenance BMPs. The Permittee must make these records available to an Ecology inspector upon request and must retain them on-site for at least three (3) years.

**S11.H. Oil, grease, paint, and fuel spills prevention and containment**

1. The Permittee must not discharge oil, other hazardous material, or paint to state waters, except as specifically authorized by this permit. The Permittee must:
  - a. Prevent oil, grease, fuel, or paint spills from reaching drainage systems or surface waters.
  - b. Promptly clean up after an oil, grease, fuel, or paint spill is detected
  - c. Conveniently store oil containment booms and absorbents so they can be immediately deployed in the event of a spill.
  - d. Train all yard personnel that may participate in cleanup of spills in the use and deployment of cleanup equipment.
2. In the event of an accidental discharge of oil or hazardous material into waters of the state or onto land with a potential for entry into state waters, the Permittee must immediately notify Washington Emergency Management Division at 1-800-OILS-911 and the United States Coast Guard. The Permittee must not use emulsifiers or dispersants in or upon the waters of the state without prior approval from Ecology. The Permittee must:
  - a. Immediately commence and complete cleanup efforts, which take precedence over normal work.
  - b. Stop the source of the spill, contain the liquid, cover the spill with oil absorbent pads, or absorbent material, and deploy oil containment booms if there is a possibility the spill may reach the water.
  - c. Properly dispose of spilled material and used cleanup material.
  - d. Follow an approved spill control plan or according to specific instructions of an on-scene coordinator to cleanup oil or hazardous material.
  - e. Use drip pans or other protective devices for all oil transfer operations to catch incidental spills and drips from hose nozzles, hose racks, drums, or barrels.
  - f. Provide oils and fuel storage tanks with secondary containment.

**S11.I. Paint and solvent use and containment**

The Permittee must:

1. Only mix paints and solvents in locations and under conditions which prevent spills from entering state waters.
2. Use drip pans or other protective devices for all paint mixing and solvent transfer operations, unless it conducts the mixing operation in covered and controlled areas, away from storm drains, surface waters, shorelines, and piers.
3. Use drip pans, drop cloths, or tarpaulins wherever it mixes paints and solvents on wood or grated docks.
4. Not mix paints and solvents on floats.
5. Treat paint and solvent spills as oil spills and prevent the spill from reaching storm drains and subsequent discharge into the water.

**S11.J. Contact between water and debris**

The Permittee must:

1. Minimize contact of shipboard cooling and noncontact cooling water with spent abrasives, paint chips, and other debris by proper segregation and control of wastewater streams.
2. Incorporate appropriate methods to prevent accumulation of debris in drainage systems and promptly remove debris to prevent its discharge with stormwater.

**S11.K. Maintenance of hoses, soil chutes, and piping**

The Permittee must:

1. Immediately replace or repair leaking connections, valves, pipes, hoses, and soil chutes carrying either water, or wastewater or petroleum/chemical products.
2. Tightly connect soil chute and hose connections to vessels and to receiving lines or containers and maintain them as leak free as practicable.

**S11.L. Chemical storage**

The Permittee must store solid chemicals, chemical solutions, paints, oils, solvents, acids, caustic solutions, and waste materials, including used batteries, in a manner which will prevent the entry of these materials into waters of the state, including ground water. Storage methods must prevent spills due to overfilling, tipping, or rupture. In addition, the Permittee must use the following practices:

1. Store all liquid products on durable impervious surfaces and within bermed containment capable of containing 110% of the largest single container in the storage area.
2. Store waste liquids under cover; tarpaulins, roofed structures, etc.
3. Do not store chemical or waste liquids on piers and dry docks.
4. Clearly designate all waste storage areas for waste oil or hazardous waste, and keep these areas segregated from new product storage.

5. Segregate and secure incompatible or reactive materials stored in separate containment areas to prevent inadvertent mixing and reaction of spilled chemicals.
6. Transport off-site for disposal concentrated waste or spilled chemicals to a facility approved by Ecology or the appropriate county health authority in accordance with the solid waste disposal requirements of Special Condition S5.

**S11.M. Recycling of spilled chemicals and rinse water**

The Permittee must:

Recycle any intercepted chemical spill back to the appropriate chemical solution tank or clean it up and dispose of it properly.

**S11.N. Hotwork Management**

All activities at the permitted site must have the appropriate permits for those uses. The Permittee must obtain appropriate local or other applicable jurisdictional permits including those necessary for any hot work conducted at the site and comply with applicable health and safety requirements.

1. Ensure that a qualified marine professional oversees all hot work.
2. Collect, store, and properly dispose of all spent metal cutting, and welding materials. Do not dispose of materials such as welding and cutting rods and fluids to waters of the state.

**S11.O. Pier and pier side Controls**

It is the Permittee's responsibility to prevent, contain, and cleanup spills from any pier side vessel docked, or being worked on. Equipment or material temporarily stored on pier or pier side while work is in progress in the vessel must be stored on secondary containment to prevent hydraulic fluid or material from getting into surface water. A spill kit includes drop clothes, absorbents, rubber mats, tape, tarps, brooms or vacuums must be accessible and located nearby the pier.

**S11.P. Additional Housekeeping BMPs**

Clean regularly all accessible work, service, storage and access areas to remove debris, spent sandblasting material, dust, garbage and any other potential stormwater pollutants. This must be disposed of properly and immediately; at no time should this material be kept in exposed piles. Sweep rather than hose debris on the dock. If hosing is unavoidable, the hose water must be collected and conveyed to treatment.

**S11.Q. Notification of vessel owner of prohibited discharges**

The Permittee must notify the owners of vessels in the drydocks, railway, or under repair at dockside, that federal and state regulations prohibit the discharge of sewage and gray water into waters of the state. If vessels must discharge untreated sanitary wastes, they must discharge either to the sanitary sewer or into holding tanks that the Permittee periodically empties into the sanitary sewer system.

**S11.R. Education of employees, contractors, and customers**

The facility must ensure that its employees, contractors, or customers who conduct repair work at the shipyard are familiar with the requirements in this permit.

To facilitate the consistent and effective implementation of the BMPs described above, the Permittee must develop a program for training its employees, and all contractors who work at the facility, on BMPs, and the environmental concerns related to this permit. This training program must be developed thoroughly and be available to the inspectors for review during the inspection.

There are a variety of ways to accomplish this and the Permittees should determine the method that works best for the company. For example, some companies find that regular safety meetings are a convenient time to discuss BMP implementation successes or problems in order to obtain employee input on better ways of accomplishing pollution prevention. The Permittee may consider providing similar information to its customers.

The Permittee must document compliance with all applicable safety standards including applicable requirements of WAC 296-304 and 29 CFR 1915.

**S11.S. Backup sump pump**

The Permittee must ensure that there are sufficient backup sump pumps available on-site to maintain operation of each sump in case of sump pump failure.

**S12. Reporting for zebra mussel control**

The Permittee must quarantine a boat/vessel identified as a carrier of zebra mussels and notify the appropriate Washington State Fish and Wildlife Regional Office within 24 hours. The boat/vessel must not be released, re-launched, pressure washed, or have its bilge pumped until it has been cleared by the U.S. Fish and Wildlife Service (1-877-786-7267) or the Washington State Department of Fish and Wildlife (1-888-933-9247).

## General Conditions

### G1. Signatory requirements

1. All applications, reports, or information submitted to Ecology must be signed and certified.
  - a. In the case of corporations, by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means:
    - A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
    - The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
    - In the case of a partnership, by a general partner.
    - In the case of sole proprietorship, by the proprietor.
    - In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

Applications for permits for domestic wastewater facilities that are either owned or operated by, or under contract to, a public entity must be submitted by the public entity.
2. All reports required by this permit and other information requested by Ecology must be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described above and submitted to Ecology.
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)
3. Changes to authorization. If an authorization under paragraph G1.2, above, is no longer accurate because a different individual or position has responsibility for the overall operation of



the facility, a new authorization satisfying the requirements of paragraph G1.2, above, must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

4. Certification. Any person signing a document under this section must make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

## **G2. Right of inspection and entry**

The Permittee must allow an authorized representative of Ecology, upon the presentation of credentials and such other documents as may be required by law:

1. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit.
2. To have access to and copy, at reasonable times and at reasonable cost, any records required to be kept under the terms and conditions of this permit.
3. To inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, methods, or operations regulated or required under this permit.
4. To sample or monitor, at reasonable times, any substances or parameters at any location for purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act.

## **G3. Permit actions**

This permit may be modified, revoked and reissued, or terminated either at the request of any interested person (including the permittee) or upon Ecology's initiative. However, the permit may only be modified, revoked and reissued, or terminated for the reasons specified in 40 CFR 122.62, 122.64 or WAC 173-220-150 according to the procedures of 40 CFR 124.5.

1. The following are causes for terminating this permit during its term, or for denying a permit renewal application:
  - a. Violation of any permit term or condition.
  - b. Obtaining a permit by misrepresentation or failure to disclose all relevant facts.

- c. A material change in quantity or type of waste disposal.
  - d. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations and can only be regulated to acceptable levels by permit modification or termination.
  - e. A change in any condition that requires either a temporary or permanent reduction, or elimination of any discharge or sludge use or disposal practice controlled by the permit.
  - f. Nonpayment of fees assessed pursuant to RCW 90.48.465.
  - g. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090.
2. The following are causes for modification but not revocation and reissuance except when the Permittee requests or agrees:
- a. A material change in the condition of the waters of the state.
  - b. New information not available at the time of permit issuance that would have justified the application of different permit conditions.
  - c. Material and substantial alterations or additions to the permitted facility or activities which occurred after this permit issuance.
  - d. Promulgation of new or amended standards or regulations having a direct bearing upon permit conditions, or requiring permit revision.
  - e. The Permittee has requested a modification based on other rationale meeting the criteria of 40 CFR Part 122.62.
  - f. Ecology has determined that good cause exists for modification of a compliance schedule, and the modification will not violate statutory deadlines.
  - g. Incorporation of an approved local pretreatment program into a municipality's permit.
3. The following are causes for modification or alternatively revocation and reissuance:
- a. When cause exists for termination for reasons listed in 1.a through 1.g of this section, and Ecology determines that modification or revocation and reissuance is appropriate.
  - b. When Ecology has received notification of a proposed transfer of the permit. A permit may also be modified to reflect a transfer after the effective date of an automatic transfer (General Condition G7) but will not be revoked and reissued after the effective date of the transfer except upon the request of the new Permittee.

#### **G4. Reporting planned changes**

The Permittee must, as soon as possible, but no later than one hundred eighty (180) days prior to the proposed changes, give notice to Ecology of planned physical alterations or additions to the permitted facility, production increases, or process modification which will result in:

1. The permitted facility being determined to be a new source pursuant to 40 CFR 122.29(b).
2. A significant change in the nature or an increase in quantity of pollutants discharged.
3. A significant change in the Permittee's sludge use or disposal practices. Following such notice, and the submittal of a new application or supplement to the existing application, along with required engineering plans and reports, this permit may be modified, or revoked and reissued pursuant to 40 CFR 122.62(a) to specify and limit any pollutants not previously limited. Until such modification is effective, any new or increased discharge in excess of permit limits or not specifically authorized by this permit constitutes a violation.

#### **G5. Plan review required**

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications must be submitted to Ecology for approval in accordance with chapter 173-240 WAC. Engineering reports, plans, and specifications must be submitted at least one hundred eighty (180) days prior to the planned start of construction unless a shorter time is approved by Ecology. Facilities must be constructed and operated in accordance with the approved plans.

#### **G6. Compliance with other laws and statutes**

Nothing in this permit excuses the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

#### **G7. Transfer of this permit**

In the event of any change in control or ownership of facilities from which the authorized discharge emanate, the Permittee must notify the succeeding owner or controller of the existence of this permit by letter, a copy of which must be forwarded to Ecology.

##### **1. Transfers by Modification**

Except as provided in paragraph (2) below, this permit may be transferred by the Permittee to a new owner or operator only if this permit has been modified or revoked and reissued under 40 CFR 122.62(b)(2), or a minor modification made under 40 CFR 122.63(d), to identify the new Permittee and incorporate such other requirements as may be necessary under the Clean Water Act.

##### **2. Automatic Transfers**

This permit may be automatically transferred to a new Permittee if:

- a. The Permittee notifies Ecology at least thirty (30) days in advance of the proposed transfer date.

- b. The notice includes a written agreement between the existing and new Permittees containing a specific date transfer of permit responsibility, coverage, and liability between them.
- c. Ecology does not notify the existing Permittee and the proposed new Permittee of its intent to modify or revoke and reissue this permit. A modification under this subparagraph may also be minor modification under 40 CFR 122.63. If this notice is not received, the transfer is effective on the date specified in the written agreement.

#### **G8. Reduced production for compliance**

The Permittee, in order to maintain compliance with its permit, must control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### **G9. Removed substances**

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters must not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

#### **G10. Duty to provide information**

The Permittee must submit to Ecology, within a reasonable time, all information which Ecology may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The Permittee must also submit to Ecology upon request, copies of records required to be kept by this permit.

#### **G11. Other requirements of 40 CFR**

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

#### **G12. Additional monitoring**

Ecology may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

#### **G13. Payment of fees**

The Permittee must submit payment of fees associated with this permit as assessed by Ecology.

#### **G14. Penalties for violating permit conditions**

Any person who is found guilty of willfully violating the terms and conditions of this permit is deemed guilty of a crime, and upon conviction thereof must be punished by a fine of up to ten thousand dollars (\$10,000) and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit may incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars (\$10,000) for every such violation. Each and every such violation is a separate and distinct offense, and in case of a continuing violation, every day's continuance is deemed to be a separate and distinct violation.

#### **G15. Upset**

Definition – “Upset” means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the requirements of the following paragraph are met.

A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and that the Permittee can identify the cause(s) of the upset.
2. The permitted facility was being properly operated at the time of the upset.
3. The Permittee submitted notice of the upset as required in Special Condition S3.E.
4. The Permittee complied with any remedial measures required under S3.E of this permit.

In any enforcement action the Permittee seeking to establish the occurrence of an upset has the burden of proof.

#### **G16. Property rights**

This permit does not convey any property rights of any sort, or any exclusive privilege.

#### **G17. Duty to comply**

The Permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit

termination, revocation and reissuance, or modification; or denial of a permit renewal application.

### **G18. Toxic pollutants**

The Permittee must comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

### **G19. Penalties for tampering**

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than two (2) years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this condition, punishment must a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four (4) years, or by both.

### **G20. Reporting requirements applicable to existing manufacturing, commercial, mining, and silvicultural dischargers**

The Permittee belonging to the categories of existing manufacturing, commercial, mining, or silviculture must notify Ecology as soon as they know or have reason to believe:

1. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
  - a. One hundred micrograms per liter (100 µg/L).
  - b. Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile; five hundred micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter (1 mg/L) for antimony.
  - c. Five (5) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
  - d. The level established by the Director in accordance with 40 CFR 122.44(f).
2. That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following "notification levels:"
  - a. Five hundred micrograms per liter (500 µg/L).
  - b. One milligram per liter (1 mg/L) for antimony.

- c. Ten (10) times the maximum concentration value reported for that pollutant in the permit application in accordance with 40 CFR 122.21(g)(7).
- d. The level established by the Director in accordance with 40 CFR 122.44(f).

## **G21. Compliance schedules**

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than fourteen (14) days following each schedule date.