

**ADDENDUM TO FACT SHEET
For National Pollutant Discharge Elimination System
Discharge Permit No. WA0501491
Guemes Channel Holdings, LLC**

Public Notice of Modification Date: April 9, 2024

1. General Information

Permittee: Guemes Channel Holdings, LLC
2629 NW 54th St.
Seattle WA, 98117

Site Location: 3022 Oakes Avenue
Anacortes, WA98221

This is an addendum to the fact sheet to explain changes proposed for NPDES Permit No. WA0501491, issued on November 5, 2019. The Department of Ecology (Ecology) is modifying the permit to remove the submission requirements for the Collect bids for Construction, Construction Complete, Operation and Maintenance Manual, and Stormwater Pollution Prevention Plan.

Note: New text in the modified permit is marked with **grey highlight**.

~~Deleted text in the modified permit is marked with a strikethrough.~~

2. Modification to the Permit

Page 4, the requirement to submit the Collect bids for Construction was removed.

Page 4, the requirement to submit the Construction Complete was removed.

Page 4, the requirement to submit the Operation and Maintenance Manual was removed.

Page 4, the requirement to submit the Stormwater Pollution Prevention Plan was removed.

Page 13, the required submittal for S4.A. Operations and maintenance (O&M) manual was removed.

Page 17, the required submittals in S8. Compliance schedule detailed below has been removed. These reports include the Collect bids for Construction, Construction Complete, and Operation and Maintenance Manual.

Page 19-23, the requirement to submit a Stormwater pollution prevention plan in S10 was removed.

3. Justification

Ownership of the facility was transferred from Lovric's Sea-Craft Inc to Guemes Channel Holdings LLC (Guemes) on March 30, 2023. Ecology modified the permit on March 30, 2023 to reflect transfer of ownership.

Guemes submitted a letter on December 21, 2023 to request permit modification for required submittals as part of the compliance calendar for its NPDES permit. Justification for the permit modification is given below.

Guemes entered into negotiation with Ecology's Toxics Cleanup Program regarding an Agreed Order for remediation of the site in 2023. The Agreed Order is in the draft phase as of February 1, 2024 but provisions of the Agreed Order is expected to be executed between the Toxics Cleanup Program and Guemes in the first quarter of 2024.

Guemes has engaged a team of professionals to assist in developing a plan for modernizing the shipyard facility that incorporates best practices for protection of the environment. Key elements to the long-term modernization plan for the facility include the following.

- Removal of non-operational junk equipment and vehicles, derelict vessels, solid waste debris piles, and containers of excess liquid waste products.
- Dredging of inner harbor area to deepen basin and remove contaminated sediment.
- Replacement of deteriorated creosote pier structures with modernized piers.
- Replacement of deteriorated bulkheads, including redesign of bulkheads surrounding the railways to create a stormwater containment structure utilizing drop in gates.
- Installation of new and upgraded utility infrastructure, including upgraded power, installation of stormwater treatment system, and installation of a sanitary sewer system.
- Replacement of deteriorated warehouse with modern fabrication and office building.
- Paving the majority of the site, which is primarily gravel and dirt.
- Development of plans for a stormwater containment structure for the marine railways.

Guemes assumed ownership of the site in March 2023 and worked with state and local regulatory agencies to remediate sources of pollution on the site. Remedial activities, planned renovations, and changing industrial activities will change the discharge characteristic of the site. As such, the required submissions for the Collect bids for Construction, Construction Complete, Operation and Maintenance Manual, and the Stormwater Pollution Prevention Plan are removed from this permit cycle but will be addressed in the upcoming permit renewal with Guemes' current NPDES permit set to expire on December 31, 2024.

The compliance schedule required submittals of the Stormwater Characterization Study, Engineering Report / AKART Analysis, and Plans and Specifications that were due before Guemes' ownership of the site. These components of the compliance schedule

are a violation of the facilities' NPDES permit. Due to the justifications given above, no further compliance actions will be taken with regards to their submittal.

4. Public Process

The proposed changes made in this modification are considered to constitute a major modification under 40 CFR 122.63 and WAC 173-220-190 and are required to be published for a 30-day public review and comment period.

5. Public Involvement Information

Appendix A describes the public involvement process.

6. Permit Appeal Process

Appendix B describes the permit appeal process.

7. Response to Comments

Appendix C describes Ecology's response to comments received.

The primary author of this permit modification and fact sheet is Vu Tran.

Appendix A -- Public Involvement Information

The proposed changes to this permit constitute a major modification under 40 CFR 122.62. Notice of the draft permit modification will be published to allow a 30 day public review and comment period. This modification will be published in the Skagit Valley Herald on April 9, 2024 to fulfil the above requirements. The issuance of the final modification is contingent upon the outcome of the public review and comment period.

The notice:

Tells where copies of the draft Permit and Fact Sheet are available for public evaluation (the closest Regional or Field Office and posted on Ecology's website).

Offers to provide the documents in an alternate format to accommodate special needs.

Urges people to submit their comments, in writing, before the end of the Comment Period

Tells how to request a public hearing of comments about the proposed NPDES permit.

Explains the next step(s) in the permitting process.

Ecology has published a document entitled [Frequently Asked Questions about Effective Public Commenting](https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html) which is available on our website at <https://fortress.wa.gov/ecy/publications/SummaryPages/0307023.html>

You may obtain further information from Ecology by telephone, (206) 594-0000, or by writing to the address listed below.

Water Quality Permit Coordinator

Department of Ecology

Northwest Regional Office
PO Box 330316
Shoreline, WA 98133-9716

Appendix B – Your Right to Appeal

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

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

File your appeal and a copy of this permit with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.

Serve a copy of your appeal and this permit on Ecology on the Department of Ecology mail, in person, or by email (see addresses below).

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

Filing with the PCHB

For the most current information regarding filing with the PCHB: visit <https://eluho.wa.gov/>¹ or call 360-664-9160.

Service on Ecology

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

¹ <https://eluho.wa.gov/>

Appendix C – Response to Comments