

**GENERAL PERMIT FOR DISCHARGES FROM MARINAS  
INCLUDING BOAT YARDS AND YACHT BASINS**

State Discharge Permit No. 16-MA  
NPDES Permit No. MDG99

**FINAL FACT SHEET**

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### 1. REGULATORY OVERVIEW

The Clean Water Act (CWA) provides the basic framework for water quality management in U.S. The objective of the CWA is to 'restore and maintain the chemical, physical, and biological integrity of the Nation's waters.' A number of elements of the CWA provide the basic framework for water quality management, including the National Pollution Discharge Elimination System (NPDES), which regulates 'point sources' of pollution. The scope of the NPDES program is extremely broad. The basic intent is to regulate all pollutants from all facilities into virtually all waters of the U.S. The section 301 prohibits the discharge of pollutants into U.S. waters, except in compliance with the requirements of a discharge permit.

The NPDES permits are issued by U.S. Environmental Protection Agency (EPA), unless issuing authority is sought by a state and approved by EPA. Presently, Maryland has been delegated NPDES authority. Through administrative actions, legislation, and litigation, the CWA has developed a system of water pollutant regulations for direct discharges tied to the type of pollutants and type of discharger. Each industry category or subcategory is subject to different effluent limitations and management practices, based on the technology to be applied to control the pollutants from each industry's processes and other factors.

The technology-based effluent limitations function as nationwide minimum or base-level treatment standards. More stringent water quality standards can be imposed where necessary to protect or maintain water quality in specific bodies of water. States have primary authority for setting water quality standards under Section 303. States designate each body of water by best possible use (for example, for drinking water, fishing, or recreation). Standards are then set for various pollutants base on the 'criteria' developed by EPA pursuant to Section 304(a) of the CWA. 40 CFR 131.3 defines 'Section 304(a) criteria' based on the latest scientific information on the relationship that the effect of a constituent concentration has on particular aquatic species and/or human health. Section 304(l) requires states to submit to EPA, once every three years, a list of waters that are not expected to meet water quality standards and develop strategy to reduce the discharge of toxic pollutants to those waters.

The CWA provides the Maryland Department of the Environment (Department) with a legal authority to issue approvals of general permits for certain discharges from marinas, which are considered industrial discharges (Environmental Article, Title 9, Subtitle 3; and COMAR 26.08.01 through 26.08.04). The general wastewater permits increase efficiency of the Department's permitting process through issuance of generic permits to categories of business activities which are generally very similar in their wastewater characteristics.

This permit replaces the existing general permit for discharges from marinas including boat yards and yacht basins General Permit State Number 10-MA (NPDES MDG99) which expired on February 28, 2016. The 10-MA has been administratively extended until a new permit is issued. Currently, there are 190 facilities in Maryland registered under the 10-MA permit

### 2. PERMIT SUMMARY

The Department is reissuing the permit as the 16-MA (NPDES MDG99) with a number of changes. Probably the most significant change for the 16-MA permit is the format modification to resemble EPA's Multi-Sector General Permit (MSGP) and the state issued version of the 12-SW. Modeling the 16-MA permit on the MSGP

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and 12-SW allows the Department to reference and utilize much of EPA's published guidance. This section below outlines the significant updates and includes reasoning for each specific inclusion.

1. Clarifying language was added to provide a better definition as to what is covered and what is prohibited under the permit. This includes language in PERMIT APPLICABILITY (Part I), Facilities Covered (Part I.B), Eligible Discharges section divided into eligible non-stormwater and stormwater discharges (Part I.C), Limitation of Coverage to encompass all ineligible discharges (Part I.D) and Prohibited Stormwater Discharges (Part I.E).
2. No Exposure Certification Section was updated and contains requirements for professional certification (Part I.F).
3. AUTHORIZATION UNDER THIS PERMIT is reformatted to be consistent with other recently issued general permits (Part II).
4. EFFLUENT LIMITATIONS AND OTHER CONTROL MEASURE REQUIREMENTS is a new title and is a reformat of the effluent discharge limits from the old permit. The sections omits the Implementation Schedules previously included in the old permit, since those limits are now effective. (Part III). The permit introduces new narrative chlorine limits for washing of docks at marinas with a chlorine concentration below 0.1 mg/l. The permit application (NOI) requires more detailed information reflective of in-stream conditions. The Stormwater Pollution Prevention Plan (SWPPP) should be provided in electronic format.
5. CORRECTIVE ACTIONS is a new Part. It incorporates selected stormwater control measures from the old permit 10-MA permit (Part IV).
6. INSPECTION MONITORING AND REPORTING is in a new format as well, and incorporates the new electronic reporting rule requiring use of the NetDMR reporting system (Part V).
7. STANDARD PERMIT CONDITIONS have also been reformatted to be consistent with other issued permits. (Part VI).
8. NOTICE OF INTENT (maintained as separate document).
9. NOTIC OF TERMINATION (maintained a separate document).
10. Definitions have been moved to the Appendix, as Appendix A – Definitions; and an updated Appendix B – Quarterly Visual Monitoring Form (QVM) is included to reflect new permit conditions (Par VIII).

### 3. CONDITIONS FOR DISCHARGE

#### 3.1 Applicability and Eligibility

This permit covers the entire state of Maryland. All operators who conduct activities described by Standard Industrial Classification 4493 (Marinas) and conduct boat maintenance activities must have their stormwater and wastewater discharges authorized by this general permit. Marinas are establishments which primarily rent boat slips, store boats, and generally perform a range of other marine services including boat cleaning, and incidental boat repair. Boat maintenance activities include boat rehabilitation, mechanical repairs, painting, fueling, lubrication and equipment cleaning. The retail sale of fuel alone at marinas, without any other boat maintenance or equipment cleaning operation, does not require coverage under this permit.

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### 3.2 Permit Application (Part II.A)

To obtain coverage under this general permit, a marina (operator) submits a Notice of Intent, or NOI (similar to a permit application) to the Department. The NOI was updated and expanded, and it is maintained as a separate form containing a complete set of instructions on how to fill out the form. For an operator choosing coverage under the new 16-MA General Permit, they must certify they meet the requisite eligibility requirements described in Part I of the permit, including the requirements to select, design, and install control measures to comply with water quality and narrative effluent limits in Part III of the permit; and to develop a Stormwater Pollution Prevention Plan (SWPPP) as described in pursuant to Part III.C. Operators must provide the following types of information on the NOI form: name, address, email address, and telephone number; the facility location, including address and latitude and longitude; any preexisting NPDES permit number; the receiving water body(s) for each outfall/discharge; and information for your SWPPP primary contact. The Department asks clarifying questions about the receiving water including whether the water is impaired, the name of the impaired water, the pollutants for which the water is impaired. For new or increased dischargers, the Department may further verify if the receiving water is considered a Tier 2 waterbody. The NOI also clarifies the types of process water discharges that are covered, as well as how much they will pay based on their operations.

### 3.3 Non-Stormwater Discharges

The types of authorized discharges pursuant to Part I.C of the permit include wastewater discharges from washing of boats and engines, discharges of uncontaminated non-contact cooling water from machinery, and collected and brought to land uncontaminated bilge water. The 16-MA permit introduces coverage for water from non-pressurized rinsing of boats without additives or cleaning agents, uncontaminated groundwater or spring water, irrigation drainage, landscape watering, pavement and dock wash water, water from routine external building wash down, and water from foundation footing drainage.

### 3.4 Stormwater Discharges

The permit covers all industrial stormwater discharges associated with marina maintenance activities either to surface or groundwater. All stormwater discharges are subject to the Best Management Practices (EFFLUENT LIMITATIONS AND OTHER CONTROL MEASURE REQUIREMENTS) which must be included in the SWPPP. Prohibited stormwater discharges that contribute to violation of water quality standards are not authorized by this permit.

The permit does not include the Chesapeake Bay Restoration requirements, which were required by other stormwater permits such as the 12-SW. In comparison, permittees covered under the Department's General Stormwater Permit (12 SW) must quantify the total impervious surface areas and implement design measures that would restore 20% of the untreated impervious surface area at the permitted facility. The reason these are not included in the 16-MA has to do with the size of the facilities and the nature of the regulated activity. Most of the 190 marinas are less than 5 acres, therefore, any required restoration would only be applicable to a small percentage of sites covered under this permit. The regulated area for pressure washing has also been reduced over the past 5 years to less than 2% of the facilities. Remaining activities such as boat storage and boat painting are typically seasonal and occur on either small selected impervious surfaces or over removable tarps that are not subject to restorations. And although engine repair or other boat maintenance occurs under roof, these facilities are again a small portion of the operation and any restoration considered negligible as compared to effects of restoration with the 12-SW or the MS-4s. Due to these unique characteristics of

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marinas, restoration was not selected as an effective measure to address the Chesapeake Bay TMDL. Based on these reasons, the 16-MA is consistent with the Chesapeake Bay TMDL and the state's plans in the Watershed Implementation Plan.

### 3.5 Discharge Limitations

The 16-MA clarifies which discharges are not authorized (Part I.D).

### 3.6 No Exposure Certification (Part I.F)

This provision allows permittees who become eligible for an exemption for no exposure from permitting under 40 CFR 122.26(g) to certify their eligibility for exemption. For background, under the conditional no exposure exclusion, operators of industrial facilities have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to stormwater. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from NPDES industrial stormwater permit requirements provided that the operator notifies the permitting authority at least every five years consistent with 40 CFR 122.26(g) requirements. This section also notifies the permittee that their MS4 may require restoration of impervious surfaces at their facility.

This condition states that after submitting certification that there is no potential for the stormwater discharged from their facility to waters of the State to be exposed to pollutants and permittee is no longer authorized by, nor required to comply with, 16-MA stormwater requirements. To receive this exemption the permittee must submit 'No Exposure\_Certification' form found on MDE's website at <http://9nl.at/MD-MAGP>. This exemption is non-transferable, does not require a fee, and is valid for five years or until conditions change. The certification can be endorsed by either Professional Engineer, Certified Professional in Stormwater Quality, Registered Architect, or a Landscape Architect, that you meet requirements of no exposure. In lieu of the written certification described above, the permittee may submit verification from the Department of Natural Resources that the facility meets 'No Exposure Certification' requirement under the Clean Marina Program. The 'Clean Marina' status must be continuously maintained for the entire term of the No Exposure Certification. If the 'Clean Marina' status is revoked during this term, the permittee must notify the Department immediately, at which time the permittee will be required to have alternate certification or permit coverage.

### 3.7 Changes in Permit Coverage (Part II.F)

In the event permittee covered under this General Permit proposes to make significant changes in the nature or scope of operations of facilities described in a NOI previously approved, the permittee must notify the Department as soon as becoming aware of and before implementing such change. Based on its evaluation of the proposed changes the Department may require the submittal of a new NOI or that in individual permit be obtained. Reportable changes include, but are not limited to, changes to the collection or treatment systems, changes to the location of the discharge line/ point, and changes to the number of slips at the facility that would result in a changed permit fee.

### 3.8 Notice of Termination (Part II.F.2).

Part II.F.2 indicates when and how permittees should use the paper form to file Notices of Termination. The permittee's authorization to discharge under the permit terminates at midnight of the day that a complete Notice of Termination is processed and acknowledged by the Department.

### 3.9 Deadlines for Coverage (Part II.B)

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For permittees who are covered under the General Permit number 10-MA the permittee will be given 3 months after the effective date of the 16 MA permit to submit a new NOI, fee, and SWPPP to the Department in order to obtain coverage. Failure to do so will result in termination of coverage under General Permit 10 MA.

### 4. DISCHARGE LIMITATIONS AND CONTROLS

#### 4.1 Development of Effluent Limitations and Requirements

The CWA defines “effluent limitation” as any restriction established by a State or the Administrator on quantities, rates, and concentrations of constituents which are discharged from point sources into navigable waters (CWA §502(11)). In setting appropriate permit limits the Department must take into consideration applicable technology-based and water quality-based standards. Technology-based limitations ensure that treatment methods are operated in an efficient and effective manner. Water quality-based limitations take into account statutory criteria which protect receiving streams for various uses, as well as addressing restoration of waters which are already impaired.

The Department expects the technology-based effluent limitations and other terms and conditions of the permit will be sufficient to protect water quality. However, if at any time the permittee or the Department determines that discharges cause or contribute to an exceedance of applicable water quality standards, the permittee must take corrective actions to the satisfaction of the Department (Part IV of the permit). Furthermore, the Department may impose additional water quality-based monitoring, controls or limitations on a site-specific basis, or require the discharger to obtain coverage under an individual permit, if discharges are not adequately controlled to meet applicable water quality standards (Part III.B.2.a of the permit). One of the principal objectives of these criteria is to maintain the chemical, physical and biological integrity of Maryland’s waters.

EPA’s approach requiring water quality-based effluent limits (WQBELs) was followed to better ensure that discharges are controlled as necessary to meet water quality standards. This permit contains new, specific WQBEL requirements applicable to impaired waters and anti-degradation policies. The Department retains authority to assess each operator’s discharge to determine if more stringent requirements are necessary to achieve water quality standards, including the option of requiring an operator to obtain coverage under an individual permit. The following discussion of Discharges to Impaired Waters and anti-degradation is our breakdown of the permit’s new WQBEL requirements.

##### 4.1.1 Technology Based Effluent Limitations and Requirements

Technology standards are typically established on the performance that can be reasonably expected from treatment and control technologies. Effluent Limitation Guidelines (ELGs) are a type of technology-based standard that establish pollutant limits for wastewater discharges from specific industrial categories. ELGs exist for the interior cleaning of tank containers on trucks, rail cars, barges and ships under Source Category (40 CFR Part 442). The facilities covered under this permit don’t fit into that category. Therefore no ELGs apply.

Over several iterations of the General Permit, the Department developed additional limitations for controls for sediment, and oil & grease. The permit also includes narrative requirements which are now consistent with the MSGP to recognize that they are the Best Available Technology to address specific activities in the permit.

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### **4.1.2 Water Quality-Based Effluent Limitations**

Narrative requirements based on water quality are found in 16-MA Parts III.B.2 and III.B.3, and numerical limits are based on existing water quality criteria established in COMAR 26.08.02 and are implemented in Part III.A. Further discussion of how these parameters are limited in the permit is included later in this Fact Sheet. The Department also reserves the right to require additional actions including obtaining an individual permit if it is determined that discharges from a facility cause an exceedance of the water quality standards outlined in COMAR 26.08.02.03.

### **4.2 Boat Bottom Pressure Wash Water Limits**

During the end of season cleaning and storage, most vessels are hauled from water and pressure washed before being transported to their winter storage location. During the hull pressure washing, high pressure water is used to remove marine growth. Along with the marine growth, antifouling paint still adhering to the hull is also normally removed resulting in water contamination. The levels of antifoulant contaminations can vary significantly, depending on type of paint used, how well the paint adheres to the vessel, and how the washing is performed.

Due to toxicity of the contaminants in this wash water, the 10-MA permit included numeric limits for boat bottom wash water, including Total Suspended Solids (TSS), Oil & Grease, Copper, Zinc and Lead. The discharge limits for bottom boat washing had been gradually introduced throughout the years. Starting in 2011, marinas were required to capture all wash water generated from boat bottom washing and direct it to one or more location for basic treatment. Monitoring of metals started in September 1, 2012. In 2012 there were 37 facilities reporting metal values. At first the marinas were experimenting trying to meet the discharge limits for metals (see Figure 1 for Copper).

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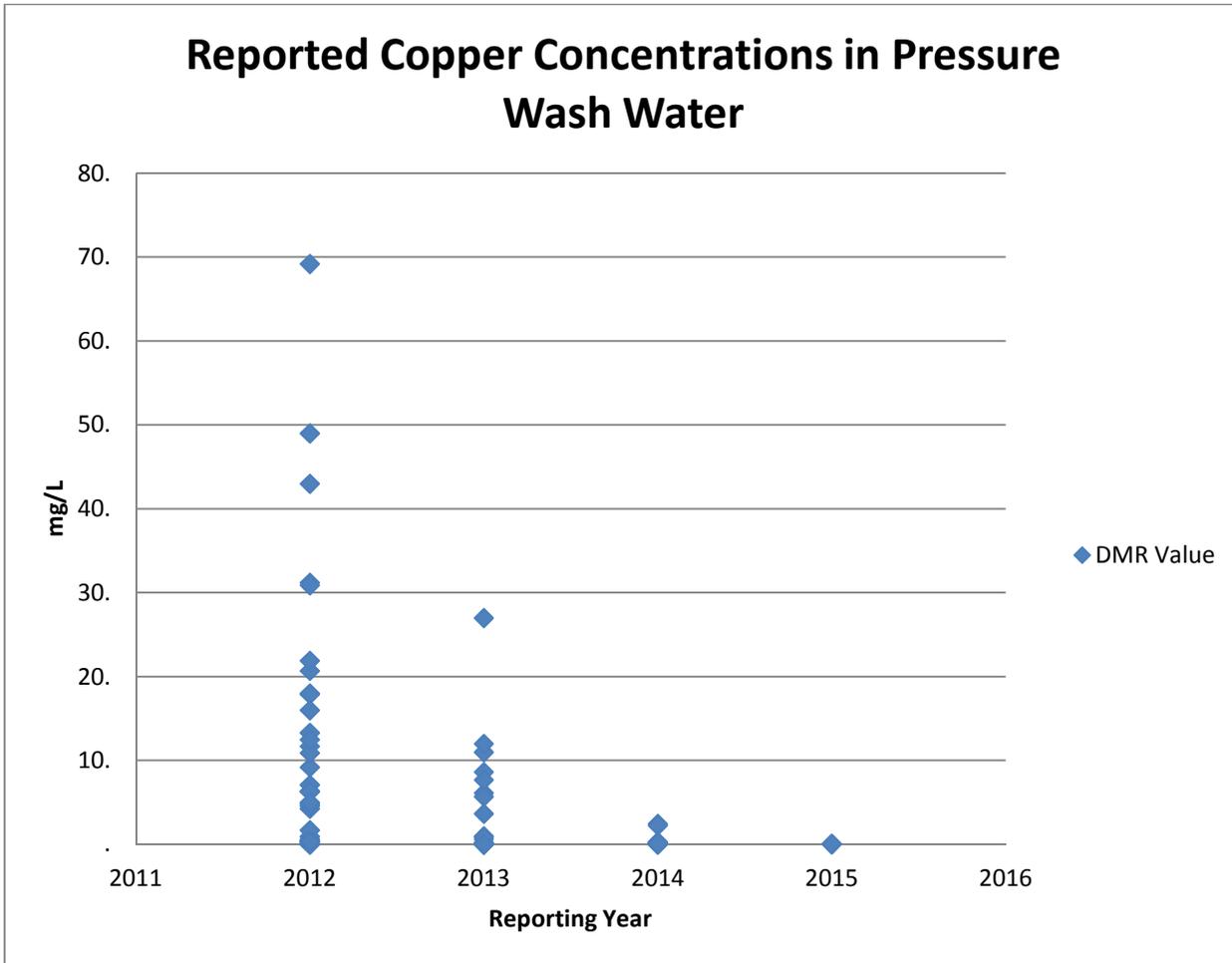


Figure 1.

Realizing that these criteria are difficult to meet, marinas discharging boat bottom wash water have gradually opted for alternative compliance like installing a closed loop recycle systems or connecting to a public utility. In 2013 there remained only 21 marinas reporting copper limits. Then the numeric limits for TSS and oil & grease took effect in March 1, 2013 and in 2014 there were only 14 marinas reporting discharges. Finally, metal limits became effective on February 28, 2015, and currently only 4 marinas are still reporting for metals.

As noted below, the numeric limits continue from the previous permit unchanged. However, a set of narrative criteria was added to complement the numeric limits. These criteria instruct the permittee to perform the boat bottom washing in a designated area, to properly dispose of all solids collected during pressure washing, and not to discharge wash water containing aquatic nuisance species.

**Flow:** The previous General Permit established flow monitoring carries forward. This permit requires the facility to estimate flow once per month which is consistent with flow monitoring requirements for similar facilities.

**TSS:** The limit continues from the previous permit and may not exceed an instantaneous level of 50 mg/l. The solids in the wash water come from the coloring pigments in the paint residue, as well as from marine growth.

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Marine growth may include but is not limited to various forms of bacteria, algae, and shellfish. Since there are no EPA limitation guidelines for oil & grease and suspended solids, technology based limits are based on best professional judgment for what may be accomplished with best available technology.

Copper: Copper is acutely toxic to wide variety of terrestrial and marine organisms particularly in the larva and planktonic forms by disrupting cellular metabolism. In the 10-MA permit the copper, lead and zinc were limited by water quality criteria with a fixed dilution factor of 10. The limit for copper continues with the 16-MA as established in the previous permit and may not exceed an instantaneous level of 0.06 mg/l.

Lead: Lead is a potent neurotoxin and due to its stability it also bioaccumulates and disrupt entire ecosystems. Lead is one potential contaminant used in the antifoulant paints. In 10-MA permit the copper, lead and zinc were limited by water quality criteria with a fixed dilution factor of 10. The 16-MA limit carries over from the previous permit, and may not exceed a maximum of 0.08 mg/l.

Zinc: Zinc oxide is primarily an anti-fungal and anti-bacterial compound in the paint. Its antifungal effect is probably disrupting cellular membrane transport. In 10-MA permit the copper, lead and zinc were limited by water quality criteria with a fixed dilution factor of 10. The 16-MA limit carries over from the previous permit with the maximum level of zinc concentration is 0.081 mg/l.

Oil & Grease: The oil & grease limit continues from the previous permit and is set at 15 mg/l max concentration. Various hydrocarbons found in fuels can pose a wide range of human health problems, from affecting liver, kidneys, and blood to increasing the risk of cancer. Since there are no EPA limitation guidelines for oil & grease and suspended solids, technology based limits are based on best professional judgment for what may be accomplished with best available technology.

### 4.3 Collected Bilge Water Limits

The bilge water limits for Oil & Grease continue from the previous permit and may not exceed average 10 mg/l or maximum level of 15 mg/l. Bilge water may not cause visible sheen in water, contain solvents, detergents or emulsifiers, and may not contain any exotic and harmful species.

### 4.4 Dock Washing Limits

The permit introduces new BMP based compliance options to comply with chlorine limits for washing of docks at marinas addressing water quality concerns in the area of discharge. Per COMAR 26.08.03.06, the discharge shall not contain chlorine or chlorine-containing compounds except in non-detectable levels. The non-detectable levels shall be less than 0.1 mg/L. The chlorine used as a disinfectant in public supply can combine with other chemicals in the water and form trihalomethanes. The trihalomethanes are listed as potential carcinogens by EPA and were evaluated for the potential to cause a human health concerns.

## 5. MONITORING AND REPORTING

### 5.1 NetDMR

The U.S. Environmental Protection Agency (EPA) promulgated a final rule to modernize Clean Water Act (CWA) reporting for municipalities, industries, and other facilities by converting to an electronic data reporting system (see 40 CFR 127.16). This final rule requires all regulated entities to electronically use existing,

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available information technology to electronically report data required by the National Pollutant Discharge Elimination System (NPDES) permit program instead of filing written paper reports. For more information on the EPA's NPDES Electronic Reporting Rule, visit [www.epa.gov/compliance](http://www.epa.gov/compliance).

Monitoring data collected in December 2016 and thereafter must be summarized and submitted electronically. The reporting requirement is not applicable to stormwater discharges. Since Maryland hasn't created our own electronic reporting tool, this must be implemented by using NetDMR. NetDMR is a U.S. EPA tool allowing regulated CWA permittees to submit monitoring reports electronically via a secure Internet application. To get access, the applicant must apply for access to NetDMR at [www.epa.gov/netdmr](http://www.epa.gov/netdmr) and register for a NetDMR Webinar.

Before they can submit official DMRs using NetDMR they must attend a training Webinar and successfully set-up and submit test monitoring results electronically. If they prefer to attend a training seminar, they must sign up for the Department's limited seating monthly training sessions.

A permittee may be eligible for a temporary waiver by MDE from NPDES electronic reporting requirements if the permittee has no current internet access and is physically located in a geographic area (i.e., zip code) that is identified as under-served for broadband internet access in the most recent National Broadband Map from the Federal Communications Commission (FCC); or if the permittee can demonstrate that such electronic reporting of the monitoring data and reports would pose an unreasonable burden or expense to the NPDES-permitted facility. Waiver requests must be submitted in writing to the Department for written approval at least 120 days prior to the date you will be required to begin using NetDMR. This demonstration shall be valid for up to five (5) years from the date of the Department approval and shall thereupon expire.

## 6. STORMWATER POLLUTION PREVENTION PLAN (Part III.C)

Facilities seeking coverage under the 16-MA General Permit must prepare a SWPPP in accordance with provisions set forth in Part III.C of the permit, prior to submitting a Notice of Intent (NOI) for coverage. The SWPPP, together with additional documentation required under Part III.C.8 is intended to document the selection, design, installation, and implementation of control measures (including inspection, maintenance, monitoring, and corrective action) used to comply with narrative effluent limits set forth in Parts III.A and B of the permit.

The SWPPP itself does not contain effluent limits; rather it constitutes a tool to assist both the permittee and inspectors in ensuring and documenting that stormwater control measures are being met. This documentation must be kept up-to-date. Where control measures are modified or replaced, for instance in response to a Part IV.A triggering condition, such changes must be documented in the SWPPP. See Part III.C.8. If permittees fail to develop and maintain an up-to-date SWPPP, they will have violated the permit. This recordkeeping violation is separate and distinct from a violation of any of the other substantive requirements in the permit (e.g., effluent limits, , inspections, monitoring, reporting).

For permittees covered under a previous 16-MA, their existing SWPPP must be reviewed and modified, as necessary, to comply with the permit. The SWPPP shall include, at minimum, the terms listed in

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Table 1.

Table 1. Content of Marina Storm Water Pollution Prevention Plan	
Required Items	Description
1. Pollution Prevention Team Member(s)	Identify who is responsible for assisting the facility manager in developing and revising the facility's SWPPP as well as maintaining control measures and taking corrective actions where required.
2. Site Description	<ul style="list-style-type: none"> <li>• Size of property (acres)</li> <li>• Estimate of the percentage imperviousness of the site</li> <li>• Estimate of average annual precipitation for the area and note which month are usually the wettest. This info can be obtained from almanacs or from the closest airport, etc</li> </ul>
<p>3. Site Map</p> <p>A good base map should be obtained and required information added. A hand drawn map is acceptable. For better maps sources such as local planning or zoning can be contacted, or map downloaded from the internet</p>	<ul style="list-style-type: none"> <li>• Outline of drainage area for each storm water outfall</li> <li>• Structural measures to reduce pollutants in stormwater runoff, e.g. filter cloth barrier, vegetated buffer, etc.</li> <li>• Location and name(s) of all surface waters of the state that receive discharge from the site</li> <li>• Location of all stormwater conveyances including ditches, pipes and swales</li> <li>• Location and names of owner/operator of municipal separate storm sewer (if your storm water discharges to them)</li> <li>• Location of all non-stormwater discharges</li> <li>• Location where major spills or leaks have occurred (if applicable)</li> <li>• Location where any of the following activities are exposed to precipitation: fuel, engine maintenance and repair, vessel maintenance and repair, boat washing, painting, sanding and/or blasting, welding and/or metal fabrication, loading/ unloading areas, waste storage location, liquid storage areas (e.g. paint solvents), and marina storage areas (e.g. blasting media)</li> <li>• Location of salt storage piles</li> </ul>
4. Spill Prevention and Response Procedures	<ul style="list-style-type: none"> <li>• Identify where potential spills and leaks could occur that could contribute pollutants to storm water discharges, and the corresponding outfall(s)</li> <li>• Include all significant spills and leaks of toxic or hazardous pollutants that actually occurred and exposed areas, or that drained to a storm water conveyance 3 years prior to the date the plan is prepared or amended</li> <li>• Describe procedures for preventing or cleaning up spills</li> <li>• Describe equipment available to employees to respond to spills</li> <li>• Describe which emergency authorities would be contacted in the event of a spill</li> </ul> <p>[Note: You are required to report releases/ spills of hazardous substances or oil to the Department's Emergency Spill Response number at (866) 633-4686 and EPA's National Response Center (NRC) at (800) 424-8802 or, in the Washington, DC, metropolitan area, call (202) 267-2675, if the spill/release exceeds reportable quantities]</p>

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<p>5. Elimination of Unauthorized Discharges</p>	<p>The plan shall include a certification that all discharges (i.e. outfall) have been tested or evaluated for the presence of non-stormwater and that all unauthorized discharges have been eliminated. This certification shall be signed by authorized personal and should include:</p> <ul style="list-style-type: none"> <li>• date and locations of any testing and/or evaluation</li> <li>• a description of the evaluation criteria or testing method used</li> <li>• a list of the outfalls or onsite drainage points that are directly observed during the test</li> <li>• a description of the results of any test and/or evaluation for the presence of non-stormwater discharges (i.e. identification of unauthorized discharge(s) origin and composition)</li> <li>• the action(s) taken to eliminate unauthorized discharge(s), if any were identified.</li> </ul> <p>If you are unable to provide certification required for the non-stormwater discharge test and elimination the plan shall include:</p> <ul style="list-style-type: none"> <li>• why certification was not possible</li> <li>• the procedures followed in any test attempted</li> <li>• results of such test or other relevant observation</li> <li>• any potential sources of non-stormwater discharges that have not been eliminated</li> </ul>	
<p>6. Summary of Potential Pollutant Sources, List of Associated Pollutants &amp; BMPs</p>	<p>Describe each area of the facility where industrial materials or activities are exposed to stormwater. At minimum, the plan shall specifically address areas and activities identified in 6a through 6f.</p> <p>For each identified activity, a list of the associated pollutant(s) or pollutant constituent(s) (e.g. crankcase oil, zinc, sulfuric acid, cleaning solvent). The pollutant list shall include all significant materials handled, treated, or disposed that have been exposed to stormwater in the 3 years prior to the date the plan is prepared or amended. This list shall include all hazardous substances or oil at the facility.</p>	
<p>6a.</p>	<p>Boat Washing</p>	<p>If boat washing is used to remove marine growth from vessels, the plan shall identify where the activity occurs and identify where the discharge will be released (i.e. receiving water body, storm sewer system, sanitary sewer system). Wash water shall not be discharge to surface waters of the State or a storm sewer system if detergents or other chemical cleaning agents are used. The discharge of wash water from the cleaning of engines or other oily parts is also prohibited.</p>
<p>6b.</p>	<p>Blasting, Sanding, and Panting</p>	<p>Describe and implement BMPs to keep spent abrasives, paint chips, and overspray out of receiving waters of the storm sewer systems.</p>
<p>6c.</p>	<p>Material Handling &amp; Storage</p>	<p>Describe and implement BMPs for materials handling operations and storage areas to help prevent stormwater contamination. These areas include fueling, maintenance, paint and solvent mixing areas, etc. Any salt storage piles should be enclosed or covered to prevent exposure to precipitation.</p>
<p>6d.</p>	<p>Engine Maintenance and Repair</p>	<p>Describe and implement BMPs for maintenance and repair areas to help prevent stormwater contamination.</p>

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6e.	Drydock Activities	Describe and implement BMPs for drydock areas to help prevent stormwater contamination.
6f.	General Yard Area	Describe and implement BMPs for yard maintenance and cleanup to help prevent stormwater contamination. Include a schedule for regular pickup and disposal of waste materials.
7. Boat Maintenance Activities Performed by a Boat Owner or Other Third Party		The permittee should take steps to help ensure that boat maintenance activities conducted by a boat owner or other third party adhere to BMPs in the SWPPP.
8. Erosion, Sedimentation Controls and Management of Runoff		<p>Identify any areas at the facility that, due to topography, land disturbance (e.g. construction, landscaping, site grading), or other factors, have a potential for soil erosion. The plan shall include the structural, vegetative and/or stabilization BMPs to prevent or control on-site erosion and sedimentation.</p> <p>Describe any stormwater runoff management practices (i.e. permanent structural BMPs for the facility). These are typically used to divert infiltrate, reuse, contain or otherwise reduce pollutants in the facility's discharge.</p> <p>Flow velocity dissipation devices (e.g. rocks, grouted riprap, or concrete rubble) shall be placed at discharge locations and along the length of any outfall channel if the flow would otherwise create erosive conditions.</p>
9. Preventive Maintenance		<p>Describe and implement preventive maintenance program to help keep contaminants from entering stormwater.</p> <p>Include all documented maintenance and repairs. Dates of regular maintenance should be documented. For repairs, the date of deficiency discovery and the date on which the equipment or BMP was restored to full function should also be documented in the plan.</p>
10. Routine Facility Inspections		<p>The plan should include monthly facility inspection plan to assess how well BMPs are operating. Include the following areas: boat washing area, blasting, sanding and painting areas, material handling and storage areas, engine maintenance and repair areas, drydock areas, general yard area.</p> <p>If it is determined that BMPs are not operating effectively, conduct repair or maintenance activities before the next anticipated storm event. If maintenance prior to the next anticipated storm event is not possible, maintenance shall be completed as soon as possible, but no later than 10 days from the date of inspection or discovery. Maintain inspection records and incorporate them into the plan.</p>
11. Employee Training		<p>Inform employees of the components and goals of the SWPPP. As applicable, the training shall address: used oil management, spent solvent management, disposal of spent abrasives, disposal of vessel wastewater, spill prevention and control, fueling procedures, general good housekeeping practices, painting and blasting procedures, used battery management.</p> <p>Include a schedule for training and training records shall be</p>

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		incorporated into the plan.
12. Monitoring Requirements		If any data is available, the plan shall include a summary of existing stormwater discharge sampling data previously taken at the facility. Monitoring requirements shall be performed in accordance with Part V of the permit and records shall be incorporated into the plan.
12a.	Visual Monitoring	Applicable to all permittees covered under this permit (see Part V.A.3 of this permit).
13. Comprehensive Site Compliance Evaluation		An annual comprehensive site compliance evaluation shall be performed in accordance with Part V.A.2 of the permit and shall be documented and records shall be incorporated into the plan.
14. Record Keeping and Internal Reporting Procedures		A description of incidents such as spills, or other discharges, along with other information describing the quality and quantity of stormwater discharges shall be included in the plan. Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the plan and maintained in accordance with Part V.C.8 of the permit.
15. Signature(s)		The plan shall be signed in accordance with Part II.C of the permit.

Permittees may choose to reference other documents in the SWPPP rather than recreating the same text in the SWPPP; however, when referencing other documents, the permittees are responsible for ensuring their SWPPP and the other documents together contain all the necessary elements for a complete SWPPP. In addition, permittees must ensure that a copy of the referenced document is located on-site.

**7. CORRECTIVE ACTIONS (Part IV)**

Part IV explains that any failure to comply with the conditions of this permit constitutes a violation of the CWA. Where requirements and schedules for taking corrective actions are included, the time intervals are not grace periods, but are schedules considered reasonable for making repairs and improvements. For provisions specifying a time period to remedy noncompliance, the initial failure, such as a violation of a numeric or non-numeric effluent limit, constitutes a violation of the 16-MA and the CWA, and subsequent failure to remedy such deficiencies within the specified time periods constitutes an independent, additional violation of this permit and CWA. However, where corrective action is triggered by an event, which does not itself constitute permit noncompliance, such as a quarterly visual sample that is full of TSS, there is no permit violation provided the permittee takes the required corrective action within the deadlines in Part IV.C.

**7.1 Conditions Requiring Review and Revision to Eliminate Problem (Part IV.A).**

Permittees are required to review and revise the selection, design, installation, and implementation of their control measures in response to any of the following conditions:

- an unauthorized release or discharge occurs at the facility;
- a discharge violates a numeric effluent limit;
- the permittee becomes aware, or the Department determines, that control measures are not stringent enough for the discharge to meet applicable water quality standards;

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- an inspection or evaluation of your facility by a Department official determines that modifications are necessary to meet the non-numeric effluent limits; or
- The corrective action must ensure that any of the above conditions are eliminated and will not be repeated in the future.

#### **7.2 Conditions Requiring Review to Determine if Modifications Are Necessary (Part IV.B)**

Permittees are required to review the selection, design, installation, and implementation of their control measures to determine if modifications are necessary to meet effluent limits in Part III.B if due to construction or a change in design, operation or maintenance at the permittee's facility significantly changes the nature of pollutants discharged in stormwater from the facility, or increases the quantity of pollutants discharged.

#### **7.3 Corrective Action Deadlines (Part IV.C)**

The permit includes specific deadlines for permittees to take corrective actions. Part IV.C requires that within 24 hours following identification or discovery of any of the conditions listed in Parts IV.A or IV.B, the permittee must document such discovery. Exceedance of a numeric limit requires immediate notification to the Department (this was in the 10 MA). Subsequently, within 14 days of the discovery, the permittee must document corrective actions taken or to be taken to eliminate the condition and any additional review necessary to further investigate the condition. If the permittee determines that changes are necessary following the review, any modifications to the control measures must be made before the next storm event if possible, or as soon as practicable following that storm event.

#### **7.4 Corrective Action Report (Part IV.D)**

For any event described in Parts IV.A or IV.B of the permit, permittees must document basic information describing the event and the permittees' response to that event. As described above, the permit establishes conditions for both 24-hour and 14-day response periods. For triggering events in Part IV.B, where the permittee determines that revision to control measures is not necessary, the permittee should still document the review and the basis for this determination. As described elsewhere in the permit, permittees are required to maintain a copy of this documentation with their SWPPP as well as include this information in an annual report.

#### **7.5 Effect of Corrective Action (Part IV.E)**

The permit clarifies that if the condition triggering the corrective action review is a permit violation (e.g., exceedance of an effluent limit), correcting it does not remove the original violation. Additionally, failure to take corrective action in accordance with Part IV is a separate, additional permit violation. The Department will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

#### **7.6 Substantially Identical Outfalls (Part IV.F)**

The permit provides for use of substantially identical outfalls. This condition puts the permittee on notice that if there is an issue with one outfall, then the others must be investigated too.

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### **8. SITE INSPECTIONS AND EVALUATIONS (Part V.A)**

This permit requires permittees to conduct three types of inspections: routine facility inspections, quarterly visual assessments, and comprehensive site inspections. Each is described in more detail below.

#### **8.1 Routine Facility Inspections (Part V.A.1)**

To clarify inspection requirements for permittees, the Department includes the routine facility inspections in this section along with the other types of site inspections required under this permit (i.e., quarterly visual assessments and comprehensive site inspections).

Permittees are required to conduct routine inspections, at least quarterly, of all areas of the facility where industrial materials or activities are exposed to stormwater, and of all stormwater control measures used to comply with the effluent limits required by the 16-MA. Qualified personnel must conduct the routine facility inspections with at least one member of the Pollution Prevention Team participating. Because some equipment, processes, and procedures may require more frequent inspections, the relevant inspection schedules must be documented in the SWPPP. For example, inspection of outdoor areas associated with regular industrial activity may require more frequent inspections to ensure that the site is swept, garbage picked up, drips and spills cleaned, etc. on a regular basis. The permit elaborates on the specific information to be documented for each routine inspection. Most importantly, this documentation must include when the inspection took place, who conducted the inspection, and any indication that controls may not be adequate or are not functioning properly. The findings of these routine inspections must be maintained on-site with the SWPPP.

At least once each calendar year, the routine facility inspection must be conducted during a period when a stormwater discharge is occurring. As permittees are already required to perform visual monitoring during storm events, the Department does not believe this imposes significant additional burden on permittees. However, the Department does see this as a potentially important tool for the permittee to be able to better identify sources of pollutants discharged in stormwater runoff from the facility and to actively observe the effectiveness of control measures.

The requirement to conduct routine facility inspections and visual monitoring on a quarterly basis does not apply at a facility that is inactive and unstaffed, as long as there are no industrial materials or activities exposed to stormwater. Such a facility is only required to conduct an annual comprehensive site inspection.

#### **8.2 Comprehensive Site Compliance Evaluation (Part V.A.2)**

This permit requires that permittees conduct comprehensive site inspections at least once a year for the entire permit term, even if the permit were to be administratively extended.

Comprehensive site inspections may be conducted simultaneously with other site inspections (such as with the routine facility inspection described in permit section V.A.1), provided the scope is sufficient to address the minimum requirements of the comprehensive site inspection. Qualified personnel must conduct inspections, and the inspection team must include at least one member of the Pollution Prevention Team. Qualified personnel are those who possess the knowledge and skills to assess conditions and activities that could impact stormwater quality at the facility, and who can also evaluate the effectiveness of controls selected.

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Note that the comprehensive site inspections are not the same as routine facility inspections. Routine facility inspections (Part V.A.1) are required more frequently and are meant to be less formal evaluations of the facility's exposed industrial activities so that permittees have a mechanism for ensuring that problems are not developing. Comprehensive site inspections, as the term implies, include a much more in-depth review of the site and all operations, as they relate to stormwater management and the requirements of this permit.

The comprehensive site inspection must cover all areas of the facility affected by the requirements in the permit including areas where industrial materials or activities are exposed to stormwater, stormwater control measures used to comply with the effluent limits, and areas where any leaks, spills, or other accidental discharge may have occurred in the last 3 years.

The permit identifies the specific activities that may occur at the facility that are to be inspected. Also, the comprehensive site inspection must include observation of stormwater control measures used to meet permit requirements to assess the adequacy of these control measures, including any measures in need of maintenance, repair, or replacement or where additional controls are needed.

The results of each comprehensive site inspection must be documented in a report signed and certified by an authorized company official in accordance with Part I.C.2 of the permit and kept with the SWPPP. In addition to documenting findings of the assessment and observations described above, the report must also include basic inspection information (e.g., inspectors, date, and NPDES permit number), must certify if the facility is in compliance with the permit, and must describe any corrective action initiated or completed during the reporting period or required as a result of the inspection.

#### Annual Report from Comprehensive Site Compliance Evaluation (Part V.A.2)

The permit requires all permittees to prepare an annual report that contains the results of the required comprehensive site inspection and a discussion of corrective actions required and/or taken at any time since the previous comprehensive site inspection or, for the first comprehensive inspection required under this permit, since permit authorization. These annual reports must be kept on-site.

#### **8.3 Quarterly Visual Assessment of Stormwater Discharges (Part Part V.A.3)**

This permit includes this requirement from the MSGP, to conduct quarterly visual examinations of stormwater discharges. All industrial sectors covered by this permit are required to conduct these examinations. This permit requires that grab samples of stormwater discharges be taken and examined visually for the presence of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of stormwater pollution. The grab samples must be taken within the first 30 minutes or as soon as practicable after the occurrence of an actual discharge from your site (including documentation of why sampling was not practicable within the first 30 minutes). The trigger for visual monitoring is simply that the precipitation event causes an actual discharge to occur, and conditions specific to the monitoring of snowmelt. Specifically, in areas subject to snow, the 16-MA now requires that at least one of the quarterly samples be collected from snowmelt. For practical purposes, the permit does not require that these snowmelt samples be collected within the first 30 minutes of discharge as is the case for samples collected during rain events.

Permittees must document the results of their visual assessments in a report that includes the sample location, date and time, personnel collecting the sample and performing visual assessments, results of the observations,

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and probable sources of any observed stormwater contamination. The visual examination reports must be maintained onsite with the SWPPP. A reporting form with some guidance is provided in Appendix B.

When conducting a stormwater visual examination, the pollution prevention team, or individual team member, should attempt to relate the results of the examination to potential sources of stormwater contamination on the site. For example, should oil sheen be observed, facility personnel (preferably members of the pollution prevention team) should conduct an inspection of the area of the site draining to the examined discharge to look for obvious sources of spilled oil, leaks, etc. If a source can be located, then this information would allow the facility operator to immediately conduct a clean-up of the pollutant source, and/or to revise control measures to minimize the contaminant source.

The permit includes exceptions to these requirements in order to account for circumstances during which conducting quarterly visual assessments may not be infeasible, namely during adverse (e.g., dangerous) weather conditions. Where these types of conditions prevent a facility from performing these assessments quarterly, permittees have the ability to modify their assessment schedule such that the four assessments are conducted over the course of the year during periods when discharges, be it from rain or snow, actually occur and can be safely observed.

Operators with two or more essentially identical outfalls may also elect to conduct a visual assessment at just one of these outfalls each quarter, but must perform their quarterly assessments on a rotating basis to ensure that each substantially identical outfall is periodically observed throughout the period of permit coverage. If stormwater contamination is identified through visual monitoring performed at a substantially identical outfall, the operator must assess and modify his/her control measures as appropriate for each outfall represented by the monitored outfall. This approach ensures that operators will assess discharges from the entire site over the term of the permit, and will address any identified problems at all substantially identical outfalls where the problem may be occurring.

### **10. Standard Permit Conditions (Part VI)**

These were re-organized. Standard Permit Conditions are now consistent with our other permits.

### **11. Authority to Issue General NPDES Permits (Part VII)**

Signature page and noted authority to issue General Permits.

### **12. Appendices**

Definitions (Appendix A)

Quarterly Visual Monitoring Form (Appendix B)

### **14. Notice of Intent (maintained as a separate document)**

The NOI form has been updated and expanded from previous versions. If you operate multiple facilities you must submit an NOI for each noncontiguous site. Permittees must provide the following types of information on the NOI form: your name, address, email address, and telephone number; the facility location, including address and latitude and longitude; any preexisting NPDES permit number; the receiving water body(s) for each outfall/discharge; and information for your SWPPP primary contact.

The Department asks clarifying questions about the receiving water including whether the water is impaired, the name of the impaired water, the pollutants for which the water is impaired.

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**15. Notice of Termination (maintained as separate document)**

Found on MDE's website

**16. Conflicts with the Response to Comments Documents for the Final Determination**

Besides this section, this document has not been updated from its Tentative Determination version. The Final Determination Response to Comments Document takes precedence over this document.