

MARYLAND DEPARTMENT OF THE ENVIRONMENT

WATER MANAGEMENT ADMINISTRATION

1800 Washington Boulevard, Suite 455

Baltimore, MD 21230-1708

Categorized Public Comments

Regarding

General Permit for Discharges from Marinas Including Boat Yards and Yacht Basins

Discharge Permit Project No. 16MA

NPDES Permit No. MDG990000

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# Summary

The comments provided are listed here in their original context. The corresponding response will attempt to summarize the various concerns under a section and the provided a detailed response. The two documents are separated to reduce the duplicates and focus more on the response.

## Washing of Docks at Marinas

### Concern 1. Imposing a Chlorine limit on Marinas Require Other Facilities to Implement Similar Controls

“And my comment for the record would be to kindly request the Department give full consideration, as I know you will, to all comments regarding the concerns with dock washing limitations and concerns that the marina may have that this would trigger many other places needing this permit. So giving that you consider it”.<sup>1</sup>

“For the record, I would ask that MDE remove the "authorized discharge" of dock wash water.”<sup>2</sup>

### Concern 2. Low Volumes of Washwater Generated and Infrequent Wash Events Have No Measurable Impact on Receiving Waters.

“I apologize for missing your meeting on December 2nd regarding changes to our General Permit for Discharges from Maryland Marina's as I had an emergency arise. Let me begin by saying I am the current President of The Marine Trades Association of Baltimore County and Vice-President of the Marine Trades Association of Maryland. I have spoken to most of the marina's in Baltimore County as well as many marina's in Anne Arundel County and the Eastern Shore. I find that none just power wash their piers to make them look good as it destroys the dock boards, but they do at times rinse waterfowl feces from their piers a few times a season. I find the marina's that rinse feces off their piers maybe five times during the season have docks that are either floating or have been built close to the water, piers that are high usually are not having a feces problem and have no reason to rinse the docks. Rain storms usually clean their piers. I also find that when feces is rinsed from the piers 1) it is with a garden hose not a pressure washer and 2) the entire dock system is not rinsed only a small portion where Duck and/or Goose feces is located is rinsed this is usually no more than fifteen to twenty feet of pier. Rinsing this small portion of pier uses maybe ten to fifteen gallons of water at most. Donna Morrow must think Marina's are washing their entire pier system daily using hundreds of gallons of water, well this is not the case. Since our lively hood depends on clean water most every marina owner/operator and their employees act as environmentalists and we protect our waterways. I feel it is time both the Clean Marina Program and MDE come to realize marina's are champions of the waterways and we protect them, we are not the bad apples you seem to think we are. The two main polluters of the Chesapeake Bay and its rivers are Waste Water Treatment Plants and the Conawingo Dam. These two entities are allowed to continually pollute the Chesapeake Bay and its rivers with no recourse from your department. WHY? Are

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<sup>1</sup> Donna Morrow, Department of Natural Resources, Verbal Comment from Public Hearing on December 2, 2016.

<sup>2</sup> Donna Morrow, Department of Natural Resources, Email to Department, December 6, 2016.

they too big to deal with. It angers me and the Marina owner/operators I have spoken with that so much of our Environmental Resources are spent on regulating marina's and not the real problem Waste Water Treatment Plants and the Conawingo Dam. We all share a common goal of protecting and improving our waterways. Our investment in our businesses depends on clean-healthy waterways but this policy does little good it is more like feel good policy. As environmentalist we support every effort to improve water quality in the Chesapeake Bay Watershed but this is not one of them. Your regulation policies strangle us, the last Discharge Permit was good why not leave it as it was, it is working, just because it needs to be renewed doesn't mean it has to change. It just adds more needless work to what we already have to do now.”<sup>3</sup>

“Yeah, my name is Robert Palmer. I’m the President of Tradewinds Marina, but representing the Marina Trades Association of Baltimore County. We have been under the permit prior, but this new one was a new addition of chlorine; is one that has me concerned that there is not a proper understanding of the volume of water that is city water that is used to wash the docks of a marina. The volume is relatively low. Maybe if we were to wash our docks one a week, we probably wouldn’t spend more than 50 gallons of water and it would be dispersed into our marina which is part of Middle River, and therefore, until somebody can identify what the real technical impact is going to be, I think it ought to be removed from the permit as drafted. There is not enough scientific information saying that less than 0.1 part per million is going to affect the aquatic vegetation to the point that is should be not permitted. So we will submit written comment also, to give a little more background on it, but I think it should be given a very good review before it continues into the final draft.”<sup>4</sup>

“I am requesting that the DOCK WASHING Requirement be removed from the draft of subject General Permit. Refer to Part III A. 3. of the Draft Permit. In worst case, the occasional (once or twice per week in the boating season) SPOT (10-20 Sq feet area) Garden Hose (Not high pressure) washing a marinas docks with Potable water, should not be required to be done with NON-Detectable Chlorine out-flows. The limited volume of water dispersed at any one time, at any one location and the low Frequency of occurrence will not have measurable impact on the tidal receiving waters of the state. If a REAL test of, occasional Dock Wash operation were to show a chlorine impact, a Permit Requirement may be justified. The following information relating to Tradewinds Marina (been in same location for 33+ years) supports my rational for removing DOCK WASHING from the Draft Permit.

700 linealfeet of 5 foot wide floating dock	=	3500 sq feet,
26 3 foot wide finger piers	=	2360 sq feet - 5 foot changed to 3 ft
TOTAL	=	5860 sq feet
3.57 gal/minute at 26 faucets on the docks		
4 each 15 sq ft random areas washed in 20 minutes (total time water on)		
70.8 gal of water used (3.57 gal/min x 20 min)		

If (unlikely) done twice in one week, 141.6 gals in various areas along 700 lineal feet.

<sup>3</sup> Brian K. Schneider, Tradewinds Marina, Letter Emailed to Department on December 12, 2016.

<sup>4</sup> Bob J. Palmer, Marine Trades Association of Baltimore County, Verbal Comment from Public Hearing on December 2, 2016.

If (unlikely) done every week for 5 months of boating season, 3066 gal/year.

Have there been any reports of aquatic lives being impacted by chlorine from the occasional Washing of marina docks? Your consideration on this issue will be valued. If I can be of any help in further review of my request, please contact at [442-683-2589](tel:442-683-2589) or my e-mail [bobpalmer@tradewindsmarina.com](mailto:bobpalmer@tradewindsmarina.com).”<sup>5</sup>

“For the record, my name is Susan Zellers. I’m the Executive Director of Marine Trades Association of Maryland. I would also like to request the removal of the – this proposal to add dock washing at marinas. I think base on the low volume, these folks are saying once or twice a year, the most, that they’re doing this. The low amount of water pressure that they’re using, it would be very difficult to make a case that the amount of chlorine that is being generated in these would in any way impact the waters where the marinas are. I’d ask for it to be removed, please.”<sup>6</sup>

“I’m with Tidewater Marina in Havre de Grace. And I’d like to jump on the bandwagon with everybody else about eliminating – either eliminating in or getting the chlorine out of the dock washing because it is such an insignificant level of chlorine that’s in the water that we’re using, first off, going into larger volume, and there’s also no quantifiable way to measure this easily. And it’s done so insignificantly; it’s such a small part of what we do.”<sup>7</sup>

“I’m David Thomas, the Maryland Legislative Director of Chesapeake Bay Yacht Clubs Association. I would simply say that I endorse what has been said by speaker preceding me (Jeff Andrews).”<sup>8</sup>

“I’m Harriet Diaz. And I am the Fells Point Yacht Club delegate to the Chesapeake Bay Yacht Club Association, and I just want to reiterate that unless there’s some of kind of signs that can support why we need to do this for such a small amount of volume, as everyone else said, for the dock washing, that really should be removed. It doesn’t seem to be supported in any way that would make it necessary that that kind of an onerous responsibility for the marina to try to keep track of that.”<sup>9</sup>

### **Concern 3. No Survey of Marina Practices Was Conducted to Determine the Quantitative Effect of Dock Washing.**

“I was in attendance for the December 2 hearing regarding the proposed changes to the General Permit for Discharges from Marinas. Of particular concern was the proposed regulation regarding Dock Washing at Marinas and minimizing chlorine discharges. As far as I can tell no survey of marina practices was conducted to determine the quantitative effect of dock washing. I can speak for myself and my marina. We operate one of the largest marinas in Baltimore County with roughly 2,200’ of pier decking. The only time we undertake any type of dock washing is when we have an outbreak of waterfowl feces on the piers. Fortunately this may only occur a half a dozen times a year. When it does occur, the fouling is generally relegated to a 20’ to 30’ section of pier. It typically takes 10 to 15 minutes to resolve the problem with a garden hose and nozzle. I can’t imagine that we use more than 15 gallons of water each time since the hose is not in use during the entire cleaning process. Less than 100 gallons all year. If we are lucky, a good rain storm solves the problem for us. I can’t speak to all marinas in the

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<sup>5</sup> Bob J. Palmer, Tradewinds Marina, Email to Department Dated December 12, 2016.

<sup>6</sup> Susan Zeller, Marine Trade Association, Verbal Comment from Public Hearing on December 2, 2016.

<sup>7</sup> Jeff Andrews, Tidewater Marina, Verbal Comment from Public Hearing on December 2, 2016.

<sup>8</sup> David Thomas, Chesapeake Yacht Clubs, Verbal Comment from Public Hearing on December 2, 2016.

<sup>9</sup> Harriet Diaz, Fells Point Yacht Club, Verbal Comment from Public Hearing on December 2, 2016.

Bay but I can't imagine that many do a complete pressure washing of their docks. First of all it is unnecessary and costs valuable time and energy. Secondly, power washing will raise the grain of a typical wooden pier thereby reducing the life expectancy of the docks. I know that we share a common goal of protecting and improving the Bay. My family's 70 year investment depends on healthy waterways. I feel this proposal is one of those "feel good" policies that does very little real good. It angers me that environmental resources are expended on such insignificant matters while the "gorilla in the room", the Conowingo Dam, is seemingly ignored. As a practical environmentalist, I support any substantive effort to improve the Chesapeake. This is not one of them."<sup>10</sup>

#### Concern 4. Dock Washing Discharges at Marinas Are Negligible Compared to Baltimore City Flushing of Fire Hydrants.

"This letter is regarding the Maryland Department of the Environment's proposal of a tentative determination to reissue the NPDES General Permit for Discharges (State Permit NO. 16-MA-0000, NPDES No. MDG99000. Please include our comments in the official record.

We are located in Baltimore City. The City has a program that regularly flushes the city fire hydrants. This procedure is followed by the counties throughout the State. This procedure discharges thousands of gallons into State waters. Baltimore City discharges this flushed potable water directly into our facility through one of many city storm drains. Any dock washing from our facility would be negligible in comparison. <http://cityservices.baltimorecity.gov/dpw/waterwastewater02/waterquality12.html>."<sup>11</sup>

#### Concern 5. Other Maryland General Wastewater Permits Allow Potable Water Discharges

"This letter is regarding the Maryland Department of the Environment's proposal of a tentative determination to reissue the NPDES General Permit for Discharges (State Permit NO. 16-MA-0000, NPDES No. MDG99000. Please include our comments in the official record.

We are located in Baltimore City. The City has a program that regularly flushes the city fire hydrants. This procedure is followed by the counties throughout the State. This procedure discharges thousands of gallons into State waters. Baltimore City discharges this flushed potable water directly into our facility through one of many city storm drains. Any dock washing from our facility would be negligible in comparison. <http://cityservices.baltimorecity.gov/dpw/waterwastewater02/waterquality12.html>

The following permits allow for potable water discharges:

General Discharge Permit No. 11-HT NPDES Permit No. MDG67 Tanks, Pipes and Other Liquid Containment Structures at Facilities Other than Oil Terminals

[http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/GDP%20-%20HT%20Documents/11\\_HT\\_TentativeDetermin\\_FactSheet07282021\\_FINAL.pdf](http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/GDP%20-%20HT%20Documents/11_HT_TentativeDetermin_FactSheet07282021_FINAL.pdf)

General Discharge Permit No. 12-SI NPDES Permit No. MDG76 Discharges from Swimming Pools & Spas

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<sup>10</sup> Wayne E. Miskiewicz, Maryland Marina, Email to Department, December 12, 2016.

<sup>11</sup> David Von Schmidt, The General Ship Repair Corporation, Letter to Department, December 8, 2016.

[http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/GDP%20-%20Swimming%20Pools/12SI\\_FactSheet\\_Final.pdf](http://www.mde.state.md.us/programs/Permits/WaterManagementPermits/WaterDischargePermitApplications/Documents/GDP%20-%20Swimming%20Pools/12SI_FactSheet_Final.pdf)

General Permit for Discharge from Tanks, Pipes and Other Liquid Containment Structures at Facilities Other than Oil Terminals Discharge Permit No. 11-HT NPDES Permit NO. MDG67

<http://www.rockvillemd.gov/DocumentCenter/View/459>.”<sup>12</sup>

**Concern 6. There is no Scientific Evidence that Potable Water Discharges Threaten Aquatic Life.**

“There has been no scientific evidence presented to us demonstrating that potable water washing of docks would affect aquatic life in state waters. It is clear that the amount of potable water that is discharged from a marina or boat yards washing of docks is negligible. Thank you for taking our comments into consideration.”<sup>13</sup>

**Concern 7. Endorsement by Landscape Architect Shouldn't Take Place of Professional Engineer.**

“Yeah, one brief comment. Bernie Bigham, Chesapeake Environmental Group . I would encourage you to rethink allowing for NECs or any type of compliance issue having a landscape architect take the place of professional engineer. A professional engineer has skills, talents, and certifications well beyond that of landscape architect. ”<sup>14</sup>

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<sup>12</sup> David Von Schmidt, The General Ship Repair Corporation, Letter to Department, December 8, 2016.

<sup>13</sup> David Von Schmidt, The General Ship Repair Corporation, Letter to Department , December 8, 2016.

<sup>14</sup> Bernie Bigham, Chesapeake Environmental Group, Verbal Comment from Public Hearing on December 2, 2016.