

**STATE OF MARYLAND DEPARTMENT OF THE ENVIRONMENT  
WATER MANAGEMENT ADMINISTRATION**

**NOTICE OF FINAL DETERMINATION TO ISSUE**

**General Permit for Discharges from  
Marinas, including Boat Yards and Yacht Basins  
(Previously entitled Boat and Vessel Maintenance)**

The Maryland Department of the Environment (Department) previously proposed to reissue State/National Pollution Discharge Elimination System (NPDES) General Permit **No. 10MA (NPDES No. MDG99)** for discharges from marinas (including boat yards and yacht basins) to meet federal requirements and to protect water quality. The currently effective permit was issued in January 2002.

A public notice on the tentative determination to reissue the discharge permit was published on August 27, 2010 in the Maryland Register and in seventeen newspapers throughout Maryland during the weeks of August 24 & 30th, 2010. The Department held a public hearing concerning the tentative determination on September 29, 2010 and received comments through October 5, 2010. The Department's tentative determination included new limitations on wastewater from cleaning of boat bottoms painted with antifouling paints discharging to surface water. The proposed tentative determination also included a new prohibition on in-water cleaning of boat bottoms painted with soft ablative paint.

The Department has made a final determination to reissue the permit with the following revisions to the tentative determination:

- The title of this permit has been changed to "General Permit for Discharges from Marinas, Including Boat Yards and Yacht Basins" to avoid confusion with the EPA's Vessel General Permit;
- Language that does not specifically impose requirements or prohibitions (i.e., recommendations or suggestions) has been removed and included in a separate guidance document;
- The discharges eligible for coverage under the permit has been clarified;
- The permit has been revised to show that, while ballast water discharges are not directly regulated under this permit, ballast water discharges do not make a facility ineligible for coverage under this permit;
- The deadline for current permittees and existing facilities to apply for coverage under this permit has been changed from 60 days to 90 days after the effective date of this permit;
- Permittee responsibility with regard to communication of permit requirements and oversight of facility users has been adjusted and clarified;
- The definition for "persistent foam" has been added;
- The compliance schedule for establishing sampling points and to begin effluent monitoring of boat bottom wash water has been changed to 18 months after the effective date of this permit. The compliance schedule for the effective date of numeric limits for oil and grease and total

suspended solids is changed to 2 years after the permit effective date. The compliance schedule for metals limits has also been adjusted to ensure a 4-year period after the permit effective date before numeric limits are effective;

- The permit has been revised to reflect that gray water discharges are not directly regulated under this permit;
- The permit has been revised so that anode removal prior to washing boat bottoms is not a requirement;
- The permit has been corrected to reflect a 3-year minimum retention of records consistent with the corresponding federal regulations;
- The permit has been changed to allow for storm water sampling to occur within 30 minutes of the actual discharge consistent with the federal permit approach for storm water sampling; and,
- The permit has been changed to eliminate the condition requiring that a wastewater sample be obtained within the first 15 minutes of the discharge. This change will help allow the permittee opportunity to obtain a sample at the point in time that is most representative of the discharge.
- The permit requirements for discharges of boat bottom wash water are clarified to show that they apply to both surface water and groundwater discharges. Discharges that seep into the ground at a marina have a direct link to the surface water aquifer.

In addition, edits to the tentative determination have been made to clarify the requirements of the permit in response to comments received during the public comment period. All other proposed terms and conditions of the tentative permit determination remain unchanged.

Any person adversely affected by this final determination may file a petition for judicial review. Petitions for judicial review of a final determination or permit decision subject to judicial review must be filed in accordance with §1-605 of the Environment Article no later than February 14, 2011 (30 days following publication by the Department of this notice of final determination in the Maryland Register), and must be filed in a circuit court in Maryland. Petitions for judicial review must conform to the applicable Maryland Rules of Civil Procedure. Failure to file a petition for judicial review by February 14, 2011 will constitute a waiver of any right to a judicial review of this final determination.

To view and print the final permit, go to the Department's website ([mde.maryland.gov](http://mde.maryland.gov)) and choose the appropriate link found under "Notices and Alerts" section of the webpage. All associated guidance to this permit can also be found at the Department's website.

Any questions regarding this final determination, and permit, should be directed to Shannon McDonald or Patsy Allen at the Maryland Department of the Environment, Water Management Administration, [at Shannon.mcdonald@maryland.gov](mailto:Shannon.mcdonald@maryland.gov) or [patsy.allen@maryland.gov](mailto:patsy.allen@maryland.gov), by telephone at 410-537-3599 between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Persons seeking to review the final permit and associated file may do so by contacting Ms. McDonald to make an appointment. Copies of documents may be obtained at a cost of \$0.36 per page.

**Maryland Register Publication Date: January 14, 2011**