NPDES General Permit No. WAG-030000
Issuance Date: March 2, 2011
Effective Date: June 1, 2011
Expiration Date: May 31, 2016

BOATYARD GENERAL PERMIT

National Pollutant Discharge Elimination System (NPDES)

State of Washington
Department of Ecology
Olympia, Washington 98504

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, § 1251 et seq.

Until this permit expires, is modified or revoked, Permittees that have properly obtained coverage by this permit are authorized to discharge in accordance with the special and general conditions which follow.

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SUMMARY OF PERMIT SUBMITTALS AND MONITORING REQUIREMENTS

Permit Section	Submittal	Frequency	Submittal Date
S2	Pressure Wash Wastewater Monitoring Results	June, July, August, and September	DMR-Twenty eighth (28th) day of the month following the sample collection month.
S6	Stormwater Monitoring Sampling and Submittal of Results	Once per month in October, November, January, April, and May	DMR-Twenty eighth (28th) day of the month following the sample collection month.
S7	Level One Response	Each exceedance of a benchmark value	DMR-Twenty eighth (28th) day of the month following the sample collection month.
S7	Level Two Response	4 exceedances of a parameter benchmark	DMR-Twenty eighth (28th) day of the month following the sample collection month. Level Two Report – three (3) months from DMR due date
S7	Level Three Response	6 exceedance of a parameter benchmark	Level Three Report (Engineering Report) – three months from DMR due date.
G1	Notice of Change in Authorization	As necessary	
G8	Application for permit coverage renewal	One (1) during the permit cycle	July 15, 2015
G14	Transfer of Permit Coverage	As necessary	Thirty (30) days before expected transfer

DEFINITIONS

When used in this permit, the following terms have the meanings as given:

"303(d) list" A list periodically prepared by Ecology and approved by the USEPA. This list specifies the waters of the State of Washington that are not meeting the water quality standards as given in Chapter 173-201A. This list is posted on the Ecology web site at http://www.ecy.wa.gov/programs/wq/303d/2008/index.html . The list applicable to discharges covered by this permit is the list approved by USEPA at the time of facility coverage under this permit.

"Approved Stormwater Management Manuals" means stormwater manuals produced by Ecology, or USEPA that contain best management practices (BMPs) appropriate for the discharges covered by this permit. Manuals produced by trade organizations may be approved if reviewed by Ecology, subjected to public comment, and posted on the appropriate Ecology web site.

"AKART" is an acronym for "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methods of preventing, controlling, or abating the pollutants associated with a discharge that can be installed or used at a reasonable cost. AKART is a process of engineering and economic decision making.

"Benchmarks" means a pollutant concentration based on performance of source control BMPs, treatment BMPs, or water quality criteria. Benchmarks are set to achieve AKART and meet water quality standards. Benchmarks as used in this permit allow a period of adaptive management with increasing levels of effort or treatment to comply with the permit values.

"Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the discharge of pollutants to waters of the state. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. In this permit BMPs are further categorized as operational, source control, and treatment BMPs.

"Bilge water" means water from a boat's bilge spaces, whether single or double hulled.

"BOD" means biochemical oxygen demand.

"CWA" (Clean Water Act) means the Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, and 97-117; USC 1251 et seq.

"Daily Discharge" means the "discharge of a pollutant" measured during a calendar day

or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants with limitations expressed as concentration, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

"Date of coverage" means the date that the individual boatyard (identified on the Facility Specific Cover Page) is authorized to discharge under the conditions of this general permit.

"Department" means the Department of Ecology.

"Discharge" [of a pollutant] means any addition of any *pollutant* or combination of pollutants to waters of the United States from any point source. This definition includes additions of pollutants into waters of the United States from: surface *runoff* which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, *municipality*, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

"DMR" means discharge monitoring report. The DMR is sent to Ecology on a periodic basis set by the permit to report on the monitoring requirements of the permit.

"Ecology" means the Department of Ecology.

"Existing facilities" means those facilities which are not a "new discharge."

"First flush" means within the first 30 minutes of the formation of a discrete storm water discharge.

"FWPCA" means the Federal Water Pollution Control Act as amended (33 U.S.C. § 1251 et seq.).

"Grab" sample is a single sample or measurement taken at a specific time or over as short period of time as is feasible.

"Ground Water" means water in a saturated zone or stratum beneath the land surface or a surface water body.

"Hull" means the body or frame of a ship or boat. It is a central concept in water vessels. The hull is essentially what keeps the water from entering the boat and acts as the walls and floor of the vessel.

"Illicit Discharge" means any *discharge* that is not composed entirely of *stormwater* except (1) discharges authorized pursuant to a separate NPDES permit, or (2) conditionally authorized non-*stormwater* discharges identified in Condition S5.

"Interference" – means a Discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

(1) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
(40 CFR 403.3)

"Leachate" means water or other liquid that has been contaminated by dissolved or suspended materials due to contact with a solid material or a gas.

"Maximum Daily Discharge Limitation" means the highest allowable "daily discharge."

"Method Detection Limit" means the minimum concentration of an analyte (substance) that can be measured and reported with a 99% confidence that the analyte concentration is greater than zero as determined by the procedure set forth in Appendix B of 40 CFR Part 136.

"ML" means minimum level.

"Minimum level" means the lowest level at which the entire analytical system gives a recognizable signal and acceptable calibration point for the analyte. The ML represents the lowest concentration at which an analyte can be measured with a known level of confidence. The ML may also be called the quantitation or reporting level.

"Minimum Performance Standards" for vacuum sanding means:

Sander – 98% dust extraction
– Suitable for lead abatement work
– electric or air powered

Vacuum – Static water lift = 60 inches minimum
– Air flow = 116 cfs minimum
– Power = 900 watts minimum
– Filter = 1 micron cartridge minimum, recommended = 5 micron bag filter, plus a 1 micron cartridge filter, plus a 0.5 micron filter

"Monthly Average" means the average or statistical mean of the daily discharges.

"MSD" means marine sanitation device.

"National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking, and reissuing, terminating, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal *Clean Water Act*, for the *discharge* of *pollutant*s to *surface waters of the state* from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington Department of *Ecology*.

"New Discharge or New Facility" means a boatyard facility that begins activities that result in a discharge or a potential discharge to waters of the state on or after the effective date of this general permit.

"Non-delegated POTW" means a POTW for which Ecology authorizes the industrial discharges to the POTW.

"Operational Source Control BMPs" means schedule of activities, prohibition of practices, maintenance procedures, employee training, good housekeeping, and other managerial practices to prevent or reduce the *pollution* of *waters of the state*. Not included are BMPs that require construction of *pollution* control devices.

"Pass through" means a discharge to a POTW which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation). (40 CFR 403.3)

"Permittee" means a boatyard facility which has obtained coverage under this general permit.

"Pollutant" means the *discharge* of any of the following to *waters of the state*: dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, domestic sewage sludge (biosolids), munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. This term does not include dredged or fill material discharged in accordance with a permit issued under section 404 of the FWPCA.

"Pollution" means contamination or other alteration of the physical, chemical, or biological properties of *waters of the state*; including change in temperature, taste, color, *turbidity*, or odor of the waters; or such *discharge* of any liquid, gaseous, solid, radioactive or other substance into any *waters of the state* as will or is likely

to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare; or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or to livestock, wild animals, birds, fish, or other aquatic life.

"POTW" means *Publicly Owned Treatment Works* - a treatment works as defined by section 212 of the Act, which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the CWA, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

"Pressure washing" means the use of a water pressure washer to remove paint or biological growth from a vessels hull. "Pressure washing" includes the practice of mechanical or hand scrubbing and rinsing with low pressure water from a hose.

"Pressure wash wastewater" means the wastewater resulting from "pressure washing".

"Process Change" means any modification of the facility that would:

- add different pollutants of a significant amount to the discharge, or
- increase the pollutants in the stormwater discharge by a significant amount, or,
- add a new industrial activity (SIC) that was not previously covered; or
- add additional impervious surface or acreage such that stormwater discharge volume would be increased by 25% or more; or
- significantly change the frequency of an activity from that specified on the application for coverage of this permit

"Process wastewater" means any water which, during manufacturing or processing comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Stormwater that commingles with process water becomes process water. This definition of process wastewater does not include non-stormwater discharges conditionally approved under section S5. *Non-Stormwater Miscellaneous Discharges*.

"Putrescible waste" means solid waste which contains material capable of being decomposed by micro-organisms.

"Reasonable Potential" means a process in which an effluent is projected or calculated to cause an excursion of a water quality criterion at the point of compliance in the receiving water based on a number of factors including, as a minimum, the four factors listed in 40 CFR 122.44(d)(1)(ii).

"Receiving Water" means the waterbody at the point of discharge. If the discharge is to a stormwater conveyance system, either surface or subsurface, the receiving water is the waterbody into which the stormwater conveyance system discharges.

"Representative" [sample] means a sample of the *discharge* that accurately characterizes *stormwater runoff* generated in the designated drainage area of the *facility*.

"Runoff" means that portion of rainfall or snowmelt water not absorbed into the ground that becomes surface flow.

"Seasonal Average" means the average of daily maximum values reported on the monthly discharge monitoring reports from the period of October through May.

"Sediment" means the fragmented material that originates from the weathering and *erosion* of rocks, unconsolidated deposits, or unpaved yards, and is transported by, suspended in, or deposited by water.

"Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

"Source Control BMPs" means physical, structural or mechanical devices or facilities that are intended to prevent *pollutant*s from entering *stormwater*.

"Sheet flow" means runoff which flows over the ground surface as a thin, even layer, and not concentrated in a channel.

"SIC" means the U.S. Standard Industrial Classification code assigned to businesses by the U.S. Department of Labor. SIC codes are being replaced by the NAICS code system.

"Site" means the location of the activity that is defined as a boatyard (see permit condition S.1.A.).

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semisolid, materials which are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage, from septic tanks, woodwaste, dangerous waste, and problem wastes.

"Storm event" means precipitation of 0.1 inch or more in a 24 hour period which is preceded by 24 hours of no precipitation (trace amount or less).

"Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a *stormwater drainage system* into a defined surface water body, or a constructed infiltration *facility*

"Storm Sewer" means a sewer that is specifically designed to carry *stormwater*. Also called a storm drain.

"Superstructure" means the structure consisting of the part of a ship above the main deck

"SWMM" means Stormwater Management Manual of Western Washington, Ecology Publication Nos. 99-11 through 99-15.

"Stormwater Pollution Prevention Plan (SWPPP)" means a documented plan to implement measures to identify, prevent, and control the contamination of point source discharges of *stormwater*.

"Structural Source Control BMPs" means physical, structural, or mechanical devices or facilities that are intended to prevent *pollutant*s from entering *stormwater*.

"Topside" means that part of a vessel above the wales (horizontal members that aid in wall/form reinforcement and distribution of forces.); now in yachts sometimes understood as the part between the water-line and deck, or the freeboard.

"Tidal Grid" means a series of wooden or concrete beams laid on tidal land near the high tide line. The grid is used with blocking to support the boat during low tide. Tidal grids should only be used for emergency work on the hull or steering mechanism and not for refinishing hull paint.

"Treatment BMPs" means BMPs that are intended to remove *pollutant*s from *stormwater*.

"Turbidity" means the optical property that causes light to be scattered and absorbed rather than transmitted in straight lines through a water sample. Turbidity in water is caused by suspended matter, such as clay, silt, finely divided organic and inorganic matter, soluble colored organic compounds, and plankton and other microscopic organisms.

"Upset" means:

(1) an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations 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.

(2) *Effect of an upset.* An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of paragraph (3) of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

(3) *Conditions necessary for a demonstration of upset.* A Permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(i) An upset occurred and that the Permittee can identify the cause(s) of the upset;

(ii) The permitted facility was at the time being properly operated; and

(iii) The permittee submitted notice of the upset as required in 40 CFR 122.41(1)(6)(ii)(B) (24 hour notice).

(iv) The Permittee complied with any remedial measures required in the permit.

(4) *Burden of proof.* In any enforcement proceeding the Permittee seeking to establish the occurrence of an upset has the burden of proof. 40 CFR 122.41(n).

"Vacuum Sanding" means

Sander or Rotary Tool
– 98% dust extraction
– Suitable for lead abatement work
– electric or air powered

Vacuum – Static water lift = 60 inches minimum
– Air flow = 116 cfs minimum
– Power = 900 watts minimum
– Filter = 1 micron cartridge minimum, recommended filtration = 5 micron bag filter, plus a 1 micron cartridge filter, plus a 0.5 micron filter

"Visual Monitoring" means an inspection by the Permittee of the permitted facility to determine, to the extent that can be determined by sight that BMPs are in place and effective at controlling pollutants in stormwater runoff. Visual monitoring includes observations to detect the presence of oil sheen in stormwater runoff.

"Waters edge" means the ordinary high water mark (freshwater) or the mean higher high tide level (marine water).

"Waters of the State" means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

"Water Quality Standards" means the Water Quality Standards for *Surface Waters of the*

State of Washington, Chapter 173-201A WAC, Ground Water Quality Standards (Chapter 173-200 WAC), Sediment Management Standards (Chapter 173-204 WAC), and human health-based criteria in the National Toxics Rule (*40 CFR* 131.36).

CONDITIONS FOR DISCHARGE

S1. PERMIT COVERAGE REQUIRED

This statewide permit applies to boatyards that discharge stormwater to a surface water body or to a storm sewer system that drains to a surface water body. This general permit also regulates wastewater from pressure washing in boatyards.

S1.A. Boatyard Activities Requiring Coverage under This Permit

All boatyards in the state of Washington, as defined in this section, are required to obtain coverage under this permit unless exempted by the following section.

S1.B. Boatyards must comply with all conditions specified in this permit, as applicable to their facility.

A boatyard, as defined for the purpose of this permit, is a facility engaged in the construction, repair and maintenance of small vessels, 85% of which are 65 feet or less in length, or revenues from which constitute more than 85% of gross receipts. Services typically provided include, but are not limited to: pressure washing hulls, painting and coating, engine and propulsion system repair and replacement, hull repair, joinery, bilge cleaning, fuel and lubrication system repair and replacement, welding and grinding of hull, buffing and waxing, marine sanitation device (MSD) repair and replacement, and other activities necessary to maintain a vessel. This definition includes mobile facilities.

S1.B. Exemption from Coverage

Facilities which only provide the following services or conduct boatyard activities exclusively indoors do not require coverage under this permit:

- Use of tidal grids solely for emergency repair and marine surveys;
- Minor engine repair or maintenance within the engine space without vessel haul-out;
- Topside cleaning, detailing and bright work;
- Electronics servicing and maintenance;
- MSD servicing and repair that do not require haul-out; or
- Vessel rigging, minor repairs or modifications (25% or less of the vessel's surface to the vessel's superstructure).

Facilities exempted from this permit may require coverage under the Industrial Stormwater General Permit.

S1.C. Modification of Permit Coverage

1. Any facility with coverage under this general permit that intends to implement a change in processes from those identified on the application for coverage, change discharge location, or request an alternate sampling protocol, must request a modification of coverage by submitting a revised application for coverage, clearly indicating the proposed change.
2. The applicant must also complete public notice requirements of WAC 173-226-130(5) before receiving modification of permit coverage.
3. The facility must have its SWPPP updated and implemented to reflect the change before commencement of any process change.
4. The applicant must comply with the State Environmental Policy Act (SEPA) as applicable to the proposed significant process change.

S2. DISCHARGE LIMITATIONS

S2.A. Boatyards Discharging Pressure-Wash Wastewater to a Non-delegated POTW

1. Prohibitions

   Permittees must not discharge pressure wash wastewater directly to any surface water of the state through stormwater drainage conveyances or otherwise.

2. Limitations

   Permittees are authorized to discharge treated pressure-wash wastewater to a municipal sanitary sewer operated by a sewer authority, which does not have a delegated pretreatment program, in accordance with the following effluent limitations, monitoring schedule, permit conditions, and upon written acceptance of the municipality:

Category	Parameter	Maximum [1] Daily	Sample Point	Minimum Sampling Frequency	Sample Type
Pressure Wash Wastewater	Copper, Total	2.4 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab
"	Zinc, Total	3.3 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab

"	Lead, Total	1.2 mg/L	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab
"	pH	Within the range of 5.0 to 11.0	Discharge from Pressure Washing Wastewater Treatment System	Once in each of the months of June, July, August, and September	Grab

[1.] Maximum daily effluent limitation is the highest allowable daily discharge for the reporting period. The daily discharge is the average measurement of the pollutant over a day. This does not apply to pH which must be reported as the highest and lowest values if more than one sample is taken in a day.

3. General Prohibitions

The Permittee must not introduce into the POTW any pollutant(s) which cause Pass Through, Upset or Interference.

In addition, any discharges to a POTW must meet the discharge restrictions of 40CFR 403.

The discharge of dangerous wastes as defined in Chapter 173-303 WAC, is prohibited.

The Permittee must not dilute the wastewater discharge with stormwater or increase the use of potable water, process water, non-contact cooling water, or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this permit.

S2.B. Boatyards Discharging Stormwater to a Non-delegated POTW

Permittees may discharge stormwater to a non-delegated POTW only upon special approval by Ecology. The Permittee must submit a request to Ecology demonstrating:

That no other option is feasible, and
That the POTW has excess wet season hydraulic capacity (no sanitary sewer overflows or treatment system bypasses), and
That the POTW is willing to accept the discharge, and
How it will reduce the amount of wastewater sent to the POTW by separating uncontaminated water and discharging it directly.

The request must also certify that the Permittee routinely practices all BMP's applicable to the boatyard.

The limits, upon approval of the discharge by Ecology, are the same as S2.A.2 and 3 above unless the POTW has more stringent limits or monitoring in which case the more stringent limits or monitoring will apply. The Permittee must notify Ecology of the more stringent POTW limits. Ecology may impose additional requirements in the approval for this discharge, such as flow equalization and characterization of any

uncontaminated water discharges.

S2.C. Boatyards Discharging Treated Pressure-Wash Wastewater or Stormwater to a Delegated POTW

Permittees may discharge pressure-wash wastewater or stormwater to a sanitary sewer system operated by a municipality with a delegated pretreatment program provided they receive a discharge authorization from the delegated municipality and authorization from all other applicable local sewerage authorities. Limitations, monitoring and reporting requirements will be determined by the municipality. All Permittees discharging wastewater to a delegated municipal sanitary sewer system must comply with any applicable sewer use ordinances adopted by the municipality and/or local sewerage authority operating the sewer system.

S2.D. Boatyards Discharging Stormwater to Waters of the State

Beginning on the effective date of coverage under this permit and lasting through the date of expiration of this permit, the Permittee is authorized to discharge stormwater and conditionally approved non-stormwater discharges listed in S5 below, to waters of the state. All discharges and activities authorized by this permit must be consistent with the terms and conditions of this permit.

1. General Prohibitions – all facilities must manage stormwater discharges to prevent each of the following:
   a. The discharge of synthetic, natural or processed oil, or oil-containing products;
   b. The discharge of floating materials; and
   c. A visible change in turbidity or color in the receiving water.

   The discharge of process wastewater is prohibited.

2. All boatyards discharging stormwater to Lake Union and the Ship Canal must meet the following discharge limitation.

Parameter	Maximum Daily Limit
Lead, Total (µg/L)	185

3. Facilities discharging stormwater to fresh and marine waters must meet the following benchmarks:

Parameter	Seasonal average Benchmark	Maximum Daily Benchmark
Copper, Total (µg/L)	50	147
Zinc, Total (µg/L)	85	90

4. Facilities discharging stormwater to an infiltration basin lined with adsorptive media:

   The discharge point to ground and all parts of the basin must be located at least 200 feet from the water's edge. These facilities are subject to the following limitations and benchmarks:

Parameter	Seasonal Average Limit	Maximum Daily Limit
Copper, Total (µg/L)	1000	1000
Zinc, Total (µg/L)	1020	1020

5. *New facilities* and *existing facilities* must comply with *TMDL wasteload allocations* developed from a *TMDL* which was completed prior to the date permit coverage is issued.

6. *New facilities* that propose to discharge to an impaired water body that is on the *current EPA-approved 303(d) list*, but without a completed *TMDL*, must not discharge the listed *pollutant* at a concentration or volume that will cause or contribute to a violation of the applicable *water quality* standard in the *receiving water*.

7. *Existing facilities* that discharge to an impaired waterbody on the *current EPA-approved 303(d) list* must not increase their loading or concentration of the listed *pollutant* for the duration of the coverage of this permit or until a *wasteload allocation* is assigned from a completed TMDL. A wasteload allocation, assigned by an EPA-approved TMDL to this category of discharger, or to an individual facility covered by this permit, becomes a limit of this permit. The limit will be imposed by a revision of the facility coverage for the Permittee.

S3. MANDATORY BEST MANAGEMENT PRACTICES (BMPS)

Permittees must prepare a handout describing these BMPs and provide copies to all employees, contractors, boat owners, and other customers as appropriate. The Permittee must post these BMPs conspicuously within the work areas and incorporate them into the facilities' SWPPP (See Condition S8 below).

S3.A. Vacuum Sander Required

Permittees 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 grinders.

The process for approval of alternatives is:

- The Permittee must request consideration of an alternative by a letter 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 construction.

S3.B. Tidal Grids

Permittees may only use tidal grids for emergency repair and marine surveying. Tidal grids must not be used for surface preparation, painting, routine maintenance or other non-emergency uses.

S3.C. In-Water Vessel Maintenance and Repair

Cleaning, repair, modifications, surface preparation or coating of any portion of a vessel's hull while the vessel is afloat is prohibited. If this work is necessary, then the Permittee must haul the vessel out into the upland portion of a facility covered by this general permit or a facility covered by an individual permit issued in accordance with the provisions of Chapter 173-220 WAC.

Repairs, modifications, surface preparation, or coating of topside or superstructure is limited to 25% of the topside or superstructure surface where the deck composes one collection surface. When stripping, sanding, scraping, sandblasting, painting, coating and/or varnishing any deck or superstructure of a vessel in-water, Permittees must collect all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids to prevent their release into the environment and entry into waters of the state.

Permittees must securely fasten drop cloths, tarpaulins, drapes, shrouding or other protective devices between various portions of the vessel or between the vessel and the dock, pier, boathouse, bulkhead or shoreline to collect all such materials. No work from a float or another boat is allowed. The Permittee must

clean up all collected materials daily to prevent their release into the environment and entry into waters of the state.

S3.D. Upland Vessel Maintenance and Repair

When stripping, sanding, scraping, sandblasting, painting, coating and/or varnishing any portion of a vessel, Permittees must collect and manage all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids to prevent their release into the environment and entry into waters of the state.

Permittees must secure drop cloths, tarpaulins, structures, drapes, shrouding or other protective devices around the vessel, as necessary, to collect all such materials. The Permittee must routinely cleanup all collected materials to prevent their release into the environment and entry into waters of the state.

S3.E. Solids Management

The Permittee must collect all particles, oils, grits, dusts, flakes, chips, drips, sediments, debris and other solids from work, service and storage areas of the boatyard to prevent their release into the environment and entry into waters of the state. The minimum collection frequency is once per day when solids-generating activity is occurring. The Permittee must keep solids as dry as possible during collection and not wash solids into any surface water or into a stormwater collection system. No hull recoating work may be conducted on a marine railway unless the boat is at least one boat length from the high water level or unless all dust, debris and paint is contained and prevented from being exposed to the weather.

The Permittee must clean marine railways and dry docks of all solids and garbage prior to submergence to prevent such materials from washing into waters of the state. The Permittee must install sediment traps in all storm drains to intercept and retain solids prior to their discharge into waters of the state. The Permittee must visually inspect sediment traps, storm drains and catch basins weekly and clean these devices either manually or with a vacuum device, on a routine basis to prevent the entry of solids into waters of the state.

S3.F. Paint and Solvent Use

The Permittee must use all paints and solvents in such a manner as to prevent their release into the environment and entry into waters of the state. The Permittee must use drip pans, drop cloths, tarpaulins or other protective devices during surface preparation, paint and solvent transfer, paint mixing, and application unless completely enclosed in a building.

Painting of the hull surface over or near water is prohibited except for minor touchup, such as the vessel numbers, with non-metallic paints. When painting decks or superstructure, the Permittee must place paint cans in a drip pan on top

of a drop cloth or tarpaulin. The Permittee must only mix paints and solvents at secure locations onshore or onboard a vessel.

Paints containing tributyltin are prohibited from use on any vessel less than 25 meters in length (82 feet) except as applied by a licensed applicator for the painting of aluminum hulls of a vessel that is less than 25 meters in length, and for the painting of outboard motors and out drives of vessels less than 25 meters in length.

Only persons with a current Washington State Department of Agriculture pesticide applicator's license may purchase, handle and apply tributyltin.

S3.G. Oils and Bilge Water Management

The Permittee must not discharge hydraulic fluids, oily wastes and petroleum products to waters of the state.

Bilge water discharges must not cause any visible sheen in waters of the state.

The Permittee must not discharge bilge waters to waters of the state if it has added solvents, detergents, emulsifying agents or dispersants to the bilge. If a vessel is moved prior to pumping out the bilge, the Permittee must use absorbent pads to prevent the accidental discharge of oils to waters of the state.

The Permittee must use drip pans or other containment devices during all petroleum product transfer operations to catch incidental leaks and spills. Absorbent pads and/or booms must be available during petroleum transfer operations occurring over water.

S3.H. Sacrificial Anode (Zincs) Management

The Permittee must not dispose of zincs used as sacrificial anodes into waters of the state. The Permittee must store spent zincs in a covered container and recycle them for their material value.

S3.I. Chemical Management

The Permittee must store all of the following under cover on an impervious surface: solid chemical products, chemical solutions, paints, oils, solvents, acids, caustic solutions and waste materials, including used batteries and lead and copper waste.

S3.J. Wash Pad Decontamination

Prior to actively pumping or passively discharging any stormwater from the pressure wash pad to waters of the state, the Permittee must clean the pad of all debris, paint waste, sludge and other solids. The Permittee must then pressure

wash the entire pad into the collection sump and clean the sump of all debris and other solids.

S3.K. Sewage and Gray Water Discharges

The Permittee must notify all owners of vessels moored for repair or under repair at a permitted facility in writing that this permit prohibits the discharge of sewage (including discharges from the vessel's galley) into waters of the state. Sanitary waste must be discharged to either the sanitary sewer or into a holding tank. The Permittee must make available to customers a list of contractors providing holding tank pump-out services.

S4. COMPLIANCE WITH WATER QUALITY STANDARDS

Permittees must comply with Washington State surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based water quality criteria in the National Toxics Rule (40 CFR 131.36).

Compliance with surface water quality standards means that stormwater discharges by a facility with permit coverage must not cause or contribute to a violation of water quality standards in the receiving water.

S4.A. Mixing Allowance

Permittees meeting the other conditions of this permit are allowed a mixing zone from the point of discharge to extend no more than 20 feet into the receiving water or the distance necessary to achieve a dilution factor of 20 if this is a lesser distance.

S5. NON-STORMWATER MISCELLANEOUS DISCHARGES

The following non-stormwater discharges identified below are conditionally approved provided the non-stormwater discharge complies with all applicable discharge limits in S2, including compliance with state water quality standards. The Permittee must cover the following discharges (except from fire fighting activities) in the facility SWPPP (Condition S8 below).

- Discharges from Fire Fighting Activities;
- Fire protection system flushing, testing, and maintenance;
- Discharges of Potable Water Including Water Line Flushing Wastewater, Provided that the Permittee De-chlorinates the Water Line Flushing Wastewater Prior to Discharge;
- Uncontaminated Air Conditioning or Compressor Condensate;
- Uncontaminated Ground Water or Spring Water; and

- Uncontaminated Discharges Associated with Dewatering of Foundations, Footing Drains, or Utility Vaults.

S6. MONITORING REQUIREMENTS

S6.A. Pressure Wash Effluent to Sanitary Sewer

See permit condition S2.A.2 for the monitoring frequency.

S6.B. Discharges to Waters of the State (including surface and ground)

The Permittee must monitor stormwater discharges at all permitted boatyards. The Permittee must collect samples from a location or locations affected by boatyard related activities and as noted on the application for coverage. If stormwater runoff from a facility occurs as sheet flow, then the Permittee must construct a collection point to collect an adequate sample volume. If stormwater discharges do not occur during the sampling period, then it must be indicated on the Discharge Monitoring Report (DMR) for that monitoring period. Stormwater must be monitored in accordance with the following monitoring schedule:

Category	**Parameter**	**Units**	**Sample Point**	**Minimum Sampling Frequency**	**Sample Type**
Stormwater	Total Copper	µg/L	Consistent Location	One sample in October, November, January, April and May	Grab or composite
"	Total Zinc	µg/L	Consistent Location	One sample in October, November, January, April and May	Grab or composite
"	Total Lead	µg/L	Consistent Location	One sample in October, November, January, April and May	Grab or composite
"	Visual Monitoring	NA	Facility	Weekly (See S6.D.)	Visual
Stormwater to marine waters	BOD, NO3+NO2-N,		Same as Consistent Location above	One sample in November or December of 2012	Grab or composite
Stormwater to fresh waters	BOD, Total Phosphorus		Same as Consistent Location above	One sample in November or December of 2012	Grab or composite

Non Stormwater Misc. Discharges (S6.C)	Parameters, frequency and location as directed by Ecology order.

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

S6.C. Analytical Procedures

Sampling and analytical methods used to meet the water and wastewater 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. The required detection (MD) and quantitation levels (ml) are:

PARAMETER (Method)	DETECTION LEVEL (µg/L)	QUANTITATION LEVEL (µg/L)
Copper (EPA 200.8)	0.4	2.0
Zinc (EPA 200.8)	0.5	2.5
Lead (EPA 200.8)	0.1	0.5

The objective of specifying these analytical levels is to reduce the number of analytical "non-detects" in permit monitoring and to measure effluent concentrations near or below criteria values where possible at a reasonable cost. If a Permittee knows that another method from 40 CFR Part 136 is sufficient to produce measurable results in its effluent, then the Permittee may use that method.

S6.D. Visual Inspection Requirements

1. The Permittee must conduct and document a visual inspection of the site once per week when boatyard activities are occurring at the site.
2. The Permittee must ensure that inspections are conducted by qualified personnel.
3. Each inspection must include:

a. Observations made at *stormwater* sampling locations and areas where stormwater associated with boatyard activity is discharged off-site; or discharged to waters of the state, or to a storm sewer system that drains to waters of the state.

b. Observations for the presence of floating materials, visible oil sheen, discoloration, turbidity, odor, etc. in the stormwater discharge(s).

i) If these pollutants are observed, the source must be found and the pollutant discharge stopped. The observation and source control efforts must be recorded in the inspection report.

c. Observations for the presence of illicit discharges such as domestic wastewater, noncontact cooling water, or process wastewater (including leachate).

i) If an illicit discharge is discovered, the Permittee must notify Ecology within seven days.

ii) The Permittee must eliminate the illicit discharge within 30 days.

d. A verification that the descriptions of potential pollutant sources required under this permit are accurate.

e. A verification that the site map in the SWPPP reflects current conditions.

f. An assessment of all BMPs that have been implemented, noting all of the following:

i) Probably effectiveness of BMPs inspected in controlling pollutants.

ii) Locations of BMPs that need maintenance.

iii) The reason(s) maintenance is needed and a schedule for maintenance.

iv) Locations where additional or different BMPs are needed and the rationale for the additional or different BMPs.

4. The Permittee shall record the results of each inspection in an inspection report or checklist and keep the records on-site for *Ecology* review. The Permittee shall 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 G17.A, 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 G17.A, or a duly authorized representative of the facility, in accordance with Condition G.17.B.

S6.E. Laboratory Accreditation

All monitoring data required by Ecology in this permit or by order must be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories,* Chapter 173-50 WAC.

S7. RESPONSE TO MONITORING VALUES WHICH EXCEED BENCHMARKS

S7.A. The following responses are required for any sample result which exceeds a benchmark value in a sample period. An exceedance of a seasonal average benchmark counts as one exceedance for level two or level 3 responses but no additional level one response is required for exceedance of a seasonal average.

1. Level One Response
Each time a sampling result for any parameter is above a benchmark value the Permittee must take all of the following actions. For example, if a sample for a monitoring period results in analytical values exceeding benchmarks for copper and TSS, then a level one response is required for each parameter. A level one report is not required after four, five, or six exceedances of a parameter.
a) Conduct an inspection of the permitted facility as promptly as possible after the sampling results are available. b) The inspection must: • Identify and evaluate possible sources of the benchmark parameter in the stormwater discharge, • Identify **source/operational** control methods by which the stormwater contamination can be reduced, • Evaluate which improvements or changes to the stormwater pollution prevention plan (SWPPP) are necessary to control the benchmark parameter, c) Summarize the inspection results, including remedial actions taken or planned, and place them in the SWPPP (see section S8), and d) Include a brief summary of inspection results and the proposed remedial actions with the discharge monitoring report (DMR) for the sampling period.

2. Level Two Response

Whenever **four** (4) sampling results for any parameter are above a parameter benchmark value(s) (example - any four copper values above the applicable copper benchmark) the Permittee must perform the following actions:

a) Investigate all available and applicable stormwater **treatment** best management practices to reduce stormwater contaminant levels below permit benchmark values. At a minimum, these must include examination of the options for covering the hull preparation area, treating the stormwater runoff, land infiltration, or sending the stormwater to the municipal sewage treatment plant.
b) Prepare a Level Two source control report outlining potential stormwater **treatment practices or structures** that may be appropriate at that location. These **treatment practices or structures** must be prioritized in the report according to expected cost and ease of installation. Ecology recommends the Permittee review the Ecology report number 10-10-018 at http://www.ecy.wa.gov/pubs/1010018.pdf for some options and the approximate cost of the options.
c) Submit the Level Two source control report to Ecology within three (3) months of reporting the fourth value above a benchmark.

3. Level Three Response

When any six (**6)** samples for an outfall are above a parameter benchmark value (ex. six sample values exceed the copper benchmark) during the coverage under this permit, or when any two (2) samples for an outfall are above a parameter benchmark value during the coverage under this permit if a Level Two response requirement had been triggered under the previous Boatyard General Permit (issued November 2, 2005), the Permittee shall perform all of the following actions:

a) Prepare an engineering report that meets the requirements of WAC 173-240, *Submission of Plans and Reports for Construction of Wastewater Facilities* and Ecology publication Number 05-10-014, *State Requirements for Submission of Engineering Reports and Plans for Industrial Wastewater Treatment Facilities.* The report must include any design and construction information for treatment devices or structures which are to be installed. This report must be prepared by a professional registered engineer unless the facility can demonstrate engineering competence and receives an exemption from Ecology.
b) Submit the engineering report to Ecology within three (3) months of reporting 6 values above a benchmark. The engineering report must include a proposed implementation schedule for implementation of the preferred option within twelve (12) months from the time Ecology accepts the engineering report. Ecology typically completes review of a well-done engineering report within 60 days. Failure to submit an acceptable engineering report may result in an order, penalty or both. The Permittee must notify Ecology at the time the treatment BMP is in

place and operational. Level 1 and 2 reports are not required during the period the preferred option is being put into place.

c) Implementation of the preferred option requires a modification of coverage (See condition S1.C). The engineering report may be used as the substantive information required for re-application.

d) Hardship certification – A facility may submit to Ecology a signed certification that it is currently unable to fund the equipment necessary to meet the benchmarks of Section S2.D.3 of this permit within one year. The certification must specify the period of time necessary to finance the treatment BMP required to meet the permit benchmarks. If Ecology agrees with the hardship request, Ecology will issue the facility an order containing a compliance schedule, requiring annual reports and other interim requirements. All BMP requirements, monitoring, benchmarks, limits, and Level 1 reports are effective during the compliance period.

S7.B. Boatyards with Level Three Response (engineering report) requirement at the time of issuance

Boatyards that have triggered the requirement for a Level Three Response under Condition S4. of the previous Boatyard General Permit (issued November 2, 2005) must meet the following schedule: 1). Submit an engineering report that meets the requirements of WAC 173-240, *Submission of Plans and Reports for Construction of Wastewater Facilities* that results in discharge concentrations at or below benchmarks and any applicable effluent limits and evaluates treatment systems, not later than 3 months from the effective date of this permit. 2). The engineering report must contain a schedule for implementing the preferred option within 12 months of acceptance of the engineering report by Ecology. The schedule may contain contingencies if other state or local permits are required. 3). The Permittee must implement the preferred option in accordance with the schedule and interim reports in the approved engineering report. The Permittee must notify Ecology at the time the treatment BMP is in place and operational. Level 1 and 2 reports are not required during the time the preferred option is being put in place and start-up.

A facility claiming hardship (see S7.A.3.d. above) must define the period of time required to fund a system necessary to meet the limits of S2.D.

S7.C. Boatyards with Level Two Response requirement at time of issuance

Boatyards that have triggered the requirement for a Level Two Response under Condition S4. of the previous Boatyard General Permit (issued November 2, 2005) must submit a Level Two source control report to Ecology on the date required under the terms of that permit (within three months of reporting the fourth value above a benchmark) and must prepare a Level Three Response upon exceeding a benchmark two additional times during coverage under this permit.

S8. STORMWATER POLLUTION PREVENTION PLAN (SWPPP)

Every facility covered by this permit must prepare and maintain a Stormwater Pollution Prevention Plan (SWPPP) which is developed specifically for its facility. **The SWPPP must be consistent with requirements defined in this permit, be fully implemented and updated as necessary to maintain compliance with permit conditions. The SWPPP must include those BMPs necessary to meet the benchmarks above**.

New facilities must develop and implement a SWPPP before beginning operation. However, some components of a SWPPP are added over time and cannot be included in the first SWPPP. The Permittee must update the SWPPP as required by permit conditions.

The Permittee must document the technical basis for the selection of all stormwater BMPs within the SWPPP. The SWPPP must document how stormwater BMPs were selected, the pollutant removal performance expected from the selected BMP and the technical basis which support the performance claims for the selected BMPs. Ecology assumes this documentation is a demonstration the selected BMP will comply with state water quality standards and satisfy the state AKART requirements and the federal technology-based treatment requirements under 40 CFR part 125.3. See condition S8.A.3. below for the exception to the requirements of this paragraph.

S8.A. General Requirements

1. Public Access and Signature:
   The Permittee(s) must retain the SWPPP and permit on site or within reasonable access to the site and make it immediately available upon request to Ecology or the local jurisdiction.
   a. A copy of the SWPPP must be provided to Ecology within 14 days of receipt of a written request for the SWPPP from Ecology.
   b. A copy of the SWPPP or access to the SWPPP must be provided to the public when requested in writing. Upon receiving a written request from the public for the Permittee's SWPPP, the Permittee must either:
      i) Provide a copy of the SWPPP to the requestor within 14 days of receipt of the written request; or

      ii) Provide access to the SWPPP within 14 days of receipt of the written request at a mutually agreed upon location for viewing and/or copying of the SWPPP. The Permittee will provide reasonable access to copying services for which a reasonable fee may be charged; or

      iii) Provide a copy of the SWPPP to Ecology and promptly notify the requestor that the SWPPP may be reviewed at Ecology within 14 days of receipt of the written request.

The responsible party as identified in General Condition G17 must sign the SWPPP and all of its modification.

2. 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 notice from Ecology, facility changes, self-inspection, or monitoring values which exceed benchmark values (see Condition S7 above) for one to three times. The Permittee must complete and enter a schedule for implementation (plan) into the SWPPP within thirty (30) days of a determination of necessary improvements or exceedance of benchmark values. BMPs identified in the plan must be implemented with due diligence. The Permittee must complete non-capital BMPs within two (2) weeks after completing the plan and capital BMPs within six (6) months. Enhanced/additional BMPs must comply with Condition S8.A.3 below. This paragraph does not apply to a Level Two or a Level Three Response when four or more benchmark values have been exceeded. Complying with this provision does not limit the potential liability for enforcement action where the Permittee has failed to implement required BMPs or where stormwater discharges violate water quality standards.

Ecology may notify the Permittee when the SWPPP does not meet one or more of the minimum requirements of this Condition S8 or when the SWPPP is not adequate to assure compliance with standards. The Permittee must modify the SWPPP and the BMPs to correct the deficiencies identified in the notice within thirty (30) days of the notice or receipt of the inspection report.

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. 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 Permittee must modify the SWPPP and adjust the BMPs to correct the deficiency.

3. Proper Selection and Proper Use of Stormwater Management Manuals (SWMM):

Permittees who select BMPs from approved stormwater management manuals must clearly specify the stormwater management manuals in their SWPPP. Permittees who choose to use BMPs from approved stormwater management manuals do not have to demonstrate the technical basis for the BMPs as set forth in the introductory paragraphs of this section.

4. Other Pollution Control Plans:

The Permittee may incorporate by reference applicable portions of plans prepared for other purposes at their facility. Plans or portions of plans incorporated into a SWPPP become enforceable requirements of this permit and must meet the availability requirements of the SWPPP (see S8.A.1. above). A Pollution Prevention Plan prepared under the Hazardous Waste Reduction Act, Chapter 70.95C RCW, is an example of such a plan.

S8.B. SWPPP Contents and Requirements

The SWPPP must contain a detailed assessment of the facility and a detailed description of the best management practices (BMPs). The Permittee must clearly identify in the plan any parts of the SWPPP which it wants to claim as Confidential Business Information. At a minimum, the SWPPP must include the following:

1. Facility Assessment:

The facility assessment must include a description of the facility, a detailed site map, and an inventory of facility activities, equipment and materials that contribute to or have the potential to contribute pollutants to stormwater. The assessment must be as complete as possible (including incidental sources such as tire wear or equipment leaks) and must be updated to reflect substantive changes at the facility. The SWPPP must address each potentially significant pollutant source with best management practices that will eliminate or reduce the potential to contaminate stormwater through source control or treatment.

a. Facility Description: The facility description must describe the 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 must include seasonal variations including peaks in production and any changes in work based on season or weather.

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:

i) The stormwater drainage and discharge structures,

ii) An outline of the stormwater drainage areas for each stormwater discharge point (including discharges to ground water),

iii) Paved areas and buildings,

iv) Areas of pollutant contact (actual or potential),

v) Surface water locations (including wetlands and drainage ditches),

vi) 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 work and repair areas.

iv) Dust or particulate generating processes.

v) Roofs or other surfaces exposed to air emissions from an enclosed vessel repair or a process area.

vi) On-site waste treatment, storage or disposal.

vii) Vehicle and vessel fueling, maintenance and/or cleaning (includes washing).

viii) Roofs or other surfaces composed of materials that may be mobilized by stormwater (e.g. galvanized or copper roofs).

d. Inventory of Materials: The inventory of materials must list all the types of materials handled at the site that potentially may be exposed to precipitation or runoff and could result in stormwater pollution of a significant amount. The inventory must include a short narrative for each material describing the potential of the pollutant to be present in stormwater discharges. The Permittee must update this narrative when data become available to verify the presence or absence of these pollutants. The inventory must include a narrative description of any potential sources of pollutants of a significant amount from past activities; significant materials that were previously handled, treated, stored, or disposed of in a manner to allow ongoing exposure to stormwater. The inventory must include the method and location of any on-site storage or disposal; and a list of significant spills and significant leaks of toxic or hazardous pollutants.

e. Non-stormwater Miscellaneous Discharges (from S5.): These discharges must be specified as to volume, frequency of discharge, expected duration of discharge and BMPs to assure they are uncontaminated. Visual Monitoring must be included in S8.B.2. below. Sampling and analysis of these discharges is required when directed to do so by an order from an Ecology inspector.

2. Monitoring Plan:

The SWPPP must include a monitoring plan. The plan must identify all the points of discharge to the sanitary sewer (pressure wash, process and stormwater only), surface water, and to a storm drain system. If there is more than one point of discharge then the plan must include a discussion of how the Permittee has determined which points of discharge are to be monitored such that the monitoring is representative of the discharge (see permit application). The plan must identify who is responsible for monitoring and how monitoring will be conducted to comply with permit conditions. The monitoring plan must address stormwater sampling requirements and visual inspections. The plan must include the following:

a. Identification of points of discharge

b. A checklist for visual monitoring

c. The person (or position) who conducts stormwater sampling

d. Where samples will be taken

e. Parameters for analysis

f. Procedures for sample collection and handling

g. Procedures for sending samples to lab

h. Procedure for submitting results to Ecology

3. BMPs:

The SWPPP must include a description of the best management practices (BMPs) in addition to those specified in Condition 3 that are necessary for the facility to eliminate or reduce the potential to contaminate stormwater. BMPs must be considered to regulate peak flow and volume of stormwater discharge**.**

The SWPPP must document how the Permittee selected stormwater BMPs, the pollutant removal performance expected from the selected BMP, and the technical basis that supports the performance claims for the selected BMPs and an assessment of how the selected BMP will comply with state water quality standards and satisfy the technology-based treatment requirements of 40 CFR Part 125.3 and Chapter 90.48 RCW.

Permittees who choose to follow the stormwater management practices, or their functional equivalents, contained in approved stormwater management manuals, including the proper selection, implementation, and maintenance of appropriate best management practices are presumed to have satisfied the demonstration requirement of the previous paragraph.

The Permittee must include BMPs that comply with the following requirements:

a. Operational BMPs: Operational BMPs are common to all facilities. The categories listed below must be included in the SWPPP.

i) The SWPPP must include the Operational Source Control BMPs listed as "applicable" in Ecology's SWMM, approved stormwater technical manuals chosen per S8.A.3, or other guidance documents or manuals approved in accordance with S8.A.3.

ii) Pollution Prevention Team:

The SWPPP must include a BMP that identifies specific individual or individuals by name or by title within the plant organization responsible for developing the SWPPP and assisting the plant manager in its implementation, maintenance, and modification. The activities and responsibilities of the team must address all aspects of the facility's SWPPP.

iii) Good Housekeeping:

The SWPPP must include a BMP(s) that defines ongoing maintenance and cleanup, as appropriate, of areas which may contribute pollutants to stormwater discharges. The SWPPP must include the schedule/frequency for completing each housekeeping task.

iv) Preventive Maintenance:

The SWPPP must include a BMP(s) to inspect and maintain the stormwater drainage and treatment systems (if any), and equipment and systems that could fail and result in contamination of stormwater. The SWPPP must include the schedule and frequency for completing each maintenance task and the person(s) or position(s) responsible for preventive maintenance.

v) Spill Prevention and Emergency Cleanup Plan:

The SWPPP must include BMP(s) to identify areas where potential spills can contribute pollutants to stormwater discharges. The BMP(s) must specify material handling procedures, storage requirements, cleanup equipment and procedures as appropriate. The SWPPP may include excerpts of plans prepared for other purposes (e.g., Spill Prevention Control and Countermeasure (SPCC) plans under Section 311 of the CWA), where those excerpts meet the intent of this requirement. This section must include:

(a) A description of the reporting system which the Permittee plans to use to immediately alert facility managers and legal authorities (i.e. Department of Ecology and the Washington

Military Department, Emergency Management Division, (800) 258-5990), in the event of a spill or unpermitted discharge which may endanger health or the environment.

(b) A description of preventative measures and facilities, including an overall facility plot plan showing drainage patterns, which prevent, contain, or treat spills or unpermitted discharges. The use of dispersants and emulsifiers is prohibited without specific approval from the Director of the Department of Ecology.

(c) A list of all oils and chemicals used, processed or stored at the facility which may be spilled or discharged into waters of the state.

vi) Employee Training:

The SWPPP must include a BMP(s) to provide SWPPP training for any employee(s) 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 and schedule for assuring that employees 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.

viii) Inspections and Recordkeeping:

The SWPPP must include documentation of procedures to assure compliance with permit requirements for inspections and recordkeeping. At a minimum, it must include all of the following:

- Identify personnel who inspect designated equipment and areas as required in Condition S6, Monitoring Requirements,
- Provide a tracking or follow-up procedure to ensure that a report is prepared and any appropriate action taken in response to visual monitoring,
- Define how the Permittee will comply with signature requirements and records retention identified in Condition S9, Reporting and Recordkeeping Requirements, and
- Include certification of compliance with the SWPPP.

b. The SWPPP shall include the Structural Source Control BMPs listed as "applicable" in Ecology's SWMM, approved stormwater technical

manuals chosen per S8.A.3, or other guidance documents or manuals approved in accordance with S8.A.3.

4. Illicit Discharges:

The SWPPP shall include measures to identify and eliminate the *discharge* of *process wastewater*, *domestic wastewater*, *noncontact cooling water*, and other *illicit discharges*, to *stormwater* sewers, or to surface waters and *ground waters of the state*. The Permittee can find BMPs to identify and eliminate *illicit discharges* in Volume IV of *Ecology*'s SWMM for Western Washington and Chapter 8 of the SWMM for Eastern Washington.

S9. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee must report in accordance with the following conditions. False reporting is a violation of this permit.

S9.A. Reporting

The Permittee must submit monitoring results in accordance with the minimum sampling frequencies specified in Sections S2 and S6 of this permit and must submit all data collected to Ecology. If the permittee discharges process or storm water to a POTW and the POTW wishes to receive monitoring data, then DMRs must also be provided to the POTW at the same time it is sent to Ecology. The Permittee must summarize and report monitoring data collected during the previous month or sample period on a form provided, or otherwise approved, by Ecology. It must ensure that the report is postmarked or received by Ecology no later than the 28th day of the month following the sample collection month. The report(s) must be sent to the appropriate regional office of Ecology.

S9.B. Records Retention

The Permittee must retain records of all monitoring information for a minimum of five 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. This period of retention must be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director. Copies of this permit, all reports and other permit records must be available at the permitted site for review by Ecology inspectors.

S9.C. Recording Results

For each measurement or sample taken, the Permittee must record all of the

following information:

1. the date, exact place, method, and time of sampling;
2. the individual who performed the sampling or measurement;
3. the dates the analyses were performed;
4. the name of the person(s) who performed the analyses;
5. the analytical techniques or methods used; and
6. the results of all analyses.

S9.D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant identified in this permit more frequently than required by this permit using test procedures specified by Condition S6.C of this permit, then it must include the results of this monitoring in the calculation and the data submitted in the Permittee's DMR.

S9.E. Noncompliance Notification

In the event of a spill, or a discharge not authorized by this permit which may endanger health or the environment, the Permittee must immediately notify Ecology and the Washington Military Department, Emergency Management Division, (800) 258-5990. This notification procedure must be included in the SWPPP as noted in Condition S8.B.3.a.iv. above.

In the event the Permittee is unable to comply with any of the other permit terms and conditions due to any cause, the Permittee must:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and if applicable, repeat sampling and analysis of any noncompliance and submit the results to Ecology within five (5) days after becoming aware of the violation;
2. Immediately notify Ecology of the failure to comply; and
3. Submit a detailed written report to Ecology within five (5) days. The report should describe the nature of the violation, including exact dates and times, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the additional sampling, and any other pertinent information.

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.

S9.F. Discharges to a Delegated Municipal Sanitary Sewer System

Permittees who discharge treated pressure wash wastewater to a delegated municipal sanitary sewer system must maintain records of their contractual agreement with the municipality, including the conditions of discharge. These records must be available for Ecology inspection.

S10. BYPASS

S10.A. Bypass Procedures

This permit prohibits a bypass which is the intentional diversion of waste streams from any portion of a treatment facility. Ecology may take enforcement action against a Permittee for a bypass unless one of the following circumstances (1, 2, or 3) applies.

1. Bypass for Essential Maintenance without the Potential to Cause Violation of Permit Limits or Conditions.

   Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limits or other conditions of this permit, or adversely impact public health as determined by Ecology prior to the bypass. The Permittee must submit prior notice, if possible, at least ten (10) days before the date of the bypass.

2. Bypass Which is Unavoidable, Unanticipated, and Results in Noncompliance of this Permit.

   This bypass is permitted only if:
   Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. “Severe property damage” means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.

   No feasible alternatives to the bypass exist, such as:

   - The use of auxiliary treatment facilities.
   - Retention of untreated wastes.
   - Stopping production.
   - Maintenance during normal periods of equipment downtime, but not if the Permittee should have installed adequate backup equipment in the exercise of reasonable engineering judgment to prevent a bypass.
   - Transport of untreated wastes to another treatment facility or preventative maintenance), or transport of untreated wastes to another treatment facility.

Ecology is properly notified of the bypass as required in condition S9E of this permit.

3. If bypass is anticipated and has the potential to result in noncompliance of this permit.

   a. The Permittee must notify Ecology at least thirty (30) days before the planned date of bypass. The notice must contain:
      - A description of the bypass and its cause.
      - An analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing.
      - A cost-effectiveness analysis of alternatives including comparative resource damage assessment.
      - The minimum and maximum duration of bypass under each alternative.
      - A recommendation as to the preferred alternative for conducting the bypass.
      - The projected date of bypass initiation.
      - A statement of compliance with SEPA.
      - A request for modification of water quality standards as provided for in WAC 173-201A-410, if an exceedance of any water quality standard is anticipated.
      - Details of the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

   b. For probable construction bypasses, the Permittee must notify Ecology of the need to bypass as early in the planning process as possible. The Permittee must consider the analysis required above during preparation of the engineering report or facilities plan and plans and specifications and must include these to the extent practical. In cases where the Permittee determines the probable need to bypass early, the Permittee must continue to analyze conditions up to and including the construction period in an effort to minimize or eliminate the bypass.

   Ecology will consider the following prior to issuing an administrative order for this type of bypass:

   a. If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this permit.

   b. If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.

   c. If the bypass is planned and scheduled to minimize adverse effects on the public and the environment.

After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public must be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under RCW 90.48.120.

S10.B. Duty to Mitigate

The Permittee is required to take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

S11. SOLID WASTE MANAGEMENT

The Permittee must manage all solid waste materials to prevent the release of leachate into waters of the state.

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 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 or the Washington State Department of Fish and Wildlife.

GENERAL CONDITIONS

G1. DISCHARGE VIOLATIONS

All discharges and activities authorized by this general permit must be consistent with the terms and conditions of this general permit. The discharge of any pollutant more frequently than, or at a concentration in excess of that authorized by this general permit must constitute a violation of the terms and conditions of this general permit.

G2. PROPER OPERATION AND MAINTENANCE

The Permittee must, at all times, properly operate and maintain all facilities or systems of treatment and control (and related appurtenances) which are installed to achieve compliance with the terms and conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems, which are installed by a Permittee only when the operation is necessary to achieve compliance with the conditions of this permit.

G3. RIGHT OF 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:

A. 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;

B. To have access to and copy at reasonable times any records that must be kept under the terms of this permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in this permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G4. PERMIT COVERAGE REVOKED

Pursuant with Chapter 43.21B RCW and Chapter 173-226 WAC, the Director may require any discharger authorized by this permit to apply for and obtain coverage under an individual permit or another more specific and appropriate general permit. Cases where revocation of coverage may be required include, but are not limited to, the following:

A. Violation of any term or condition of this permit;

B. Obtaining coverage under this permit by misrepresentation or failure to disclose fully all relevant facts;

C. Failure or refusal of the Permittee to allow entry as required in RCW 90.48.090;

D. A determination that the permitted activity endangers human health or the environment, or contributes to water quality standards violations;

E. Nonpayment of permit fees or penalties assessed pursuant to RCW 90.48.465 and Chapter 173-224 WAC; or

F. Failure of the Permittee to satisfy the public notice requirements of WAC 173-226-130(5), when applicable; or Permittees who have their coverage revoked for cause according to WAC 173-226-240 may request temporary coverage under this permit during the time an individual permit is being developed, provided the request is made within ninety (90) days from the time of revocation and is submitted along with a complete individual permit application form.

G5. GENERAL PERMIT MODIFICATION AND REVOCATION

This permit may be modified, revoked and reissued, or terminated in accordance with the provisions of Chapter 173-226 WAC. Grounds for modification or revocation and reissuance include, but are not limited to, the following:

A. When a change which occurs in the technology or practices for control or abatement of pollutants applicable to the category of dischargers covered under this permit;

B. When effluent limitation guidelines or standards are promulgated pursuant to the FWPCA or Chapter 90.48 RCW, for the category of dischargers covered under this permit;

C. When a water quality management plan containing requirements applicable to the category of dischargers covered under this permit is approved; or

D. When information is obtained which indicates that cumulative effects on the environment from dischargers covered under this permit are unacceptable.

G6. REPORTING A CAUSE FOR MODIFICATION

A Permittee who knows, or has reason to believe, that any activity has occurred or will occur which would constitute cause for modification or revocation under Condition G5. above, or 40 CFR 122.62, must report such plans, or such information, to Ecology so that a decision can be made on whether action to modify coverage or revoke coverage under this permit will be required. Ecology may then require submission of a new application for coverage under this, or another general permit, or an application for an individual permit. Submission of a new application does not relieve the Permittee of the duty to comply with all the terms and conditions

of the existing permit until the new application for coverage has been approved and corresponding permit has been issued.

G7. 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.

G8. OTHER REQUIREMENTS OF 40 CFR

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

G9. 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.

G10. ADDITIONAL MONITORING

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

G11. PAYMENT OF FEES

The Permittee must submit payment of fees associated with this permit as assessed by Ecology. Ecology may revoke this permit coverage or take enforcement, collection, or other actions, if the permit fees established under Chapter 173-224 WAC are not paid.

G12. REMOVED SUBSTANCES

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

G13. REQUESTS TO BE EXCLUDED FROM COVERAGE UNDER A GENERAL PERMIT

Any discharger authorized by this permit may request to be excluded from coverage under this general permit by applying for an individual permit. The discharger must submit to the Director an application as described in WAC 173-220-040 or WAC 173-216-070, whichever is applicable, with reasons supporting the request. These reasons must fully document how an individual permit will apply to the applicant in a way that the general permit cannot. Ecology may make specific requests for

information to support the request. The Director will either issue an individual permit or deny the request with a statement explaining the reason for the denial. When an individual permit is issued to a discharger otherwise subject to this general permit, the applicability of this general permit to that Permittee is automatically terminated on the effective date of the individual permit.

G14. TRANSFER OF PERMIT COVERAGE

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

A. The Permittee notifies Ecology at least 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 permit coverage.

G15. DUTY TO REAPPLY

The Permittee must reapply for coverage under this permit, at least, one hundred and eighty (180) days prior to the specified expiration date of this permit. An expired permit and coverage under the permit continues in force and effect until a new permit (coverage) is issued or until Ecology cancels it. Only those facilities which have reapplied for coverage under this permit are covered under the continued permit.

G16. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit will be deemed guilty of a crime, and upon conviction be punished by a fine of up to ten thousand dollars 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 incurs, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation is considered a separate and distinct offense, and in case of a continuing violation, every day's continuance will be deemed to be a separate and distinct violation.

G17. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to Ecology must be signed and certified.

A. In the case of a municipal, State or other public facility, all permit applications must be signed by a principal executive officer or ranking elected official. In the

case of a corporation, partnership, or sole proprietorship, all permit applications must be signed by either a principal executive officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. 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:

1. The authorization is made in writing by a person described above and submitted to Ecology.

2. 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.)

C. Changes to authorization. If an authorization under paragraph B.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 B.2 above must be submitted to Ecology prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. 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.

G18. APPEALS

The terms and conditions of the boatyard general permit are subject to appeal. There are two different appeal categories.

A. The permit terms and conditions as they apply to the appropriate class of dischargers are subject to appeal within thirty (30) days of issuance of this general permit in accordance with Chapter 43.21(B) RCW and Chapter 173-226 WAC; and

B. The applicability of the permit terms and conditions to an individual discharger (individual coverage) are subject to appeal in accordance with Chapter 43.21(B) RCW within thirty (30) days of the effective date of coverage of that discharger. An appeal of the coverage of the boatyard general permit to an individual discharger is limited to the applicability or non-applicability of the boatyard general permit to that same discharger. Appeal of permit coverage of an individual discharger will not affect the coverage of any other individual dischargers. If the terms and conditions of the boatyard general permit are found to be inapplicable to any discharger(s), the matter will be remanded to Ecology for consideration of issuance of an individual permit or permits.

G19. SEVERABILITY

The provisions of this permit are severable, and if any provision of this general permit or application of any provision of this general permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this general permit, will not be affected thereby.