

Randy Lewis

The following comments are submitted by the Port of Grays Harbor (the submitted by tab is not functioning and only allows an individual submission).

Overall this is a step in the right direction for entities, such as ports and marinas, that do not operate a facility which routinely deconstructs vessels but is required to have coverage for occasional deconstructions including derelict, abandoned, and sunken vessels.

A separate section needs to be developed to address these types of deconstructions, instead of trying to incorporate modifications throughout the document which can lead to confusion on what is and isn't applicable and disconnects on how to apply standards that are focused on the normal and not the unusual scenarios. The VDGP's stated purpose is to require coverage for deconstructions that occur in water or overwater (including in floating drydocks and on barges), and indicates deconstruction on land is considered an unusual circumstance.

The Port of Grays Harbor has been involved in approximately 9 vessel deconstructions in the last 5 years that included both sunken vessels and floating derelict vessels. Those floating vessels were removed by trailer and deconstructed on Marina property or hauled to a permitted facility inland. Those which sank were refloated and lifted onto marina property and demolished there. None of the deconstructions had discharges to surface waters, other than water dripping from the hull as it was removed from the water. Most of the demolitions are accomplished in a day or two, unless hazardous materials testing is needed, which must wait until the vessel is out of the water.

Based on these scenarios, there are portions of the documents that would indicate coverage is not required, since only wastewater consisting of runoff from marina water off the hull would be present. Contractors are now using barriers to collect all runoff so the only potential discharge would be to the ground.

The following are comments on specific sections. As indicated above, all of these could be included in a new section to address periodic demolitions by entities that aren't deconstruction facilities:

S.2.A.2 - Beginning of Construction Form. While it is understandable that Ecology needs time to review plans prior to deconstruction activity, this does not take into account a situation of a vessel sinking. This section needs to clearly indicate whether activities can take place, with or without Ecology concurrence such as refloating and removing a vessel from the water to eliminate ongoing water quality impacts. Although there are processes to remove fluids from fuel and storage tanks of a sunken vessel, these do not remove all fluids and stop all leakage. Also, the longer a vessel is submerged, the more complex the raising process can become due to many factors such as settling into the bottom. This is different from derelict vessels that have been sunken for an extended period and require special handling and should be addressed as such.

The proposed form should also have a section that identifies whether there will be any discharges and if so where to. Identifying whether there will be solid waste is a good practice for all applications. It would be very helpful for applicants if this was used as an opportunity for Ecology to document that coverage wasn't required (S.1.C.2.a) and return the form.

S.2.A.3 Completion of Deconstruction Form. In all but two of the previously mentioned cases, the deconstruction activities were completed in 24 hours or less. The Port recommends creating a third form that handles small deconstruction efforts that will occur in a short period. The form should

also include the comments provided above.

S.4 and S.5 Routine and Non-Routine Discharges. Based on our scenarios we would normally be considered to have non-routine discharges. In practice, all liquid runoff is collected and hauled away by a licensed contractor for discharge at a licensed facility. In most cases the total quantity of liquids collected is ten gallons or less. If there is significant rainfall or liquids trapped in the hull this could be more but that is not a normal situation. This practice should be recognized as meeting the requirements of Section S.5

S.7 Since most of our deconstructions occur in less than a week so weekly inspections and reporting aren't applicable. This section needs to identify the inspection requirements for small projects (pre-construction, when all BMP's are in place, and post deconstruction). This should be identified in the abbreviated plans mentioned below. Small projects should not be required to use the WQMR process unless they identify there will be a discharge to report.

S.8 The requirement for a "qualified marine professional" to submit the Deconstruction and Site Management Plan is excessive for most of the projects we deal with. It is conceivable the cost of the plan could be as expensive or more than the cost of the deconstruction. The definition needs to be expanded to allow contractors with experience in deconstructions (maybe tie this to the list of qualified contractors on the state derelict removal contract who have been vetted through that process) to be included in the list of professionals. The other option would be to include a sub section that allows Ecology to waive this requirement for applicants that demonstrate a project is small enough and straight forward such that the applicant, or a contractor can supply all the required information.

Ecology should develop a template for both the DSMP and Solid Waste and Liquid Disposal Plan required by section S9.

S11. It isn't clear from the documentation provided how the fees will be applied. In our scenarios, the permit will be in an inactive status which presumably means no fees would be collected. Once activated for a deconstruction it would remain active for the month and then be returned to the inactive status. The list of fees found in the WAC that is cited are annual fees. Will the applicant be charged the applicable percentage of the annual fee for the time the permit is active or will activation trigger the full annual fee be assessed? This needs to be clarified in the final permit.

Thank you for the opportunity to comment. The Port would be glad to clarify any of these comments and work with Ecology in making the new VDGP more applicable to entities such as the Port that deal with these situations and do not operate deconstruction facilities.

Sincerely,

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Port of Grays Harbor