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April 16, 2021

James Hovis  
Boatyard and Drinking Water Facility General Permits  
Water Quality Program  
Washington State Department of Ecology  
PO Box 47696  
Olympia, WA 98504-7696

*Submitted electronically to <http://wq.ecology.commentinput.com/?id=MYQsb> and via e-mail to [Jhov461@ECY.WA.GOV](mailto:Jhov461@ECY.WA.GOV)*

Re: Canal Boatyard Comments on State of Washington Department of Ecology (Ecology) Draft NPDES and State Waste Discharge General Permit for Boatyards - Proposed Reissuance June 16, 2021, Proposed Effective August 1, 2021 (Draft Boatyard Permit)

Dear Mr. Hovis:

Canal Boatyard appreciates the opportunity to provide our comments on Ecology's Draft Boatyard Permit for stormwater discharges associated with boatyard activities. Canal Boatyard has been awarded numerous honors for our dedication to environmental stewardship and community service, maintaining an environmentally friendly facility protective of our local waterways. We have worked diligently over the years to successfully maintain compliance with Ecology's current Boatyard General Permit and to educate and lead our employees, contractors, and tenants by example. We fear however that some requirements proposed in Ecology's Draft Boatyard Permit unnecessarily threaten the viability of our business.

Our yard fills a crucial need in the industry catering to do-it-yourself boaters and the best-in-class contractors for repairs. Our boatyard manager exemplifies conscientious stormwater management, exercising firm operational control to educate our employees, tenants, contractors

and customers and requiring rigorous application of operational source control best management practices (BMPs) to limit pollutant discharges.

Canal Boatyard has invested for the long-term in our local community and our facility's drainage and stormwater treatment infrastructure that have been crucial to our success in achieving and maintaining compliance with the current permit. Our yard is completely paved, and our site layout and drainage has been configured with containment, capture, and treatment of runoff as primary goals. We have installed and diligently maintain a multi-stage stormwater treatment system incorporating a pre-settlement system and Stormwater-Rx Aquip media filtration system, approved by Ecology prior to installation, meeting State AKART standards. Our drainage and treatment systems are maintained diligently, proactively, and effectively to limit pollutant discharges consistently treating stormwater below current standards as a result of our focus, attention, and economic investment.

Canal Boatyard is a long-term member of the Northwest Marine Trade Association who has been cooperating and collaborating with Ecology, local environmental organizations, and the engineering and commercial development community on stormwater related issues for decades. We support NMTA's submitted Draft Boatyard Permit comments adding the following specific supporting discussion:

**1. Condition S2.D: Copper Benchmark**

We echo NMTA's concern regarding Ecology's proposal to reduce the copper benchmark by almost an order of magnitude to 15 micrograms per liter (ug/l). This burdensome proposed permit revision is unwarranted based on historic studies conducted by Ecology and unnecessary to protect our receiving water.

Canal Boatyard rigorously implements all required operational source controls, also implementing several innovative site-specific BMPs developed to suit our yard and operations. As discussed, we also perform regular maintenance of our drainage and stormwater treatment systems to ensure optimal function. Our continued efforts have resulted in our successful compliance with current permit conditions yielding measured pollutant levels well below current instantaneous and seasonal average pollutant benchmark levels.

Though achieving the proposed 15 ug/l benchmark level may be achievable intermittently through continued diligent operational control and facility maintenance, our boatyard will most certainly trigger Level 3 corrective actions within the new permit term prompting removal and replacement of our existing treatment system with a new chemical manipulation system. Such a system will require an initial capital investment far exceeding projected facility revenue during the permit term while requiring ongoing operation and maintenance expenditures making the business model for our service area unsustainable.

**2. Condition S2.D: Monte Carlo Simulation Dilution Factor of 5.**

Canal Boatyard supports NMTA's discussion of dilution factors as it pertains to our discharge specifically. The arbitrarily derived dilution factor of 5 described in Ecology's Draft Boatyard Permit Fact Sheet is a key determining factor in development of the proposed benchmark limits and it is not at all representative discharges from our approximately 2.3-acre facility to Seattle's voluminous Ship Canal. Even minor consideration of actual discharge conditions from our yard would clearly determine revision of our pollutant discharge standards unwarranted and unnecessary.

### **3. Draft Boatyard Permit Condition S7.A.3.(a).iii & Draft Boatyard Permit Fact Sheet**

#### **Summary Note 16): Benchmark Response Continuance.**

Ecology has included provision in S7.A.3.(a).iii in the Draft Boatyard Permit clarifying that the benchmark response system is to be repeated until benchmarks are achieved. Canal Boatyard questions the basis for this revision in consideration of the Draft Boatyard Permit's Section S4 requirements for Compliance With Water Quality Standards. Section S4 includes two provisions (paraphrased); 1) Permittees must comply with Washington State surface water quality standards and others; and 2) Permittees must apply AKART.

Meeting condition S4.1. is defined to mean 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." Compliance with condition S4.2. is defined to be met if, "the Permittee must prepare and implement an adequate SWPPP, with all applicable and appropriate BMPs, including the BMPs necessary to meet the standards identified here in this condition, and must install and maintain the BMPs in accordance with the SWPPP, applicable stormwater technical manuals, and the terms and conditions of this permit."

In consideration of these provisions, requiring permittees satisfying both conditions S4.1 and S4.2. to continue to apply corrective action responses to benchmark exceedances would seem unnecessary to meet State standards.

### **4. Boatyard Permit Continuance and Level 3 Corrective Action Extension Request.**

In consideration of the significant adverse economic impact to the permitted community the revised copper benchmark would trigger, coupled with the valid comments provided by NMTA noting that the current benchmarks were appropriately derived in previous permits, Canal Boatyard requests Ecology continue the current Boatyard General Permit until such time as a thorough evaluation of the necessity for proposed permit revisions may be considered by Ecology in consultation with the permitted community.

In the absence of Ecology's continuation of the existing permit, Canal requests Ecology include provisions in the reissued boatyard general permit allowing up to 36 months following receipt of Ecology Engineering Report approval to accommodate required financing, design, bidding, construction, startup, and commissioning of stormwater treatment improvements which will inevitably result from Ecology's proposed permit revisions.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to be the name 'Paul Nelson', written in a cursive style.

Paul Nelson  
Owner  
Canal Boatyard