



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-222-4462

November 6, 2013

TO: Current Multi-Sector General Permit (MSGP) permit holders
Sector Q (Water Transportation)
Sector R (Ship and Boat Building and Repair Yards)

FROM: Eric A. Beck, P.E., Supervising Engineer
Office of Water Resources

SUBJECT: MSGP Vessel Pressure Washing Wastewater Letter of Intent

As you may be aware, the Department of Environmental Management (“DEM”) issued a final Multi-Sector General Permit (“MSGP”) for Storm Water Discharges Associated with Industrial Activity which became effective on August 15, 2013 (the “Permit”). Sector Q (Water Transportation) of the MSGP covers storm water discharges associated with water transportation facilities in SIC Code major group 44 that have vehicle/vessel maintenance shops and/or equipment cleaning operations and includes marinas. Sector R (Ship and Boat Building and Repair Yards) of the MSGP covers storm water discharges associated with ship and boat building and repair facilities in SIC Code groups 3731 and 3732 that have vehicle/vessel maintenance shops, equipment cleaning operations, and blasting/painting operations.

The Permit allows discharges from the washing of marine vessels provided that chemicals, soaps, detergents, steam, or heated water are not used and that the washing is not used to remove topside or bottom paint, marine growth, or other potentially hazardous materials from vessels. All other discharges resulting from pressure washing activities must be contained, collected, and handled as a process wastewater. The MSGP prohibits the discharge of process wastewaters, so that vessel pressure washing discharges used to remove marine growth are not allowed by the MSGP.

DEM and the Rhode Island Marine Trades Association (“RIMTA”) have been working cooperatively to provide education, outreach, and technical assistance to facility owners and operators that engage in vessel bottom pressure washing activities to ensure that the wastewaters generated from these activities are managed in an environmentally sound manner in compliance with state and federal environmental laws. In 2006 DEM and RIMTA met with the Environmental Protection Agency (“EPA”) to consider alternatives for the disposal of wastewater from power washing of boat bottoms. Due to concerns over high copper concentrations in power washing wastewater, it was determined that modifying the existing MSGP to allow for coverage of the wastewater, development a separate general permit to cover the wastewater, and infiltration of the wastewater into the ground were not viable alternatives. Therefore, RIMTA issued a letter to its membership recommending the use of recycling systems and off-site disposal. Since then many of the larger marinas have installed recycling systems. The DEM’s Office of Customer and Technical Assistance has researched the relevant issues and

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Final Vessel Power Washing LOI and Certification Statement-jbh-am-final

developed guidance material entitled "Pressure Washing Guidance for RI Marinas", which was distributed to RIMTA, DEM staff, and the Coastal Resources Management Council (CRMC) in February 2013. This document outlines the options available for bringing pressure washing wastewater discharges into compliance with the MSGP and is available on the DEM's website at the following address: <http://www.dem.ri.gov/programs/benviron/assist/>.

Enclosed is a proposed Letter of Intent developed by the DEM. A facility owner/operator that signs and submits the attached Letter of Intent to the DEM by December 15, 2013 and abides by the terms and conditions of the Letter of Intent will be provided adequate time to examine their compliance alternatives and design and install the necessary improvements at their facility in order to comply with the MSGP. Facility owners/operators not electing to sign and return to DEM the Letter of Intent or not abiding by the terms and conditions of the Letter of Intent will, after December 15, 2013, be subject to DEM enforcement for any vessel pressure washing discharges that are not in compliance with the MSGP.

If you wish to sign the enclosed Letter of Intent, please return the original to the DEM by December 15, 2013. Please note that, if you currently perform pressure washing but intend to eliminate the practice by the deadline, you must sign the Letter of Intent and return it to the DEM by December 15th. If you do not currently conduct pressure washing and have no intent to perform pressure washing in the future, you must sign the enclosed certification statement and return it to the DEM by December 15th.

If you have any questions regarding the attached Letter of Intent or your requirements, please contact Aaron Mello at 401-222-4700, extension 7405.

cc: Ted Hood, RIMTA
Jeff Willis, CRMC
Beverly Migliore, DEM/OTCA
Angelo Liberti, P.E., DEM/OWR
Joseph Haberek, P.E., DEM/OWR
Marisa Desautel, Esq., DEM/Legal

Enclosure(s): Vessel Pressure Washing Wastewater Letter of Intent
Vessel Pressure Washing Certification Statement

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF WATER RESOURCES

VESSEL PRESSURE WASHING WASTEWATER
LETTER OF INTENT

This Letter of Intent is entered into by the owners/operators of marinas, yacht clubs, boatyards, and boat repair and maintenance facilities (the "Respondent(s)") and documents the Respondent(s) commitment to eliminate un-permitted discharges of pressure washing wastewaters to surface waters. Be advised that this Letter of Intent does not apply to other categories of discharges that are regulated under the MSGP.

The Department of Environmental Management (the "DEM") issued a Multi-Sector General Permit (the "MSGP") for Storm Water Discharges Associated with Industrial Activity that became effective August 15, 2013. The MSGP allows non-stormwater discharges from the washing of marine vessels provided that chemicals, soaps, detergents, steam, or heated water are not used and that the washing is not used to remove topside or bottom paint; marine growth; or other potentially hazardous materials from vessels. All other non-stormwater discharges resulting from pressure washing activities must be contained, collected, and handled as a process wastewater. To ensure that the wastewaters generated from these activities are managed in an environmentally sound manner in compliance with state and federal environmental laws, the DEM's Offices of Customer and Technical Assistance and Water Resources, the Coastal Resources Management Council ("CRMC") and the Rhode Island Marine Trades Association ("RIMTA") have been working cooperatively to provide education, outreach and technical assistance to facility owners/operators that engage in vessel bottom pressure washing activities.

Given the difficulties in moving an industry from long-standing practices to regulatory compliance, along with the need for the industry to explore and implement environmentally appropriate treatment and disposal measures, DEM has advised the regulated community, specifically facilities that are subject to and permitted under the MSGP, that DEM would not pursue enforcement actions for unauthorized discharges of vessel bottom pressure washing wastewaters if facility operators document their commitment to eliminate the discharges by September 2014. A facility owner/operator that signs and submits the attached Letter of Intent to the DEM by December 15, 2013 and abides by the terms and conditions of the Letter of Intent will be provided adequate time to examine their compliance alternatives and design and install the necessary improvements at their facility in order to comply with the MSGP. Facility owners/operators not electing to sign and return to DEM the Letter of Intent or not abiding by the terms and conditions of the Letter of Intent will, after December 15, 2013, be subject to DEM enforcement for any vessel pressure washing discharges that are not in compliance with the MSGP.

The Respondent(s), agree as follows:

1. By February 15, 2014 the Respondent(s) shall submit a report that describes the measure(s) to be taken to comply with the August 1, 2014 deadline to eliminate discharges to surface waters resulting from pressure washing activities where chemicals, soaps, detergents, steam, or heated water are used and/or where the washing is used to remove topside or bottom paint; marine growth, or other potentially hazardous materials from vessels. The measure(s) used to eliminate the discharges to surface waters may include, but are not limited to, the collection, treatment, and discharge of the treated wastewater to the sewer;

hauling of pressure washing wastewaters to an off-site treatment facility; or ceasing pressure washing operations. Further information regarding boat bottom pressure washing or examples of systems that comply with the above measures may be found within the document entitled "Pressure Washing Guidance for RI Marinas" that is posted on the DEM website at the following address: <http://www.dem.ri.gov/programs/benviron/assist/>, or by contacting Beverly Migliore, Supervising Scientist with the DEM Office of Customer and Technical Assistance at 401-222-4700 x7503.

2. By August 1, 2014 the Respondent(s) must complete construction and have operational the vessel pressure washing wastewater system/measure or cease operations as specified in the report submitted in Item 1.
3. By September 1, 2014 the Respondent(s) shall submit a Final Compliance Report documenting compliance with the MSGP requirements for vessel bottom pressure washing.
4. The Letter of Intent does not relieve the Respondent(s) from its requirement to comply with any other applicable laws or regulations administered by DEM or any other governmental entity and does not shield the Respondent(s) from liability arising from future activities. The Respondent(s) must comply with all other terms contained in the MSGP.
5. Upon the determination by the Director of the DEM that there is an immediate threat to the public health or the environment, or upon the discovery of new information related to the discharge of pressure washing wastewaters, the DEM reserves the right to order additional remedial action or other enforcement measures as provided by law or regulations.
6. The Director of the DEM may, for good cause shown, defer any of the compliance dates prescribed herein. In the event that the Respondent(s) believes that good cause exists for extending any such dates, the Respondent(s) may submit a written request to DEM for an extension at least seven (7) days prior to such deadline, together with a complete statement of the reasons why the Respondent(s) believes that such an extension is justified. Any such request shall be subject to DEM review, modification, and approval.

FACILITY SIGNATURE

{Signature, Title}

Date

{Facility Name and Address}

The individual signing on behalf of the facility represents that they are vested with actual authority to obligate the legal entity to the terms and conditions contained herein.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
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OFFICE OF WATER RESOURCES

CERTIFICATION THAT VESSEL PRESSURE
WASHING DOES NOT OCCUR

I certify under penalty of Chapters 46-12, 42-17.1, and 42-35 of the General Laws of Rhode Island that the washing of marine vessels with chemicals, soaps, detergents, steam, or heated water or the washing of marine vessels to remove topside or bottom paint, marine growth, or other potentially hazardous materials from vessels does not occur at the facility identified below. This statement 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.

FACILITY SIGNATURE

{Signature, Title}

Date

{Facility Name and Address}

The individual signing on behalf of the facility represents that they are vested with actual authority to obligate the legal entity to the terms and conditions contained herein.