

Commonly Asked Questions pertaining to the General Storm Water Permit for Marinas.

- 1. Will marinas currently covered under permit OHG000001 or OHR000004 be required to convert to the new permit?**

OEPA Response:

OHG000001 is an old industrial storm water group application general permit for facilities that participated in an old US EPA group application process. This permit is now not effective and now not applicable. All facilities that were covered under it are now covered under our statewide industrial storm water general permit (OHR000004). For historical purposes, we do keep the old group application permit number for facilities that had coverage under it.

OHR000004 specifically does not authorize marinas to be covered under it. This was in response to developing the specific marina storm water general permit. When we renewed our industrial storm water general permit, we identified marinas that were covered under the previous generation (OHR000003) and notified them to not re-apply for coverage under OHR000004 and to wait until the marina permit was issued. We mailed this letter to 13 marinas that we found in our database but we could have missed some. If there are any marinas that currently believe they have coverage under OHR000004 they will need to apply for coverage under the marina storm water permit.

- 2. SIC codes are being used to determine if establishments will require coverage under the General Permit OHRM00001. Under this system Yacht Clubs have a SIC code of 7997. The SIC code system has since been replaced by the NAICS. Will this system be used to determine coverage requirement as well? What NAICS codes will require permit coverage?**

OEPA Response:

Currently, our rules and general permits are based upon SIC codes. Under the SIC code system, yacht clubs have an SIC code of 7997. When you look under the NAICS system, you'll find both yacht clubs with marinas and yacht clubs without marinas. Yacht clubs with marinas are grouped under the marina NAICS code of 713930. The following web link provides an easy way to convert back and forth between SIC and NAICS:
<http://www.census.gov/epcd/www/naicstab.htm>

Part I.B (Applicability) of the marina storm water general permit states that all operators who conduct activities described by SIC code 4493 (Marinas) and conduct boat maintenance activities may have their storm water discharges authorized by this general permit. Therefore, yacht clubs that conduct boat maintenance activities would be subject to the marina storm water general permit.

3. How does a marina establishment determine if they qualify for a No Exposure Exemption? Can you provide any examples of marinas that may be eligible for this certification?

OEPA Response:

An example would be a marina which is involved in maintenance activities, thus subject to the permit, but these activities and materials associated with it are completely sheltered (garage, building, etc.). There are industrial materials/activities that do not require a storm resistant shelter and these are discussed in Section 3.1 of USEPA's No Exposure Guidance Manual which can be viewed at the following:

<http://www.epa.gov/npdes/pubs/noxguide.pdf>

A marina needs to be subject to the permit before there is a need to submit a no exposure certification. The intent of the no exposure exclusion is to provide facilities regulated under the storm water program, whose industrial activities and materials are completely sheltered, with a simplified method for complying with the regulations.

4. How soon a No Exposure Certification will get processed. Will marinas if denied have enough time to file a NOI for the General permit?

The No Exposure Certification form can be downloaded from the following web page. Also, the form should be mailed to the address provided on this web page:

http://www.epa.state.oh.us/dsw/storm/ind_noexp_cert.html

Ohio EPA used USEPA's form so the instructions on the form will instruct to send to USEPA. The form only needs to be submitted to Ohio EPA and not USEPA. There is no fee associated with the submittal of this form. Facilities are required to re-submit every 5 years, assuming the facility still qualifies.

Typical processing time for No Exposure Forms is usually less than 30 days. As long as a marina can answer "No" to the eleven questions on the form, the application will be processed and not denied.

5. How will the General Storm Water Permit address the following two examples of common type of marinas?

- **There are several marinas that have nothing but docks, a pool and a clubhouse and restroom facilities. No fueling or maintenance of boats is conducted, and no winter storage occurs.**
- **There are others that have all the above but in addition store boats and fuel boats but do no repairs or store any fluids such as lubricants, solvents, oil , gas (Above Ground) etc.**

OEPA Response:

In the first example, it appears that this marina is not involved in boat maintenance or cleaning operations; thus, is not subject to the permit. Since they are not subject to the permit they do not need to submit a No Exposure Certification. In the second example, it appears that this marina fuels boats but is not involved in boat maintenance or cleaning operations. The retail sale of fuel alone at marinas, without any other boat maintenance or equipment cleaning operations, is not considered to be grounds for coverage under the permit. See paragraph 4 of the SIC Code Guidance document on our web page: http://www.epa.state.oh.us/dsw/permits/GP_Marinas.html#SIC%20Code%20Guidance

It appears that neither of these two example marinas would be subject to the permit. If a facility is not subject to the permit there is no need to submit the No Exposure Certification.

6. How many analytical samples per year are establishments required to conduct if they have the capacity of 200 or more boats?

OEPA Response:

For facilities with the capacity of 200 or more boats the marina storm water general permit requires monitoring (quarterly visual and annual analytical) at each storm water outfall draining areas where industrial activities are exposed to precipitation. For each outfall, two grab samples will need to be pulled so that a lab can analyze for the 5 parameters (total recoverable aluminum, total recoverable iron, total recoverable lead, total recoverable zinc and TSS). The TSS has to be preserved different than the metals; thus, will need to be in a different container. When marinas contract with labs to analyze their samples, the labs will provide the necessary bottles and instructions for performing the tests. The number of samples to collect will be dependant upon the number of storm water outfalls associated with industrial activity at the facility. For additional guidance, please see the following: <http://www.epa.state.oh.us/dsw/permits/marina%20guidance%20document.pdf>

7. Analytical monitoring is in addition to quarterly visual monitoring, correct?

OEPA Response:

Correct. The quarterly visual monitoring is applicable to all facilities covered under the permit. In addition to the visual monitoring, facilities with 200 or more boat slips (total boat capacity including wet and dry) are required to perform the analytical monitoring.

8. How do establishment that are best described by SIC code 4493 but have no docks or racks fall into this permit requirement? Do they require just quarterly visual or the analytical monitoring as well?

OEPA Response:

The quarterly visual monitoring would be applicable and the applicability of the annual analytical monitoring is dependant upon total boat capacity. So, if the facility has the capacity for 200 or more boats then they would also be required to perform the annual analytical monitoring.

9. How will EPA determine their total boat capacity? Will it be based on how many boats are in their lot on average or how many can they have at once?

OEPA Response:

The general permit states that permittees with 200 or more boat slips (total boat capacity including wet and dry) shall be subject to the annual analytical monitoring requirements. This is to be based upon total capacity (how many they can have at once). Regulated marinas need to document this number within their SWPPP and comply with Part V.B if subject.

10. What is the definition of boat cleaning?

OEPA Response:

The term "boat washing" is not defined in the general permit. It is intended for the term to mean when a boat is washed to remove marine growth from the vessel and would not include blasting, sanding, painting or the cleaning of engines or other oily parts.

11. Is the outside storage of boats that have been winterized considered as exposure to storm water?

OEPA Response:

The outside storage of a boat that has been winterized would not be considered as exposure. The question to look at would be where does the winterization activity occur (i.e., outside or under cover). If the marina performs the activity under cover then it would not be considered exposure but if it is performed outside then it would be considered exposure.

12. Pressure washing without the use of detergents or other products is allowed under the general permit requirements and considered expectable discharge. Since this is a direct discharge of waste water and not storm water discharge, will establishments that wash boats in this manner but conduct all maintenance under cover still be able to claim no exposure?

OEPA Response:

Yes. This activity alone not being protected by a storm resistant shelter would not prohibit a facility from submitting a No Exposure Certification.

13. Will a marina that performs no maintenance, conducts bottom washing, and shores boats for winter storage as its only services provided to slip holders require permit coverage? The marina management allows individual boat owners and outside contractors, with proper credentials and insurance to perform maintenance, winterization and other boat care activities on the property. Do they need a permit? What about the contractors? Is there a permit or regulatory program with oversight of these types of marine related services or vendors?

OEPA Response:

It appears that from this example the only maintenance related activity performed by the marina is bottom washing. The marina general permit authorizes the discharge of wastewater from boat washing into MS4s or waters of the state, provided that only water or high pressure steam is used and no detergents or other chemical cleaning agents are used. The general permit does not require any specific BMPs for this discharge. Therefore, if this is the only maintenance related activity performed by the marina then the facility would not require coverage under the general permit.

If the marina or any other third party uses any type of detergent or chemical cleaning agent for the bottom washing then the wastewaters must go to a sanitary sewer or be collected and hauled to a wastewater treatment plant. If these wastewaters are to be directly discharged to a surface water of the state then an NPDES permit must be obtained for the discharge.

The marina storm water general permit is applicable to marinas that are involved in doing the maintenance activities. If the maintenance activities are performed by a third party, and not the marina, the marina is not subject to the general permit. The general permit is not applicable to individual boat owners or outside contractors. Part IV.B.7 of the general permit does require marinas covered under the general permit to take steps (boat work orders, fact sheets, brochures, signage, etc.) to help ensure that boat maintenance activities conducted by a boat owner or other third party adhere to best management practices in their developed SWPPP. Ohio EPA would encourage marinas that are not

subject to the marina permit, but boat maintenance activities are performed by boat owner or other third party, to take similar steps.

14. Many Yacht Clubs have work days where members get together to help haul out the boats and purchase winterization materials (i.e.: propylene Glycol) in bulk and winterize their own boats. This is almost always conducted at the launch wells or on the ground in the yard. Can I assume that unless the practices are conducted under cover that these establishments will require permit coverage? This would go for marinas that winterize boats as well?

OEPA Response:

The marina storm water general permit is applicable if the owner/operator of a facility is conducting maintenance activities. The activity of winterizing a boat would be considered a maintenance activity; therefore, would trigger the need for permit coverage assuming no exposure wouldn't apply. For a yacht club, it would appear that members of the club would be considered owners/operators of the facility; therefore, the example facility provided would need general permit coverage.

15. What is the definition of under cover or storm resistant shelter?

OEPA Response:

The following definitions are provided in USEPA's "Guidance Manual for Conditional Exclusion from Storm Water Permitting Based On "No Exposure" of Industrial Activities to Storm Water" which can be viewed at: <http://www.epa.gov/npdes/pubs/noxguide.pdf>

No Exposure means all industrial materials and activities are protected by a storm resistant shelter to prevent exposure to rain, snow, snowmelt and/or runoff

Storm-resistant shelters include completely roofed and walled buildings or structures, as well as structures with only a top cover but no side coverings, provided material under the structure is not otherwise subject to any run-on and subsequent runoff of storm water.

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