



RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

235 Promenade Street, Providence, RI 02908-5767

TDD 401-831-5508

January 15, 2014

TO: Current Multi-Sector General Permit (MSGP) permit holders who did not submit a Letter of Intent/Certification Statement

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

SUBJECT: **MSGP Vessel Pressure Washing Wastewater Letter of Intent – Notice of Non-submittal**

On November 6, 2013 the Department of Environmental Management (“DEM”) sent a notice to all MSGP permittees of Sectors Q (Water Transportation) and R (Ship and Boat Building and Repair Yards). The notice contained a Letter of Intent (LOI) and Certification Statement developed by the DEM. The DEM requested that those facilities that perform pressure washing but intend to eliminate the discharge sign the LOI and return it to the DEM by December 15th, and for those facilities that do not currently conduct pressure washing and have no intent to perform pressure washing in the future sign the Certification Statement and return it to the DEM by December 15th.

From review of the responses received to date the DEM is hereby notifying your facility that it **did not submit** either a signed LOI or Certification Statement. If your facility either conducts vessel pressure washing and intends to eliminate the discharge by the deadline contained within the LOI, or does not currently conduct pressure washing and has no intention of doing so in the future, you must submit the respective signed LOI or Certification Statement within seven (7) days of receipt of this notice.

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

cc: Wendy Mackie, RIMTA (Electronic Copy)
Joseph Haberek, P.E., DEM/OWR (Electronic Copy)

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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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.