

State of Michigan Industrial Storm Water Program *Compliance Assistance for Marina Operations*

Michigan Department of Environmental Quality (DEQ)
Water Resources Division (WRD)
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As authorized by the Federal Water Pollution Control Act (commonly known as the Clean Water Act), the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. Michigan is authorized to administer the program through Part 31 of the Natural Resources and Environmental Protection Act, 1994 PA 451. Marina operators must comply with federal and state NPDES requirements and submit appropriate permit applications.

Marinas that discharge wastewater to the surface waters of the state are required to obtain an NPDES permit from the DEQ, WRD. Surface waters of the state include rivers, streams, lakes, and wetlands. Note wastewater discharges to separate storm sewer systems (municipal or private) would need NPDES permit coverage as well. Common wastewater discharges at marinas that would require NPDES permit coverage if the discharge is to surface waters of the state include but are not limited to:

- Storm water from regulated industrial activity
- Boat and equipment wash water
- Air compressor condensate
- Contact and noncontact cooling water
- Dewatering from recreational dredging activity
- Swimming pool discharges
- Discharge of pesticides to control nuisance insects, animals, and plants

NPDES Industrial Storm Water Permit Requirements

Facilities that are primarily engaged in operating marinas are classified under Standard Industrial Classification (SIC) code 4493 - Marinas. These facilities rent boat slips, store boats, and generally perform a range of other marine services including boat or equipment washing and incidental boat repair. They frequently sell food, fuel, fishing supplies, and may sell boats.

Marinas that are involved in boat maintenance activities (including boat rehabilitation, mechanical repairs, boat or equipment washing, painting, fluid changes, winterization, fueling and lubrication) and discharge storm water to surface waters of the state are regulated by the federal storm water regulations. Marinas regulated by the federal storm water regulations are required to obtain coverage under the NPDES General Permit for Storm Water Discharges from Industrial Activity (Storm Water General Permit).

Marinas owned and operated by a State Park or Metro Park may not be primarily engaged in operating a marina, though if the marinas are involved in boat maintenance activities and / or boat or equipment washing operations they are subject to the storm water regulations.

The Storm Water General Permit is applicable to all facilities that perform operations described by SIC code 4493 and are involved in boat maintenance and / or boat or equipment washing activities. Note these activities must also take place in areas of the facility that discharge storm water to surface waters of the state.

The retail sale of fuel alone at marinas, without any other boat maintenance, boat washing, or equipment washing operations, is not considered to be grounds for coverage under the storm water regulations.

Storm Water General Permit Coverage

To obtain coverage under a Storm Water General Permit the marina must submit an application which is called a Notice of Intent (NOI). A completed NOI should be sent to the DEQ, WRD address identified on the NOI. It is important to understand that before a NOI can be sent in to the DEQ, WRD the following items must be completed:

- Obtain the services of an Industrial Storm Water Certified Operator (this can be an employee at the facility or a consultant who has completed the DEQ, WRD Industrial Storm Water Certified Operator training and has obtained a certification number)
- Certify that the facility has developed a Storm Water Pollution Prevention Plan (SWPPP) according to the requirements of the Storm Water General Permit
- Certify that the facility has no unauthorized discharges
- Certify that structural controls described in the SWPPP are functional and operational

Industrial Storm Water Certified Operator Training

Industrial Storm Water Certified Operator training is administered by the DEQ, WRD District Offices. The training locations, registration contacts, and available training sessions can be viewed and the DEQ, WRD Industrial Storm Water website www.mi.gov/degstormwater then click on INDUSTRIAL PROGRAM.

Storm Water Pollution Prevention Plans (SWPPP)

A SWPPP is a pollution prevention plan developed by a permitted facility that describes the industrial activity, the potential pollutants, the potential pollutant sources, and controls that will be implemented onsite to enhance the quality of storm water discharged to the surface waters of the state. The SWPPP must be completed and implemented prior to submitting a NOI. For assistance in developing an acceptable SWPPP contact your local DEQ, WRD [Industrial Storm Water Program district staff](#) or refer to the compliance assistance documents on the DEQ, WRD Industrial Storm Water website at www.mi.gov/degstormwater then click on INDUSTRIAL PROGRAM.

Marina Non-Storm Water Wastewater Permit Requirements

Wastewater discharges such as bilge and ballast water, wastewater associated with engine maintenance, sanitary wastes, boat or equipment wash water, air compressor condensate, dewatering from dredging activity, swimming pool discharges and cooling water are not covered by the Storm Water General Permit. Legal options to handle the mentioned wastewater types include:

Non-Storm Industrial Wastewater NPDES Permitting

The NPDES application form and instructions for non-storm water wastewater discharges to surface water can be obtained from a district office or downloaded from the DEQ, WRD NPDES Permits website at www.mi.gov/deqnpdes. The electronic permit application should be completed, saved, printed, and signed. The original should be sent to the address on the application with all attachments. Be sure to save a copy for your records. For more information please contact your local DEQ, [WRD NPDES Program district staff](#).

Permit applications for non-storm water waste water discharges to surface water must be submitted to the address on the application, at least 180 days before the permit is needed. The application then proceeds through the standard permit review and development process.

Local Sanitary Sewer Discharge Permit

Industrial waste waters can be direct discharged (e.g. via piping) to the municipal sanitary sewer system when authorized via a permit by the local authority operating the system. The discharge must meet any industrial pretreatment requirements provided under the permit. To review this option, please see the [Michigan Water Environmental Association Directory](#) and contact your local sewer authority.

Ground Water Permitting

In light of marina operations proximity to surface water, groundwater permitting is not a practical option for most marina industrial waste waters. However, for more details on this option, please contact the DEQ, WRD, [Ground Water Program district staff](#).

Accumulating, Pumping and Hauling

Marinas should institute measure to prevent waste waters from coming into contact with materials that could cause the wastewater to be characterized as a hazardous waste. This will help minimize cost and allow for the waste to be managed as a liquid industrial waste with the installation of collection tanks like a non-hazardous liquid holding tank. Pumping and hauling marina wastewaters is a good option if a discharge authorization to the local sanitary or storm sewer is not available.

Marinas accumulating, pumping and hauling wastewater will need to submit a Site Identification Form and obtain a Site ID number to use on the uniform manifest required to ship the waste. The only exemption to that would be when a liquid industrial waste is shipped on a consolidated manifest used by transporters for "milk run" pick-ups of similar waste. Note too, that in addition to manifesting, all commercial liquid industrial waste haulers must have an Act 138 permit and registration from DEQ, Office of Waste Management and Radiological Protection, must keep proof of current permit/registration in their vehicle at all times, and must possess proof of appropriate fleet liability coverage on the MCS-90 form. For more information on this wastewater management option, contact the DEQ, Environmental Assistance Center for help at 1-800-662-9278 or deq-assist@michigan.gov.

Boat and / or Equipment Wash Water Requirements

A common industrial activity at most marinas is the washing of boats and other equipment (lifts, docks, outboard engines, etc.). The wastewater associated with boat or equipment washing may not be discharged to the waters of the state unless it is authorized by a NPDES discharge permit which specifically authorizes the discharge. The General Permit for Storm Water **DOES NOT** authorize the discharge of wastewater associated with boat or equipment washing.

There is no exemption made for biodegradable products. Although “biodegradable” sounds good, it does not mean that a product is nontoxic. Biodegradable products are those which can be broken down by bacteria, other organisms or natural processes. The degradation of “biodegradable” products in water uses dissolved oxygen, and therefore these products can lower dissolved oxygen levels which is harmful to aquatic organisms.

Options available to legally handle and deal with wastewater associated with the washing of boats or equipment include the following:

- Obtain a NPDES surface water discharge permit for the wastewater discharge
- Obtain a ground water discharge authorization for the wastewater discharge
- Obtain authorization to discharge the wastewater to the local Wastewater Treatment Plant
- Utilize a holding tank for the wastewater to be pumped and hauled
- Utilize a closed loop recycling system to reuse the wash water
- Utilize an evaporation system for the wastewater

The DEQ WRD is aware that boat owners rinse their boats in their slips. The DEQ WRD does not condone the activity and it is advised that slip owners use cleaning methods that will not cause a discharge of wash water to the surface waters of the state. Marina operators should educate their boaters of this policy and include language in the slip rental agreement.

Another common situation is when boat owners prepare their boats in the spring prior to them being put in the water. Boat owners routinely wash and wax their boats and do routine maintenance before launching. Boat owners may rinse boats with clean water only if:

- The rinsing or washing is done over a pervious surface (grass, gravel, dirt);
- The rinse water does not flow into surface waters or storm sewers;
- They use only non-toxic and biodegradable cleaning products;
- There is no washing or power washing of a boat bottom or hull (the boat bottom should only be power washed by a marina with a system to manage the wash water); and
- They do not rinse or wash any exposed motors or machinery.

If a marina owner allows boat owners to perform other maintenance at the marina, the marina owner needs to ensure that those activities do not negatively impact storm water runoff quality. In addition hazardous material like solvents, motor oil and lubricants need to be handled and disposed of properly.

Marina owners often need to rinse hulls prior to waxing and launching for customers in the spring. Marina owners may rinse boats with clean water only if:

- The rinsing or washing is done over a pervious surface (grass, gravel, dirt);
- The rinse water does not flow into surface waters or storm sewers;
- They do not use any detergents or cleaning products cleaning products;
- There is no washing or power washing of a boat bottom or hull (the boat bottom should only be power washed by a marina with a system to manage the wash water); and
- They do not rinse or wash any exposed motors or machinery.

Marina operators should know that each marina may handle wastewater associated with boat and equipment washing differently depending on several scenarios. What works or is convenient at one marina may not work at another. Marina operators are encouraged to work with their [Industrial Storm Water Program district staff](#) when considering which option would be best for the particular situation. More industrial storm water program information can be found at www.mi.gov/deqstormwater , then click on INDUSTRIAL PROGRAM.

Frequently Asked Questions – Marinas

What if the facility or property is leased?

The facility operator or company owner rather than the property owner must apply for permit coverage.

What is the definition of boat or equipment washing?

The term “boat washing” is meant to include the following activities: washing marine growth from the bottom of boats as they are removed from the lake or river, washing boats as part of an in and out service, washing boats before they are launched, and general washing of boats on the marina grounds.

The term “equipment washing” is meant to include the washing of docks or other equipment associated with the marina operations.

What if the boat or equipment washing and maintenance operations are done by a contractor at a regulated marina?

The marina is responsible for activities conducted on the grounds and if the industrial activity is exposed to storm water runoff then permit coverage would be applicable.

Is the outside storage of winterized boats considered exposure?

The outside storage of winterized boats is not considered exposure. If the winterization of the boats occurs outside, then the maintenance activity would be considered exposure.

Is permit coverage required for Yacht Clubs?

The North America Industry Classification System (NAICS) groups the following under NAICS code 713930 - Marinas: Boating Clubs with Marinas, Marinas, Operation of Marine Basins, Sailing Clubs with Marinas, Yacht Basins, and Yacht Clubs with Marinas. The industrial storm water regulations still use the SIC coding system which codes Yacht Clubs as **7997**, which is not regulated. Under the SIC code system a Yacht Club that performs Marina activities should be coded as a Yacht Club and a Marina. It is common for industrial facilities to have multiple SIC codes to accurately describe their activities. If boat / equipment cleaning or boat maintenance activities occur in areas that discharge to the surface waters of the state, then a permit will be required. The members of the Yacht Club would be considered the owner/operators of the facility.

What happens if the regulations are ignored?

If a required applicant ignores the permit application requirement, the individual may be in violation of federal and state law. Violations may result in fines, legal action, or expose the facility to citizen lawsuits. Federal and state statutes allow fines up to \$25,000 per day of violation.