



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: **Notice of Violation**  
Lucas County  
Bay View Yacht Club  
NPDES Marina General Permit  
Storm Water

September 20, 2012

Mr. John Wlodarczyk  
Board of Trustees Chairman  
Bay View Yacht Club  
3902 Summit Street  
Toledo, Ohio 43611

Dear Mr. Wlodarczyk:

On August 30, 2012, I inspected Bay View Yacht Club, located at 3902 North Summit, Toledo (photos taken). The purpose of my visit was to evaluate compliance of the site with the Ohio EPA General National Pollutant Discharge Elimination System (NPDES) permit for storm water discharges associated with industrial activity from Marinas (Marina General Permit), Facility ID No. 2GRM00017. Mr. Al Bremer, Board Member, was present to provide information. As a result of the inspection, I have the following comments:

1. Bay View Yacht Club (BVYC) is a member-owned facility. The marina has a capacity of boats total: 120 dry slips (over winter), 165 wet slips. Members perform boat repair and maintenance themselves, hire third party contractors to do any maintenance work on their boats, or take the boat off-site to boat repair facilities.

Engine repair and maintenance, painting, sanding, and hull washing activities are carried out at this marina. Power washing of the hull occurs at the lift. Mr. Brenner indicated BVYC may have individuals who use detergents. Any washing with detergents or cleaning agents must be directed to the sanitary sewer (with the sewer authority's permission) or collected and disposed at a wastewater treatment facility. Members are required to ask permission to conduct sanding/blasting/painting. The yard manager will then designate an area for the activity.

2. The marina has gas and pump out stations that are available to members. Trained staff pumps the fuel. Spill supplies were available at the dock but the attendant indicated there may be individuals who use detergents to disperse spills. **This practice is to be prohibited.** Emergency spill numbers, including the US Coast Guard/National Response Center, were posted. The pump out station is connected to the City of Toledo sanitary sewer.

Mr. John Wlodarczyk  
September 20, 2012  
Page Two

3. A used oil tank is located outside. Mr. Brenner indicated waste oil is hauled away once per year but he was not familiar with the hauler. In your reply to this letter, please indicate how used oil is disposed, including the hauler's name and contact information. The used oil tank needed to be labeled "Used Oil". Secondary containment was not evident and must be provided if the tank is not double-walled.
4. The facility stores its tractor (used for boat hauling) inside. Shrink wrap is collected in the spring and recycled. Dumpsters were covered.

### Permit Violations:

The following permit violations were noted:

1. **Failure to develop a Storm Water Pollution Prevention Plan (SWP3).** This is a violation of Part IV.A.1 of the NPDES permit. A copy of the SWP3 must be kept on-site at all times and made available to Ohio EPA upon request. The SWP3 was to be developed and implemented within 12 months of permit coverage, i.e., no later than January 28, 2009.
2. **Failure to conduct quarterly visual monitoring of storm water discharges.** This is a violation of Part V.A of the NPDES permit. Quarterly visual examination of storm water discharges from outfalls associated with industrial activity shall be performed and documented, except when the site is inactive and unstaffed and there are no industrial materials or activities exposed to storm water. The examination shall document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen and other obvious indicators of storm water pollution. Quarterly visual monitoring was to be initiated within 15 months of the date of permit coverage, i.e., no later than April 28, 2009.
3. **Failure to conduct routine facility inspections monthly to assess how well best management practices (BMPs) are operating.** This is a violation of Part IV.B.10 of the NPDES permit. Inspections shall include the boat washing area; blasting, sanding and painting areas; material handling areas; dry-dock areas and general yard areas. Inspection records are to be maintained and incorporated into the SWP3.
4. **Failure to conduct a comprehensive site compliance evaluation once per year to assess the industrial activities at the marina contributing to storm water discharges.** This is a violation of Part IV.D of the NPDES permit. These records are to be kept at the marina at least three years from the date permit coverage expires or is terminated. Compliance evaluation reports are to be signed in accordance with Part VIX.G of the NPDES permit.

5. **Failure to conduct annual analytical monitoring.** Because your facility has a total capacity, wet and dry, of over 200 boats, you are subject to analytical monitoring as stated in Part IV.B.12.b of the NPDES permit. Records and results from these tests should be kept with the SWP3 and used to assess the success of your current BMPs.
6. **Failure to keep training records with the SWP3.** This is a violation of Part IV.B.11 of the NPDES permit. The SWP3 shall establish a schedule for training and training records shall be kept with the SWP3.

**Action Items:**

1. Develop and implement an SWP3 for your facility. The SWP3 must contain a site map showing the following:
  - a. Outline of drainage areas for each storm water outfall.
  - b. Structural measures to reduce pollutants in storm water runoff (e.g. filter cloth barrier, vegetated buffer, etc.).
  - c. Location and name(s) of all surface waters of the state that receive discharges from the site.
  - d. Locations of all storm water conveyances including ditches, pipes, and swales.
  - e. Locations of all non-storm water discharges.
  - f. Locations where any of the following activities are exposed to precipitation: fueling, engine maintenance and repair, boat washing, painting, sanding and/or blasting, welding and/or metal fabrication, loading/unloading areas, locations for storage of wastes, liquid storage areas (e.g. paint, solvents, etc.), and material storage area (e.g. blasting media, etc.).

**A template to help you develop the SWP3 is available on our website at:**

[http://epa.ohio.gov/dsw/permits/GP\\_Marinas.aspx](http://epa.ohio.gov/dsw/permits/GP_Marinas.aspx). Additional information can be obtained from the Ohio Department of Natural Resources Clean Marina Program at <http://www.ohioseagrant.osu.edu/cleanmarinas/>. Please submit a copy of the signed SWP3 with your response to this letter.

2. Begin conducting quarterly visual monitoring of storm water discharges from outfalls associated with industrial activity and keep records of your observations with the SWP3. If not previously started, quarterly visual observations should begin with the current

quarter (September - December 2012). Samples should be taken from a storm event that produces a discharge and that occurs at least 72 hours from the previous rain event that produced a discharge. You will need to establish locations for the collection of storm water samples for the quarterly visual monitoring. Samples are only to be taken from discharges associated with industrial activity. Areas that require sampling include, but are not limited to: the lift where boat washing occurs, any outdoor areas used for sanding/blasting/painting, areas used for waste storage and material loading/unloading (such as the Used Oil Tank and retail fuel/pump out station). A template for recording quarterly visual monitoring is included in the sample SWP3 on our webpage.

For information on how to establish sampling points, please see:  
<http://epa.ohio.gov/portals/35/permits/marina%20guidance%20document.pdf>.

For videos on how to collect a grab sample and sampling sheet flow, please see:  
<http://www.youtube.com/watch?v=oWKdonc9iDw&feature=youtu.be>.  
<http://www.youtube.com/watch?v=AmEJUNp44aU&feature=youtu.be>.

3. Begin conducting routine facility inspections on a monthly basis. If not already started, inspections should start in October 2012 to verify that the BMPs included in the SWP3 have been implemented. A template for this is included in the sample SWP3 on our webpage.
4. Conduct a comprehensive site compliance evaluation by December 31, 2012, and begin annual analytical monitoring. You will need to establish locations for the collection of storm water samples for the quarterly visual monitoring. Samples are only to be taken from discharges associated with industrial activity. See enclosed guidance on how to establish sample points.
5. Records of employee training attendance, such as a sign in sheet, must be kept and should be included with the SWP3.

#### **Recommended BMPs for the SWP3:**

Please read the NPDES permit issued to you on January 28, 2008. It provides a description of the BMPs that you must include in the SWP3 and adopt at your facility. We noted that many of these BMPs are being implemented by BVYC. However, we offer this list of additional BMPs you may wish to consider:

1. The BVYC should distribute brochures, post signs, add clauses to membership contracts, or implement other methods of boater education to provide guidance on proper storm water pollution prevention practices and reinforce training. I understand

that your facility is a part of the Ohio Clean Marina Program. The Ohio Clean Marina Program often provides educational materials for your use. Adherence to the SWP3 should be a required clause in the membership contract.

2. Third party service providers that perform on-site maintenance are to be held to the same BMP requirements as members. The BVYC may wish to establish an approved list of third party service providers that pledge to adhere to the SWP3. The BVYC should maintain a document acknowledging the SWP3 signed by each approved contractor.
3. Spill kits should be provided near the used oil tank. They should be clearly identified and members and staff should be trained on the proper use of spill response materials. Any spills must be cleaned up immediately and the contaminated soils removed and properly disposed.
4. Drums containing materials should be labeled with their contents. For drums with liquid contents, they should be kept indoors or within secondary containment. If secondary containment is used, such as a dike or tray, the SWP3 must include procedures for assessing water that collects within the containment area before it is drained. If a sheen is observed, absorbent pads should be used to remove the sheen before water is released or the water must be properly disposed of as a waste liquid.
5. Painting/sanding/blasting should occur only within designated areas away from storm drains or waterways. Painting on-premises should be limited to brush or roller applications. Liquids generated while cleaning brushes are a waste and may not be dumped on the ground or discharged into a storm sewer or surface water. Spray applications should be avoided as this may require additional permits or paint booths to be established. For sanding and blasting, tarps should be laid to collect debris and the debris properly disposed. Bag sanders/sanders with vacuum systems should be used.
6. As a members-only yacht club, member meetings are an ideal time to provide training. Training records can easily be generated by adding copies of meeting minutes to the SWP3 that indicate the storm water pollution prevention topic(s) covered at the meeting and a record of those in attendance.
7. The club manager should be a member of the Pollution Prevention Team.

Mr. John Wlodarczyk  
September 20, 2012  
Page Six

You are directed to send a letter of response indicating the actions you will take to address the concerns and violations noted above along with a copy of your completed and signed SWP3 to our office no later than 60 days from the date on this letter. If you wish to dispute any of the observations or violations noted above, please provide me with a letter of response no later than this same date.

If you should have any questions, please contact me at (419) 373-3009 or by email at [lynette.hablitzel@epa.state.oh.us](mailto:lynette.hablitzel@epa.state.oh.us).

Sincerely,



Lynette Hablitzel, P.E.  
Division of Surface Water  
Storm Water Program

/jlm

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