



**CHECKLIST FOR DEEMED PERMITTED STATUS  
BOAT WASHING FACILITIES WITH CLOSED-LOOP RECYCLE SYSTEM**

**General Applicability**

Marinas with boat washing facilities are required to maintain a boat wash waste management system that complies with State Administrative Code for the protection of the States water resources. There are a number of different strategies available for managing boat wash wastewater. It is important that each boat wash facility considers each available option to determine which provides the best alternative for their particular site. Facilities proposing to use closed loop recycle systems with no discharges to surface waters may be eligible for deemed permitted status for their boat wash wastewater management system, and therefore not need to maintain an individual permit with the Division. The following checklist is designed to assure that the boat wash facility has considered available options and has proper documentation in place to demonstrate compliance with the deemed permit requirements.

For assistance with this checklist, or for a determination of deemed permitted status please contact the appropriate DWR Regional Office:

<http://portal.ncdenr.org/web/wq/home/ro>

Boat wash facilities using closed loop recycle systems are applicable for deemed permitted status provided that:

- No steam cleaning of exterior, bilge cleaning, or engine compartment cleaning occurs (see **Design Criteria** below)
- Wastewater can be managed or production can be stopped during power interruption (see **Design Criteria** below)
- The wash area is protected from stormwater inflow (structural controls or via management actions – see **Design Criteria** below )
- The wash area is protected from 100-year flood (see **Floodway Regulation Compliance** below)

**Consideration of Alternative**

Please indicate which of the following boat wash disposal alternatives have been considered. For your convenience, the applicable administrative rule reference for each alternative and instructions on how to pursue the listed option is included.

- Connection to an area-wide wastewater collection system**
  1. Contact the Pre-treatment Unit of the closest Public Utility Authority for an evaluation and acceptance of the wastewater generated from the boat washing activities.
- Closed-loop recycle systems ([15A NCAC 02T .1000](#))**
  1. Facilities seeking deemed permitted status; should continue filling in this checklist.
  2. Facilities not eligible for deemed permit status must apply for an individual permit and complete form CLRS 08-11) ([15A NCAC 02T.1000](#)).
- Industrial wastewater pump and haul system ([15A NCAC 02T.0202](#))**
  1. Submit a notification to the appropriate Division Regional Office in writing advising of the type of operation, type and quantity of wastewater generated, location, and the receiving wastewater treatment facility. The facility should have been designed and permitted to accept the type of wastewater being pumped and hauled.
  2. Include a letter from the facility accepting the boat wash water specifically agreeing to accept wastewater from the applicant. Include the terms of the acceptance.
- Onsite Treatment with subsurface discharge**
  1. Contact the On-site Wastewater Branch of the Division of Environmental Health [http://www.deh.enr.state.nc.us/osww\\_new/new1/](http://www.deh.enr.state.nc.us/osww_new/new1/).

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**Deemed Permit Status Checklist**

Marinas with boat washing facilities are eligible for permit by regulation coverage for a closed loop recycle system under 15A NCAC 02T .1003(3):

(3) Recycling of wash and rinse water at vehicle wash facilities provided the wastewater is contained within concrete, steel or synthetic structures (i.e. not including earthen basins), all vehicle washing is conducted under roof and there are no precipitation inputs (direct or indirect), and the facility develops and maintains a spill control plan in the event of a wastewater release.

There are wastewater management systems and closed loop treatment systems available that have demonstrated the ability to control storm water inputs without having the washing conducted under roof. Deemed permitted status has been granted to such facilities once it has been demonstrated that the wastewater and storm water are kept separate.

To demonstrate compliance with the requirements to be eligible for deemed permitted status as described in [15A NCAC 02T .1003](#), Facilities should be prepared to supply the Division Regional Office with the following:

- Property Ownership Documentation:** per [15A NCAC 02T .1004\(d\)](#), the facility owner can demonstrate they are the owner of all property containing the wastewater treatment and recycle facilities by providing one of the following:
  - Legal documentation of ownership (i.e., GIS, deed or article of incorporation),
  - Written notarized intent to purchase agreement signed by both parties, accompanied by a plat or survey map;
  - Written notarized lease agreement signed by both parties, specifically indicating the intended use of the property, as well as a plat or survey map. Lease agreements shall adhere to the requirements of 15A NCAC 02L .0107
- Design Criteria:** per [15A NCAC 02T .1005](#) Proposed Closed –loop recycle system meets all of the following criteria:
  - The closed loop systems does not treat wastewater generated by steam cleaning of exterior, bilge cleaning, or engine compartment cleaning.
  - The closed-loop system contains the boat wash wastewater within concrete, steel or synthetic structures (i.e. not including earthen basins),
  - All boat washing is conducted under roof and there are no precipitation inputs (direct or indirect), or a portable closed-loop collection and treatment system is used that has the ability to be removed and contained during rainfall events or provides other means to ensure that storm water does not contribute to the wastewater flow.

For portable systems, and systems that are not under roof, the following must be provided.

  - Site Map:** The facility owner can supply a site map including at a minimum:
    - A scaled map of the site showing all facility-related structures within the boat wash area including the wastewater treatment, storage and recycle areas.
    - Property boundaries
  - Description of operation:** Detailed description of how the system will be operated to ensure that storm water and rainwater will not contribute to the wastewater flow.
- A detailed explanation of how generated residuals (including trash, sediment and grit) will be collected, handled, processed, stored, treated, and disposed.
- The facility has the ability to stop production of effluent, return the effluent back to the treatment facility, store the effluent, or discharge the effluent to another permitted wastewater treatment facility when recycling cannot be conducted.
- A list with contact information for plant personnel, emergency responders and regulatory agencies must be displayed on site.
- The facility must demonstrate that safety measures are in place, including: (1) contingencies in case of system failure (2) restriction of access to the site and equipment; (3) spill prevention provisions such as response to upsets and bypasses, including how to control, contain and remediate.
- There is no public access to the wastewater treatment equipment, wastewater storage structures or to the wastewater within a closed-loop recycle facility.

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- An automatically activated standby power source, system shutdown, or other means shall be employed to prevent improperly treated wastewater from entering a treated waste water storage structure or from being recycled where loss of power would create an unsafe condition.
- Where potable water is used to supplement a closed-loop recycle water system, there is an air gap separation between the potable water and closed-loop recycle water systems.
- A water tight seal on all treatment/storage units or a minimum of two feet protection from the 100-year flood is provided. Portable recycle facilities with the ability to be removed and contained during flood events are exempt from this requirement provided that management practices include protection to the system during flood events.
- Floodway Regulation Compliance.** Per [15A NCAC 02T .0105\(c\)\(8\)](#), all facilities with any portion of the wastewater treatment, storage and recycle system is located within the 100-year floodplain must have written documentation from all local governing entities that the facility is in compliance with all local ordinances regarding construction or operation of wastewater treatment and/or recycle facilities within the floodplain.

**Additional Considerations and Owner Responsibilities:**

Please check each of the following boxes to indicate that you have read and acknowledge the following conditions applicable to deemed permitted facilities ([15A NCAC 02T .0113](#)).

- Acknowledgement from DWR that the closed-loop recycle system is deemed permitted does not allow the violation of any assigned surface water, groundwater, or air quality standards, and in addition any such violation shall be considered a violation of the conditions of the deemed permit. Further, the deemed permitted closed loop system does not apply to or permit disposal systems for which a state NPDES permit is otherwise required.
- Any discharge to surface waters from the deemed permitted boat wash system shall be reported to the DWR Regional Office.
- Closed loop recycle systems deemed permitted remain deemed permitted, notwithstanding any violations of surface water or groundwater standards or violations until such time as the Director determines that they should not be deemed permitted.
- Coverage as a deemed permitted Closed Loop Recycle System does not exempt the facility from other applicable permits or certifications (e.g. CAMA approval, Stormwater management, 401 certification, Sediment and Erosion Control)
- The Director may determine that the closed-loop recycle system should not be deemed to be permitted and require the disposal system to obtain an individual permit or a certificate of coverage under a general permit. This determination shall be made based on existing or projected environmental impacts, compliance with the provisions of Rule, and the compliance history of the facility owner.
- The Division may require that the boat wash facility submit an Annual Report to the Regional Office. The report may include: facility name, address, name of facility manager or person who signed application, rated treatment facility classification, name of operator and backup operator (if applicable), copy of hauling records (wastewater or residuals) indicating hauler name, date and quantity of transfer, receiving facility of liquids/residuals. Any reporting or monitoring requirements will be established by the DWR in writing.
- In the event that the Water Pollution Control System Operators Certification Commission's (WPCSOCC) classifies the closed-loop recycle facilities, the Permittee shall designate and employ a certified operator in responsible charge (ORC) and one or more certified operator(s) as back-up ORC(s). The ORC or their back-up shall visit the facilities in accordance with 15A NCAC 08G .0200, and shall comply with all other conditions specified in the previously cited rules.
- Should a facility receive deemed permitted status, the subject facility must be able to demonstrate that the wastewater treatment system is being properly operated and maintained. Records shall be maintained of boat washing activities, wastewater treatment system maintenance, management and transfer of liquids and sludges generated during operation of the wastewater treatment system including hauling records. Such records shall be made available during any subsequent on-site facility inspection conducted by the Division of Water Resources to evaluate general wastewater treatment system performance.
- Provide an explanation for any item listed as part of this checklist that cannot be provided or are not applicable for the site-specific conditions of the boat wash facility and the justification as to why they are not applicable.

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For more information, visit the Division of Water Resources website at: <http://portal.ncdenr.org/web/wq/ups/lau>