



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

May 10, 2023

Gavin Higgins  
Ice Floe LLC dba Nichols Brothers Boat Builders  
PO Box 580  
Freeland, WA 98249-0580

Re: **WARNING LETTER** for NPDES Permit Number WA0032166, Ice Floe LLC dba Nichols Brothers

Dear Gavin Higgins:

This letter is to inform you that your facility is out of compliance with your industrial wastewater discharge permit. Violations are listed in Tables 1 and 2.

**Table 1.** Numeric Effluent Violations for Outfall #001 since October 2022 (Permit Special Condition S1.A.)

Date	Parameter	Measurement	Units	Limit	Limit Type
10/25/2022	Copper	7.6	µg/L	5.8	Maximum Daily
12/30/2022	Zinc	160	µg/L	95.1	Maximum Daily
1/30/2023	Copper	18	µg/L	5.8	Maximum Daily
3/28/2023	Copper	12	µg/L	5.8	Maximum Daily

**Table 2.** Reporting Violations since October 2021 (see Permit Special Conditions S3.A.6 and S3.A.7)

Monitoring Period	Monitoring Point	Parameter	Sampling Frequency	Violation
October 2021	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L) Copper, Total (µg/L)	Monthly	Failure to report "<DL"
November 2021	001	Diesel, NWTPH Dx (mg/L)	Monthly	Failure to report "<DL"
January 2022	001	Diesel, NWTPH Dx (mg/L)	Monthly	Failure to report "<DL"
February 2022	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
March 2022	001	Diesel, NWTPH Dx (mg/L)	Monthly	Failure to report "<DL"
April 2022	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
May 2022	001	Diesel, NWTPH Dx (mg/L)	Monthly	Failure to report "<DL"
June 2022	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L) Copper, Total (µg/L)	Monthly	Failure to report "<DL"

Monitoring Period	Monitoring Point	Parameter	Sampling Frequency	Violation
October 2022	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
November 2022	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
December 2022	001	Diesel (NWTPH Dx) (mg/L)	Monthly	Failure to report "<DL"
January 2023	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
February 2023	001	Diesel, NWTPH Dx (mg/L) Chromium, Total (µg/L)	Monthly	Failure to report "<DL"
March 2023	001	Diesel, NWTPH Dx (mg/L)	Monthly	Failure to report "<DL"

TPH: total petroleum hydrocarbons; DL: Detection Level

Non-compliance notifications are required by your permit. You have submitted a notice of non-compliance for the violations in Table 1, or you have explained the cause of the violations in your monthly Discharge Monitoring Reports (DMRs). This part of your permit requirement has been fulfilled. The written notice of non-compliance should be attached to the DMR submission.

The DMR is the principal tool used to evaluate compliance with permit requirements. The Department of Ecology places great importance on the timely submittal of complete and accurate DMRs. Your facility has failed to accurately report levels of TPH diesel (NWTPH Dx), chromium and copper since October 2021 (Table 2). **Permit section S3.A.6.** requires reporting single analytical values below detection as "less than the detection level (DL)" by entering < followed by the numeric value of the detection level (e.g. < 2.0) on the DMR. Table 2 lists all DMRs where zero (0) was reported erroneously. From this point forward, values below detection should be reported correctly, and an electronic copy of the laboratory report should be attached to every DMR submission as listed in **permit section S3.A.7.**

Your facility has a pattern of exceeding copper effluent limits (Table 1). Ecology requests that you identify the source(s) and propose actions to prevent future violations. Failure to comply with the conditions of your permit may result in formal administrative enforcement action, including orders and penalties. Ecology's enforcement authority for NPDES permits is governed by 173-220-230 of the Washington Administrative Code (WAC).

If you have any questions or concerns, please contact your permit manager Joey Jiang by email at [joey.jiang@ecy.wa.gov](mailto:joey.jiang@ecy.wa.gov) or by phone at (206) 507-8283.

Sincerely,



Gretchen Onstad  
Compliance Specialist  
Water Quality Program

Warning Letter

Ice Floe LLC dba Nichols Brothers, WA0032166

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