



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

April 16, 2024

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 in April 2023 (Permit Special Condition S1.A.)

Date	Parameter	Measurement	Units	Limit	Limit Type
4/28/2023	Copper	22	µg/L	5.8	Maximum Daily
4/28/2023	Zinc	120	µg/L	95.1	Maximum Daily

**Table 2.** Monitoring Violations since September 2023 (see Permit Special Conditions S2.A.)

Monitoring Period	Monitoring Point	Parameter	Sampling Frequency	Violation
September 2023	001	Flow, NWTPH Dx, pH, Turbidity, Chromium, Copper, and Zinc	Monthly	Failed to Sample/ Analysis Not Conducted
October 2023	001	Flow, NWTPH Dx, pH, Turbidity, Chromium, Copper, and Zinc	Monthly	Failed to Sample/ Analysis Not Conducted
November 2023	001	Flow	Monthly	Analysis Not Conducted

NWTPH Dx: total petroleum hydrocarbons diesel fraction, as measured by Ecology method NWTPH-Dx

Non-compliance notifications are required by your permit. You have submitted notices of non-compliance for the violations in Tables 1 and 2, or you have explained the cause of the violations in your monthly Discharge Monitoring Reports (DMRs). The reporting part of your permit requirement has been fulfilled. **In the future, 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. Ecology has received electronic copies of laboratory reports, correctly attached to DMRs for November 2023, January 2024 and February 2024, as required in **permit section S3.A.7**. However, the chain-of-custody documents show that your facility failed to measure pH within 15 minutes of sample collection, as required in Standard Method (SM) 4500-H+ B, **permit section S2.A**, and [40 CFR Part 136](#) (Table II therein). **Use of a field pH meter is necessary to comply with this method requirement.**

Ecology acknowledges that you have addressed the copper and zinc exceedances from April 2023 through treatment optimization (Table 1). However, **your current noncompliance status is due to failure to monitor required parameters in September, October, and November of 2023 (Table 2)**. Continued 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

ecc: Permit and Reporting Information System (PARIS): Ice Floe LLC dba Nichols Brothers, WA0032166  
Joey Jiang, Ecology  
Monika Kannadaguli, Ecology  
Gavin Higgins, CEO, Ice Floe LLC dba Nichols Brothers  
Kyle Statia, Facilities Manager, Ice Floe LLC dba Nichols Brothers  
Coleman Porter, Ice Floe LLC dba Nichols Brothers  
Owen Reese, Aspect Consulting, LLC