

Dear Kim,

Thank you for sending Friends of Holmes Harbor (FOHH) the draft Shoreline Survey Report (SSR<sup>d</sup>). After reviewing the SSR<sup>d</sup> and FOHH documents, we will take this opportunity to add the following comments and information we believe needs to be considered in the final Shoreline Survey Report.

### **Saltwater Intrusion:**

NBBBI experienced salt water intrusion into their shipyard during high tides on the weekend of 12/31/05-01/01/06. NBBBI's corporate attorney, Lynn Hicks reported to Donna Ortiz De Anaya of DOE's water quality department that approximately 188,351 gallons of saltwater and yard run off were pumped through their storm water system into the infiltration basin. Ms. Hicks represented it as an extremely unusual condition of combined high tide (13+ ft) and low barometric pressure. FOHH supplied tide table data and digital photo documentation to DOE proving that Ms Hicks' portrayal of the conditions as unusual are incorrect. Tidal data alone indicate that salt water intrusion does in fact occur when high tides exceed approximately 12 feet. Holmes Harbor experiences several 13+ foot high tides annually. DOE issued a warning letter dated February 14, 2006, to NBBBI stating the violation of their State Waste Discharge Permit(ST-7396). The warning also questioned the engineering design and effectiveness of NBBBI's remedy which includes metal plates and sandbags as a permanent solution to the salt water intrusion problem.

During the high tides and winter storm events between Feb. 1 and Feb. 4, 2006; NBBBI experienced salt water intrusion potential in their storm water system. We say potential as we do not know if NBBBI filed a report with DOE of the event. In Ms. Hicks' previous report from NBBBI to DOE, she stated the saltwater intrusion was due to tides over the 13 ft level. This information is not correct because the February 4, 2006, tide was only 12.4. NBBBI may have experienced even a greater influx over the area than their 12/31/05-01/01/06 salt water intrusion because the storm event was very strong. NBBBI's metal plate and sandbag solution to try to eliminate the salt water intrusion is not 100% effective by their own admission.

FOHH has attached the emails, letters and photographs that document our concerns. During the high tide events of February 1<sup>st</sup> and 2<sup>nd</sup> we were able to video and photograph the conditions experienced along the shoreline of Holmes Harbor. On February 4, 2006, Bryan Nichols, president of NBBBI, invited FOHH to inspect his facility during the salt water intrusion event as it was occurring. FOHH documented the breaching of the sandbags allowing salt water to enter the storm water collection system. FOHH will send via USPS a copy of the video and a CD with photos of the tide events occurring on Feb 1, 2 and 4, 2006.

FOHH is concerned that the salt water intrusion into the NBBBI facility has obvious direct impacts on the water quality of the surface waters of Holmes Harbor. We are very aware that indirect, and perhaps more subtle, impacts are occurring. The addition of the

metal plates and sandbags has redirected the natural flow of the water from Holmes Harbor thereby increasing the amount of salt water flooding the NBBBI wetland and adjacent properties. The saltwater crosses Woodard Road to the East of NBBBI's wetland property and floods the neighboring horse corral and pasture. When the floodwaters recede, they may be carrying fecal coliform to Holmes Harbor and contributing to the increased levels of fecal coliform noted in your studies. The floodwaters ebb through the two Holmes Harbor outfalls on the Nichols property noted in your studies and also directly through the gap in the berm along Shoreview Drive that allows NBBBI to launch vessels from its ramp.

### **Overflows and Criteria Exceedances:**

Overflows from the infiltration basin into the wetlands are prohibited by ST-7396. NBBBI is required to submit records and grab sampling test results of overflows. NBBBI has reported several overflows since November 1, 2005 exhibiting contaminant levels exceeding Washington State surface water quality criteria.

The wetlands are directly connected to the surface waters of Holmes Harbor via two outfall pipes located on the beach and referred to in your reports as 61 a, b. The attached letter of February 28, 2006, from Lynn Hicks, corporate attorney for NBBBI, documents NBBBI's failure to meet surface water standards and states that NBBBI is simply not able to prevent the possibility of basin overflows.

NBBBI is required to complete a new storm water system and infiltration basin by September 2007. Not only is FOHH concerned about the impacts of basin overflows between now and September 2007, but also we are concerned that NBBBI's new system is being designed to handle NBBBI's existing operations. NBBBI's future expansion, presently being applied for through Island County Planning & Community Development as NBBBI's Master Permit Application (MPA), will require an even larger storm water system and infiltration basin. The expansion will constitute a substantive change in conditions and will trigger the need for NBBBI to apply for a new or revised State Waste Discharge Permit.

As reported in the fact sheet accompanying NBBBI's current ST-7396, NBBBI expanded to their present size without the knowledge or approval of the water quality department of DOE. Had DOE been involved, NBBBI would have been required at that time to design a system that could handle the increased storm water and may have been able to prevent the basin overflows they are currently reporting.

### **NBBBI's Septic System:**

Island County records document NBBBI's failure to apply for and obtain the necessary permit prior to the construction of their present septic system. Island County records document that NBBBI submitted an "as built" permit application to the Island County Health Department in the spring of 2005. FOHH is unaware of the status regarding any

permit decision made by the Island County's Health Department regarding the as-built permit application.

### **NBBBI Storm Water and Process Water Separation:**

During the October 2005 visit by Donna Ortiz DeAnaya of DOE's water quality department, Ms. Ortiz noted the storm water system installed by NBBBI did not have the ability to separate storm water and process water as required by ST-7396. Ms. Ortiz suggested to Bryan Nichols that an additional system needed to be installed to separate the process water from the storm water. Mr. Nichols informed Ms. Ortiz that would be cost prohibitive and suggested NBBBI would not perform operations producing process water during rain events. There is no monitoring or reporting of NBBBI's work schedule during rain events but FOHH can assure DOH that NBBBI does not suspend operations during storm events.

### **NBBBI Landscape Berm on SR525:**

In the summer of 2005 NBBBI installed a landscape berm along the south edge of their property to screen their storage area from the road. The material used for the berm was excavated from beneath the production area of the shipyard during the reconstruction of the concrete pad. The concrete surface was cracked and needed repair. No testing was performed on the soil placed on the berm to determine if it is impacted by contaminants (e.g., heavy metals, petroleum hydrocarbons, paints, solvents, etc.) from decades of ship building activities. FOHH is concerned that shipyard contaminants can leach from the berm and be carried to the surface waters of Holmes harbor during rain events.

It has been reported that the berm is encroaching 15 feet onto neighboring property to the south owned by Cenex. NBBBI will be moving the berm to correct the situation. FOHH is concerned that this will in some way further exacerbate a potentially contaminant site.

### **West Drainage Basin Problems:**

In the May 2005 Draft Freeland Comprehensive Drainage Plan (FCDP) there are two outfall problems and one culvert problem identified. The two outfall problems include incorrect outfall pipe type and faulty flap gates. Both flap gates malfunction and the surface water elevation in the wetland and Shoreview ditch system is influenced by tidal action. The culvert problem includes undersized pipe. The drainage model predicts that the culvert capacity is exceeded during a 25-year 24-hour storm event.

Using the nomenclature of the FCDP, Problem #8 recommends replacing the two existing 18" outfalls along Shoreview Drive. One outfall drains the wetland just to the west of Woodard Avenue and one drains the ditch system and detention pond for NBBBI. The latter outfall drains NBBBI's storage and parking lot acreage where, from our understanding, NBBBI's drainfield and septic tank is located. The outfalls should be replaced with 18" smooth bore pipe. Tide gates should be relocated and catch basins structures installed at the inlet end of the new pipe to facilitate maintenance.

Problem #9 recommends replacing the existing 12” culvert at the intersection of Shoreview Drive and Woodard Avenue with an 18” culvert.

A complete copy of the Draft Freeland Comprehensive Drainage Plan can be obtained from Island County Public Works.

### **Surrounding Businesses:**

Whidbey’s Topsoil and Construction is located on Cameron Road on the south side of SR 525 across from NBBBI. Landshapers, a second earth-material supplier, is located west of NBBBI along SR 525. Whidbey’s Topsoil and Construction is definitely in the drainage basin ending at the Holmes Harbor waterfront occupied by NBBBI. FOHH is not certain that Landshapers is also in the same drainage basin. Both of these establishments store manure, compost, and mixed soil products for resale for residential and commercial use. The material is stored in the open and is exposed to rainfall and runoff.

Payless Foods Shopping Center is located on the corner of SR 525 and Main Street in Freeland. Friends of Freeland, a civic nonprofit organization, discovered that the shopping center septic system drain field, located behind the shopping center along East Harbor Road at the intersection of Layton Road, was pumping effluent to ground. The condition was caused by a faulty valve system and not, to the best of our knowledge, by a general failure of the drain field. To make matters worse, the drain field problem was in the general vicinity of the top of the stream that flows to the Freeland Park outfall. This stream also receives the storm water from the below-shopping-center-storm-drainage piping system that originates on the south side of SR 525. Island County Public Works had one of their test sites near this location but FOHH does not know the correlation between the drain field problem and the very high levels of fecal coliform detected by Island County in their test results at this site and at the Freeland Park outfall. The problem has been repaired during the last two weeks of March by installing a new drain field manifold system and we noticed that the septic system has been pumped.

### **Infiltration Basin Soil:**

Whidbey’s Topsoil and Construction was responsible for the exchange for new material of the spent NBBBI infiltration basin soil in September 2005. Island County Health Department requested on March 1, 2006, that Whidbey’s Topsoil and Construction and NBBBI document the amount and disposal of the infiltration basin soil. An FOHH member has filed a formal complaint with Island County regarding the disposal of the infiltration soil as the spent soil was not tested for residential recycling. Whidbey’s Topsoil and Construction reports that the spent soil was used to plant trees but has not reported how the spent soil was transported, stored, or where it was used to plant trees. The March 1 request for information by Island County Health (deadline of 10 days) is to be responded to by NBBBI by the week of March 20<sup>th</sup> and Whidbey’s Topsoil and Construction has told Island County Health that it has referred the letter to their attorney.

The metals in the spent soil are obviously of concern as they can leach to the surface waters of Holmes Harbor if in fact they were used to plant trees on property in the drainage basin.

In 2003, NBBBI disposed of the spent soil at a Nichols owned residential property on 5654 Coles Road in Langley as fill material. Our concerns, if in the past, NBBBI's practice was to dispose of the spent soil at unapproved sites, indeed we maybe facing this issue presently. The final deposition of the spent spoil has not been forthcoming from either NBBBI or Whidbey's Topsoil. Whidbey's Topsoil is not a permitted facility according to Island County Health.

NBBBI Operations Manual states that the infiltration basin soil is to be recycled along with blast-grit into concrete locking the infiltration basin soil into a solid. This latest practice is a departure from their manual.

### **Property adjacent to Freeland Park:**

FOHH has attached a photograph of the private property abutting the Freeland Park playground. FOHH is concern about the ongoing practice during winter months of placing compost around the perimeter of the property to try to prevent salt water intrusion. Compost potentially increases nitrogen levels produced by the compost spilling into the stream/open ditch leading directly into the surface waters of Holmes Harbor. FOHH believes this practice needs to be noted in the report.

### **Agriculture Practices:**

FOHH would like to bring to the attention of the WSDOH the horse pasture located at the corner of Woodard Rd. and Shoreview Dr. This pasture experiences salt water intrusion during high tide events and storm events. Since the installation of sandbags and metal plates at NBBBI, we have noted an increase in the volume of water and the area covered.

In addition, on Freeland Avenue there are several acres used as a horse pasture. The topography of the land does slope towards Woodard Road. These acres have horses pasturing usually not exceeding 2 to 3 horses at one time. The use of both pastures is not year around. These agriculture uses need to be noted and confirmed in the final version of the SSR<sup>d</sup>.

Thank you for allowing FOHH to submit these comments in regards to the Draft Shoreline Survey Report.

Respectfully submitted,  
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