NICHOLS BROS. BOAT BUILDERS
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DEPT OF ECOLOGY

February 28, 2006

Ms. Donna Ortiz
Environmental Engineer
Water Quality Program
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

RE: Industrial Stormwater General Permit No. S03003161
Nichols Brothers Boat Builders, Inc. (NBBBI)
Noncompliance Notification

Dear Donna:

Pursuant to our telephone conversation Monday, February 27, 2006, regarding our Industrial Stormwater General Permit, it is our understanding that Ecology believes that NBBBI must submit a Noncompliance Notification under Section S5.E because of our infiltration basin overflows and the sample results not meeting "surface water quality standards" under Section S7. Whether NBBBI meets the requirement that the discharge of pollutants is a significant amount is open for interpretation; however NBBBI acknowledges that the sample results have not met surface quality water standards under the WAC.

NBBBI has properly notified Ecology of all basin overflows in a timely manner and has reported the sampling results with correspondence attached to each Discharge Monitoring Report as required. The basin overflow sampling results for copper and zinc are listed below for the third and fourth quarters 2005:

Date	Copper (µg/l)	Zinc (µg/l)
10/1/05	210	790
10/8/06	76	270
11/1/05	82	290
11/3/05	120	470
11/28/05	57	260
11/29/05	59	200
12/1/05	54	330
12/22/05	140	570

As you know, NBBBI is continuously trying to improve our current stormwater system to accommodate short and long term goals for better control of our stormwater and process water. As a result of the berms installed around the northeast corner of the yard (the stormwater system area) and metal plates installed beneath the fences, marine water no longer has an opportunity to access the shipyard, nor penetrate our stormwater system.

The berms, along with the metal plates, built around the stormwater area are acting as a holding tank during significant rain events. Rather than having the vault overflow, NBBBI turns off the overflow pump and allows the water to gather in the holding area until the vault can handle the additional water. Then the water is allowed to drain through the filtration pumps and out to the basin. At this point, no unfiltered water is being released to the basin.

Until our studies are complete and our new stormwater system is developed, it will be impossible to prevent any possibility of basin overflow, however NBBBI is doing our best to ensure the water is filtered through our system before it makes its way to the basin and potentially to the adjacent wetlands.

NBBBI intends to continue improving the current system, but until the new stormwater system is designed, we are somewhat limited by space and technology.

Please feel free to contact me if you have any questions or concerns.

Yours truly,

Lynn M. Hicks

cc: Tom Atkins