

SEP 23 1994

246



CITY OF PETERSBURG

Community Development

P.O. Box 329
Petersburg, Alaska 99833
(907) 772-4533 FAX (907) 772-4876

September 21, 1994

Earl Hubbard
State of Alaska
Department of Environmental Conservation
Division of Environmental Quality
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

CERTIFIED MAIL - P 111 774 339

Dear Mr. Hubbard:

The City of Petersburg would like to formally request that Hammer Slough (AK ID# 10202-006) be deleted from the Final Revised 1994 "303(d)" Listing of Alaska's Impaired Waterbodies. I base this request on my belief that the inclusion of Hammer Slough on the Responsiveness Summary for Comments Received on the 1994 Section 303(d) List was based on incorrect information.

Specifically, the Basis for Decision for elevating Hammer Slough from suspected to impaired was "Past logging activities have destabilized drainage sediments and cause excursions beyond criteria." I am unaware of any past logging activities that have caused habitat modification problems in Hammer Slough.

On September 6, I contacted Dave Sturgevant, ADEC, and requested copies of documentation concerning the inclusion of Hammer Slough on the Impaired Waterbodies List. I received four copies of 1994 Statewide Water Quality Assessments for Hammer Slough.

1993
→December 12, 1994 - Don Cornelius, AK Department of Fish and Game, observes siltation in Hammer Slough. The report does not indicate relative severity, no reference to timber harvest in the assessment.

→March 6, 1992 - Bruce Jones, City of Petersburg Water/Wastewater Superintendent, suggests that Hammer Slough be removed from the Suspected Waterbodies List because of a reduction in the number of sewer discharges.

→August, 1989 - Dave Sturdevant, ADEC, notes that the waterbody status of Hammer Slough is suspected. No description of the source or types of pollutants.

→August 15, 1989 - Dave Sturdevant, ADEC, assessment is a temporary replacement for missing original data form. No specific information included on form.

The city of Petersburg would like to prepare a detailed response to the notice of the inclusion of Hammer Slough as an Impaired Waterbody on the 303(d) List. After reviewing the Statewide Water Quality Assessments of Hammer Slough, I am unable to verify the Basis for Decision to include the Hammer Slough on the 303(d) Listing for Alaska's Impaired Waterbodies.

The August 8, 1994, Public Notice of Proposed Listing on the 303(d) List, states "DEC emphasizes that addition or removal of waterbodies must be based on clear evidence or condition." I feel that the addition of Hammer Slough to the 303(d) list was not based on clear evidence or condition. If there is additional documentation available, I am requesting that copies of all such documentation be furnished to the City of Petersburg, and that the deadline for public comment be extended to allow for a review of the material and a chance to respond. If no additional information is available, I am formally requesting that Hammer Slough be deleted from the 303(d) Listing of Alaska's Impaired Waterbodies.

Sincerely,



Leo Luczak
City of Petersburg
Director of Community Development

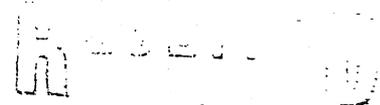
cc:

Mayor Carlson
City Council Members
Linda Snow, City Manager



CITY OF PETERSBURG
WATER & WASTEWATER UTILITIES
P.O. BOX 329 • PETERSBURG, ALASKA 99833
TELEPHONE (907) 772-3787
TELECOPIER (907) 772-4102

24a



SEP 19 1994

DEPARTMENT OF
NATURAL CONSERVATION

September 14, 1994

Earl Hubbard
State of Alaska, ADEC
Water Quality Management
410 Willoughby Avenue
Juneau, Alaska 99801

RE: Public comment on Revised 1994 "303(d)" listing of Alaska's Impaired Waterbodies.

Dear Mr. Hubbard:

In response to your request for comments on the referenced listing of Impaired Waterbodies I would recommend that Hammer's Slough, Ak I.D. No. 10202-006 be removed from the list.

To the best of my knowledge there have been no Timber Harvest activities near or close to Hammer's Slough or Tributaries of Hammer Slough that would contribute to the listed pollutants of Habitat Modification or sedimentation.

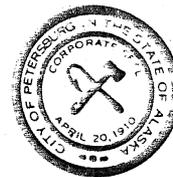
My home overlooks Hammer's Slough and for the last several weeks I have observed a fairly good run of pink salmon returning, unobstructed, to the Slough to spawn. I feel that this waterbody has been placed on the list without credible evidence of impaired use or violation of the Water Quality Standard.

If you have any questions, please feel free to contact me at anytime.

Sincerely,

Bruce R. Jones

BRJ/EMW



CITY OF PETERSBURG

Community Development

February 15, 1996

Eric Decker
State of Alaska
Department of Environmental Conservation
Division of Environmental Quality
410 Willoughby Avenue, Suite 105
Juneau, AK 99801-1795

RECEIVED
FEB 21 1996
DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

P.O. Box 329

Petersburg, Alaska 99833

(907) 772-4533 FAX (907) 772-4876

CERTIFIED MAIL - P 111 774 344

Dear Mr. Decker:

I am in receipt of your letter dated January 29, 1996, requesting public comments on Alaska's Candidate 1996 303(b)(1)(A) and (B) List of Impaired Waterbodies. I remain very concerned that over the objections of the city Hammer Slough has been elevated to be included as an Impaired Waterbody. **The City of Petersburg would like to formally request that Hammer Slough (AK ID# 10202-006) be deleted from the 1996 "303(d)(1)(A) and (B)" Listing of Alaska's Impaired Waterbodies.**

As I summarized in my response to the Final Revised 1994 "303(d)" Listing of Alaska's Impaired Waterbodies, I believe that the inclusion of Hammer Slough on the Responsiveness Summary for Comments Received on the 1994 Section 303(d) List was based on incorrect information.

Specifically, the Basis for Decision for elevating Hammer Slough from suspected to impaired was "Past logging activities have destabilized drainage sediments and cause excursions beyond criteria." I am unaware of any past logging activities that have caused habitat modification problems in Hammer Slough. In my letter of September 21, 1994, I reviewed the state's basis for declaring Hammer Slough as impaired, and refuted the visual observations by an Alaska Department of Fish and Game biologist. I still believe that these observations are vague and do not merit the conclusion that Hammer Slough is impaired. I believe I detailed these thoughts sufficiently in the September 21 letter, and I concluded the letter by formally requesting that Hammer Slough be deleted from the 303(d) Listing of Alaska's Impaired Waterbodies.

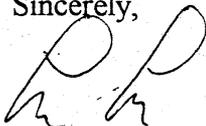
In my discussions with DEC personnel about the elevation of Hammer Slough to impaired status, they are unable to locate my letter of September 21, 1994 in the file. I find this deeply disturbing, as I posted this letter by certified mail (#P 111 714 399) on September 21, 1994, to DEC contact Earl Hubbard, and received confirmation that the letter was received by DEC on September 23, 1994. I am concerned that my formal request to delete Hammer Slough was not considered by DEC in preparing the 1996 303(d)(1) (A) and (B) Lists. **Therefore, I am requesting a copy of the Hammer Slough file so I can review the documentation that resulted in the decision to declare Hammer Slough impaired.**

My concern is that the information is non-quantifiable and therefore it will be difficult if not impossible to demonstrate the level of improvement necessary to remove Hammer Slough from the 1996 303(d)(1) (A) and (B) Listing. I feel that quantifiable documentation will be required by EPA in order for Hammer Slough not to remain listed as an Impaired Waterbody. In one of my visits to DEC offices in Juneau, I was shown a draft policy from EPA for the Delisting of a Waterbody. I estimate that this document was 300 to 400 pages in length, and even if the procedure could be followed, there is no quantitative documentation of the degree (if any) of the impairment of Hammer Slough. I will need a copies of this documentation in order to appeal the decision to list Hammer Slough as impaired.

I am also concerned about comments from DEC that EPA insisted that Hammer Slough be included on the 1996 303(d)(1) (A) and (B) List over the objections of DEC. When commenting on the Final Revised 1994 "303(d)" Listing of Alaska's Impaired Waterbodies, I was instructed to refer my comments to Earl Hubbard of DEC. I was unaware that EPA had the authority to ignore DEC recommendations, and I am concerned that my certified letter was never forwarded to the decision making body. **Therefore, I am also requesting the name and location of the persons in EPA who are responsible for making the decision to elevate Hammer Slough for inclusion on the 1996 303(d)(1) (A) and (B) List. I am also requesting copies of the documentation EPA used in making this decision, and I am requesting that I be provided with details of the process for appealing the EPA decision for 303(d)(1)(A) and (B) Listing.**

If you are unable to provide me with the information I have requested in time to appeal the inclusion of Hammer Slough in the 1996 "303(d)(1)(A) and (B)" Listing of Alaska's Impaired Waterbodies, I am formally requesting that Hammer Slough be deleted from the 1996 "303(d)(1)(A) and (B)" Listing of Alaska's Impaired Waterbodies until such time as the information is made available and the City of Petersburg can appeal the proposed listing. I do not believe that Hammer Slough is an impaired waterbody, and I believe that you would be doing the City of Petersburg a great disservice to include Hammer Slough on the 1996 303(d)(1) (A) and (B) List without providing this information to the city and affording us the opportunity to respond to the proposed listing of Hammer Slough as an Impaired Waterbody.

Sincerely,



Leo Luczak
Director of Community Development

cc: Michele Brown, ADEC Commissioner (fax 465-5070)
Mayor Meucci
City Council Members
Linda Snow, City Manager

STATE OF ALASKA

DEPT. OF ENVIRONMENTAL CONSERVATION

Division of Air and Water Quality
Water Quality Technical Services
410 Willoughby Avenue, Suite 105
Juneau, Alaska 99801-1795

TONY KNOWLES, GOVERNOR

Phone: (907)465-5260
Phone: (907)465-5305
Fax: (907)465-5274
TTY: (907)465-5133

February 22, 1996

Mr. Leo Luczak
Director of Community Development
City of Petersburg
P.O. Box 329
Petersburg, Alaska 99833

Re: Response to City of Petersburg February 15, 1996 letter

Dear Mr. Luczak:

Thank you for the referenced letter in which you formally requested that Hammer Slough be removed from the 1996 Section 303(d) list, the request for a copy of the Hammer Slough file, and the names and locations of U.S. Environmental Protection Agency (EPA) personnel who were responsible in the decision to place Hammer Slough on the Section 303(d) list.

City of Petersburg formal request to remove Hammer Slough from the 1996 Section 303(d) list.

Thank you for this formal request. This request will be formally considered by the Alaska Department of Environmental Conservation (ADEC) during the month of March prior to Alaska's submittal of the 1996 Section 303(d) list (due to EPA on or before April 1, 1996).

As you know, ADEC is accepting public comments on the draft 1996 Section 305(b) report and Candidate 1996 Section 303(d) list until March 1, 1996. As discussed on the phone with you on February 20, 1996, the ADEC is also committed in conducting a field assessment of Hammer Slough by March 20, 1996 if weather conditions permit.

All information relative to Hammer Slough available to ADEC, including information derived from the field trip (if conducted), will be reviewed prior to ADEC making a Section 303(d) listing decision to EPA. For your information, once EPA receives the State's submitted Section 303(d) list, EPA regulations specify EPA has thirty days to approve or disapprove the State's submitted list.

Request for a copy of the Hammer Slough file.

During our phone conversation on February 20, 1996, you mentioned you had the correspondence that happens to be the limited information we have in our Hammer Slough file. The information that was used as the basis for the initial Hammer Slough Section 303(d) listing decision by EPA, evaluated during the 1994 Section 303(d) listing process, was the waterbody assessment documentation on Hammer Slough provided to ADEC from an Alaska Department of Fish and Game employee.

Request for names and locations of EPA personnel who are responsible for making the decision to elevate Hammer Slough for inclusion on the 1996 Section 303(d) list.

No EPA personnel were consulted in the State's decision to place Hammer Slough on the Candidate 1996 Section 303(d) list. Since ADEC has not received additional water quality information on Hammer Slough since the initial listing decision was made by EPA (EPA formally approved the 1994 Section 303(d) list in August 1995), ADEC opted to leave Hammer Slough on the 1996 Candidate list with the intent of soliciting additional information during the public comment period (February 1 - March 1, 1996), and to conduct a field inspection prior to March 20, 1996. What was previously communicated to you via phone was that EPA made the decision to include Hammer Slough on Alaska's Final 1994 Section 303(d) list. Phone numbers of EPA staff involved in the 1994 decision were given to you during the recent phone discussion.

ADEC shares your concern with the listing decision of Hammer Slough and will continue to work with the City of Petersburg to determine if in fact a valid water quality issue is the case with the waterbody. Thanks again for your interest in resolving the Hammer Slough issue.

Sincerely,



Eric Decker
Waterbody Recovery Coordinator