



CITY OF PETERSBURG

Community Development

February 15, 1996

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~~Eric Decker~~

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

CERTIFIED MAIL - P 111 774 344

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.

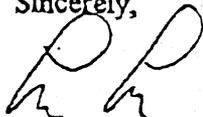
In my discussions with DEC personnel about the elevation of Hammer Slough to impaired status, they are unable to locate my letter of September 21, 1994 in the file. I find this deeply disturbing, as I posted this letter by certified mail (#P 111 714 399) on September 21, 1994, to DEC contact Earl Hubbard, 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

Grant, Drew

From: Redburn, Doug
To: Grant, Drew; Anderson, Mark
Subject: FW: Why Hammer Slough is on the 303d list
Date: Monday, February 05, 1996 3:53PM

fyi. If not delisted by April, we'll need to visit the site this spring. I plan on going and am looking forward to it. Eric D. indicated interest as well in participating with our group.

From: Decker, Eric
To: HHW-Bruce Jones, Petersburg; Schlichting, Sally; Clare, James
Cc: Schrader, Carl; Redburn, Doug; Decker, Eric; Braley, Susan
Subject: RE: Why Hammer Slough is on the 303d list
Date: Monday, February 05, 1996 3:22PM

The following is a chronology of events that led to the Section 303d listing decision of Hammer Slough (the waterbody is on the final 1994 303(d) list, and candidate 1996 303(d) list currently out for public review), and what happens next:

1. December 1993. An ADF&G habitat biologist in Petersburg submits a waterbody assessment form on Hammer Slough to ADEC. The information was BPJ documentation that Hammer Slough had excessive siltation the length of the waterbody from the city/state rockpit and runoff from unpaved city streets compounded the problem.
2. May 1994. ADEC submits 39 waterbodies to EPA for Section 303(d) listing approval. Hammer Slough is NOT on this submitted list. EPA partially disapproves the list for the State failing to include other waterbodies that may qualify for 303d listing.
3. Summer 1994. Seattle EPA staff review ADEC waterbody files in Juneau and conclude approximately 130 waterbodies, including Hammer Slough, qualify for listing (the ADFG assessment information is the key info used by EPA to justify this preliminary listing decision).
4. Winter 1994/1995 and Spring 1995. ADEC and EPA staff sit down with available information, and additional information solicited from ADEC field offices and other sources, to office review all 130 plus waterbodies. It is ADEC's continued position during this time that Hammer Slough NOT be listed because there is insufficient information to warrant 303d listing - waterbody needs a field investigation.
5. Summer 1995. The list of 303(d) waterbodies narrows to about 60-but EPA 303d staff will not budge on Hammer Slough. The final 1994 list was 56 waterbodies, including Hammer Slough. EPA approves final list of 56 in August 1995.
6. Fall/Winter 1996. Draft 1996 305(b) report prepared along with candidate 1996 303(d) list. Candidate 303d list is 53 waterbodies since three waterbodies meet the de-listing criteria specified in the draft 305b report. There is no additional information on Hammer Slough so it is left on the candidate list.

What happens next:

1. ADEC will accept comments/information until March 1 for purposes of preparing a final 1996 305b report and final State 1996 303d list. If there is submitted information on Hammer Slough it will be reviewed and a final State listing decision made prior to April 1 (deadline date to submit to EPA final 1996 305b and 303d list).
2. ADEC staff will conduct a field assessment of Hammer Slough sometime this Spring (probably in April). This assessment, and follow-up documentation (including any recommendations), will be coordinated by Doug Redburn (Coastal Watersheds Team Leader 465-5303). This assessment was scheduled last Fall, but the early Fall freeze-up prevented this from happening. The field review will be conducted in coordination with at least the following entities: the City of Petersburg, ADFG, and DOT/PF.

From: Clare, James
To: HHW-Bruce Jones; Schlichting, Sally
Cc: Decker, Eric
Subject: RE: Water Quality Standards
Date: Friday, February 02, 1996 4:21PM

That's two of us closing in on consensus with similar recommendations.

From: Schlichting, Sally
To: HHW-Bruce Jones; Clare, James
Cc: Decker, Eric
Subject: RE: Water Quality Standards
Date: Friday, February 02, 1996 4:08PM

Below is a quote from a memo I drafted last summer to Eric:

During my recent review of the Environmental Assessment for the Petersburg Airport Runway Resurfacing Project, significant discussion occurred regarding the allegedly impaired stream, Hammer Slough Creek, which is situated close to the project. Hammer Slough is currently on the State's Tentative Revised 303(d) List for impairment from sedimentation and habitat modification.

According to City of Petersburg staff, turbidity events in Hammer Slough have been observed during periods of high flow, but a source has not been confirmed. It was originally suggested that the airport was providing a key source of sedimentation through the use of sand and gravel during the winter. However, according to DOT and their consultant, Dunn Environmental, the airport makes only minimal usage of sand and gravel during the winter months, relying primarily on urea for ice control. Thus it could be concluded that any runway runoff would be fairly free of sediment. Another possible cause may be due to activities in the municipal quarry further upstream from the airport, or the condition may simply be a result of natural causes. With regard to impacts due to habitat modification, no evidence was presented that such impacts have occurred. In speaking with the City of Petersburg, DOT and DEC Sitka District staff, the consensus was that there is no clear indication Hammer Slough is impaired.

It is recommended that a site visit be conducted, to include walking the stream's entire length and interviewing local citizens for year-round observations. Until this is accomplished, impairment cannot be confirmed.

From: Clare, James
To: HHW-Bruce Jones
Cc: Decker, Eric; Schlichting, Sally
Subject: RE: Water Quality Standards
Date: Friday, February 02, 1996 2:42PM

Oh, yes. I tried to determine why this one would be on the list one other time. If I did originally suggested it, which I doubt, the suggestion was based on someone else's suggestion. My recommendation would have been based on impacts due to sewage systems failing in the area. Since everything is on sewer now, that would not apply.

I notice the reason it is on the 303(d) for 1996 was sedimentation from urban runoff. In 1994 the sedimentation was due to timber harvesting. The impaired listing notes urban runoff and gravel mining as pollutant sources. I suspect this was a Fish and Game Dept. recommendation, although I cannot fathom how it would be determined impaired, especially without some data to actually demonstrate that it is.

I remember a discussion with Sally Schlichting about this and the pollutant contributions from the airport. Since the airport uses urea, I don't understand how it could possibly contribute sedimentation.

Maybe Eric Decker has the history here to help us out. If we can determine why it is on the list, and if the conditions no longer support it, it should be removed.

From: HHW-Bruce Jones
To: Clare, James
Subject: RE: Water Quality Standards
Date: Friday, February 02, 1996 11:38AM

Hammers Slough

From: Clare, James
To: HHW-Bruce Jones
Cc: Buggins, Mark City of Sitka
Subject: RE: Water Quality Standards
Date: Thursday, February 01, 1996 1:10PM

Which water body is on the list. Maybe I had something to do with that, or maybe I can have something to do with correcting inadequacy.

From: HHW-Bruce Jones
To: Clare, James
Subject: RE: Water Quality Standards
Date: Thursday, February 01, 1996 10:05AM

Jim, Any comments for the Association should be sent to Phillis Benson or Craig Nordgren at the Assoc. office @ FAX 907-456-2683. I received a copy over the E-Mail from P. Grefsrud. I would also like to see your comments. Helps me get my thoughts together.

On another Public Comment period; I just E-mailed Eric Decker and asked for a copy of the advertised "Draft 1996 Section 305(b), Water Quality Assessment Report. One of our waterbodies is on the list and I've never been able to get it off. Now it seems to be official. As soon as I've looked it over I'll write my comments and send them over for your review/concurrence/help on the subject.

From: Clare, James
To: HHW-Bruce Jones, Petersburg; Buggins, Mark City of Sitka
Subject: Water Quality Standards
Date: Wednesday, January 31, 1996 4:16PM

Did you receive the mixing zone and "plain english" proposals? If not, we got 'em here in the office. AWWA ought to be reviewing and providing comment. On that effort, who do I share my comments with, when I'm finished?