



## CITY OF PETERSBURG

Community Development

February 15, 1996

P.O. Box 329

Petersburg, Alaska 99833

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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.

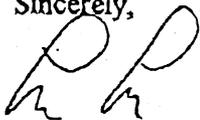
In my discussions with DEC personnel about the elevation of Hammer Slough to impaired status, they are unable to locate my letter of September 21, 1994 in the file. I find this deeply disturbing, as I posted this letter by certified mail (#P 111 714 399) on September 21, 1994, to DEC contact Earl Hubbard,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