UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
222 W. 7th Avenue, #43
Anchorage, Alaska 99513-7577

January 7, 2000

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U.S. EPA REGION 10
OFFICE OF WATER

Robert Robichaud
Manager, NPDES Permit Unit
Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

Re: Draft NPDES AK-002255-1
John M. Asplund Facility

Attn: Mr. Mike Lidgard

Dear Mr. Robichaud:

The National Marine Fisheries Service has reviewed the above referenced draft National Pollutant Discharge Elimination System (NPDES) permit (draft) for the John M. Asplund Water Pollution Facility. While the draft and Fact Sheets provide NMFS with information to formulate an initial response, there are several unanswered questions and statements needing further explanation. Therefore, we provide the following comment for your review.

We agree with the EPA decision to require the operator to conduct WET testing on a vertebrate species and two invertebrate species, the top smelt (Atherinops affinis) and pacific oyster (Crassostrea gigas), mussel (Mytilis spp.), and purple urchin (Strongylocentrotus purpuratus) or sand dollar (Dendraster excentricus), respectively (Fact Sheet, page 32). However, we feel the top smelt may not represent the native species found in Cook Inlet. Top smelt are not found in Alaskan waters and are more associated with warmer ocean conditions, rocky areas and kelp forests. Cook Inlet lacks these water and substrate habitats. A different and anadromous species of smelt, eulachon (Thaleichthys pacificus), is readily abundant in Cook Inlet during April and May and may be a more suitable test species. Therefore, we suggest the EPA investigate the ability to WET test eulachon in similar ocean conditions, salinity and temperature, found in Cook Inlet.

NMFS is unclear with your conclusions: "EPA is evaluating potential impacts to beluga whales from this permit" and "the

EPA has determined that the discharge will not adversely impact beluga whales" (Fact Sheet, page 40). This leads NMFS to speculate you may or may not be able to determine if there has been, currently is, or will be adverse impacts to beluga whale populations of Cook Inlet. Therefore, we ask the EPA to provide NMFS with their findings for review and suggest the EPA determine the affect.

The Fact Sheet (page 41) specifically states the "EPA is currently developing an EFH assessment for this permit action along with site specific water quality criteria revisions for this portion of Cook Inlet... When complete, EPA will provide the EFH Assessment to NMFS for review." The NMFS will wait until such an assessment is complete to offer EFH conservation recommendations, if any, during that review. The EFH Assessment may be in a separate document or in the final permit. However, the EFH assessment will need to address the mandatory EFH requirements as described in 50 CFR 600.920 (g): (i) a description of the proposed action, (ii) an analysis of the effects on EFH, (iii) the agencies views regarding the effects of the action on EFH, and (iv) proposed mitigation. These contents are likely included in some form of an assessment already. However, a clearly referenced EFH assessment will satisfy the requirements of the provisions regarding EFH within the administration of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA) (16 U.S.C. 1801 et seq.).

Additionally, NMFS asks the EPA to provide supplementary information and forecast what effects would exist should the facility be upgraded to include secondary treatment. We feel this information would enable us to understand what long term effects may exist should the facility remain unchanged. Also, this information would better our understanding of secondary treatment facilities not normally reviewed by our staff.

We thank you for this opportunity to comment.

Sincerely,

Jeanne Hanson

Jeanne Hanson
Field Office Supervisor for
Habitat Conservation

NMFS Contact Person: Matthew P. Eagleton

cc: ADEC, ADGC, ADFG, USFWS, EPA - Anchorage