

EVOS Impaired Beaches Project

FY2023 Request: \$658,432
Reference No: 63997

AP/AL: Appropriation
Category: Natural Resources
Location: Valdez

Project Type: Renewal and Replacement
House District: Richardson Hwy/East Mat-Su (HD 9)

Impact House District: Richardson Hwy/East Mat-Su (HD 9)

Contact: Randy Bates

Estimated Project Dates: 07/01/2022 - 06/30/2027 **Contact Phone:** (907)465-5307

Brief Summary and Statement of Need:

In 1990, the Department of Environmental Conservation (DEC) classified 35 beaches in the Exxon Valdez Oil Spill impact zone as impaired for petroleum exceedances under the Clean Water Act (CWA). Re-evaluation of the condition of the impaired beaches is possible due to new information and technology. DEC will use a literature review, Gulf Watch data, Shoreline Cleanup and Assessment Technique (SCAT) surveys, and development of a lingering oil listing methodology to evaluate the status of the impaired beaches and whether they can be removed from the impaired list under the CWA.

Funding:	<u>FY2023</u>	<u>FY2024</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>Total</u>
1018 EVOSS	\$658,432						\$658,432
Total:	\$658,432	\$0	\$0	\$0	\$0	\$0	\$658,432

<input type="checkbox"/> State Match Required	<input checked="" type="checkbox"/> One-Time Project	<input type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> Ongoing
0% = Minimum State Match % Required		<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
<u>One-Time Startup:</u>	0	
Totals:	0	0

Prior Funding History / Additional Information:

Project Description/Justification:

The intertidal zone of 35 beaches in Prince William Sound fouled by the Exxon Valdez Oil Spill (EVOS) were still impacted in 2015. These beaches are listed as impaired, i.e., exceeding Alaska Water Quality standards (WQS). Under the Clean Water Act, states must evaluate waters in the Integrated Water Quality Monitoring and Assessment Report. This process typically occurs every two years. However, the cost of re-evaluating the impairments of EVOS waters exceeds DEC's normal agency management resources. As a result, data and science surrounding lingering oil has not been evaluated since 2015. EVOS funds will be used to ensure these waters and their adjacent beaches are restored. The federal Environmental Protection Agency (EPA) is supportive of DEC's effort and will participate in this process to ensure necessary steps are taken and that correct impairment status decisions are reached.

Current DEC methodologies to remove impaired waters do not address lingering oil. DEC lists waters as impaired based on impacts to designated uses. Recent work funded by Exxon Valdez Oil Spill

Trustee Council (EVOSTC) suggests lingering oil is not biologically available and therefore may not be affecting designated uses. DEC will need to develop a publicly reviewed process and listing methodology to evaluate and determine attainment or impairment of WQS. Any listing methodology created by DEC must be reviewed by the EPA and undergo Tribal consultation.

This project is necessary to collect data needed to determine if impairments remain, develop the tools necessary to manage the impaired beaches for the long term, and to solicit public input regarding the impacts of long-term impairment status.

Objective #1 Determine the current status of the impaired beaches

Model predicted locations, historic data, and activities outlined in the 1994 restoration plan were used as justification for listing waters as impaired and in support of the State of Alaska Category 4b Rationale. Since this listing, DEC has adopted a data driven process whereby a specific methodology must be laid to defend an impairment. DEC must develop this methodology to re-evaluate EVOS impaired beaches.

Objective #2 Updating Clean Water Act status of impaired beaches

DEC will utilize the scoring matrix developed to gauge recovery as the basis for creating a listing methodology. The listing methodologies provide guidance the DEC uses to evaluate waters against Alaska Water Quality Standards and will be used to determine impairment or recovery. This guidance defines minimum data requirements and data evaluation methods used to complete waterbody impairment or attainment determinations to satisfy Integrated Report requirements. This task will focus on creating a new listing methodology to address lingering oil impacts to designated uses of several water quality standards. It may need to be a hybrid method addressing petroleum, residues, and sediment impacts.

Once the listing methodology is drafted, a public notice process occurs where key stakeholders are invited to review it before it is public. Once the key stakeholder review is complete, the methodology undergoes a public comment period and EPA review. Once approved, DEC can apply it to current data regarding lingering oil and impaired beaches.

Evaluating data using the new listing methodology occurs during DEC biennial Integrated Report. This report describes the health of Alaska's waters and includes the list of impaired waters. EVOS listed beaches will be evaluated during this process and may result in removing beaches from the impaired waters list or confirming a continued impairment.

Objective #3 Stakeholder involvement

DEC will involve stakeholders in the process by developing and implementing a communications and public relations plan. Not only is community engagement legally required throughout this process, but its success also depends on community input and knowledge. Understanding if human services continue to be impacted is directly related to understanding if designated uses are being protected.