

106TH CONGRESS  
1ST SESSION

# H. R. 950

To amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation waters, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 1999

Mr. PALLONE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation waters, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Beaches Environ-  
5       mental Assessment, Closure, and Health Act of 1999”.

6       **SEC. 2. FINDINGS AND PURPOSE.**

7       (a) FINDINGS.—Congress finds that—

8               (1) the Nation’s beaches and coastal recreation  
9       waters are valuable public resources used for recre-  
10      ation by millions of people annually;

1           (2) the beaches of coastal States are hosts to  
2 many out-of-State and international visitors;

3           (3) tourism in the coastal zone generates bil-  
4 lions of dollars annually;

5           (4) increased population and urbanization of  
6 the watershed have contributed to the decline in the  
7 environmental quality of coastal waters;

8           (5) pollution in coastal waters is not restricted  
9 by State and other political boundaries;

10          (6) coastal States have different methods of  
11 testing, and parameters for evaluating, the quality of  
12 coastal recreation waters, providing varying degrees  
13 of protection to the public;

14          (7) the adoption of consistent criteria by coastal  
15 States for monitoring and evaluating the quality of  
16 coastal recreation waters, and the posting of signs at  
17 beaches notifying the public during periods when the  
18 standards are exceeded, would enhance public health  
19 and safety; and

20          (8) while the adoption of such criteria will en-  
21 hance public health and safety, exceedances of such  
22 criteria should be addressed (for example, as part of  
23 a watershed approach to effectively identify and  
24 eliminate sources of pollution).

1 (b) PURPOSE.—The purpose of this Act is to require  
 2 uniform criteria and procedures for testing, monitoring,  
 3 and notifying users of those coastal recreation waters and  
 4 beaches open for use by the public in order to protect pub-  
 5 lic safety and improve environmental quality.

6 **SEC. 3. BEACH AND COASTAL RECREATION WATER QUAL-**  
 7 **ITY.**

8 The Federal Water Pollution Control Act (33 U.S.C.  
 9 1251 et seq.) is amended by adding at the end the follow-  
 10 ing:

11 **“TITLE VII—BEACH AND COAST-**  
 12 **AL RECREATION WATER**  
 13 **QUALITY**

14 **“SEC. 701. DEFINITIONS.**

15 “In this title, the following definitions apply:

16 “(1) COASTAL RECREATION WATERS.—The  
 17 term ‘coastal recreation waters’ means waters adja-  
 18 cent to public beaches of the Great Lakes and other  
 19 marine coastal waters (including bays, lagoon  
 20 mouths, and coastal estuaries within the tidal zone)  
 21 used by the public for swimming, bathing, surfing,  
 22 or other similar water contact activities.

23 “(2) FLOATABLE MATERIALS.—The term ‘float-  
 24 able materials’ means any foreign matter that may  
 25 float or remain suspended in the water column and

1 includes plastic, aluminum cans, wood, bottles, paper  
2 products, and fishing gear.

3 **“SEC. 702. ADOPTION OF COASTAL RECREATIONAL WATER**  
4 **QUALITY CRITERIA BY STATES.**

5 “(a) GENERAL RULE.—A State shall adopt water  
6 quality criteria for coastal recreation waters which, at a  
7 minimum, are consistent with the criteria published by the  
8 Administrator under section 304(a)(1) not later than 3½  
9 years following the date of the enactment of this title.  
10 Such water quality criteria shall be developed and promul-  
11 gated in accordance with the requirements of section  
12 303(c). A State shall incorporate such criteria into all ap-  
13 propriate programs into which such State would incor-  
14 porate other water quality criteria adopted under section  
15 303(c) and revise such criteria not later than 3 years fol-  
16 lowing the date of publication of revisions by the Adminis-  
17 trator under section 703(b).

18 “(b) FAILURE OF STATES TO ADOPT.—If a State  
19 has not complied with subsection (a) by the last day of  
20 the 3½-year period beginning on the date of the enact-  
21 ment of this title, the water quality criteria issued by the  
22 Administrator under section 304(a)(1) shall become appli-  
23 cable as the water quality criteria for coastal recreational  
24 waters for the State, and shall be deemed to have been

1 promulgated by the Administrator pursuant to section  
2 303(c)(4).

3 **“SEC. 703. REVISIONS TO WATER QUALITY CRITERIA.**

4       “(a) STUDIES.—After consultation with appropriate  
5 Federal, State, and local officials, including local health  
6 officials, and other interested persons, but not later than  
7 the last day of the 3-year period beginning on the date  
8 of the enactment of this Act, the Administrator shall con-  
9 duct, in cooperation with the Under Secretary of Com-  
10 merce for Oceans and Atmosphere, studies to provide ad-  
11 ditional information to the current base of knowledge for  
12 use in developing—

13               “(1) a more complete list of potential human  
14 health risks from inhalation, ingestion, or body con-  
15 tact with coastal recreation waters, including effects  
16 to the upper respiratory system;

17               “(2) appropriate and effective indicators for im-  
18 proving direct detection of the presence of pathogens  
19 that are harmful to human health in coastal rec-  
20 reational waters;

21               “(3) appropriate, accurate, and expeditious  
22 methods (including predictive models) for detecting  
23 the presence of pathogens, harmful to human health,  
24 found in coastal recreation waters; and

1           “(4) guidance for the State-to-State application  
2           of the criteria to be issued under subsection (b) to  
3           account for the diversity of geographic and aquatic  
4           conditions nationwide.

5           “(b) REVISED CRITERIA.—Based on the results of  
6           the studies conducted under subsection (a), the Adminis-  
7           trator, after consultation with appropriate Federal, State,  
8           and local officials, including local health officials, and  
9           other interested persons, shall—

10           “(1) issue, within 5 years after the date of the  
11           enactment of this title, revised water quality criteria  
12           for pathogens in coastal recreation waters that are  
13           harmful to human health, including a revised list of  
14           indicators and testing methods; and

15           “(2) review and revise such criteria from time  
16           to time thereafter, but in no event less than once  
17           every 5 years.

18   **“SEC. 704. COASTAL BEACH WATER QUALITY MONITORING.**

19           “(a) MONITORING.—Within 18 months after the date  
20           of enactment of this title, the Administrator shall publish  
21           regulations requiring monitoring by States of those coastal  
22           recreation waters and beaches open for use by the public  
23           for compliance with applicable water quality criteria and  
24           protection of public safety. Monitoring requirements es-

1 tablished pursuant to this subsection shall specify, at a  
2 minimum—

3 “(1) available monitoring methods to be used  
4 by States;

5 “(2) the frequency and location of monitoring  
6 based on—

7 “(A) the periods of recreational use of  
8 such waters;

9 “(B) the extent and degree of use during  
10 such periods; and

11 “(C) the proximity of coastal recreation  
12 waters to known or identified point and  
13 nonpoint sources of pollution and in relation to  
14 storm events;

15 “(3) methods for detecting levels of pathogens  
16 that are harmful to human health and for identify-  
17 ing short-term increases in pathogens that are harm-  
18 ful to human health in coastal recreation waters, in-  
19 cluding in relation to storm events; and

20 “(4) conditions and procedures under which dis-  
21 crete areas of coastal recreation waters may be ex-  
22 empted by the Administrator from the monitoring  
23 requirements of this subsection, if the Administrator  
24 determines that an exemption will not impair compli-

1       ance with the applicable water quality criteria for  
2       those waters and protection of public safety.

3       “(b) NOTIFICATION.—

4               “(1) REQUIREMENT.—Regulations published  
5       pursuant to subsection (a) shall require States to  
6       provide prompt notification to local governments, the  
7       public, and the Administrator of an exceedance of  
8       applicable water quality criteria for State coastal  
9       recreation waters or the immediate likelihood of such  
10      an exceedance.

11             “(2) CONTENTS.—Notification pursuant to this  
12      subsection shall include, at a minimum—

13               “(A) prompt communication of the occur-  
14      rence, nature, extent, location, and substances  
15      (including pathogens) of such an exceedance, or  
16      the immediate likelihood of such an exceedance,  
17      to a designated official of a local government  
18      having jurisdiction over land adjoining the  
19      coastal recreation waters for which an exceed-  
20      ance is identified; and

21               “(B) posting of signs for the period during  
22      which the exceedance continues, sufficient to  
23      give notice to the public of an exceedance of ap-  
24      plicable water quality criteria for such waters



1           and the potential risks associated with water  
2           contact activities in such waters.

3           “(c) REVIEW AND REVISION OF REGULATIONS.—The  
4 Administrator shall review and revise regulations pub-  
5 lished pursuant to this section periodically, but in no event  
6 less than once every 5 years.

7           “(d) STATE IMPLEMENTATION.—A State must imple-  
8 ment a monitoring and notification program that conforms  
9 to the regulations issued pursuant to subsections (a) and  
10 (b) not later than 3½ years after the date of the enact-  
11 ment of this title and revise such program not later than  
12 2 years following the date of publication of revisions by  
13 the Administrator under subsection (c).

14           “(e) DELEGATION OF RESPONSIBILITY.—Not later  
15 than 18 months after the date of the enactment of this  
16 title, the Administrator shall issue guidance establishing  
17 core performance measures for testing, monitoring, and  
18 notification programs and the delegation of such programs  
19 under this section to local government authorities. In the  
20 case that such responsibilities are delegated by a State to  
21 a local government authority, or have been delegated to  
22 a local government authority before such date of enact-  
23 ment, in a manner that, at a minimum, is consistent with  
24 the guidance issued by the Administrator, State resources,  
25 including grants made under section 706, shall be made

1 available to the delegated authority for the purpose of pro-  
2 gram implementation.

3 “(f) FLOATABLE MATERIALS MONITORING PROCE-  
4 DURES.—The Administrator shall provide technical assist-  
5 ance to States for the implementation of uniform assess-  
6 ment and monitoring procedures for floatable materials in  
7 coastal recreation waters and specify the conditions under  
8 which the presence of floatable material will constitute a  
9 threat to public health and safety.

10 “(g) OCCURRENCE DATABASE.—The Administrator  
11 shall establish, maintain, and make available to the public  
12 by electronic and other means—

13 “(1) a national coastal recreation water pollu-  
14 tion occurrence database, using reliable information,  
15 including that reported under subsection (b); and

16 “(2) a listing of those communities complying  
17 with the regulations issued under subsections (a)  
18 and (b).

19 **“SEC. 705. REPORT TO CONGRESS.**

20 “Not later than 4 years after the date of the enact-  
21 ment of this title, and periodically thereafter, the Adminis-  
22 trator shall submit to Congress a report including—

23 “(1) recommendations concerning the need for  
24 additional water quality criteria and other actions

1       needed to improve the quality of coastal recreation  
2       waters; and

3               “(2) an evaluation of State efforts to implement  
4       this title.

5       **“SEC. 706. GRANTS TO STATES.**

6               “(a) GRANTS.—The Administrator may make grants  
7       to States for use in fulfilling requirements established pur-  
8       suant to sections 702 and 704.

9               “(b) COST SHARING.—The total amount of grants to  
10      a State under this section for a fiscal year shall not exceed  
11      50 percent of the cost to the State of implementing re-  
12      quirements established pursuant to sections 702 and 704.

13              “(c) ELIGIBLE STATE.—After the last day of the  
14      3½-year period beginning on the date of the enactment  
15      of this title, the Administrator may make a grant to a  
16      State under this section only if the State demonstrates  
17      to the satisfaction of the Administrator that it is imple-  
18      menting its monitoring and notification program under  
19      section 704.

20       **“SEC. 707. AUTHORIZATION OF APPROPRIATIONS.**

21              “There is authorized to be appropriated to the  
22      Administrator—

23                      “(1) for use in making grants to States under  
24              section 706 not more than \$9,000,000 for each of  
25              fiscal years 2000 through 2004; and

1           “(2) for carrying out the other provisions of  
2           this title not more than \$3,000,000 for each of fiscal  
3           years 2000 through 2004.”.

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