

110TH CONGRESS
1ST SESSION

S. 1506

To amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 24, 2007

Mr. LAUTENBERG (for himself and Mr. MENENDEZ) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Water Pollution Control Act to modify provisions relating to beach monitoring, 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 “Beach Protection Act
5 of 2007”.

6 **SEC. 2. BEACH WATER POLLUTION SOURCE IDENTIFICA-**
7 **TION AND PREVENTION.**

8 (a) IN GENERAL.—Section 406 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1346) is amended in

1 each of subsections (b), (c), (d), (g), and (h) by striking
 2 “monitoring and notification” each place it appears and
 3 inserting “monitoring, public notification, source tracking,
 4 sanitary surveys, and prevention efforts to address the
 5 identified sources of beachwater pollution”.

6 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
 7 406(i) of the Federal Water Pollution Control Act (33
 8 U.S.C. 1346(i)) is amended by striking “\$30,000,000 for
 9 each of fiscal years 2001 through 2005” and inserting
 10 “\$60,000,000 for each of fiscal years 2007 through
 11 2012”.

12 **SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESS-**
 13 **MENT AND COASTAL HEALTH ACT.**

14 Section 8 of the Beaches Environmental Assessment
 15 and Coastal Health Act of 2000 (114 Stat. 877) is amend-
 16 ed by striking “2005” and inserting “2012”.

17 **SEC. 4. STATE REPORTS.**

18 Section 406(b)(3)(A)(ii) of the Federal Water Pollu-
 19 tion Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended
 20 by inserting “and all environmental agencies of the State
 21 with authority to prevent or treat sources of beachwater
 22 pollution” after “public”.

23 **SEC. 5. USE OF RAPID TESTING METHODS.**

24 (a) CONTENTS OF STATE AND LOCAL GOVERNMENT
 25 PROGRAMS.—Section 406(c)(4)(A) of the Federal Water

1 Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is
 2 amended by inserting “, including the use of a rapid test-
 3 ing method after the last day of the 1-year period fol-
 4 lowing the date of approval of the rapid testing method
 5 by the Administrator” before the semicolon at the end.

6 (b) REVISED CRITERIA.—Section 304(a)(9) of the
 7 Federal Water Pollution Control Act (33 U.S.C.
 8 1314(a)(9)) is amended—

- 9 (1) by inserting “rapid” before “testing”; and
- 10 (2) by striking “, as appropriate”.

11 (c) DEFINITION.—Section 502 of the Federal Water
 12 Pollution Control Act (33 U.S.C. 1362) is amended by
 13 adding at the end the following:

14 “(25) RAPID TESTING METHOD.—The term
 15 ‘rapid testing method’ means a method of testing for
 16 which results are available within 2 hours.”.

17 **SEC. 6. PROMPT COMMUNICATION WITH STATE ENVIRON-**
 18 **MENTAL AGENCIES.**

19 Section 406(c)(5) of the Federal Water Pollution
 20 Control Act (33 U.S.C. 1346(c)(5)) is amended—

- 21 (1) in the matter preceding subparagraph (A),
- 22 by striking “prompt communication” and inserting
- 23 “communication within 24 hours of the receipt of
- 24 the results of a water quality sample”;

1 (2) in subparagraph (A), by striking “and” at
2 the end;

3 (3) in subparagraph (B), by inserting “and”
4 after the semicolon at the end; and

5 (4) by adding at the end the following:

6 “(C) all agencies of the State government
7 with authority to require the prevention or
8 treatment of the sources of beachwater pollu-
9 tion;”.

10 **SEC. 7. CONTENT OF STATE AND LOCAL PROGRAMS.**

11 Section 406(c) of the Federal Water Pollution Con-
12 trol Act (33 U.S.C. 1346(c)) is amended—

13 (1) in paragraph (6), by striking “and” at the
14 end;

15 (2) in paragraph (7), by striking the period at
16 the end and inserting a semicolon;

17 (3) by adding at the end the following:

18 “(8) measures to develop and implement a
19 beachwater pollution source identification and track-
20 ing program for the coastal recreation waters that
21 are not meeting applicable water quality standards
22 for pathogens;

23 “(9) a publicly accessible and searchable global
24 information system database with information up-
25 dated within 24 hours of the availability of the infor-

1 mation, organized by beach and with defined stand-
2 ards, sampling plan, monitoring protocols, sampling
3 results, and number and cause of beach closing and
4 advisory days; and

5 “(10) measures to ensure that closures or
6 advisories are made or issued within 24 hours after
7 the State government determines that any coastal
8 recreation waters in the State are not meeting or are
9 not expected to meet applicable water quality stand-
10 ards for pathogens.”.

11 **SEC. 8. COMPLIANCE REVIEW.**

12 Section 406(h) of the Federal Water Pollution Con-
13 trol Act (33 U.S.C. 1346(h)) is amended—

14 (1) by redesignating paragraphs (1) and (2) as
15 subparagraphs (A) and (B), respectively, and indent-
16 ing the subparagraphs appropriately;

17 (2) by striking “In the” and inserting the fol-
18 lowing: “(1) IN GENERAL.—In the”; and

19 (3) by adding at the end the following:

20 “(2) COMPLIANCE REVIEW.—On or before July
21 31 of each calendar year beginning after the date of
22 enactment of this paragraph, the Administrator
23 shall—

24 “(A) prepare a written assessment of com-
25 pliance with all statutory and regulatory re-

1 requirements of this section for each State and
2 local government and of compliance with condi-
3 tions of each grant made under this section to
4 a State or local government;

5 “(B) notify the State or local government
6 of the assessment; and

7 “(C) make each of the assessments avail-
8 able to the public in a searchable database on
9 or before December 31 of the calendar year.

10 “(3) CORRECTIVE ACTION.—

11 “(A) IN GENERAL.—Any State or local
12 government that the Administrator notifies
13 under paragraph (2) that the State or local gov-
14 ernment is not in compliance with any require-
15 ment or grant condition described in paragraph
16 (2) shall take such action as is necessary to
17 comply with the requirement or condition by
18 not later than 1 year after the date of the noti-
19 fication.

20 “(B) NONCOMPLIANCE.—If the State or
21 local government is not in compliance with such
22 a requirement or condition by the date that is
23 1 year after the deadline specified in subpara-
24 graph (A), any grants made under subsection
25 (b) to the State or local government, after the

1 last day of the 1-year period and while the
2 State or local government is not in compliance
3 with all requirements and grant conditions de-
4 scribed in paragraph (2), shall require a Fed-
5 eral share of not to exceed 50 percent.

6 “(4) GAO REVIEW.—Not later than December
7 31 of the third calendar year beginning after the
8 date of enactment of this paragraph, the Comp-
9 troller General of the United States shall—

10 “(A) conduct a review of the activities of
11 the Administrator under paragraphs (2) and
12 (3) during the first and second calendar years
13 beginning after that date of enactment; and

14 “(B) submit to Congress a report on the
15 results of the review.”.

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