

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.

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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

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## 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 IDENTIFI-  
7 CATION 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”;

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

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 Com-  
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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