

113TH CONGRESS
1ST SESSION

H. R. 2601

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2013

Mr. PALLONE (for himself and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act 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 Act of 2013”.

5 **SEC. 2. WATER POLLUTION SOURCE IDENTIFICATION.**

6 (a) MONITORING PROTOCOLS.—Section 406(a)(1)(A)
7 of the Federal Water Pollution Control Act (33 U.S.C.
8 1346(a)(1)(A)) is amended by striking “methods for mon-
9 itoring” and inserting “protocols for monitoring that are
10 most likely to detect pathogenic contamination”.

1 (b) SOURCE TRACKING.—Section 406(b) of such Act
2 (33 U.S.C. 1346(b)) is amended—

3 (1) by redesignating paragraphs (3) and (4) as
4 paragraphs (4) and (5), respectively; and

5 (2) by inserting after paragraph (2) the fol-
6 lowing:

7 “(3) SOURCE IDENTIFICATION PROGRAMS.—In
8 carrying out a monitoring and notification program,
9 a State or local government may develop and imple-
10 ment a coastal recreation waters pollution source
11 identification and tracking program for coastal
12 recreation waters adjacent to beaches or similar
13 points of access that are used by the public and are
14 not meeting applicable water quality standards for
15 pathogens and pathogen indicators.”.

16 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
17 406(i) of such Act (33 U.S.C. 1346(i)) is amended by
18 striking “\$30,000,000 for each of fiscal years 2001
19 through 2005” and inserting “\$40,000,000 for each of fis-
20 cal years 2014 through 2018”.

21 **SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESS-**
22 **MENT AND COASTAL HEALTH ACT.**

23 Section 8 of the Beaches Environmental Assessment
24 and Coastal Health Act of 2000 (Public Law 106–284)
25 is amended by striking “2005” and inserting “2018”.

1 **SEC. 4. STATE REPORTS.**

2 Section 406(b)(4)(A)(ii) of the Federal Water Pollu-
 3 tion Control Act (as redesignated by section (2)(b)(1) of
 4 this Act) is amended by striking “public” and inserting
 5 “public and all environmental agencies of the State with
 6 authority to prevent or treat sources of pathogenic con-
 7 tamination in coastal recreation waters”.

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

9 (a) CONTENTS OF STATE AND LOCAL GOVERNMENT
 10 PROGRAMS.—Section 406(c)(4)(A) of the Federal Water
 11 Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is
 12 amended by striking “methods” and inserting “methods,
 13 including a rapid testing method after the last day of the
 14 one-year period following the date of validation of that
 15 rapid testing method by the Administrator,”.

16 (b) REVISED CRITERIA.—Section 304(a)(9)(A) of
 17 such Act (33 U.S.C. 1314(a)(9)(A)) is amended by strik-
 18 ing “methods, as appropriate” and inserting “methods, in-
 19 cluding rapid testing methods”.

20 (c) VALIDATION AND USE OF RAPID TESTING METH-
 21 ODS.—

22 (1) VALIDATION OF RAPID TESTING METH-
 23 ODS.—Not later than October 15, 2014, the Admin-
 24 istrator of the Environmental Protection Agency (in
 25 this Act referred to as the “Administrator”) shall
 26 complete an evaluation and validation of a rapid

1 testing method for the water quality criteria and
2 standards for pathogens and pathogen indicators de-
3 scribed in section 304(a)(9)(A) of the Federal Water
4 Pollution Control Act (33 U.S.C. 1314(a)(9)(A)).

5 (2) GUIDANCE FOR USE OF RAPID TESTING
6 METHODS.—

7 (A) IN GENERAL.—Not later than 180
8 days after completion of the validation under
9 paragraph (1), and after providing notice and
10 an opportunity for public comment, the Admin-
11 istrator shall publish guidance for the use at
12 coastal recreation waters adjacent to beaches or
13 similar points of access that are used by the
14 public of the rapid testing method that will en-
15 hance the protection of public health and safety
16 through rapid public notification of any exceed-
17 ing of applicable water quality standards for
18 pathogens and pathogen indicators.

19 (B) PRIORITIZATION.—In developing such
20 guidance, the Administrator shall require the
21 use of the rapid testing method at those beach-
22 es or similar points of access that are the most
23 used by the public.

1 (d) DEFINITION.—Section 502 of such Act (33
2 U.S.C. 1362) is amended by adding at the end the fol-
3 lowing:

4 “(26) RAPID TESTING METHOD.—The term
5 ‘rapid testing method’ means a method of testing
6 the water quality of coastal recreation waters for
7 which results are available as soon as practicable
8 and not more than 6 hours after the commencement
9 of the rapid testing method in the laboratory.”.

10 (e) REVISIONS TO RAPID TESTING METHODS.—

11 (1) IN GENERAL.—Upon completion of the vali-
12 dation required under subsection (c)(1), and every 5
13 years thereafter, the Administrator shall identify
14 and review potential rapid testing methods for exist-
15 ing water quality criteria for pathogens and patho-
16 gen indicators for coastal recreation waters.

17 (2) REVISIONS TO RAPID TESTING METHODS.—

18 If a rapid testing method identified under paragraph
19 (1) will make results available in less time and im-
20 prove the accuracy and reproducibility of results
21 when compared to the existing rapid testing method,
22 the Administrator shall complete an evaluation and
23 validation of the rapid testing method as expedi-
24 tiously as practicable.

1 (3) REPORTING REQUIREMENT.—Upon comple-
 2 tion of the review required under paragraph (1), the
 3 Administrator shall publish in the Federal Register
 4 the results of the review, including information on
 5 any potential rapid testing method proposed for
 6 evaluation and validation under paragraph (2).

7 (4) DECLARATION OF GOALS FOR RAPID TEST-
 8 ING METHODS.—It is a national goal that by 2019,
 9 a rapid testing method for testing water quality of
 10 coastal recreation waters be developed that can
 11 produce accurate and reproducible results in not
 12 more than 2 hours after commencement of the rapid
 13 testing method.

14 **SEC. 6. NOTIFICATION OF FEDERAL, STATE, AND LOCAL**
 15 **AGENCIES.**

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

18 (1) in paragraph (5) by striking “prompt com-
 19 munication” and inserting “communication, within
 20 24 hours of the receipt of the results of a water
 21 quality sample,”;

22 (2) by striking paragraph (5)(A) and inserting
 23 the following:

24 “(A) in the case of—

1 “(i) any State in which the Adminis-
 2 trator is administering the program under
 3 section 402, the Administrator, in such
 4 form as the Administrator determines to
 5 be appropriate; and

6 “(ii) any State other than a State to
 7 which clause (i) applies, all agencies of the
 8 State government with authority to require
 9 the prevention or treatment of the sources
 10 of coastal recreation water pollution; and”;

11 (3) by redesignating paragraph (6) and (7) as
 12 paragraphs (7) and (8), respectively; and

13 (4) by inserting after paragraph (5) the fol-
 14 lowing:

15 “(6) measures for an annual report to the Ad-
 16 ministrator, in such form as the Administrator de-
 17 termines appropriate, on the occurrence, nature, lo-
 18 cation, pollutants involved, and extent of any exceed-
 19 ing of applicable water quality standards for patho-
 20 gens and pathogen indicators;”.

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

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

24 (1) in paragraph (7) (as redesignated by section
 25 (6)(3) of this Act)—

1 (A) by striking “the posting” and inserting
2 “the immediate posting”; and

3 (B) by striking “and” at the end;

4 (2) by striking the period at the end of para-
5 graph (8) (as redesignated by section 6(3) of this
6 Act) and inserting a semicolon; and

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

8 “(9) the availability of a geographic information
9 system database that such State or local government
10 program shall use to inform the public about coastal
11 recreation waters and that—

12 “(A) is publicly accessible and searchable
13 on the Internet;

14 “(B) is organized by beach or similar point
15 of access;

16 “(C) identifies applicable water quality
17 standards, monitoring protocols, sampling plans
18 and results, and the number and cause of coast-
19 al recreation water closures and advisory days;
20 and

21 “(D) is updated within 24 hours of the
22 availability of revised information; and

23 “(10) measures to ensure that closures or
24 advisories are made or issued within 2 hours after
25 the receipt of the results of a water quality sample

1 that exceeds applicable water quality standards for
2 pathogens and pathogen indicators.”.

3 **SEC. 8. COMPLIANCE REVIEW.**

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

6 (1) by redesignating paragraphs (1) and (2) as
7 subparagraphs (A) and (B), respectively;

8 (2) by moving such subparagraphs 2 ems to the
9 right;

10 (3) by striking “In the” and inserting the fol-
11 lowing:

12 “(1) IN GENERAL.—In the”; and

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

14 “(2) COMPLIANCE REVIEW.—On or before July
15 31 of each calendar year beginning after the date of
16 enactment of this paragraph, the Administrator
17 shall—

18 “(A) prepare a written assessment of com-
19 pliance with all statutory and regulatory re-
20 quirements of this section for each State and
21 local government and of compliance with condi-
22 tions of each grant made under this section to
23 a State or local government;

24 “(B) notify the State or local government
25 of such assessment; and

1 “(C) make each of the assessments avail-
2 able to the public in a searchable database on
3 the Internet on or before December 31 of such
4 calendar year.

5 “(3) CORRECTIVE ACTION.—If a State or local
6 government that the Administrator notifies under
7 paragraph (2) is not in compliance with any require-
8 ment or grant condition described in paragraph (2)
9 fails to take such action as may be necessary to
10 comply with such requirement or condition within
11 one year after the date of notification, any grants
12 made under subsection (b) to the State or local gov-
13 ernment, after the last day of such one-year period
14 and while the State or local government is not in
15 compliance with all requirements and grant condi-
16 tions described in paragraph (2), shall have a Fed-
17 eral share of not to exceed 50 percent.

18 “(4) GAO REVIEW.—Not later than December
19 31 of the third calendar year beginning after the
20 date of enactment of this paragraph, the Comp-
21 troller General shall conduct a review of the activi-
22 ties of the Administrator under paragraphs (2) and
23 (3) during the first and second calendar years begin-
24 ning after such date of enactment and submit to
25 Congress a report on the results of such review.”.

1 **SEC. 9. PUBLICATION OF COASTAL RECREATION WATERS**

2 **PATHOGEN LIST.**

3 Section 304(a)(9) of the Federal Water Pollution
4 Control Act (33 U.S.C. 1314(a)(9)) is amended by adding
5 at the end the following:

6 “(C) PUBLICATION OF PATHOGEN AND
7 PATHOGEN INDICATOR LIST.—Upon publication
8 of the new or revised water quality criteria
9 under subparagraph (A), the Administrator
10 shall publish in the Federal Register a list of all
11 pathogens and pathogen indicators studied
12 under section 104(v).”.

13 **SEC. 10. ADOPTION OF NEW OR REVISED CRITERIA AND**
14 **STANDARDS.**

15 Section 303(i)(2)(A) of the Federal Water Pollution
16 Control Act (33 U.S.C. 1313(i)(2)(A)) is amended by
17 striking “paragraph (1)(A)” each place it appears and in-
18 serting “paragraph (1)”.

19 **SEC. 11. NATIONAL LIST OF BEACHES.**

20 Section 406(g)(3) of the Federal Water Pollution
21 Control Act (33 U.S.C. 1346(g)(3)) is amended by strik-
22 ing “The Administrator” and all that follows through the
23 period and inserting “Within 12 months after the date of
24 the enactment of the Beach Act of 2013, and biennially
25 thereafter, the Administrator shall update the list de-
26 scribed in paragraph (1).”.

1 **SEC. 12. IMPACT OF CLIMATE CHANGE ON PATHOGENIC**
2 **CONTAMINATION OF COASTAL RECREATION**
3 **WATERS.**

4 (a) STUDY.—The Administrator shall conduct a
5 study on the long-term impact of climate change on patho-
6 genic contamination of coastal recreation waters.

7 (b) REPORT.—

8 (1) IN GENERAL.—Not later than one year
9 after the date of enactment of this Act, the Adminis-
10 trator shall submit to Congress a report on the re-
11 sults of the study conducted under subsection (a).

12 (2) INFORMATION ON POTENTIAL CONTAMINA-
13 TION IMPACTS.—The report shall include informa-
14 tion on the potential impacts of pathogenic contami-
15 nation on ground and surface water resources as
16 well as public and ecosystem health in coastal com-
17 munities.

18 (3) FEDERAL ACTIONS.—The report shall high-
19 light necessary Federal actions to help advance the
20 availability of information and tools to assess and
21 mitigate these effects in order to protect public and
22 ecosystem health.

23 (4) CONSULTATION.—In developing the report,
24 the Administrator shall work in consultation with
25 agencies active in the development of the National
26 Water Quality Monitoring Network and the imple-

1 mentation of the Ocean Research Priorities Plan and
2 Implementation Strategy.

3 **SEC. 13. IMPACT OF EXCESS NUTRIENTS ON COASTAL**
4 **RECREATION WATERS.**

5 (a) STUDY.—The Administrator shall conduct a
6 study to review the available scientific information per-
7 taining to the impacts of excess nutrients on coastal recre-
8 ation waters.

9 (b) REPORT.—

10 (1) IN GENERAL.—Not later than one year
11 after the date of enactment of this Act, the Adminis-
12 trator shall transmit to the Committee on Transpor-
13 tation and Infrastructure of the House of Represent-
14 atives and the Committee on Environment and Pub-
15 lic Works of the Senate a report on the results of
16 the study conducted under subsection (a).

17 (2) IMPACTS.—Such report shall include infor-
18 mation on any adverse impacts of excess nutrients
19 on coastal recreation waters, including adverse im-
20 pacts caused by algal blooms resulting from excess
21 nutrients.

22 (3) RECOMMENDATIONS.—Such report shall in-
23 clude recommendations for action to address adverse
24 impacts of excess nutrients and algal blooms on
25 coastal recreation waters, including the establish-

1 ment and implementation of numeric water quality
2 criteria for nutrients.

3 (4) CONSULTATION.—In developing such re-
4 port, the Administrator shall consult with the heads
5 of other appropriate Federal agencies (including the
6 National Oceanic and Atmospheric Administration),
7 States, and local government entities.

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