

106TH CONGRESS
1ST SESSION

H. R. 999

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

Mr. BILBRAY (for himself, Mr. FARR of California, Mr. GILCHREST, Mrs. CAPPS, Mr. KUYKENDALL, and Mr. SAXTON) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Federal Water Pollution Control Act to improve the quality of 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, Cleanup, and Health Act of 1999”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

1 (1) the Nation's beaches and coastal rec-
2 reational waters are a valuable public resource used
3 for recreation by millions of people annually;

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

6 (3) tourism in coastal areas generates billions
7 of dollars annually;

8 (4) increased population and urbanization of
9 the watershed have contributed to the decline in the
10 environmental quality of coastal waters;

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

13 (6) coastal States have different methods of
14 testing the quality of coastal recreation waters, pro-
15 viding varying degrees of protection to the public;

16 (7) the adoption of consistent criteria by coastal
17 States for monitoring and evaluating the quality of
18 coastal recreation waters, and notifying the public
19 during periods when the standards are exceeded or
20 predicted to be exceeded, would enhance public
21 health and safety; and

22 (8) while the adoption of such criteria will en-
23 hance public health and safety, exceedances of such
24 criteria should be addressed (for example, as part of

1 a watershed approach to effectively identify and
2 eliminate sources of pollution).

3 (b) PURPOSE.—The purpose of this Act is to estab-
4 lish uniform criteria for testing, monitoring, and notifying
5 public users of coastal recreation waters to protect public
6 safety and improve environmental quality.

7 **SEC. 3. ADOPTION OF COASTAL RECREATIONAL WATER**
8 **QUALITY CRITERIA BY STATES.**

9 Section 303 of the Federal Water Pollution Control
10 Act (33 U.S.C. 1313) is amended by adding at the end
11 the following:

12 “(i) ADOPTION OF COASTAL RECREATIONAL WATER
13 QUALITY CRITERIA BY STATES.—

14 “(1) GENERAL RULE.—A State shall adopt
15 water quality criteria for coastal recreation waters
16 which, at a minimum, are consistent with the cri-
17 teria published by the Administrator under section
18 304(a)(1) not later than 3½ years following the
19 date of the enactment of this subsection. Such water
20 quality criteria shall be developed and promulgated
21 in accordance with the requirements of subsection
22 (c). A State shall incorporate such criteria into all
23 appropriate programs into which such State would
24 incorporate other water quality criteria adopted
25 under such section and revise such criteria not later

1 than 3 years following the date of publication of re-
2 visions by the Administrator under section 4(b) of
3 the Beaches Environmental Assessment, Cleanup,
4 and Health Act of 1999.

5 “(2) FAILURE OF STATES TO ADOPT.—If a
6 State has not complied with paragraph (1) by the
7 last day of the 3½-year period beginning on the
8 date of enactment of this subsection, the Adminis-
9 trator shall promptly prepare and publish proposed
10 regulations setting forth revised or new water qual-
11 ity standards for such State to incorporate water
12 quality criteria for coastal recreation waters pursu-
13 ant to subsection (c)(4).”.

14 **SEC. 4. REVISIONS TO WATER QUALITY CRITERIA.**

15 (a) STUDIES.—After consultation with appropriate
16 Federal, State, and local officials, including local health
17 officials, and other interested persons, but not later than
18 the last day of the 3-year period beginning on the date
19 of the enactment of this Act, the Administrator shall con-
20 duct, in cooperation with the heads of other Federal agen-
21 cies, studies to provide additional information to the cur-
22 rent base of knowledge for use in developing—

23 (1) a more complete list of potential human
24 health risks, including effects to the upper res-
25 piratory system;

1 (2) appropriate and effective indicators for im-
2 proving detection in coastal recreational waters of
3 the presence of pathogens which are harmful to
4 human health; and

5 (3) appropriate, accurate, expeditious, and cost-
6 effective methods (including predictive models) for
7 detecting in coastal recreation waters the presence of
8 pathogens which are harmful to human health.

9 (b) **REVISED CRITERIA.**—Based on the results of the
10 studies conducted under subsection (a), the Administrator,
11 after consultation with appropriate Federal, State, and
12 local officials, including local health officials, shall issue,
13 within 5 years after the date of the enactment of this Act
14 (and review and revise from time to time thereafter, but
15 in no event less than once every 5 years) revised water
16 quality criteria for pathogens in coastal recreation waters
17 that are harmful to human health, including a revised list
18 of indicators and testing methods.

19 **SEC. 5. COASTAL BEACH WATER QUALITY MONITORING.**

20 Title IV of the Federal Water Pollution Control Act
21 (33 U.S.C. 1341–1345) is amended by adding at the end
22 thereof the following new section:

23 **“SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.**

24 “(a) **MONITORING.**—Not later than 18 months after
25 the date of enactment of this section and after consulta-

1 tion with appropriate Federal, State, and local officials,
2 including local health officials, and after providing notice
3 and an opportunity for comment, the Administrator shall
4 publish performance criteria for the monitoring of, and
5 specifying available methods to be used to monitor, coastal
6 recreation waters open for use by the public for compliance
7 with applicable water quality criteria for those waters and
8 protection of public safety. Such performance criteria
9 shall, at a minimum—

10 “(1) specify the frequency of monitoring based
11 on the periods of recreational use of such waters;

12 “(2) specify the frequency of monitoring based
13 on the extent and degree of use during such periods;

14 “(3) specify the frequency and location of mon-
15 itoring based on the proximity of coastal recreation
16 waters to known or identified point and nonpoint
17 sources of pollution and in relation to storm events;

18 “(4) specify methods for detecting levels of
19 pathogens that are harmful to human health and for
20 identifying short-term increases in pathogens that
21 are harmful to human health in coastal recreation
22 waters, including in relation to storm events; and

23 “(5) specify the conditions and procedures
24 under which monitoring of discrete areas of coastal
25 recreation waters is not necessary to ensure compli-

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

3 “(b) NOTIFICATION REQUIREMENTS.—Performance
4 criteria published pursuant to subsection (a) shall include,
5 at a minimum—

6 “(1) criteria for prompt notification to the pub-
7 lic, local governments, and the Administrator of an
8 exceedance of applicable water quality standards for
9 coastal recreation waters or the immediate likelihood
10 of such an exceedance;

11 “(2) measures for prompt communication of the
12 occurrence, nature, location, pollutants involved, and
13 extent of such an exceedance, or the immediate like-
14 lihood of such an exceedance to the Administrator
15 and a designated official of a local government hav-
16 ing jurisdiction over land adjoining the coastal recre-
17 ation waters for which an exceedance is identified;
18 and

19 “(3) measures for posting of signs for the pe-
20 riod during which the exceedance continues, suffi-
21 cient to give notice to the public of an exceedance
22 of applicable water quality criteria for such waters
23 and the potential risks associated with water contact
24 activities in such waters.

1 “(c) INFORMATION DATABASE.—The Administrator
2 shall establish, maintain, and make available to the public
3 by electronic and other means a national coastal rec-
4 reational water pollution occurrence database that pro-
5 vides information on exceedances of applicable water qual-
6 ity standards for coastal recreation waters using informa-
7 tion reported under subsection (b) or made available to
8 the Administrator from other coastal water quality mon-
9 itoring programs determined to be reliable by the Adminis-
10 trator.

11 “(d) FLOATABLE MATERIALS MONITORING PROCE-
12 DURES.—The Administrator shall provide technical assist-
13 ance to the States for development of assessment and
14 monitoring procedures for floatable materials in coastal
15 recreation waters and the conditions under which the pres-
16 ence of floatable materials will constitute a threat to public
17 health and safety.

18 “(e) IMPLEMENTATION GRANTS.—

19 “(1) AUTHORITY.—Following the publication of
20 criteria for monitoring and notification under sub-
21 section (a), the Administrator shall make grants to
22 States or local governments for the purpose of im-
23 plementing programs for monitoring and notification
24 that are approved under paragraph (2).

25 “(2) PROGRAM APPROVAL.—

1 “(A) STATE PROGRAMS.—Any State may
2 submit to the Administrator a comprehensive
3 program for monitoring and notification under
4 subsection (a). If the Administrator determines
5 that the program meets the performance cri-
6 teria established under subsection (a), the Ad-
7 ministrator shall provide a grant to such State
8 for implementation of such program in accord-
9 ance with this section.

10 “(B) LOCAL PROGRAMS.—If a State does
11 not submit a program for approval under sub-
12 paragraph (A) within 1 year following the date
13 of publication of performance criteria under
14 subsection (a), or if the program submitted by
15 the State is not approved, a local government
16 within such State may submit a program for
17 monitoring and notification applicable to that
18 local government and if the Administrator de-
19 termines that the program meets the perform-
20 ance criteria established under subsection (a),
21 the Administrator shall provide a grant to such
22 local government for implementation of such
23 program in accordance with this section.

24 “(C) COST SHARING.—Grants under this
25 subsection shall not exceed 50 percent of the

1 costs of implementing an approved monitoring
2 and notification program in any fiscal year.

3 “(f) DELEGATION OF RESPONSIBILITY.—A State
4 program approved under subsection (e) may allow delega-
5 tion of responsibility for monitoring and notification to
6 local government authorities and the State may make im-
7 plementation grant moneys received by a State available
8 to such delegated local government authorities.

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

13 “(h) FAILURE TO IMPLEMENT PROGRAM.—

14 “(1) LIST OF AREAS WITH NO MONITORING
15 PROGRAM.—Beginning not later than 18 months
16 after publishing performance criteria under sub-
17 section (a), the Administrator shall maintain a list
18 of discrete areas of coastal recreation waters for
19 which the Administrator cannot verify the existence
20 of a program for monitoring and notification that
21 meets the performance criteria established under
22 subsection (a), other than those discrete areas of
23 coastal recreation waters where the Administrator
24 determines that monitoring is not necessary to en-
25 sure compliance with applicable water quality cri-

1 teria or the protection of the public safety. The Ad-
2 ministrator shall make such list publicly available
3 through publication in the Federal Register and
4 through electronic media. The Administrator shall
5 update such list at least once annually.

6 “(2) EPA IMPLEMENTATION.—If, after the last
7 day of the 3-year period beginning on the date the
8 Administrator includes a discrete area of coastal
9 recreation waters on the list under paragraph (1),
10 there remains no program for monitoring and notifi-
11 cation that meets the criteria established under sub-
12 section (a) for such area, the Administrator shall
13 conduct such a program for such area.

14 “(i) DEFINITIONS.—In this section, the following
15 definitions apply:

16 “(1) COASTAL RECREATION WATERS.—The
17 term ‘coastal recreation waters’ means the Great
18 Lakes and marine coastal waters used by the public
19 for swimming, bathing, surfing, or other similar
20 water contact activities.

21 “(2) FLOATABLE MATERIALS.—The term ‘float-
22 able materials’ means any foreign matter that may
23 float or remain suspended in the water column and
24 includes plastic, aluminum cans, wood, bottles, and
25 paper products.”.

1 **SEC. 6. REPORT TO CONGRESS.**

2 Not later than 4 years after the date of the enact-
3 ment of this Act, and periodically thereafter, the Adminis-
4 trator shall submit to Congress a report including—

5 (1) recommendations concerning the need for
6 additional water quality criteria and other actions
7 needed to improve the quality of coastal recreation
8 waters; and

9 (2) an evaluation of State or local efforts to im-
10 plement this Act, including the amendments made
11 by this Act.

12 **SEC. 7. DEFINITIONS.**

13 In this Act, the following definitions apply:

14 (1) ADMINISTRATOR.—The term “Adminis-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

17 (2) COASTAL RECREATION WATERS.—The term
18 “coastal recreation waters” means the Great Lakes
19 and marine coastal waters used by the public for
20 swimming, bathing, surfing, or other similar body
21 contact purposes.

22 (3) FLOATABLE MATERIALS.—The term “float-
23 able materials” means any foreign matter that may
24 float or remain suspended in the water column and
25 includes plastic, aluminum cans, wood, bottles, and
26 paper products.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to the
3 Administrator—

4 (1) for making grants to State or local govern-
5 ments under section 406(e) of the Federal Water
6 Pollution Control Act, \$7,500,000 for each of fiscal
7 years 2000 through 2004; and

8 (2) for carrying out the other provisions of this
9 Act (including amendments made by this Act), such
10 sums as may be necessary for each of fiscal years
11 2000 through 2004.

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