

103D CONGRESS
1ST SESSION

S. 997

To amend the Federal Water Pollution Control Act of 1972 to improve the quality of coastal recreation waters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 20 (legislative day, APRIL 19), 1993

Mr. LAUTENBERG (for himself, Mr. BRADLEY, Mrs. BOXER, and Mrs. FEINSTEIN) 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 of 1972 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, Closure, and Health Act of 1993”.

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

7 (a) FINDINGS.—The Congress finds that—

1 (1) the Nation's beaches are a valuable public
2 resource used for recreation by millions of people an-
3 nually;

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

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

8 (4) increased population has contributed to the
9 decline in the environmental quality of coastal wa-
10 ters;

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

13 (6) each coastal State has its own method of
14 testing the quality of its coastal recreation waters,
15 providing varying degrees of protection to the public;
16 and

17 (7) the adoption of standards by coastal States
18 for monitoring the quality of coastal recreation wa-
19 ters, and the posting of signs at beaches notifying
20 the public during periods when the standards are ex-
21 ceeded, would enhance public health and safety.

22 (b) PURPOSE.—The purpose of this Act is to require
23 uniform procedures for beach testing and monitoring to
24 protect public safety and improve the environmental qual-
25 ity of coastal recreation waters.

1 **SEC. 3. WATER QUALITY CRITERIA AND STANDARDS.**

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

5 “(9) COASTAL RECREATION WATERS.—(A) The
6 Administrator, after consultation with appropriate
7 Federal and State agencies and other interested per-
8 sons, shall issue within 18 months after the effective
9 date of this paragraph (and review and revise from
10 time to time thereafter) water quality criteria for
11 pathogens in coastal recreation waters. Such criteria
12 shall—

13 “(i) be based on the best available sci-
14 entific information;

15 “(ii) be sufficient to protect public health
16 and safety in case of any reasonably anticipated
17 exposure to pollutants as a result of swimming,
18 bathing, or other body contact activities; and

19 “(iii) include specific numeric criteria cal-
20 culated to reflect public health risks from short-
21 term increases in pathogens in coastal recre-
22 ation waters resulting from rainfall, malfunc-
23 tions of wastewater treatment works, and other
24 causes.

25 “(B) For purposes of this paragraph, the term
26 ‘coastal recreation waters’ means Great Lakes and

1 marine coastal waters commonly used by the public
2 for swimming, bathing, or other similar primary con-
3 tact purposes.”.

4 (b) STANDARDS.—

5 (1) ADOPTION BY STATES.—A State shall adopt
6 water quality standards for coastal recreation waters
7 which, at a minimum, are consistent with the cri-
8 teria published by the Administrator under section
9 304(a)(9) of the Federal Water Pollution Control
10 Act (33 U.S.C. 1314(a)(9)), as amended by this Act,
11 not later than 3 years following the date of such
12 publication. Such water quality standards shall be
13 developed in accordance with the requirements of
14 section 303(c) of the Federal Water Pollution Con-
15 trol Act (33 U.S.C. 1313(c)). A State shall incor-
16 porate such standards into all appropriate programs
17 into which such State would incorporate water qual-
18 ity standards adopted under section 303(c) of the
19 Federal Water Pollution Control Act (33 U.S.C.
20 1313(c)).

21 (2) FAILURE OF STATES TO ADOPT.—If a State
22 has not complied with paragraph (1) by the last day
23 of the 3-year period beginning on the date of publi-
24 cation of criteria under section 304(a)(9) of the
25 Federal Water Pollution Control Act (33 U.S.C.

1 1314(a)(9)), as amended by this Act, the Adminis-
2 trator shall promulgate water quality standards for
3 coastal recreation waters for the State under appli-
4 cable provisions of section 303 of the Federal Water
5 Pollution Control Act (33 U.S.C. 1313). The water
6 quality standards for coastal recreation waters shall
7 be consistent with the criteria published by the Ad-
8 ministrator under section 304(a)(9) of the Federal
9 Water Pollution Control Act (33 U.S.C. 1314(a)(9)),
10 as amended by this Act. The State shall use the
11 standards issued by the Administrator in implement-
12 ing all programs for which water quality standards
13 for coastal recreation waters are used.

14 **SEC. 4. COASTAL BEACH WATER QUALITY MONITORING.**

15 Title IV of the Federal Water Pollution Control Act
16 (33 U.S.C. 1341–1345) is amended by adding at the end
17 thereof the following new section:

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

19 “(a) MONITORING.—Not later than 9 months after
20 the date on which the Administrator publishes revised
21 water quality criteria for coastal recreation waters under
22 section 304(a)(9), the Administrator shall publish regula-
23 tions specifying methods to be used by States to monitor
24 coastal recreation waters, during periods of use by the
25 public, for compliance with applicable water quality stand-

1 ards for those waters and protection of the public safety.
2 Monitoring requirements established pursuant to this sub-
3 section shall, at a minimum—

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

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

8 “(3) specify the frequency of monitoring based
9 on the proximity of coastal recreation waters to pol-
10 lution sources;

11 “(4) specify methods for detecting short-term
12 increases in pathogens in coastal recreation waters;
13 and

14 “(5) specify the conditions and procedures
15 under which discrete areas of coastal recreation wa-
16 ters may be exempted by the Administrator from the
17 monitoring requirements of this subsection, if the
18 Administrator determines that an exemption will not
19 impair—

20 “(A) compliance with the applicable water
21 quality standards for those waters; and

22 “(B) protection of the public safety.

23 “(b) NOTIFICATION REQUIREMENTS.—Regulations
24 published pursuant to subsection (a) shall require States
25 to notify local governments and the public of violations

1 of applicable water quality standards for State coastal
2 recreation waters. Notification pursuant to this subsection
3 shall include, at a minimum—

4 “(1) prompt communication of the occurrence,
5 nature, and extent of such a violation, to a des-
6 ignated official of a local government having juris-
7 diction over land adjoining the coastal recreation wa-
8 ters for which a violation is identified; and

9 “(2) posting of signs, for the period during
10 which the violation continues, sufficient to give no-
11 tice to the public of a violation of an applicable
12 water quality standard for such waters and the po-
13 tential risks associated with body contact recreation
14 in such waters.

15 “(c) FLOATABLE MATERIALS MONITORING PROCE-
16 DURES.—The Administrator shall—

17 “(1) issue guidance on uniform assessment and
18 monitoring procedures for floatable materials in
19 coastal recreation waters; and

20 “(2) specify the conditions under which the
21 presence of floatable material shall constitute a
22 threat to public health and safety.

23 “(d) DELEGATION OF RESPONSIBILITY.—A State
24 may delegate responsibility for monitoring and posting of

1 coastal recreation waters pursuant to this section to local
2 government authorities.

3 “(e) REVIEW AND REVISION OF REGULATIONS.—The
4 Administrator shall review and revise regulations pub-
5 lished pursuant to this section periodically.

6 “(f) DEFINITIONS.—For the purposes of this sec-
7 tion—

8 “(1) the term ‘coastal recreation waters’ means
9 Great Lakes and marine coastal waters commonly
10 used by the public for swimming, bathing, or other
11 similar body contact purposes; and

12 “(2) the term ‘floatable materials’ means any
13 matter that may float or remain suspended in the
14 water column and includes plastic, aluminum cans,
15 wood, bottles, and paper products.”.

16 **SEC. 5. STUDY TO IDENTIFY INDICATORS OF HUMAN-SPE-**
17 **CIFIC PATHOGENS IN COASTAL RECREATION**
18 **WATERS.**

19 (a) STUDY.—The Administrator, in cooperation with
20 the Under Secretary of Commerce for Oceans and Atmos-
21 phere, shall conduct an ongoing study to provide addi-
22 tional information to the current base of knowledge for
23 use for developing better indicators for directly detecting
24 in coastal recreation waters the presence of bacteria and
25 viruses which are harmful to human health.

1 (b) REPORT.—Not later than 4 years after the date
2 of the enactment of this Act, and periodically thereafter,
3 the Administrator shall submit to the Congress a report
4 describing the findings of the study under this section, in-
5 cluding—

6 (1) recommendations concerning the need for
7 additional numerical limits or conditions and other
8 actions needed to improve the quality of coastal
9 recreation waters;

10 (2) a description of the amounts and types of
11 floatable materials in coastal waters and on coastal
12 beaches and of recent trends in the amounts and
13 types of such floatable materials; and

14 (3) an evaluation of State efforts to implement
15 this Act, including the amendments made by this
16 Act.

17 **SEC. 6. GRANTS TO STATES.**

18 (a) GRANTS.—The Administrator may make grants
19 to States for use in fulfilling requirements established pur-
20 suant to section 3 and 4.

21 (b) COST SHARING.—The total amount of grants to
22 a State under this section for a fiscal year shall not exceed
23 50 percent of the cost to the State of implementing re-
24 quirements established pursuant to sections 3 and 4.

1 **SEC. 7. DEFINITIONS.**

2 In this Act—

3 (1) the term “Administrator” means the Ad-
4 ministrator of the Environmental Protection Agency;

5 (2) the term “coastal recreation waters” means
6 Great Lakes and marine coastal waters commonly
7 used by the public for swimming, bathing, or other
8 similar body contact purposes; and

9 (3) the term “floatable materials” means any
10 matter that may float or remain suspended in the
11 water column and includes plastic, aluminum cans,
12 wood, bottles, and paper products.

13 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

14 There is authorized to be appropriated to the Admin-
15 istrator—

16 (1) for use in making grants to States under
17 section 6 not more than \$3,000,000 for each of the
18 fiscal years 1994 and 1995; and

19 (2) for carrying out the other provisions of this
20 Act not more than \$1,000,000 for each of the fiscal
21 years 1994 and 1995.

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