PUBLIC LAW 106–284—OCT. 10, 2000

BEACHES ENVIRONMENTAL ASSESSMENT
AND COASTAL HEALTH ACT OF 2000
To amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

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

"(i) COASTAL RECREATION WATER QUALITY CRITERIA.

"(1) ADOPTION BY STATES.—

"(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months after the date of the enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

"(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

"(2) FAILURE OF STATES TO ADOPT.—

"(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.
"(B) EXCEPTION.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of the enactment of this subsection.

"(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare.

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

"(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 18 months after the date of the enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of the enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

"(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

"(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

"(4) guidance for State application of the criteria for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.

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

"(9) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—

"(A) IN GENERAL.—Not later than 5 years after the date of the enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate), based on the results of the studies conducted under section 104(v), for the purpose of protecting human health in coastal recreation waters.

"(B) REVIEWS.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter,
the Administrator shall review and, as necessary, revise the water quality criteria.”.

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

33 USC 1346.

"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Deadline.

Title N of the Federal Water Pollution Control Act (33 U.S.C. 1341 et seq.) is amended by adding at the end the following:

33 USC 1346.

"SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Deadline.

Publication.

(a) MONITORING AND NOTIFICATION.—

(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

(1) IN GENERAL.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and
will prevent consistency with the performance criteria
under subsection (a); and

“(v) the public is provided an opportunity to review
the program through a process that provides for public
notice and an opportunity for comment.

“(B) GRANTS TO LOCAL GOVERNMENTS.—The Adminis-
trator may make a grant to a local government under
this subsection for implementation of a monitoring and
notification program only if, after the 1-year period begin-
ing on the date of publication of performance criteria
under subsection (a)(1), the Administrator determines that
the State is not implementing a program that meets the
requirements of this subsection, regardless of whether the
State has received a grant under this subsection.

“(3) OTHER REQUIREMENTS.—

“(A) REPORT.—A State recipient of a grant under this
subsection shall submit to the Administrator, in such for-
mat and at such intervals as the Administrator determines
to be appropriate, a report that describes—

“(i) data collected as part of the program for moni-
toring and notification as described in subsection (c); and

“(ii) actions taken to notify the public when water
quality standards are exceeded.

“(B) DELEGATION.—A State recipient of a grant under
this subsection shall identify each local government to
which the State has delegated or intends to delegate
responsibility for implementing a monitoring and notifica-
tion program consistent with the performance criteria pub-
lished under subsection (a) (including any coastal recre-
atation waters for which the authority to implement a moni-
toring and notification program would be subject to the
delegation).

“(4) FEDERAL SHARE.—

“(A) IN GENERAL.—The Administrator, through grants
awarded under this section, may pay up to 100 percent
of the costs of developing and implementing a program
for monitoring and notification under this subsection.

“(B) NON-FEDERAL SHARE.—The non-Federal share of
the costs of developing and implementing a monitoring
and notification program may be—

“(i) in an amount not to exceed 50 percent, as
determined by the Administrator in consultation with
State, tribal, and local government representatives; and

“(ii) provided in cash or in kind.

“(c) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—
As a condition of receipt of a grant under subsection (b), a State
or local government program for monitoring and notification under
this section shall identify—

“(1) lists of coastal recreation waters in the State, including
coastal recreation waters adjacent to beaches or similar points
of access that are used by the public;

“(2) in the case of a State program for monitoring and
notification, the process by which the State may delegate to
local governments responsibility for implementing the moni-
toring and notification program;
“(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—
   “(A) the periods of recreational use of the waters;
   “(B) the nature and extent of use during certain periods;
   “(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and
   “(D) any effect of storm events on the waters;
   “(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and
   “(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);
   “(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—
      “(A) the Administrator, in such form as the Administrator determines to be appropriate; and
      “(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;
   “(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and
   “(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

Deadline. “(d) FEDERAL PROGRAMS.—Not later than 3 years after the date of the enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—
   “(1) protects the public health and safety;
   “(2) is consistent with the performance criteria published under subsection (a);
   “(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and
   “(4) addresses the matters specified in subsection (c).

Reports. “(e) DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides—
   “(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and
   “(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—
“(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

“(B) the Administrator determines should be included.

“(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

“(g) LIST OF WATERS.—

“(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

“(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

“(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

“(A) publication in the Federal Register; and

“(B) electronic media.

“(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

“(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

“(1) to conduct monitoring and notification; and

“(2) for related salaries, expenses, and travel.

“(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through 2005.”.

SEC. 5. DEFINITIONS.

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

“(21) COASTAL RECREATION WATERS.—

“(A) IN GENERAL.—The term 'coastal recreation waters' means—

“(i) the Great Lakes; and
"(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a
State for use for swimming, bathing, surfing, or similar
water contact activities.

"(B) EXCLUSIONS.—The term 'coastal recreation waters'
does not include—
"(i) inland waters; or
"(ii) waters upstream of the mouth of a river or
stream having an unimpaired natural connection with
the open sea.

"(22) FLOATABLE MATERIAL.—
“(A) IN GENERAL.—The term 'floatable material' means
any foreign matter that may float or remain suspended
in the water column.

“(B) INCLUSIONS.—The term 'floatable material'
includes—
"(i) plastic;
"(ii) aluminum cans;
"(iii) wood products;
"(iv) bottles; and
"(v) paper products.

“(23) PATHOGEN INDICATOR.—The term 'pathogen indicator'
means a substance that indicates the potential for human infec-
tious disease.”.

SEC. 6.
INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33
U.S.C. 1377(e)) is amended by striking “and 404” and inserting
“404, and 406”.

33 US.C 1375a.

SEC. 7.
REPORT.

Deadline. 
(a) IN GENERAL.—Not later than 4 years after the date of
the enactment of this Act, and every 4 years thereafter, the
Administrator of the Environmental Protection Agency shall submit
to Congress a report that includes—

(1) recommendations concerning the need for additional
water quality criteria for pathogens and pathogen indicators
and other actions that should be taken to improve the quality
of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to
implement this Act, including the amendments made by this
Act; and

(3) recommendations on improvements to methodologies
and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator of the Environmental
Protection Agency may coordinate the report under this section
with other reporting requirements under the Federal Water Pollu-
tion Control Act (33 U.S.C. 1251 et seq.).
SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through 2005.


LEGISLATIVE HISTORY—H.R. 999 (S. 522):

HOUSE REPORTS: No. 106-98 (Comm. on Transportation and Infrastructure).

CONGRESSIONAL RECORD:
Sept. 26, House concurred in Senate amendment.
Oct. 10, Presidential statement.