

110TH CONGRESS
1ST SESSION

H. R. 2537

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

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2007

Mr. PALLONE (for himself and Mr. BISHOP of New York) 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 Protection Act
5 of 2007”.

6 **SEC. 2. BEACH WATER POLLUTION SOURCE IDENTIFICA-**
7 **TION AND PREVENTION.**

8 (a) IN GENERAL.—Section 406 of the Federal Water
9 Pollution Control Act (33 U.S.C. 1346) is amended in
10 each of subsections (b), (c), (d), (g), and (h) by striking

1 “monitoring and notification” each place it appears and
2 inserting “monitoring, public notification, source tracking,
3 sanitary surveys, and prevention efforts to address the
4 identified sources of beachwater pollution”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—Section
6 406(i) of such Act (33 U.S.C. 1346(i)) is amended by
7 striking “\$30,000,000 for each of fiscal years 2001
8 through 2005” and inserting “\$60,000,000 for each of fis-
9 cal years 2007 through 2012”.

10 **SEC. 3. FUNDING FOR BEACHES ENVIRONMENTAL ASSESS-**
11 **MENT AND COASTAL HEALTH ACT.**

12 Section 8 of the Beaches Environmental Assessment
13 and Coastal Health Act of 2000 (114 Stat. 877) is amend-
14 ed by striking “2005” and inserting “2012”.

15 **SEC. 4. STATE REPORTS.**

16 Section 406(b)(3)(A)(ii) of the Federal Water Pollu-
17 tion Control Act (33 U.S.C. 1346(b)(3)(A)(ii)) is amended
18 by inserting “and all environmental agencies of the State
19 with authority to prevent or treat sources of beachwater
20 pollution” after “public”.

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

22 (a) CONTENTS OF STATE AND LOCAL GOVERNMENT
23 PROGRAMS.—Section 406(c)(4)(A) of the Federal Water
24 Pollution Control Act (33 U.S.C. 1346(c)(4)(A)) is
25 amended by inserting “, including the use of a rapid test-

1 ing method after the last day of the one-year period fol-
2 lowing the date of approval of the rapid testing method
3 by the Administrator” before the semicolon at the end.

4 (b) REVISED CRITERIA.—Section 304(a)(9) of such
5 Act (33 U.S.C. 1314(a)(9)) is amended—

6 (1) by inserting “rapid” before “testing”; and

7 (2) by striking “, as appropriate”.

8 (c) DEFINITION.—Section 502 of such Act (33
9 U.S.C. 1362) is amended by adding at the end the fol-
10 lowing:

11 “(25) RAPID TESTING METHOD.—The term
12 ‘rapid testing method’ means a method of testing for
13 which results are available within 2 hours.”.

14 **SEC. 6. PROMPT COMMUNICATION WITH STATE ENVIRON-**
15 **MENTAL AGENCIES.**

16 Section 406(c)(5) of the Federal Water Pollution
17 Control Act (33 U.S.C. 1346(c)(5)) is amended—

18 (1) by striking “prompt communication” and
19 inserting “communication within 24 hours of the re-
20 ceipt of the results of a water quality sample”;

21 (2) by striking “and” at the end of subpara-
22 graph (A);

23 (3) by inserting “and” after the semicolon at
24 the end of subparagraph (B); and

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

1 “(C) all agencies of the State government
2 with authority to require the prevention or
3 treatment of the sources of beachwater pollu-
4 tion;”.

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

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

8 (1) by striking “and” at the end of paragraph
9 (6);

10 (2) by striking the period at the end of para-
11 graph (7) and inserting a semicolon;

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

13 “(8) measures to develop and implement a
14 beachwater pollution source identification and track-
15 ing program for the coastal recreation waters that
16 are not meeting applicable water quality standards
17 for pathogens;

18 “(9) a publicly accessible and searchable global
19 information system database with information up-
20 dated within 24 hours of its availability, organized
21 by beach and with defined standards, sampling plan,
22 monitoring protocols, sampling results, and number
23 and cause of beach closing and advisory days; and

24 “(10) measures to ensure that closures or
25 advisories are made or issued within 24 hours after

1 the State government determines that any coastal
2 recreation waters in the State are not meeting or are
3 not expected to meet applicable water quality stand-
4 ards for pathogens.”.

5 **SEC. 8. COMPLIANCE REVIEW.**

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

8 (1) by redesignating paragraphs (1) and (2) as
9 subparagraphs (A) and (B), respectively;

10 (2) by moving such subparagraphs 2 ems to the
11 right;

12 (3) by striking “In the” and inserting the fol-
13 lowing: “(1) IN GENERAL.—In the”; and

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

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

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

1 “(B) notify the State or local government
2 of such assessment; and

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

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

21 “(4) GAO REVIEW.—Not later than December
22 31 of the third calendar year beginning after the
23 date of enactment of this paragraph, the Comp-
24 troller General shall conduct a review of the activi-
25 ties of the Administrator under paragraphs (2) and

1 (3) during the first and second calendar years begin-
2 ning after such date of enactment and submit to
3 Congress a report on the results of such review.”.

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