

H.R. 2537, the Beach Protection Act of 2008

H.R. 2537, the Beach Protection Act of 2008, amends the Federal Water Pollution Control Act (commonly known as the Clean Water Act) to reauthorize appropriations for the Beaches Environmental Assessment and Coastal Health (“BEACH”) Act through fiscal year 2012.

As reported by the Committee on Transportation and Infrastructure, H.R. 2537 reauthorizes \$40 million in appropriations annually for the Environmental Protection Agency’s (“EPA”) BEACH program. The BEACH program provides grants to states along the coasts and Great Lakes for state and local recreational water monitoring and notification programs.

The Beach Protection Act increases the existing annual authorization by \$10 million to reflect an expansion of eligible uses for grants under this program. For example, H.R. 2537 allows states to utilize a portion of their BEACH grant funding to develop and implement coastal recreation waters pollution source identification and tracking programs, which will enable interested states to locate the likely sources of coastal water contamination.

H.R. 2537 also clarifies and enhances state and local authorities for notifying the public when the beach waters are likely contaminated and present a potential threat to human health. First, this legislation clarifies that the public must be notified with 24-hours of the results of contaminated water quality sample. However, because many states utilize a system where two contaminated samples must be identified before a beach is closed, H.R. 2537 also requires that a physical sign must be posted at any beach where the results of a water quality sample demonstrate the *likelihood* that the water *may be contaminated*. This information is essential to ensure the public can avoid contact with potentially harmful pollutants while visiting their favorite beach.

The Beach Protection Act also enhances EPA’s review of individual states’ compliance with the requirements of the BEACH Act by requiring the Administrator to conduct an annual review of implementation of the BEACH Act by State and local governments, and to take corrective action for State and local governments that are not in compliance with the BEACH Act requirements. This legislation also requires the Government Accountability Office to review and report on EPA’s administration of the BEACH Act.

Finally, H.R. 2537 requires EPA to carry out a study of the formula for the distribution of coastal recreation water quality monitoring and notification program development and implementation grants under the BEACH Act and to report to Congress on the results of the study, including any recommendations for revision of the existing formula.

The Chairwoman of the Transportation and Infrastructure Subcommittee on Water Resources and Environment, Eddie Bernice Johnson, will offer a manager’s amendment to H.R. 2537 that will direct EPA to complete its ongoing evaluation and validation of a “rapid testing methodology” for detecting contamination of coastal recreation waters by October 1, 2010, and upon completion of the validation, to develop guidelines for their use at beaches most frequently utilized by the public. Rapid testing methodologies are intended to shorten the period between when a coastal recreation water is sampled to when results are made publicly available, with the goal of having real-time, same-day information on the condition of the nation’s beaches and recreational waters. Upon completion of EPA’s validation of a rapid testing methodology, the period of time necessary for testing coastal waters is likely to shorten from 24 hours to between 2 and 3 hours.

