



April 16, 2004

Benjamin Grumbles  
Acting Assistant Administrator  
Office of Water  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Mr. Grumbles:

Thank you for recently briefing us on EPA's efforts to protect our oceans and beaches. We appreciate your attention to this top Administration priority as we look forward to the upcoming draft report of the U.S. Commission on Ocean Policy. In the meantime, please provide us with more information on EPA's action plan to protect our nation's beaches and ensure compliance with the BEACH Act of 2000.

As you know, the Beaches, Environmental Assessment and Coastal Health (BEACH) Act of 2000 requires coastal States, including those bordering the Great Lakes, to adopt up-to-date pathogen criteria by April 10, 2004, to protect beach goers from harmful bacteria. The Act further provides that, if a State fails to meet this deadline, EPA must promptly propose and promulgate Federal standards to protect that State's beaches. It is our understanding that to date, only 11 of the 35 affected States and Territories apparently have adopted criteria for pathogens as required by the BEACH Act.<sup>1</sup> An additional 4 States<sup>2</sup> have adopted criteria for some, but apparently not all, of their eligible coastal recreational waters, 14 States and Territories<sup>3</sup> are in the processing of adopting the required criteria, and 6 States<sup>4</sup> apparently have not begun the process of adopting these criteria.

Under the Clean Water Act, EPA issues criteria which serve as guidance to States in adopting standards. EPA issued criteria for *e-coli* and *enterococci* in 1986, but many States still rely on outdated standards for total or fecal coliforms. We understand that EPA's research indicates that there is little correlation between coliform levels and

---

<sup>1</sup> American Samoa, Connecticut, Delaware, Guam, Indiana, Maine, Michigan, New Hampshire, Ohio, Texas, Virginia.

California, Hawaii, New Jersey, Puerto Rico.

<sup>3</sup> Alabama, Florida, Georgia, Illinois, Maryland, Massachusetts, Minnesota, Mississippi, North Carolina, Northern Marianas, Pennsylvania, South Carolina, Virgin Islands, Wisconsin.

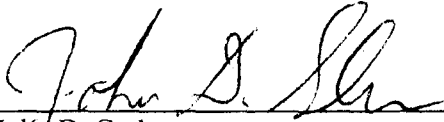
<sup>4</sup> Alaska, Louisiana, New York, Oregon, Rhode Island, Washington.

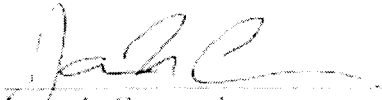
swimming-related illness (*gastroenteritis*) in either marine or fresh waters. In contrast, correlations for *e-coli* (in fresh waters) and *enterococci* (in marine waters) are high, demonstrating that these bacteria are reliable indicators for the presence of harmful pathogens.

We share your concern that American families deserve safe beaches. While we believe that it is generally preferable for States to adopt and implement their own water quality standards, as envisioned by the Clean Water Act, EPA also needs to fulfill its oversight responsibility to promote scientifically defensible, protective beach standards.

As the 2004 beach season is fast approaching, we would appreciate a prompt response to this letter. Our staffs would be happy to assist you to move forward quickly with this important initiative. Please do not hesitate to contact Jim Laity or Kameran Onley of our staffs if you would like to discuss this matter further.

Sincerely,

  
John D. Graham  
Administrator  
Office of Information and Regulatory  
Affairs

  
James L. Connaughton  
Chairman  
Council on Environmental Quality  
✓



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

APR 19 2004

OFFICE OF  
WATER

Mr. James L. Connaughton  
Chairman, Council on  
Environmental Quality  
730 Jackson Place NW  
Washington, DC 20503

Dr. John D. Graham  
Administrator, Office of Information  
And Regulatory Affairs  
Eisenhower Executive Office Building  
725 Seventeenth Street NW  
Washington, DC 20503

Dear Mr. Connaughton and Dr. Graham:

Thank you for your April 19, 2004, letter reiterating this Administration's priority of ensuring clean beaches and oceans, including the successful implementation by States and EPA of the Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000.

Over the last several years, EPA has worked with States and Territories to adopt up-to-date water quality standards to help protect recreational users of coastal beaches. We have provided more than \$20 million in grants to States and Territories for developing and implementing improved standards, coastal water quality monitoring, and public notification programs. In 2002, we issued detailed guidance to States and Territories for monitoring and assessing coastal recreation waters and for notifying America's beach-going public when those waters exceed water quality standards.

As your letter affirms, EPA firmly believes that American families deserve safe beaches. We and the States and Territories must all work together to accelerate progress towards adoption of protective standards.

I am pleased to enclose our action plan to accelerate progress and to meet the requirements of the BEACH Act. Today, I signed letters to key State and Territory leaders reiterating the BEACH Act requirements and describing the steps EPA will take to make sure protective standards are in place. Shortly, EPA will announce an additional \$10 million in grants to States and Territories for FY 2004 to further their monitoring and public notification programs for coastal beaches. The Administrator of EPA will also promptly sign a notice of proposed rulemaking establishing more protective standards as required by the BEACH Act for those

States and Territories that have not yet met the statutory requirement to do so. The enclosed action plan also describes numerous other actions we are taking to help States and Territories protect families at coastal beaches.

We share a common desire to ensure clean and safe water at America's beaches, to collaborate with States and Territories, and, where necessary, to issue protective Federal water quality standards to advance the goals of the BEACH Act and the Clean Water Act.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben H. Grumbles". The signature is fluid and cursive, with a large initial "B" and a long, sweeping underline.

Benjamin H. Grumbles  
Acting Assistant Administrator

Enclosure