Surfrider Foundation®

Testimony before the
U.S. House of Representatives Committee on Transportation and Infrastructure,
Subcommittee on Water Resources and Environment

Hearing:
"Reauthorization of the Beaches Environmental Assessment and Coastal Health Act"

On behalf of
The Surfrider Foundation

Thank you Madam Chairwoman, Representative Baker, and the members of this subcommittee for the opportunity to share our perspective on the Beaches Environmental Assessment and Coastal Health Act. My name is Mara Dias, and I am here before you today on behalf of the Surfrider Foundation.

The Surfrider Foundation is a grass-roots, non-profit environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beaches for all people, through conservation, activism, research and education. Our over 50,000 members come from all walks of life and backgrounds, and we visit the beach for many different reasons. What draws our diverse membership together is a love for the ocean and a strong desire to protect our oceans and beaches for everyone's enjoyment.

The Surfrider Foundation operates through a system of over 60 chapters located in almost every coastal state, and we are expanding internationally. On the local level our chapters are educating school children and members of the public on how to take care of our beaches and coasts. Our members are participating in water quality monitoring and scientific research programs, and we are working with local governments to ensure that coastal development is not harming our beach environment or taking away the public's right to access and use our beaches.

Poor water quality is real threat that concerns everyone in Surfrider. A recent recreational survey found that surfers spend more time in the ocean water than any other recreational user group. We have unfortunately taken on the role of the canary in the coal mine as the pollution of our beaches becomes more prevalent around this country.

Local surfers often turn to Surfrider when they believe they have become ill from surfing in polluted water. Many, if not all of our chapters, have fielded such complaints, and have in turn voiced inquiries to their local health departments. Along the Atlantic and Gulf Coasts surfers and swimmers are noticing flu-like symptoms after being in the

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water. In urbanized areas of California, poor water quality is unfortunately becoming commonplace. One study performed by University of California researchers measured a 10% increase in illness for each additional 2.5 hours of weekly water exposure from surfing at beaches impacted by urban runoff in Orange County, in comparison to surfers from the more rural watersheds of Santa Cruz County.

The Blue Water Task Force (BWTF) is the Surfrider Foundation's water quality monitoring, education and advocacy program. It is utilized by our chapters to alert citizens and officials in their communities about water quality problems and to work toward solutions. The BWTF has succeeded in raising public awareness of coastal water pollution levels and has precipitated the establishment of state and local government water quality monitoring programs in many communities. In my testimony I will be illustrating the successes and needs of the BEACH Act, by sharing with the committee some of our chapters' experiences interacting with state and local beach monitoring programs through the Blue Water Task Force.

The BEACH Act of 2000 is responsible for great improvements in beach monitoring programs in coastal states across the country. In some states, such as Washington, Wisconsin and Oregon, the passage of the BEACH Act marked the beginning of state coordinated beach monitoring programs. In other states, such as New Jersey, New York and California, the new federal funding was responsible for the growth of established monitoring programs as new beaches were added and sampling frequency increased.

As state beach monitoring programs have improved, the public is also becoming more aware of the water pollution problems that are affecting our beaches. Public demand and political will to find the sources of pollution and to take action to correct these watershed problems are growing. Often the source of bacterial pollution that is causing our beaches to fail water quality standards is stormwater runoff that flows across dense development and impervious surfaces in coastal watersheds. Many local governments are trying to lessen the impact of development on water quality by requiring the principles of Low Impact Development and Stormwater Best Management Practices to be employed during construction and maintenance.

In North Carolina, a major study is underway to characterize the pollutant load that is being carried onto the beaches and into the surf zone by stormwater pipes. The Outerbanks Surfrider Chapter has been following the progress of this study closely, and will be ready when the finding are released, to motivate local governments along these barrier islands to take action to improve water quality and safeguard public health at the beach.

The other major polluter of coastal waters is sewage. Combined sewer systems are overflowing almost daily in some cities during periods of wet weather. Sewage treatment plants are operating over-capacity in many coastal areas, and sewage is entering our waterways via overflows and leaks from old and failing sewer infrastructure. Many of our chapters in Florida are working with state and local governments to find responsible solutions for sewage handling and disposal as the state populations continues to grow.

While the BEACH Act has certainly provided better information to the beach-going public, perennial under-funding of this bill has prevented full state implementation and has left public health at risk in many instances. Many state programs are under-staffed as a consequence of inadequate funding, and they do not have the resources to meet all of their testing requirements. Many of the Surfrider BWTF beach sampling programs have been designed to fill in the gaps left by state agency programs.

As is the case in many cold water states, Rhode Island's Bathing Beaches Monitoring Program only conducts water sampling during the summer months from Memorial Day to Labor Day. Surfers, however, are in the water year-round. Even swimming remains popular into the warmer fall months. In order to provide year-round water quality information, the Rhode Island Chapter has been collecting water samples from over a dozen ocean beaches in collaboration with the University of Rhode Island's Watershed Watch program.

Surfrider members in both Delaware and New Hampshire are working in collaboration with their state agencies to extend the beach monitoring season beyond the summer months without adding further financial or staff burden to the states. In Delaware, Surfrider volunteers began collecting water samples year-round and delivering them to the University of Delaware's School of Marine Studies for analysis after the chapter received numerous complaints from local surfers who got ill after surfing in the waves generated by a fall storm. In New Hampshire, the Department of Environmental Services (NHDES) applied for additional funding from the USEPA to extend their sampling program into the fall and spring seasons after the local Surfrider chapter expressed their concerns over the lack of water quality information for most of the year. The NHDES now provides supplies and training to the Surfrider volunteers, who in turn collect the ocean beach water samples.

In addition to seasonal gaps, inadequate funding has also resulted in geographical gaps in state beach monitoring programs. In Mendocino, California, Surfrider volunteers have been collecting water samples from some of the more remote beaches and delivering them to the Mendocino County Environmental Health Department to increase the coverage of the County's beach monitoring program. The County does not have the staff resources available on their own to visit all of its bathing beaches on a regular basis.

Limited funding for staff often forces state programs to prioritize which beaches they will sample. While high priority beaches can be sampled upwards of 3-4 times per week, other lower priority beaches are only visited monthly or yearly, leaving the actual water quality at these beaches uncertain for most of the year. State and county health departments often choose to monitor the beaches where they know there are water quality problems, rather than devote precious staff time and laboratory resources sampling beaches that have not been problematic in the past. Unfortunately this leaves public health at risk. Both in Oregon and New Jersey, Surfrider BWTF data have been shared with the state programs to demonstrate new water quality concerns. As a result, beaches

have been added to the agency monitoring programs that were not previously being sampled.

If federal funding were appropriated at the levels recommended by the Beach Protection Act of 2007 introduced by Representatives Pallone and Bishop, I believe many of the gaps and problems with current state implementation could be corrected.

Surfrider is also pleased to see language included in this bill allowing states to use their BEACH grants to investigate the sources of beach water pollution. When people see the no swimming signs posted at their beaches, their first question is almost invariably, "Why?" We need to be providing the answer to this question, so that coastal communities can take action to correct their water quality problems, and the signs can be taken down for good.

Currently, Surfrider is working with many local governments and agencies to secure funding to perform source tracking studies. In California, the San Luis Bay Chapter has cooperated with the County Health Department and City of Pismo Beach to submit a grant application to the California State Water Quality Control Board to determine what has been causing Pismo Beach to regularly exceed the national standard for bacterial pollution. Likewise, the San Mateo County Chapter has applied to the Water Quality Control Board for funding to track the source of pollution at the impaired, 303D listed Capistrano Beach. Further up the coast in Oregon, the Newport Surfrider Chapter is putting up its own money and is working hard to obtain match funding from other environmental organizations and agencies to identify what is contributing to the bacterial contamination of Nye Beach.

There is certainly a great need in every coastal state to have better information available on what is causing our water quality problems, so that coastal communities can target these sources with effective management programs and practices. The Beach Act is an appropriate vehicle for the federal government to begin to do more to protect public health by providing financial assistance to coastal communities to fix their beach pollution problems.

The Surfrider Foundation also agrees with the authors of the Beach Protection Act of 2007 that EPA needs to begin approving new methods that will give beach managers water quality information within a couple of hours. Current methods employ a 24-hour incubation period, so you know today that the beach was polluted yesterday. Many states also resample after receiving a result that does not meet the standards, so it may be over 48 hours before a water quality problem is confirmed and decisions are made to close beaches or to issue swimming advisories. The other consequence of relying on the lengthy testing procedures, is that many states take a more cautious approach and close beaches preemptively after heavy rain, not knowing whether the water is polluted or not. They then have to wait at least 24 hours to confirm if the water is safe for swimming, which could leave many beaches closed when the water is actually fine.

This happened just the past holiday week on Long Island, New York. Heavy rain and thunderstorms on July 4th & 5th caused preemptive beach closures to be issued in Nassau and western Suffolk Counties.

We certainly should be able to do better than this. Great advancements in method development have been made recently in the research community. The EPA needs to develop a sound, but streamlined process to approve these new rapid methods. Relying on the old, time-consuming water testing methods is putting public health at risk and hurting the economy of coastal communities that rely on the tourism industry generated by clean, healthy beaches.

This panel, however, should consider the timeline this legislation sets for state implementation of newly approved methods. One year after approval may not be feasible. The new rapid methods that are now available, would require the states to not only purchase new and expensive laboratory equipment, but they also would either have to hire new employees or get their current employees the training they would need to run these highly specialized and technically demanding methods. Additionally most agencies would likely want to run the new methods simultaneously with their current methods for at least one season, as many did when they adopted new standards in 2004. This would allow them to work out any problems with their new sampling procedures and give them confidence in their results. Perhaps, it would be would be better to require the states to submit a plan for implementing rapid testing methods within a year of EPA adoption.

There are rapid methods available now that the EPA should be considering for approval. If the EPA is able to move quickly towards the approval process, we should be able to see these methods being used at our beaches within a few years, even giving time for state budgeting, procurement and training needs. I would recommend that the subcommittee seek input from some of the state agencies on this specific provision and to be fully aware that any change in methodology is going to take a significant financial investment for equipment purchases and staff training.

In the Great Lakes region some coastal states are using water quality models to augment their beach monitoring programs. Models have been developed that are allowing beach managers to predict water quality based on weather and physical conditions of the water and make beach closure decisions almost instantaneously. Frustration, however, has been expressed from some of states because they are not able to use their BEACH grant funds to help develop or support their water quality modeling systems. Supporting the states in their endeavors to develop accurate water quality models may be an even quicker route to supporting rapid assessment of beach water quality and timely public health decisions.

The Surfrider Foundation is also supportive of this bill's requirements that state programs create public online databases. Many states already have these resources but there is discrepancy amongst states on the quality, quantity, and timeliness of information available. Speaking to our members across this country, it is very evident that there is a very high level of variability in how the states are implementing the BEACH Act.

Variability exists in the manner in which samples are collected, how beach management decisions are made, what decisions are made, and the manner in which the public is informed of beach advisories and closings.

The EPA should take a stronger leadership role through the proposed annual reviews, to set the bar for some of the state programs whose programs are not as robust as the more experienced states who have been coordinating beach programs for decades and putting significant resources into their monitoring programs. In particular, we suggest that the EPA take a close look at how beaches are being posted. This has been an area of concern for many of our members. At Pismo Beach in California, cardboard signs that were not standing up to the elements were previously being used to post swimming advisories. Through the cooperation of the local chapter and a newly formed Pismo Beach Water Quality Group, new permanent signs are now being developed and posted at the beach.

Additionally, in Corpus Christi, Texas, the City has refused to post swimming advisories at beaches even when directed to do so by the Texas Beach Watch Program. This refusal seems to stem from fears that the signs will drive tourists away and hurt the local economy. The Texas Coastal Bend Chapter has been trying to educate city officials on how issuing swimming advisories and posting beaches can actually be protective of the tourism industry, and will protect the Corpus Christie from the certain economic disaster that would occur if a number of tourists became ill and the proper warnings were not in place.

In closing, Madame Chairwoman, the Surfrider Foundation would like to thank this committee for hearing the perspective of our members who are at the beach and in the water daily. We also urge Congress to consider the real costs of running comprehensive state beach monitoring programs that are in the best interests of public safety, the environmental health of our beaches, and the vitality of our coastal economies.