STATEMENT BY
LISA P. JACKSON, COMMISSIONER
NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
ON
REAUTHORIZATION OF THE BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT
BEFORE THE
U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
SUBCOMMITTEE ON WATER RESOURCES AND ENVIRONMENT
JULY 12, 2007

Good afternoon Chairwoman Johnson, Ranking Minority Member Baker and members of the committee. I thank you for the opportunity to appear before you today to discuss the need to maintain and strengthen a strong monitoring and assessment program of our ocean waters to protect the public who recreate in those waters at beaches all over the country.

Background of New Jersey's Ocean Water Quality Monitoring Program

The New Jersey shoreline and beaches are a national treasure. From an economic viewpoint alone, the Jersey Shore generates an estimated $36 billion in tourism-related revenues. Our shore and beaches are intrinsic components of the quality of life we enjoy in my state and throughout the region. Environmentally, the shore area is a vibrant ecosystem that is home to a diverse array of species.

I am sure that many of the members here can make similar statements about the beaches and coastal areas in their respective states. It is therefore important that the "Beaches Environmental Assessment and Coastal Health (BEACH) Act of 2000" be reauthorized and strengthened to continue to protect the water quality of these areas and the people who use them.

New Jersey has a long history of protecting its ocean bathers. In fact, our beach monitoring program, which began more than 30 years ago, was the model for the original BEACH Act. New Jersey's Cooperative Coastal Monitoring Program (CCMP) is a strong working partnership between the State and 10 county and local environmental health agencies. Local health agencies collect water samples routinely on Mondays and throughout the week as necessary. After performing analyses to determine enterococci concentrations at 188 ocean and 76 bay monitoring stations, the CCMP enables local health agencies to respond to immediate public health concerns arising from contamination in coastal recreational areas.

The majority of New Jersey's beachgoers have never seen a "Beach Closed" sign. However, if water quality standards are exceeded and a beach needs to be closed, local beach managers are notified and signs and red flags are immediately posted at the affected beach. "Beach Closed" notifications are posted on the NJDEP web site and 800 phone line almost immediately. Every state should have the resources necessary to develop the same type of notification system.

At the few beaches in New Jersey where repeated closures are sometimes necessary, sanitary surveys of beach areas are performed and concentrations of bacteria in nearshore waters are monitored. The local agencies then work closely with State agencies to investigate sources of water pollution. The protocols followed under the CCMP allow us to respond quickly to identify what may be the source of

the immediate public health concern.

The State of New Jersey has adopted EPA recommended water quality criteria for bathing waters. Prior to 2004, the primary contact standard was 200 fecal coliforms per 100 mL of sample. Studies performed by EPA determined that enterococci bacteria have a greater correlation with swimming-associated gastrointestinal illness in both marine and fresh waters than other bacterial indicator organisms. In 2004, the New Jersey State Sanitary Code, promulgated by the New Jersey State Department of Health and Senior Services, was amended and the primary contact standard changed to 104 enterococci per 100 mL of sample for marine waters as required by the BEACH Act.

In addition to the bacterial water quality monitoring of bathing beaches, NJDEP also uses its plane or helicopter to fly the coast six days a week to identify other threats to bathing beach water quality, such as floatable debris, algae blooms and other problems that can be observed from the air. This surveillance enables the routine evaluation of coastal water quality and the assessment of the nature and extent of public reports of ocean pollution. I believe that New Jersey may be unique in this capability and we feel this is a critical component to protect our beaches and the public's health.

Sources of floatables that have affected the state's coastal shores include stormwater outfalls, combined sewer overflows, operational landfills, and illegal dumping. In 2007, NJDEP installed sensors on its aircraft to allow for remote sensing of the intensity and extent of algal blooms in the nearshore ocean waters. This gives the Department the ability to better identify blooms that may affect bathing beach quality.

Partial funding for the state program has come from the United States Environmental Protection Agency BEACH Act grants. BEACH grants were awarded to New Jersey in the years 2001 through 2007. Approximately 80 percent of BEACH grant funds are passed through to the county health departments for sampling and laboratory analysis.

BEACH Act Reauthorization

There are several key aspects of this proposed legislation sponsored by Congressman Pallone and Senator Lautenberg that make it important to New Jersey as well as the nation.

Enhanced funding – We strongly support the reauthorization of this Act, the increase in needed funding, and the full appropriation of the authorized amount. Increased Federal funding will greatly assist New Jersey, along with all of the coastal states and territories, to continue to maintain and improve beach monitoring, notification programs, and beach water quality.

Improvement in tracking pollution sources – The reauthorized BEACH Act also enhances tracking the sources of coastal water pollution. New Jersey believes that the best way to protect public health is to identify the pollution source(s) causing the beach closures and to address those sources. We have been limited in this regard because of the inability to use funds under the existing Beach Act for source tracking. NJDEP has successfully applied microbial source tracking techniques, such as coliphage, multiple antibiotic resistance testing and optical brighteners, at several locations around the State, including a limited number of recreational beaches.

We are very pleased to see that the proposed revisions to the Beach Act would provide states the resources to expand the use of microbial source tracking to improve beach water quality. Without full funding of these new revisions to the Beach Act source tracking activities will remain very limited, as

well as the potential to improve coastal bathing beach water quality.

Development of rapid test methods – In order to further improve timeliness of notification, new test methods will be needed. New Jersey is pleased to see that the proposed revisions to the BEACH Act would strongly encourage USEPA to develop accurate, rapid test methods to determine coastal bathing beach water quality. These new methods, when sanctioned by EPA, should lead to same-day notification of poor water quality conditions at recreational bathing beaches.

NJDEP fully supports development of these new rapid methods. In fact, this summer, NJDEP continues its proactive approach to beach monitoring by working with USEPA to evaluate a rapid method for measuring enterococcus bacteria in marine waters. In addition, NJDEP is also planning to use 2008 BEACH Grant funds to purchase equipment to allow the Department to begin additional evaluation of the rapid test method for sampling recreational waters.

Timely public notification – While the proposed legislation requires notification within 24 hours of data availability, New Jersey currently provides the timeliest notification possible within the EPA accepted laboratory methodology. Results are posted on the Internet at www.njbeaches.org and on an 800 phone line in less than an hour of receipt of results from the local government or laboratory. The NJDEP received an EPA grant to create a centralized database that allows for the timely reporting of water quality conditions at New Jersey's beaches. For this we are grateful. However, the proposed legislation also calls for the establishment of a publicly accessible & searchable Global Information System database. The additional funding provided by this proposed legislation would be necessary for New Jersey to enhance its existing notification system.

Summary & Conclusion

Since 2000, less than one third of authorized Beach Act funds have actually been appropriated nationwide, severely limiting all States' abilities to fully implement effective beach monitoring and notification programs. New Jersey has been fortunate in that we already had an existing strong beach monitoring program. Beach grant funds greatly enhanced what we already had, however, further requirements from this proposed legislation cannot be implemented without full funding. Also, NJDEP strongly supports the reauthorization with full funding so that New Jersey, and all of the other coastal states and territories, can continue to maintain and improve beach monitoring and beach water quality.

I thank you again for the opportunity to appear before you today and am available to answer any questions you may have.