**Comments on National Beach Guidance and Performance Criteria for Grants Draft released April 18, 2014**

**EPA-820-D-13-001**

The Surfrider Foundation is a grass roots organization whose mission is the protection and enjoyment of oceans, waves and beaches through a powerful activist network. We operate through a network of over 80 Chapters located across the United States and internationally. Our members are often at the beach and in the water on a daily basis, so we have a real vested interest in making sure that our beaches are clean and that water quality information is readily available to warn the public when water conditions could pose a health risk.

We appreciate the opportunity to comment on the draft National Beach Guidance and Performance Criteria for Grants, released by the Environmental Protection Agency (EPA) on April 18, 2014. The biggest change from Surfrider’s perspective that this new draft guidance proposes is the mandatory use of a Beach Action Value (BAV) to trigger state public notification procedures at beaches. When the revised water quality criteria recommendations for recreational waters were released in November 2012, we were disappointed that the single sample maximum (now referred to as a statistical threshold value, or STV) for indicator bacteria increased from 104 cfu Enterococcus per 100 ml seawater to 110 or 130 cfu Enterococcus per 100 ml seawater. This change would essentially allow more pollution to be present at the beach before the public is even aware of any potential problems or health risk.

We recognize and appreciate that providing warning of elevated bacteria levels at 60 or 70 cfu Enterococcus would serve to compensate for the increase in STV and would allow members of the public who might be more susceptible to water-borne illnesses to make better informed decisions on whether they should go into the water or not. Although Surfrider supports the option of using BAVs for public notification purposes, we are concerned that the language in the draft guidance that requires states to use a BAV for public notification purposes in order to remain eligible for their EPA Beach Grant may have unintended adverse consequences. Specifically, our discussions with beach managers in several states have indicated that if they were to use a BAV of 60 cfu for public notification rather than 104 cfu, their number of beach postings and/or closures may increase 30-60%. Although this would result in greater protection of public health, it would occur at the expense of reduced beneficial use and access to beaches and the ocean, which is also of concern to our members.

Another potential adverse consequence of mandatory use of BAVs for public notification is the cost of subsequent testing necessary to un-post or reopen a beach. If the use of BAVs results in a substantial increase in these “re-tests” and there is assumedly no increase in funding to support increased testing, states may be forced to reduce the number of beaches that are routinely monitored and/or reduce beach monitoring frequency to compensate. Either of these unintended consequences would result in less water quality information available for public health protection.

We also suspect that some states might find these new requirements more onerous than others. For instance, the 2012 revised water quality criteria will require the State of Oregon to adopt bacteria standards that are protective of a primary recreation use at their beaches for the first time, reducing their allowable level of Enterococcus from 158 cfu to 110 or 130. If they are further required to use a BAV of 60 cfu, it would result in a cumulative decrease of 62% in their notification limits.

The states and coastal counties that issue beach closures rather than swimming advisories when bacteria standards are exceeded would also likely experience more of an economic impact from loss of beneficial beach use.

For these reasons, Surfrider does not believe that mandatory use of BAVs as a condition of receiving BEACH Act grants is warranted and appropriate at this time. We suggest that EPA encourage the use of BAVs and perhaps work with interested states to implement pilot programs to evaluate the effectiveness and cost impacts of BAV use. States that currently use EPA criteria to close beaches should at least be given some time to revise their public notification programs and state regulations to utilize BAVs to trigger swimming advisories, keeping the STV as a trigger for beach closures. EPA should consult with these states to see if this is of interest and to determine a reasonable implementation schedule.

The Surfrider Foundation would also like to comment on one additional aspect of this new draft guidance. We are pleased that EPA will now allow states to place more of an emphasis on developing and using predictive water quality models for public notification purposes at beaches. In many locations, modeling holds more promise than qPCR and other developing rapid methods, to provide cost-effective, real-time health protection for beach-goers.

In conclusion, the Surfrider Foundation is generally supportive of the draft National Beach Guidance and Performance Criteria for Grants, but we are also acutely aware of the need to keep the EPA Beach Grants Program funded, as the annual beach grants are the only tool that EPA has to enforce state compliance with the 2012 recreational water quality criteria and this guidance document.

Surfrider recommends that the EPA finalize this Guidance after removing the requirement for mandatory use of BAVs and recommit to prioritizing funding for the Beach Grants program in EPA’s annual budget.

Thank you for the opportunity to share these comments.

Sincerely,

Mara Dias

Water Quality Manager

Surfrider Foundation