

clude performance standards, guidelines, guidance, and model management practices and measures and treatment requirements, as appropriate, and as identified in subsection (g)(1).

“(2) INFORMATION TO BE USED IN DEVELOPMENT.—The stormwater discharge criteria to be established under this subsection—

“(A) shall be developed from—

“(i) the findings and conclusions of the demonstration programs and research conducted under subsection (g);

“(ii) the findings and conclusions of the research and monitoring activities of stormwater dischargers performed in compliance with permit requirements of this Act; and

“(iii) other relevant information, including information submitted to the Administrator under the industrial group permit application process in effect under section 402 of this Act;

“(B) shall be developed in consultation with persons with expertise in the management of stormwater (including officials of State and local government, industrial and commercial stormwater dischargers, and public interest groups); and

“(C) shall be established as an element of the water quality standards that are developed and implemented under this Act by not later than December 31, 2008.

“(i) COLLECTION OF INFORMATION.—The Administrator shall collect and make available, through publications and other appropriate means, information pertaining to model management practices and measures and implementation methods, including, but not limited to—

“(1) information concerning the costs and relative efficiencies of model management practices and measures for reducing pollution from stormwater discharges; and

“(2) available data concerning the relationship between water quality and implementation of various management practices to control pollution from stormwater discharges.

“(j) REPORTS OF ADMINISTRATOR.—

“(1) BIENNIAL REPORTS.—Not later than January 1, 1996, and biennially thereafter, the Administrator shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a report for the preceding fiscal year on the activities and programs implemented under this section and the progress made in reducing pollution in the navigable waters resulting from stormwater discharges and improving the quality of such waters.

“(2) CONTENTS.—Each report submitted under paragraph (1), at a minimum shall—

“(A) describe the management programs being implemented by the States by types of affected navigable waters, categories and subcategories of stormwater discharges, and types of measures being implemented;

“(B) describe the experiences of the States in adhering to schedules and implementing the measures under subsection (c);

“(C) describe the amount and purpose of grants awarded pursuant to subsection (g);

“(D) identify, to the extent that information is available, the progress made in reducing pollutant loads and improving water quality in the navigable waters;

“(E) indicate what further actions need to be taken to attain and maintain in those navigable waters (i) applicable water quality standards, and (ii) the goals and requirements of this Act;

“(F) include recommendations of the Administrator concerning future programs (including enforcement programs) for controlling pollution from stormwater; and

“(G) identify the activities and programs of departments, agencies, and instrumental-

ities of the United States that are inconsistent with the municipal stormwater management programs implemented by the States under this section and recommended modifications so that such activities and programs are consistent with and assist the States in implementation of such management programs.

“(k) GUIDANCE ON MODEL STORMWATER MANAGEMENT PRACTICES AND MEASURES.—

“(1) IN GENERAL.—The Administrator, in consultation with appropriate Federal, State, and local departments and agencies, and after providing notice and opportunity for public comment, shall publish guidance to identify model management practices and measures which may be undertaken, at the discretion of the State or appropriate entity, under a management program established pursuant to this section. In preparing such guidance, the Administrator shall consider integration of a municipal stormwater management program of a State with, and the relationship of such program to, the nonpoint source management program of the State under section 319.

“(2) PUBLICATION.—The Administrator shall publish proposed guidance under this subsection not later than 6 months after the date of the enactment of this subsection and shall publish final guidance under this subsection not later than 18 months after such date of enactment. The Administrator shall periodically review and revise the final guidance upon adequate notice and opportunity for public comment at least once every 3 years after its publication.

“(3) MODEL MANAGEMENT PRACTICES AND MEASURES DEFINED.—For the purposes of this subsection, the term “model management practices and measures” means economically achievable measures for the control of pollutants from stormwater discharges which reflect the most cost-effective degree of pollutant reduction achievable through the application of the best available practices, technologies, processes, siting criteria, operating methods, or other alternatives.

“(l) ENFORCEMENT WITH RESPECT TO MUNICIPAL STORMWATER DISCHARGERS VIOLATING STATE MANAGEMENT PROGRAMS.—Municipal stormwater dischargers that do not comply with State management program requirements under subsection (c) are subject to applicable enforcement actions under sections 309 and 505 of this Act.

“(m) ENTRY AND INSPECTION.—In order to carry out the objectives of this section, an authorized representative of a State, upon presentation of his or her credentials, shall have a right of entry to, upon, or through any property at which a stormwater discharge or records required to be maintained under the State municipal stormwater management program are located.

“(n) LIMITATION ON DISCHARGES REGULATED UNDER WATERSHED MANAGEMENT PROGRAM.—Municipal stormwater discharges regulated under section 321 in a manner consistent with this section shall not be subject to this section.”

(b) CONFORMING AMENDMENTS TO INDUSTRIAL STORMWATER DISCHARGE PROGRAM.—Section 402(p) (33 U.S.C 1342(p)) is amended—

(1) in the subsection heading by striking “MUNICIPAL AND”;

(2) in paragraph (1) by striking “1994” and inserting “2001”;

(3) by adding at the end of the paragraph (1) the following: “This subsection does not apply to municipal stormwater discharges which are covered by section 322.”;

(4) in paragraph (2) by striking subparagraphs (C) and (D) and by redesignating subparagraph (E) as subparagraph (C);

(5) in paragraph (3)—

(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading; and

(C) by striking subparagraph (B);

(6) in paragraph (4)—

(A) by striking the heading for subparagraph (A);

(B) by moving the text of subparagraph (A) after the paragraph heading;

(C) by striking “and (2)(C)”;

(D) by striking subparagraph (B);

(7) by striking paragraph (5);

(8) by redesignating paragraph (6) as paragraph (5); and

(9) in paragraph (5) as so redesignated—

(A) by striking “1993” and inserting “2000”; and

(B) by inserting after “paragraph (2)” the following: “and other than municipal stormwater discharges”.

(c) DEFINITIONS.—Section 502 (33 U.S.C. 1362) is amended by adding at the end the following:

“(25) The term ‘stormwater’ means runoff from rain, snow melt, or any other precipitation-generated surface runoff.

“(26) The term ‘stormwater discharge’ means a discharge from any conveyance which is used for the collecting and conveying of stormwater to navigable waters and which is associated with a municipal storm sewer system or industrial, commercial, oil, gas, or mining activities or construction activities.”

It was decided in the

{	Yeas	159
	Nays	258

¶64.8 [Roll No. 316] AYES—159

Abercrombie	Gutierrez	Olver
Ackerman	Hamilton	Owens
Andrews	Harman	Pallone
Baesler	Hastings (FL)	Pastor
Barrett (WI)	Hefner	Payne (NJ)
Becerra	Hinchey	Pelosi
Beilenson	Holden	Peterson (MN)
Bentsen	Hoyer	Pomeroy
Berman	Jackson-Lee	Rahall
Boehlert	Jacobs	Reed
Bonior	Jefferson	Reynolds
Borski	Johnson (CT)	Richardson
Boucher	Johnson, E. B.	Rivers
Brown (CA)	Johnston	Roemer
Brown (OH)	Kanjorski	Ros-Lehtinen
Bryant (TX)	Kaptur	Roybal-Allard
Cardin	Kennedy (MA)	Rush
Clay	Kennedy (RI)	Sabo
Clayton	Kennelly	Sanders
Clyburn	Kildee	Sawyer
Collins (MI)	Klecza	Schroeder
Conyers	Klink	Schumer
Coyne	LaFalce	Scott
Deal	Lantos	Serrano
DeFazio	Levin	Shays
DeLauro	Lewis (GA)	Skaggs
Dellums	Lipinski	Slaughter
Deutsch	Lofgren	Stark
Dicks	Lowe	Stokes
Dingell	Luther	Studds
Dixon	Maloney	Stupak
Doggett	Manton	Thompson
Durbin	Markey	Thurman
Engel	Martinez	Torres
Eshoo	Mascara	Torricelli
Evans	Matsui	Tucker
Farr	McCarthy	Velazquez
Fattah	McDermott	Vento
Fazio	McHale	Visclosky
Fields (LA)	McKinney	Volkmer
Filner	Meek	Walsh
Flake	Menendez	Ward
Foglietta	Mfume	Waters
Forbes	Miller (CA)	Watt (NC)
Ford	Mineta	Waxman
Frost	Minge	Williams
Furse	Mink	Wilson
Gejdenson	Moran	Wise
Gephardt	Morella	Woolsey
Gibbons	Nadler	Wyden
Gilchrest	Neal	Wynn
Gilman	Oberstar	Yates
Green	Obey	Zimmer
	NOES—258	
Allard	Bachus	Ballenger
Archer	Baker (CA)	Barcia
Arney	Baker (LA)	Barr

Barrett (NE)	Gallegly	Nethercutt
Bartlett	Ganske	Neumann
Barton	Gekas	Ney
Bass	Geren	Norwood
Bateman	Gillmor	Nussle
Bereuter	Gonzalez	Ortiz
Bevill	Goodlatte	Orton
Bilbray	Goodling	Oxley
Bilirakis	Gordon	Packard
Bishop	Goss	Parker
Bliley	Graham	Paxon
Blute	Greenwood	Payne (VA)
Boehner	Gunderson	Petri
Bonilla	Gutknecht	Pickett
Brewster	Hall (TX)	Pombo
Browder	Hancock	Porter
Brownback	Hansen	Portman
Bryant (TN)	Hastert	Poshard
Bunn	Hastings (WA)	Pryce
Bunning	Hayes	Quillen
Burr	Hayworth	Quinn
Burton	Hefley	Radanovich
Buyer	Heineman	Ramstad
Callahan	Herger	Regula
Calvert	Hilleary	Riggs
Camp	Hilliard	Roberts
Canady	Hobson	Rohrabacher
Castle	Hoekstra	Rose
Chabot	Hoke	Roth
Chambliss	Horn	Roukema
Chapman	Hostettler	Royce
Chenoweth	Houghton	Salmon
Christensen	Hunter	Sanford
Chrysler	Hutchinson	Saxton
Clement	Hyde	Scarborough
Clinger	Inglis	Schaefer
Coble	Istook	Schiff
Coburn	Johnson (SD)	Seastrand
Coleman	Johnson, Sam	Sensenbrenner
Combust	Jones	Shadegg
Condit	Kasich	Shaw
Cooley	Kelly	Shuster
Costello	Kim	Sisisky
Cox	King	Skeen
Cramer	Kingston	Skelton
Crane	Klug	Smith (NJ)
Crapo	Knollenberg	Smith (TX)
Creameans	Kolbe	Smith (WA)
Cubin	LaHood	Solomon
Cunningham	Largent	Souder
Danner	Latham	Spence
Davis	LaTourette	Spratt
de la Garza	Laughlin	Stearns
DeLay	Lazio	Stenholm
Diaz-Balart	Leach	Stockman
Dickey	Lewis (CA)	Stump
Dooley	Lewis (KY)	Talent
Doolittle	Lightfoot	Tanner
Dornan	Lincoln	Tate
Doyle	Linder	Tauzin
Dreier	Livingston	Taylor (MS)
Duncan	LoBiondo	Taylor (NC)
Dunn	Longley	Tejeda
Edwards	Lucas	Thomas
Ehlers	Manzullo	Thornberry
Ehrlich	Martini	Thornton
Emerson	McCollum	Tiahrt
English	McCrery	Traficant
Ensign	McDade	Upton
Everett	McHugh	Vucanovich
Ewing	McInnis	Waldholtz
Fawell	McIntosh	Walker
Fields (TX)	McKeon	Wamp
Flanagan	Meehan	Watts (OK)
Foley	Meyers	Weldon (FL)
Fowler	Mica	Weldon (PA)
Fox	Miller (FL)	Weller
Frank (MA)	Molinari	White
Franks (CT)	Mollohan	Wicker
Franks (NJ)	Montgomery	Wolf
Frelinghuysen	Moorhead	Young (AK)
Frisa	Myers	Young (FL)
Funderburk	Myrick	Zeliff

NOT VOTING—17

Baldacci	McNulty	Rogers
Bono	Metcalf	Smith (MI)
Brown (FL)	Moakley	Torkildsen
Collins (GA)	Murtha	Towns
Collins (IL)	Peterson (FL)	Whitfield
Hall (OH)	Rangel	

So the amendment was not agreed to.

After some further time,

¶64.9 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the

Whole on the following amendment submitted by Mr. PALLONE:

Page 72, strike line 20 and all that follows through line 18 on page 73 and insert the following:

(b) BEACHES ENVIRONMENTAL ASSESSMENT, CLOSURE, AND HEALTH.—

(1) WATER QUALITY CRITERIA AND STANDARDS.—

(A) ISSUANCE OF CRITERIA.—Section 304(a) (33 U.S.C. 1314(a)) is further amended by adding at the end the following:

“(13) COASTAL RECREATION WATERS.—(A) The Administrator, after consultation with appropriate Federal and State agencies and other interested persons, shall issue within 18 months after the effective date of this paragraph (and review and revise from time to time thereafter) water quality criteria for pathogens in coastal recreation waters. Such criteria shall—

“(i) be based on the best available scientific information;

“(ii) be sufficient to protect public health and safety in case of any reasonably anticipated exposure to pollutants as a result of swimming, bathing, or other body contact activities; and

“(iii) include specific numeric criteria calculated to reflect public health risks from short-term increases in pathogens in coastal recreation waters resulting from rainfall, malfunctions of wastewater treatment works, and other causes.

“(B) For purposes of this paragraph, the term ‘coastal recreation waters’ means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar primary contact purposes.”

(B) STANDARDS.—

(i) ADOPTION BY STATES.—A State shall adopt water quality standards for coastal recreation waters which, at a minimum, are consistent with the criteria published by the Administrator under section 304(a)(13) of the Federal Water Pollution Control Act not later than 3 years following the date of such publication. Such water quality standards shall be developed in accordance with the requirements of section 303(c) of the Federal Water Pollution Control Act. A State shall incorporate such standards into all appropriate programs into which such State would incorporate water quality standards adopted under section 303(c) of the Federal Water Pollution Control Act.

(ii) FAILURE OF STATES TO ADOPT.—If a State has not complied with subparagraph (A) by the last day of the 3-year period beginning on the date of publication of criteria under section 304(a)(13) of the Federal Water Pollution Control Act, the Administrator shall promulgate water quality standards for coastal recreation waters for the State under applicable provisions of section 303 of the Federal Water Pollution Control Act. The water quality standards for coastal recreation waters shall be consistent with the criteria published by the Administrator under such section 304(a)(13). The State shall use the standards issued by the Administrator in implementing all programs for which water quality standards for coastal recreation waters are used.

(2) COASTAL BEACH WATER QUALITY MONITORING.—Title IV (33 U.S.C. 1341-1345) is amended by adding at the end thereof the following new section:

“SEC. 406. COASTAL BEACH WATER QUALITY MONITORING.

“(a) MONITORING.—Not later than 9 months after the date on which the Administrator publishes revised water quality criteria for coastal recreation waters under section 304(a)(13), the Administrator shall publish regulations specifying methods to be used by States to monitor coastal recreation waters,

during periods of use by the public, for compliance with applicable water quality standards for those waters and protection of the public safety. Monitoring requirements established pursuant to this subsection shall, at a minimum—

“(1) specify the frequency of monitoring based on the periods of recreational use of such waters;

“(2) specify the frequency of monitoring based on the extent and degree of use during such periods;

“(3) specify the frequency of monitoring based on the proximity of coastal recreation waters to pollution sources;

“(4) specify methods for detecting short-term increases in pathogens in coastal recreation waters;

“(5) specify the conditions and procedures under which discrete areas of coastal recreation waters may be exempted by the Administrator from the monitoring requirements of this subsection, if the Administrator determines that an exemption will not impair—

“(A) compliance with the applicable water quality standards for those waters; and

“(B) protection of the public safety; and

“(6) require, if the State has an approved coastal zone management program under section 306 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455), that each coastal zone management agency of the State provide technical assistance to local governments within the State for ensuring that coastal recreation waters and beaches are as free as possible from floatable materials.

“(b) NOTIFICATION REQUIREMENTS.—Regulations published pursuant to subsection (a) shall require States to notify local governments and the public of violations of applicable water quality standards for State coastal recreation waters. Notification pursuant to this subsection shall include, at a minimum—

“(1) prompt communication of the occurrence, nature, and extent of such a violation, to a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which a violation is identified; and

“(2) posting of signs, for the period during which the violation continues, sufficient to give notice to the public of a violation of an applicable water quality standard for such waters and the potential risks associated with body contact recreation in such waters.

“(c) FLOATABLE MATERIALS MONITORING PROCEDURES.—The Administrator shall—

“(1) issue guidance on uniform assessment and monitoring procedures for floatable materials in coastal recreation waters; and

“(2) specify the conditions under which the presence of floatable material shall constitute a threat to public health and safety.

“(d) DELEGATION OF RESPONSIBILITY.—A State may delegate responsibility for monitoring and posting of coastal recreation waters pursuant to this section to local government authorities.

“(e) REVIEW AND REVISION OF REGULATIONS.—The Administrator shall review and revise regulations published pursuant to this section periodically.

“(f) DEFINITIONS.—For the purposes of this section—

“(1) the term ‘coastal recreation waters’ means Great Lakes and marine coastal waters commonly used by the public for swimming, bathing, or other similar body contact purposes; and

“(2) the term ‘floatable materials’ means any matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood, bottles, and paper products.”

(3) STUDY TO IDENTIFY INDICATORS OF HUMAN-SPECIFIC PATHOGENS IN COASTAL RECREATION WATERS.—