

# NATIONAL BEACH GUIDANCE AND REQUIRED PERFORMANCE CRITERIA FOR GRANTS, 2014 EDITION

EPA's Response to Comments Received on the April 2014 Draft



JULY 2014

Comment #	Commentor	Cited Section	Keyword	Comment	Response
1-01.1	Maryland Department of the Environment (MDE)		RWQC	Current criteria as protective as 2012 criteria as it is applied in Maryland.	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.
1-01.2	MDE	1.1.1	Sanitary surveys	Maryland has used sanitary surveys and required beach managers to use sanitary surveys since 2000 and at most beaches since prior to adoption of the 1986 RWQC. Maryland supports the encouraged use of this effective tool since it can be used to mitigate and eliminate pollution sources impacting beach water quality.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.3	MDE	1.1.1	Modeling	Predictive models have not worked in Maryland – for several years, MDE worked with NOAA to develop a predictive model, however it was unsuccessful because our waters are too “clean”. There are very few excursions of the Single Sample Maximum or Geometric mean.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.4	MDE	1.1.1	Public Notification	Maryland has already improved notifications. This summer, MDE is launching a Beach Application for smart phone users.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.5	MDE	1.1.1	Methods	In Maryland there is no case to be made for rapid, real time data since our beaches have few or no excursions. Extended advisories (more than a couple days) are mostly due to staff resources and not being able to return frequently for additional samples.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.6	MDE	1.1.1	Methods	Maryland has ALWAYS emphasized mitigating pollution sources impacting beach water quality as the BEST tool for protecting public health-additional and more rapid testing does not improve water quality or protect public health.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.7	MDE	1.1.1	RWQC	EPA’s “large scale epidemiological studies” have never linked illness DIRECTLY to water contact, rather have relied on interview surveys of beach goers; EPA’s FIB relationship to illness was mostly tested and had the best fit at beaches impacted by point sources or storm water outfalls from combined sewers. Use of the BAV should not be applicable in Maryland where significant resources have gone into preventing untreated sewage from reaching our beaches and waterways in the first place (i.e.; 24-hour holding, back-up power, system redundancy at sewage treatment plants and sewage pumping stations).	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.

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1-01.8	MDE	1.1.1	Data	BEACON provides repetitive and often incorrect data. Maryland has the same information via www.marylandhealthybeaches.com; BEACON assumes that an excursion equates to a pollution source, and does not account for the extreme variability of FIB in the absence of a pollution source. Is wildlife considered a “pollution source”? Currently Maryland applies the same “weight” to beach monitoring results regardless of the fecal source and also recognizes that excursions cannot always be linked to a pollution source that can be “corrected”. It is frustrating that discussions surrounding the use of FIB tend to disregard assumptions and short comings of enterococcus and E. coli as indicators.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants.
1-01.9	MDE	1.3	RWQC	Monitoring results for FIB is a presence absence test and does not provide data related to the amount of feces present or “degree” of contamination or the source of the contamination. In addition, there is an assumption that FIB is distributed evenly. Does EPA have data to support this? The numerical criteria are related to illness rate to swimmers in sewage contaminated waters!	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.
1-01.10	MDE		RWQC	This section suggests that the 2012 criteria were largely influenced by the use of qPCR from only two beaches/beaches impacted by treated sewage. No information was provided on the type of treatment related to disinfected sewage or type of disinfection, other than secondary treatment. More studies are needed to show how the level of sewage treatment effects pathogen and virus removal. Use of qPCR measures viable and non-viable FIB. These studies do not help to inform or make a case for Maryland to adopt the 2012 criteria since Maryland’s sewage treatment facilities have at least secondary treatment, no beaches are impacted by treatment plant outfalls, and any plants greater than .5 MGD have enhanced treatment, which include sand filters and UV disinfection greatly reducing the risk of viral survival in the effluent.	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.
1-01.11	MDE	1.5.1	RWQC	This section states that the 2012 criteria offer similar protection as the 1986 criteria. In Maryland, our data show that the public health protection is the same. Maryland’s current criteria provide for the protection of the recreational use. Furthermore, since the SSM is applied at only two confidence levels, the current criteria offer the same protection as the 2012 criteria.	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.



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1-01.12	MDE	1.5.1	BAV	<p>The BAV is an extension of a statistical value and is ASSUMED to provide additional protection, not based on scientific studies, but based on statistics. Since the BAV is an optional, precautionary, conservative, do-not-exceed value, and is not component of the recommended criteria, it should not be a grant requirement. This cannot be explained to the public since there is no scientific evidence to show that the public is not as protected using the current criteria</p>	<p>The 2012 RWQC document discusses EPA's water quality criteria recommendations for all recreational waters. The beach guidance, however, contains requirements that are applicable only to coastal recreation waters in states and tribes receiving beach grants as well as recommendations applicable to all waters. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. In order to provide flexibility to states and tribes, EPA decided not to require immediate use of a specific beach threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.</p> <p>EPA may attach conditions to grants so long as those conditions reasonably further the purpose of the authorizing statute. See <i>Shanty Town Associates Ltd. Partnership v. EPA</i>, 843 F.2d 782 (4th Cir. 1988). EPA's requirement that BEACH grant recipients submit a schedule for the adoption of new or revised water quality standards furthers the purpose of CWA Section 303(i)(1)(B), which directs States with coastal recreation waters to adopt and submit to EPA new or revised water quality standards for those waters for all pathogens and pathogen indicators to which EPA's 2012 RWQC are applicable. See 33 U.S.C. 1313(i)(1)(B). EPA's requirement that grant recipients use a beach notification value is directly based on the BEACH Act's purpose of providing for "the prompt notification of the public ... of any exceeding or likely exceeding applicable water quality standards for coastal recreation waters." See 33 U.S.C. § 1346 (a)(1)(B), (b)(1).</p>

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1-01.13	MDE	1.5.1	BAV	Since Maryland already does sanitary surveys annually at all beaches and any sources observed are mitigated immediately, use of the BAV could not possibly provide additional public health protection since, in Maryland, we maximize our current resources to eliminate pollution. Use of BAV in Maryland would only fuel public frustration over an exceedance where no human or animal source of pollution exists. The Chesapeake Bay is a shallow and wind driven system. Sediments re-suspended by wind and waves can cause elevated bacteria levels not associated with potential or actual pathogens (Page 9 lines 16-24). Maryland's use of the current criteria is already precautionary, conservative, and provides a do-not-exceed value that the public understands.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.14	MDE	1.5.1	BAV	The only basis for the requirement to use the BAV is consistency which is already achieved using the current criteria or choosing STV in the 2012 criteria. No data was provided to show if and by how much additional protection use of the BAV provides, nor was the BAV a consideration in the draft criteria document, but was added to the final criteria document.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.15	MDE	1.5.1	BAV	Having a consistent trigger implies that the United States has consistent water conditions. This is not true—some states struggle with waters impacted by human waste while others need criteria suitable for storm water/non-point source impacted waters. Instead of lowering the threshold across the nation using a criteria that isn't appropriate for waters not impacted with human waste, EPA should 1) place more emphasis on sanitary surveys in order to prevent contamination and exposure to the public, and 2) develop a criteria that is appropriate for non-point source impacted waters.	(1) EPA recognizes the importance of sanitary surveys in identifying sources impacting beaches and has placed particular emphasis on this tool in the 2012 RWQC document (see section 6.1.1) and in the Beach Guidance (see Section 3.4.1). (2) In the 2012 RWQC, EPA provides states with the flexibility to develop alternative or site-specific criteria to reflect local environmental conditions and human exposure patterns (see Section 6.2 in EPA-820-F-12-058, Recreational Water Quality Criteria).
1-01.16	MDE	1.5.1	Methods	Since no Maryland beaches are contaminated by sewage, untreated or otherwise, use of qPCR and rapid notification does not provide additional public health protection to swimmers in Maryland.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-01.17	MDE	1.5.2	BAV	A requirement that states accepting the Beach Grant money MUST use the BAV negates any opportunities to use alternative fecal indicators or methods, including development of site specific thresholds utilizing QMRA for making beach management decisions.	Use of the BAV does not preclude the use of other tools discussed in the criteria document. States still have the flexibility to develop alternative or site-specific criteria for waters in their states. See section 6.2 in the 2012 Recreational Water Quality Criteria document for additional information and guidance.

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1-02	North Carolina Department of the Environment and Natural Resources (DENR)	1.2	BAV	The EPA is aware that viruses make up the majority of the recreational waterborne illnesses so it is doubtful that using a bacterial indicator with the more stringent BAV criteria will increase protection of public health. It will just lead to more swimming advisories and unnecessary public notification.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.1	Delaware Department of Natural Resources and Environmental Control (DNREC)	1.1.1	Sanitary surveys	Delaware implemented beach sanitary surveys into the beach monitoring program prior to 1986 Recreational Water Quality Criteria (RWQC) and the Beaches Environmental Assessment and Coastal Health (BEACH) Act. Delaware has used the beach sanitary survey as an effective tool to mitigate and eliminate pollution sources impacting water quality since the early 1980's.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.2	DNREC	1.1.1	Public Notification	Delaware has maintained state monitoring and notification data and provides the information to the public in real time. We have always moved toward improved technologies to better our notifications to the public.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.3	DNREC	1.1.1	Modeling	Predictive models have been unsuccessful at our beaches because our waters are too "clean".	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.4	DNREC	1.1.1	Monitoring	Delaware beach monitoring program has emphasized mitigating pollution sources impacting beach water quality as the best tool we have for protecting public health.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.5	DNREC	1.1.1	Monitoring	The Environmental Protection Agency's (EPA's) epidemiological studies have all occurred in water impacted by point sources or storm water outfalls from combined sewers. The large epidemiological studies relied on interview surveys of beach goers, not actual linked illness to direct water contact. The fecal indicator bacteria (FIB) relationship to illness was mostly tested in sewage impacted waters and would be a better fit for use in impaired waters. In Delaware funding to improve and increase technology in publicly owned treatment works (POTWs) has prevented untreated sewage from reaching our beaches and waterways. With sewage treatment systems that have back-up power, 24 hour holding and many system redundancies to prevent problems during weather related episodic events and infrastructure failures. All outfalls are monitored by a variety of state and local entities on daily, weekly and monthly intervals to meet the Clean Water Act.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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1-03.6	DNREC	1.1.1	Data	The Beach Advisory and Closing Online Notification (BEACON) system to meet the BEACH Act requirement for EPA to establish and maintain a publicly available database of pollution occurrences for coastal recreational waters has always been a problem. For a few reasons, this is repetitive since DNREC; Office of Information Technology maintains our website and makes sure the information is accurate. BEACON usually has the wrong names of beaches, duplicate sites and beaches and incorrect data. Trying to correct the problem is actually a bigger problem. We usually just deal with the NRDC staff directly for the report, "Testing the Waters". This has been a really big problem; the information needs to be correct.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.7	DNREC	1.3	Data	Can EPA provide data to support that fecal indicator bacteria are distributed evenly (is this an assumption)? Starting with line 30, the document states, FIB are bacterial groups or species that are naturally found in guts of warm-blooded animals, and therefore excreted in high densities in the feces of warm-blooded animals (including humans). They provide an estimation of the amount of feces (or degree of contamination), and indirectly, the presence of fecal pathogen in the water.	Section 1.3 states that pathogens are often seasonally and geographically distributed and that FIB are naturally occurring in the gut of warm-blooded animals and excreted in high densities. Section 1.3, lines 31-33 makes no mention of FIB being distributed evenly.
1-03.8	DNREC	1.4	RWQC	The Health Concerns section suggest that the 2012 criteria was influenced by the use of quantitative polymerase chain reaction (qPCR) from studies from two beaches impacted by treated sewage. More studies are needed to demonstrate how the level of disinfection affects pathogens and virus removal. In Delaware our sewage treatment facilities have secondary treatment, no beaches are impacted by sewage treatment plant outfalls, and treatment plant facilities greater than 0.5 MGD have enhanced treatment, using sand filtration and UV disinfection, greatly reducing the risk of viral survival in the effluent.	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.
1-03.9	DNREC	1.5	RWQC	Delaware beach monitoring program has shown through data that our public health protection is the same using the 1986 or the 2012 criteria. Delaware's current criteria provide for the protection of primary contact recreational use. Evaluating the application of the single sample maximum (SSM), the current criteria offers the same protection as the 2012 criteria (SSM is applied at only two confidence levels).	This comment pertains to the 2012 recreational water quality criteria and is beyond the scope of this guidance.

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1-03.10	DNREC	1.5	BAV	The beach action value (BAV) is based on statistics and not scientific evidence. The BAV should not be a grant requirement. No data was provided to show how much additional protection BAV provides.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
1-03.11	DNREC	1.5	Sanitary surveys	Delaware conducts beach sanitary survey weekly at all our guarded beaches, using our resources and coordination with the beach towns to eliminate pollution sources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.12	DNREC	1.5	RWQC	Delaware's marine coastal tidal beaches are influenced by winds and re-suspended sediments and this can cause elevated bacteria levels not associated with potential or actual pathogens.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.13	DNREC	1.5	RWQC	We live in a vast country; one size does not fit all. Delaware's coastal marine beaches are not impacted by human waste or improperly treated sewage, we would like the EPA to consider placing emphasis on beach sanitary surveys in order to prevent contamination and exposure to the public and develop a criteria that could be used for non-point source impacted marine waters.	(1) EPA recognizes the importance of sanitary surveys in identifying sources impacting beaches and has placed particular emphasis on this tool in the 2012 RWQC document (see section 6.1.1) and the in the Beach Guidance (see Section 3.4.1). (2) In the 2012 RWQC, EPA provides states with the flexibility to develop alternative or site-specific criteria to reflect local environmental conditions and human exposure patterns (see Section 6.2 in EPA-820-F-12-058, Recreational Water Quality Criteria).
1-03.14	DNREC	1.5	Methods	The use of qPCR and rapid notification does not provide additional public health protection to primary contact recreation users in Delaware, since Delaware beaches are not impacted by sewage, untreated or otherwise.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
1-03.15	DNREC	1.5.2	BAV	The BAV requirement will decrease the use of alternative fecal indicators or methods, including development of site specific thresholds utilizing quantitative microbial risk assessment (QMRA).	Use of the BAV does not preclude the use of other tools discussed in the criteria document. States still have the flexibility to develop alternative or site-specific criteria for waters in their states.



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1-04	<b>Connecticut Department of Public Health</b>	1..1.1	RWQC	The Draft guidance document suggests that grant recipients will be responsible for detecting and assessing levels (concentration) of pathogens causing swimmer illness and the levels (concentration) of pathogen indicators.	See footnote 3 in section 1.3 for an explanation of fecal indicators.
1-05	<b>Natural Resources Defense Council et al.</b>	1.5	BAV	Some language in the draft criteria is unclear and could be interpreted as establishing the BAV requirement only as an interim measure while states and tribes are developing new or revised recreational water quality standards. E.g., on page 12 of the draft , it indicates that it is important to have a nationally consistent trigger for BEACH Act beach notification actions until a state or tribe adopts EPA's new or revised water quality criteria. However, section 4.7.2 provides appropriate clarity that a BAV still must be used in order to receive federal funding even after a state standard is developed. The language on page 12 should be clarified to reflect that it is only the health risk level for the BAV that may vary based on the state-adpoted standards, and that use of one of the BAVs is still required for federal funding.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
1-06	<b>Connecticut Department of Energy and Environmental Protection (CT DEEP)</b>		BAV	The BAV requirement listed on page 12 is inconsistent with the State of Connecticut Guidelines for Monitoring Bathing Water and Closure Protocol (Beach Protocols) developed jointly by CT DEEP and the Connecticut Department of Public Health. While the Beach Protocols recommend evaluating the single sample exceedance criterion and the geometric mean criterion, beach closures are generally made based on the single sample exceedance criterion.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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2-01	Maryland Department of the Environment	2.2-2.2.10	Performance Criteria	Maryland already meets the 10 performance criterion in Table 2-1 on page 18.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-02	State of Washington	2.2.2	Tiering	Three new considerations are added to the basis for developing the tiered monitoring plan. Does this mean each BEACH program must develop another tiered monitoring program?	A new tiered monitoring program does not need to be developed but should be periodically revisited if there are changes to the program.
2-03	Delaware Department of Natural Resources and Environmental Control	2.2	Performance Criteria	Delaware's Recreational Water Program meets the 10 performance criterion in Table 2-1.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-04.1	Connecticut Department of Public Health (CT DPH)	2.0	Performance Criteria	CT DPH concludes that the Draft guidance and performance criteria will require a significant staffing commitment for Connecticut - up from one man-year per grant (or 12 man-months) to 3.8 man-years (or 46 man-months) per grant. CT DPH anticipates an increase in administrative overhead for US EPA Region 1.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-04.2	CT DPH	2.0	Performance Criteria	CT DPH anticipates significant challenges associated with implementing a Beach Grant that is bound by the requirements and performance criteria proposed in the Draft guidance and performance criteria document. Perhaps most notably, the Draft requirements and performance criteria are not scalable to accommodate future uncertain grant funding levels. For instance, nowhere in the Draft guidance and performance criteria document is there provision for calibrating these requirements and criteria to keep them in line with funding.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-04.3	CT DPH	2.0	Resources	The draft guidance document states that grants will be awarded on the basis of supplied documentation that will require significant work in advance of submitting a grant application. The draft guidance and performance criteria fails to account or allow for the staffing resources and funding needed to develop this required documentation.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-04.4	CT DPH	2.0	RWQC	Currently states assess the concentration of indicator bacteria, not because it indicates the level (concentration) of pathogens causing swimmer illness but because the concentration of indicator bacteria has been shown by USEPA to associate with risk of swimmer illness.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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2-04.5	CT DPH	2.1	RWQC	States are not likely to be in position to assess the concentration of pathogens or even pathogen indicators in natural recreational waters, for obvious reasons that include the technical difficulty of sampling for, culturing and enumerating pathogens associated with swimmer illness.	See footnote 3 in section 1.3 for an explanation of fecal indicators.
2-04.6	CT DPH	2.0	Grants	The success of Connecticut's Beach Grant program is based on a collaborative effort between the CT DPH, shoreline health departments and the Connecticut Department of Energy and Environmental Protection (CT DEEP). If the CT DPH accepts a Beach Grant award under the terms and conditions set out in the draft guidance and performance criteria document, both CT DEEP and shoreline health departments will be bound by these terms and conditions. Given existing jurisdictional and organizational boundaries, and in light of anticipated funding and changes to the terms and conditions as stated in the draft guidance and performance criteria documents, the CT DPH collaborative approach to marine beach monitoring may be irreparably changed.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
2-05	<b>New York City Department of Health and Mental Hygiene (NYC Health)</b>	2.2.10	Grants	EPA does not sufficiently define what qualifies as a "program change" that would trigger evaluation in section 2.2.10. Additionally, NYC Health suggests either reevaluating the role or adjusting available grant funds to account for the burden of public evaluation of beach monitoring and notification program. The current and proposed grant funding amount is not sufficient to include full public evaluation of all beach program changes within the scope of the program.	Based on EPA's review of public comments, EPA clarified that a "significant" change triggers an evaluation.

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3-01.1	Connecticut Department of Public Health (CT DPH)		Prioritize beaches	The Draft guidance states that grant recipients must prioritize how they will spend their funding - partly by deciding which beaches to monitor and which beaches to not monitor. Local health departments and municipalities are likely to object to this approach based on public health concerns.	This guidance updated the priority-setting process required by CWA section 406(b)(2)(A)(2) but did not fundamentally change it.
3-02.1	Delaware Department of Natural Resources and Environmental Control (DNREC)		Performance criteria	Delaware already meets the requirements in Table 3-1.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
3-02.2	DNREC		Sanitary Survey	Delaware's Recreational Water Program uses the beach sanitary survey tool and has achieved this process at all beaches including those not funded under the BEACH Act and has developed a List of Beaches. Our beach sanitary survey work has an added benefit of knowing the history of the beaches that are enjoyed by the public in Delaware.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document. EPA supports the continued use of sanitary surveys.
3-03.1	Florida Department of Health (FL DOH)	3.3	Monitoring	3.3- Request clarification. Is there a limit to beach length? If we sample at the central access to a 10 mile stretch of uninterrupted sandy, accessible coastline, is there a federal definition of what part of that beach would be included in any notification actions issued based on that one sample? Our grant allows for only 240 monitored sites for over 800 miles of coastline.	See section 4.3.2.1.4 for suggestions.
3-03.2	FL DOH	3.4.1	Prioritize beaches	Request clarification. What is the meaning of the word "potential"? Based upon recently available news reports, elephants could be a potential source of pollution in some Florida waters. Could you provide a definition of what level of potential should be considered when determining potential sources of fecal pollution? It appears that EPA is moving towards asking states to expend many times the number of dollars on source and risk determination work just to be able to determine where to spend thousands of dollars on monitoring.	Section 3.4.1 includes updated references and information that might help grantees identify likely sources of human health risk due to fecal pollution and structure their beach program accordingly. Other new information about relative risk is in the sanitary survey user guide and EPA's recreational criteria regarding developing site-specific water quality standards. However, the level of effort should still be in proportion to likely risks and available resources from federal and state sources.
3-03.3	FL DOH	3.4.1.1.1	Sanitary surveys	While beneficial, the initial and routine sanitary surveys would add additional personnel costs that would be impossible to absorb without additional funding, or without reducing monitoring.	Other states have used sanitary surveys, and the 'routine' sanitary survey in particular, to provide important information in a cost effective manner. It is one part of a tiered approach to beach monitoring.
3-03.4	FL DOH	3.5.2	Prioritize beaches	Is there a frame of reference for what EPA considers "high beach usage"? Is it simply a census count daily use average and then relative binning of perhaps 1-100, 101-1000, and 1000+ daily visitors? Recognize that the tourism and public opinion qualifiers tend to overrule these calculations.	Based on a review of the public comments, EPA clarified in section 3.4.2 that there is no national definition of "high usage."

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3-03.5	FL DOH	3.6	Federal Beaches	Clarification requested. If a beach is located on federal property, and therefore subject to the restrictions placed on federal grant money being used on federal property, would it no longer be reported for any BEACH Act purposes, including being used to create the National List of Beaches?	Based on a review of the public comments, EPA added section 3.7 to address federal beaches.
3-04.1	<b>Georgia Department of Natural Resources</b>	Chap 3	Pollution source	Chapter 3 seems to be missing guidance for determining risk from wildlife fecal sources. It is not clear how a sanitary survey that only finds wildlife fecal sources would be useful for assessing risk to human health.	EPA's sanitary surveys, and the associated User Manual, contain more detailed information about identifying fecal sources. Also, EPA plans to publish detailed information about conducting a Quantitative Microbial Risk Assessment (QMRA) as part of its technical support documents for the Recreational Water Quality Criteria.
3-05.1	<b>Hawaii Department of Health (HI DOH)</b>	3.4.1.1.1	Sanitary Survey	Although a sanitary survey can be a major undertaking requiring a great deal of time and resources for most programs, it is a good step to take. This would be a good tool to use to characterize the existing conditions of the watershed and any possible contributory factors that may affect water quality. The information could also be used to review what is working well in a watershed to produce or maintain good water quality. This would be a wealth of information that could be used program wide within the Clean Water Act community.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
3-05.2	HI DOH	3.6	Prioritize beaches	List of beaches, program and non-program. Is the list on non-program beaches a new requirement? Are these beaches required to have lengths and boundaries determined, as well as the other required information for program beaches? I would like more clarification on what a Tier 3 beach is and what a non-program beach is.	The prioritization of beaches is a BEACH Act requirement and is not new to the beach guidance. However, the guidance was updated to clarify that the List of Beaches is an integral part of a state's program, and the basis for EPA's national "List of Beaches." See section 3.6 for an updated discussion of program and nonprogram beaches.
3-05.3	HI DOH	3.6.1 and 3.6.2	Prioritize beaches	The List of Beaches must be a living document as status of beaches changes as more information is gathered or as conditions change. It seems EPA is leaving the word "significant" in to allow states the leeway to decide whether public comment is required. At this level of decision-making, public comment may be problematic. Why? There are numerous groups and individuals that feel the area that they frequent or study should have high priority. They have vested interest in the areas and often have a narrow view of the overall monitoring goals. Soliciting information about areas is a better way to make decisions regarding tiering beaches. The term the "squeaky Wheel" gets the oil should not apply to development of a sampling plan. The state program should have already acquired the necessary information prior to tiering the beaches to make sound informed decisions, all of which is already required to be public information. Soliciting public comment will add another layer of review that will bog down the implementation of the monitoring and waste valuable time and resources.	As reflected in 3.6.2, EPA agrees that the List of Beaches is intended to be a "living document." As explained in 3.6 and Chapter 4, the List is linked to a "tiered" monitoring and notification program so that many factors can be factored into the decisions. Public review is one factor and helps provide transparency to the decisions. Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Section	Keyword	Comment	EPA Response
3-06.1	Natural Resources Defense Council (NRDC) et al.		Prioritize beaches	EPA must include all beaches within the program. In our experience, the welcome changes in the Draft Criteria will apply to too few beaches. In developing ranking and monitoring plans, many if not all states list beaches that are commonly used by the public as outside of the program because of funding deficiencies.	The BEACH Act requires states to prioritize their beaches based on risk and use as well as fiscal constraints. Designating a beach as "closed" or "seasonal" is appropriate in tiering a state's or tribe's beaches.
3-06.2	NRDC et al.		Prioritize beaches	And many states also list beaches as closed that ought not be closed, or list beaches as seasonably closed that are nevertheless used by the public for recreation outside of the recreational season. The Draft Criteria should be amended to prohibit grantees, in developing rankings and monitoring plans, from asserting that certain coastal waters are "closed" to bathers, either by area or season, because they allegedly have no or zero use by the public. This is often a faulty and dangerous assumption. In most instances, there are no physical barriers to a person using a "closed" beach. Except in rare instances (e.g., ongoing construction, the presence of migratory or breeding birds, etc.), beaches are not and cannot be so secured, and therefore it is irrational to assume zero use during periods of "closure"	The prioritization of beaches is a BEACH Act requirement and is not a new requirement. (it was included in the 2002 beach guidance). However, the guidance was updated to clarify that the List of Beaches is an integral part of a state's program, and the basis for EPA's national "List of Beaches."
3-06.3	NRDC et al.		Prioritize beaches	<p>All too frequently beachgoers are not warned about pathogen contamination because the local government does not consider the coastal water open for recreational use. Especially worrisome are non-program beaches, which are neither closed nor monitored. These beaches are not marked as being outside the program and the public is not necessarily informed that the beach is not tested or when pathogen levels at the beach are typically dangerous. At a very minimum, EPA should require states to post signs that a beach is not monitored for water quality safety if it is a non-program beach.</p> <p>All of these uses of "closed" beaches potentially expose bathers to pathogens, and therefore, cannot be ignored in terms of developing rankings and monitoring plans. The assumption that a closed" beach has no users, and therefore the grantee has no BEACH Act obligations with respect to such persons, leaves the very members of the public Congress intended to protect vulnerable to illness from waterborne pathogens. For all of the above reasons, EPA must amend the Draft Criteria to prohibit grantees from asserting the faulty and dangerous assumption that a "closed" beach has zero use.</p>	The BEACH Act requires states to prioritize their beaches based on risk and use as well as fiscal constraints. Designating a beach as "closed" or "seasonal" is appropriate in tiering a state's or tribe's beaches.



Comment #	Commentor	Section	Keyword	Comment	EPA Response
3-06.4	NRDC et al.			In our experience, bathers commonly use coastal recreational waters regardless of whether a lifeguard is on duty or a beach is administratively/nominally "closed." Swimmers are often present after hours or outside of the season. These swimmers rarely know that they are recreating on "closed" beaches, and EPA must nevertheless protect their health under the BEACH Act.	The BEACH Act requires states to prioritize their beaches based on risk and use as well as fiscal constraints. Designating a beach as "closed" or "seasonal" is appropriate in tiering a state's or tribe's beaches.
3-07.1	<b>Maryland Department of Environment (MD MDE)</b>	3		Maryland has already achieved this process at all beaches including those not included under the BEACH Act with the additional benefit of fixing known pollution sources through annual sanitary surveys.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
3.08.1	<b>Rhode Island Department of Health (RI DOH)</b>	3.6.1		The new criteria would require public comment periods and programs to address those comments in order to receive funding. Would public comment periods and final reports on the comments have to be completed before the grant application is submitted to EPA? Alternatively, can states make note within their application of intent to hold public comment? It would not be realistic to require states to have implemented these requirements this year before the funding is allocated when a significant amount of time and collaboration with regional project officers is necessary to develop a good plan.	Based on EPA's review of public comments, EPA clarified that a "significant" change triggers an evaluation.
3.07.2	RI DOH	9--12		Although prioritizing grant funds for higher risk beaches is important, it is also important to continue monitoring at a lower frequency moderate and lower risk beaches for new sources of contamination and track their potential increase or decrease in risk over time. Sample analysis budgets should reflect this and priority funding should be allocated to a well-rounded risk based sampling plan.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
3-08.1	<b>Washington Department of Ecology</b>	3.6		More detailed guidance is given as to how to classifying beaches into program versus non-program beaches. Washington State has already gone through this process; does the new guidance mean we have to do it again?	A new tiered monitoring program does not need to be developed, but should periodically be revisited if there are changes to the program.

Comment #	Commentor	Section	Keyword	Comment	EPA Response
3-09.1	<b>Oregon Department of Environmental Protection</b>		RWQC	<p><b>Beaches should be classified by tiers.</b> The beaches of Oregon differ immensely from Florida beaches; grouping all coastal beaches into one category provides a disservice to the public. Unlike beaches in Florida, Oregon's ocean is cold and visitors do not fully submerge themselves in the water year round (there is a small percentage of Oregon's population that surf year-round and have access to third party data collection to monitor waters; OBMP cannot issue advisories from these data because samplers and laboratories are not accredited by DEQ). Requiring Oregon to uphold the same beach water quality standards as Florida is not an adequate reflection of the nature of our waters, beaches and visitors. Removing previously developed EPA beach tiers mandates states to use more resources on fewer beaches to uphold the criteria, leaving many beaches and people vulnerable because widespread sampling across the coastline is no longer an option with existing resources. If the intent of the new criteria is to reduce the number of illnesses at the beach, then updating the beach program (including resource allocation) to include an emphasis on finding and controlling sources of bacterial contamination would be more effective at reducing illnesses than increasing the number of advisories people may or may not heed as they head to the beach to enjoy the surf.</p>	<p>This comment pertains to the discontinuation of use intensity values in EPA's 2012 RWQC. As such, the comment is beyond the scope of this document.</p>

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-01.1	Alabama Department of Environmental Management (ADEM)		BAV	The data on which the BAV is based is fundamentally biased and not representative of nationwide beach monitoring stations.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-01.2	ADEM		BAV	A BAV is confusing and sends mixed messages to the public as well as state environmental agencies.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-01.3	ADEM		BAV	The BAV will cause policy issues with regard to water quality assessment and listing of impairments.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-01.4	ADEM		Methods	Rapid testing techniques such as quantitative polymerase chain reaction (qPCR) have not been fully evaluated for use with all water quality indicators, in all environments, and have shown extreme sensitivity to interference, an increased level of relative uncertainty, and have the documented potential to overestimate the amount of culturable Enterococcus bacteria by several orders of magnitude.	The use of qPCR is not required. EPA recognizes that the use of qPCR presents challenges as well as benefits. Section 4.4.2 discusses assessments a beach manager should make regarding the acceptability and feasibility of using qPCR.
4-01.5	ADEM		Methods	USEPA itself states in <u>Method 1611</u> that "The highly variable recoveries observed during these studies should be taken into consideration when analyzing results from Method 1611." This shows that there is still work to be done for these types of tests to be utilized as reliable early warning signals.	The use of qPCR is not required. EPA recognizes that the use of qPCR presents challenges as well as benefits. Section 4.4.2 discusses assessments a beach manager should make regarding the acceptability and feasibility of using qPCR.
4-01.6	ADEM		Methods	The required cost and resources required for rapid testing may not be feasible given current budget constraints.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-01.7	ADEM		Methods	The current laboratory services provider is not equipped with qPCR capabilities. Even if they had the ability it would not be feasible because of the distance from sampling locations.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-02.1	Alaska Department of Environmental Conservation (ADEC)		BAV	Using the proposed BAV to trigger beach advisories, as required in the draft guidance, would effectively implement water quality criteria that have not yet been promulgated by EPA or adopted by Alaska.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-02.2	ADEC		BAV	DEC has no authority to use the proposed, more stringent BAV to issue warnings to the public.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-02.3	ADEC		BAV	The large increase in resulting beach advisories with no standards to support them would send a confusing message to our communities.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-02.4	ADEC		BAV	Alaska estimates that implementing the recommended BAV would result in an increase in beach advisories of 370 percent based on Alaska beach monitoring data collected from 2005-2013.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-02.5	ADEC		BAV	If the guidance is finalized without allowing alternative BAVs based on current state criteria, Alaska will have no choice but to discontinue involvement in the BEACH program.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-02.6	ADEC		RWQC	ADEC determined that Alaska's beaches are mainly in the "lightly used" category; therefore, the ADEC implements the single-sample standard of 276 enterococci per 100 mL for the BEACH program. In addition, the DEC also implements the criterion stating that a geometric mean for a 30-day period may not exceed 35 enterococci per 100 mL.	In a departure from the 1986 criteria, EPA is no longer recommending the concept of multiple use intensity values of the SSM. EPA's 2012 RWQC include both the GM and STV, used together to adequately protect the designated use of primary contact recreation. Therefore, EPA recommends that states and tribes adopt both the GM and STV into their water quality standards.
4-02.7	ADEC		RWQC	ADEC is concerned with implementation issues associated with the 2012 RWQC due to elimination of the tiered criteria structure that was part of the 2004 Bacteria Rule. The tiered structure gave the state the ability to implement the Beach program with state-specific circumstances in mind.	In a departure from the 1986 criteria, EPA is no longer recommending the concept of multiple use intensity values of the SSM. EPA's 2012 RWQC include both the GM and STV, used together to adequately protect the designated use of primary contact recreation. Therefore, EPA recommends that states and tribes adopt both the GM and STV into their water quality standards.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-02.8	ADEC		BAV	The use of the proposed BAV would substantially increase advisories and create unnecessary concern for Alaskan recreational beach users based on our colder environmental conditions and distinctive uses.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-02.9	ADEC		BAV	The BAV criteria would create a less effective program because it would misrepresent realities on the ground. A higher number of advisories will also result in less funding for beach sampling and the number of beaches that can be monitored with the currently available funding.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4.03.1	<b>American Samoa Environmental Protection Agency (AS-EPA)</b>	4.7.2	BAV	With regard to Section 4.7.2, the American Samoa Environmental Protection Agency (AS-EPA) strongly disagrees with the requirement that BEACH Act grant recipients must use Beach Action Values (BAV) as the Beach Notification Threshold.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4.03.2	AS-EPA		BAV	AS-EPA considers it contradictory to require BEACH Act grant recipients to use BAV when the recommended criteria states that use of BAV is optional.	<p>The 2012 RWQC document discusses EPA's water quality criteria recommendations for all recreational waters. The beach guidance, however, contains requirements that are applicable only to coastal recreation waters in states and tribes receiving beach grants as well as recommendations applicable to all waters. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. In order to provide flexibility to states and tribes, EPA decided not to require immediate use of a specific beach threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.</p> <p>EPA may attach conditions to grants so long as those conditions reasonably further the purpose of the authorizing statute. See <i>Shanty Town Associates Ltd. Partnership v. EPA</i>, 843 F.2d 782 (4th Cir. 1988). EPA's requirement that BEACH grant recipients submit a schedule for the adoption of new or revised water quality standards furthers the purpose of CWA Section 303(i)(1)(B), which directs States with coastal recreation waters to adopt and submit to EPA new or revised water quality standards for those waters for all pathogens and pathogen indicators to which EPA's 2012 RWQC are applicable. See 33 U.S.C. 1313(i)(1)(B). EPA's requirement that grant recipients use a beach notification value is directly based on the BEACH Act's purpose of providing for "the prompt notification of the public ... of any exceeding or likely exceeding applicable water quality standards for coastal recreation waters." See 33 U.S.C. § 1346 (a)(1)(B), (b)(1).</p>
4.03.3	AS-EPA		BAV	AS-EPA considers that an exceedance of the BAV does not substantially indicate or suggest that an exceedance of the WQS will likely occur.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4.03.4	AS-EPA		BAV	AS-EPA considers that use of the BAV is overly conservative and will lead to overly cautious beach advisories.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4.03.5	AS-EPA		BAV	AS-EPA considers that use of a BAV criteria for notifications that is different from the WQS without any scientific or public health basis other than an additional and marginal measure of precaution, will cause confusion for the public and will erode public confidence in state/territory environmental agencies.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4.03.6	AS-EPA		BAV	AS-EPA considers that implementation of the BAV will lead to negative economic impacts.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4.03.7	AS-EPA		BAV	AS-EPA considers that the imposition of the BAV requirement on BEACH Act grant eligibility will lead to a reduction of beach monitoring programs nationwide.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4.03.8	AS-EPA		BAV	AS-EPA questions the wisdom of imposing the "action values" when statutory based standards have been developed and implemented based on sound science and regulatory due process	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-04.1	California State Water Resources Control Board (CA SWRCB)		BAV	Imposition of the beach action values is effectively a standards action being implemented through a grant program without the benefit of a public process.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-04.2	CA SWRCB		BAV	The requirement to use the beach action values creates legal inconsistencies with state laws.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-04.3	CA SWRCB		BAV	Use of the beach action values will increase the number of beach postings by between 50% and 60% with little likely improvement in public health outcomes.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-04.4	CA SWRCB		BAV	The use of beach action values may cause public confusion and uncertainty over Beach Safety.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-04.5	CA SWRCB		BAV	Imposition of the beach action values may have an adverse economic impact to the state.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-04.6	CA SWRCB		BAV	Imposition of the beach action values may result in a reduction in overall beach monitoring.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-04.7	CA SWRCB		Modeling	We continue support for state and US EPA development of predictive modelling and rapid test methods that will provide more useful information to the public on a same day basis. We believe these are more cost effective approaches for improving public notification. As with the beach action values and for most of the remaining proposed changes in the National Beach Guidance Criteria for Grants, the State Water Board supports their additions as guidance but not as required performance criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-04.8	CA SWRCB		Modeling	We look to find approaches implementing appropriate beach predictive modelling or implementing rapid methods for fecal indicator bacteria which may be a more effective ways to protect public health.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-05.1	<b>Chicago Park District (CPD)</b>		Modeling	We continue support for state and US EPA development of predictive modelling and rapid test methods that will provide more useful information to the public on a same day basis. We believe these are more cost effective approaches for improving public notification. As with the beach action values and for most of the remaining proposed changes in the National Beach Guidance Criteria for Grants, the State Water Board supports their additions as guidance but not as required performance criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-05.2	CPD		BAV	We are also troubled by inconsistencies between the Guidance and the 2012 Recreational Water Quality Criteria. The Guidance requires states to use the most restrictive Beach Action Value (BAV) of 190 cfu I 100 ml where states have not yet adopted the 2012 Criteria in order to qualify for grant funding. The 2012 Criteria provide states with a choice between a BAV of 235 cfu /100 ml and 190 cfu / 100 mL.	The 2012 RWQC document discusses EPA's water quality criteria recommendations for all recreational waters. The beach guidance, however, contains requirements that are applicable only to coastal recreation waters in states and tribes receiving beach grants as well as recommendations applicable to all waters. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. In order to provide flexibility to states and tribes, EPA decided not to require immediate use of a specific beach threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3. (cont.)

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
					<p>EPA may attach conditions to grants so long as those conditions reasonably further the purpose of the authorizing statute. See <i>Shanty Town Associates Ltd. Partnership v. EPA</i>, 843 F.2d 782 (4th Cir. 1988). EPA's requirement that BEACH grant recipients submit a schedule for the adoption of new or revised water quality standards furthers the purpose of CWA Section 303(i)(1)(B), which directs States with coastal recreation waters to adopt and submit to EPA new or revised water quality standards for those waters for all pathogens and pathogen indicators to which EPA's 2012 RWQC are applicable. See 33 U.S.C. 1313(i)(1)(B). EPA's requirement that grant recipients use a beach notification value is directly based on the BEACH Act's purpose of providing for "the prompt notification of the public ... of any exceeding or likely exceeding applicable water quality standards for coastal recreation waters." See 33 U.S.C. § 1346 (a)(1)(B), (b)(1).</p>
4-05.3	CPD		BAV	<p>The legislative process for states to adopt new water quality regulations takes many months. As currently drafted, the Guidance may have the effect of changing the BAV used at beaches to 190 for one or two years, only to have it change back to 235 once the 2012 Criteria are adopted.</p>	<p>Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.</p>
4-05.4	CPD		BAV	<p>We fear that a temporary reduction in the water quality criteria would only serve to confuse people and erode confidence in beach water quality programs.</p>	<p>Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.</p>
4-05.5	CPD		Modeling	<p>CPD has also spent the past four years building predictive models for water quality that allow us to issue advisories based on real-time predictions instead of day-old lab results. ...The models are also based on the existing water quality criteria of 235. Modifying the models to reflect a change in the water quality criteria to 190 would take time and resources. We strongly believe that public health would be better served by focusing resources on sanitary surveys and mitigation projects to address the sources of bacteria instead of modifying operations to accommodate a temporary change in the water quality.</p>	<p>Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.</p>

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-06.1	Commonwealth of the Northern Marianas Islands			Same comment document as AS- EPA above.	
4-07.1	Connecticut Department of Energy and Environmental Protection (CT DEEP)		BAV	This new requirement listed on page 12 and page 70 is inconsistent with the State of Connecticut Guidelines for Monitoring Bathing Water and Closure Protocol (Beach Protocols) developed jointly by CT DEEP and the Connecticut Department of Public Health (CT DPH). While the Beach Protocols recommend evaluating the single sample exceedance criterion and the geometric mean criterion, beach closures are generally made based on the single sample exceedance criterion.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-07.2	CT DEEP		BAV	Requiring beach grant recipients to use the BAVs will result in significantly more beach closures without any apparent justification other than EPA desires a "nationally consistent trigger". While the Department understands that using the BAV could provide a nationally consistent approach those accepting the Beach Grant in the future, we are unaware of any epidemiological studies that would require the use of these BAVs to be the only number that is acceptable to use to inform beach closures.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-07.3	CT DEEP		BAV	Please clarify whether EPA expects states to use BAV values for 303 d listing decisions? If this is the intention, more beaches will be listed as "impaired" without scientific justification.	See section 4.7.4 of the final guidance for clarification.
4-07.4	CT DEEP		BAV	Requiring beach grant recipients to implement these BAV 's sends a mixed message to towns and others responsible for beach sampling in the already imperfect science of using indicator bacteria to inform beach closures. This is unfortunate at a time when coastal states like Connecticut are promoting the use of outdoors through programs like "No Child Left Inside" ( <a href="http://www.ct.gov/deep/ncli">www.ct.gov/deep/ncli</a> ).	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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4-07.5	CT DEEP		WQS	Water Quality Standards in Connecticut are adopted as regulations and are contained in Sections 22a-426-1 through 22a-426-0 of the Regulations of Connecticut State Agencies. Changing the Water Quality Standards in Connecticut involves a public process including reviews by Legislative Regulation Review Committee. The Department can evaluate the recommended recreational criteria EPA's 2012 Recreational Water Quality Criteria document and draft National Beach Guidance and Required Performance Criteria for Grants during the next triennial review process. However, it is not possible for this to occur in time for the FY14 Beach Grant. This creates policy problems with implementing changes to the beach program that are not consistent with our Water Quality Standards.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-07.6	CT DEEP		<b>General</b>	The current beach program in Connecticut is truly a collaborative relationship between EPA Region 1, DEEP, DPH and the coastal Connecticut towns. It works because of the flexibility we now have to administer the program and is a model of how a federal, state, and local governments can work together to provide a great service to beach going public. We also find that the requirements of the draft National Beach Guidance will be a major point of friction and could compromise this collaborative working relationship.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-07.7	CT DEEP		General	We hope that you strongly consider revising the draft National Beach Guidance and Required Performance Criteria for Grants.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-08.1	<b>Connecticut Department of Health (CT DPH)</b>		Resources	BAG will require significant staffing requirement.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-08.2	CT DPH		Resources	Draft Criteria are not scalable to accommodate uncertain future funding levels.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-08.3	CT DPH		Resources	Final grant guidance and performance criteria should include language permitting a negotiate, scalable, and calibrated approach to beach monitoring and grant implementation that is in line with funding levels, epidemiology, research findings, and collaborative models of governance that require sharing of authority and encourage distributed public health protection across jurisdictional and agency (organizational boundaries).	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-08.4	CT DPH		Resources	Accepting a beach grant will have widespread impact. Given existing jurisdictional and organizational boundaries, and in light of the anticipated funding and changes in the terms and conditions as stated in the draft guidance, the CT DOH approach to marine beach monitoring may be irreparably changed.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-08.5	CT DPH		General	Other specific exceptions to requirements <i>(must) in the document.</i>	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.1	<b>Delaware Department of Natural Resources and Environmental Conservation (DNREC)</b>		Sanitary surveys	Delaware has used the beach sanitary survey as an effective tool to mitigate and eliminate pollution sources impacting water quality since the early 1980's.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.2	DNREC		Modeling	Predictive models have been unsuccessful at our beaches because our waters are too "clean".	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.3	DNREC		General	Delaware beach monitoring program has emphasized mitigating pollution sources impacting beach water quality as the best tool we have for protecting public health.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.4	DNREC		General	Expand on requirements.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.5	DNREC	Table 4-2	Tiering	Delaware does not fit the risk /use categories.	The categories in the Beach Guidance are examples. The state describes its own risk/use categories as part of its formulation of a tiered monitoring plan.
4-09.6	DNREC		Sanitary surveys	This discussion makes sense if there is an intermittent flow of untreated sewage, does not inform the public of potential health risk. A beach sanitary survey could explain the source of the FIB; this could decrease the public health risk and help the public fully understand actual and potential pollution sources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.7	DNREC		Modeling	In Delaware we issue permanent advisory for primary contact recreation after a rain fall event. This provides the public knowledge by permanent signage and is very precautionary and protective of public health. We have completed and implemented predictive models for rain fall events. Delaware beaches were deemed too "clean" for a predictive model to be useful. In our studies we have found that increased bacterial levels are due to disturbed sediments and not fecal sources of pollution.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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4-09.8	DNREC	Table 4-3	Sanitary surveys	This discussion is useful but you need to empathize the importance of a beach sanitary survey to understand variability of samples results and what is impacting the marine coastal site. This understanding is key to the tiered approach and determining sampling frequency. Human sources of pollution are the important piece in the puzzle, exceedances missed is not relevance if there are no human sources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.9	DNREC		General	You only reference California – you need to reference other states.	EPA added a case study of the adoption of predictive models in the City of Chicago and added advisory graphics from New York.
4-09.10	DNREC		Sanitary surveys	Delaware is in compliance but we need to place more weight on the beach sanitary survey.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.11	DNREC		RWQC	Using the geometric mean only over the entire beach season. Delaware does not agree with using the statistical threshold value (STV) for assessment purposes.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.12	DNREC		Monitoring	Using the tiered monitoring approach should enable us to better understand our beaches and enable us to monitor more beaches with fewer resources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.13	DNREC		BAV	Use BAV as a tool without adopting it into the Water Quality Standards as a “do not exceed value” for beach notification purposes.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.14	DNREC		BAV	The BAV could be used at the state’s discretion, as a conservative, precautionary tool for beach management decisions.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.15	DNREC		General	This will be very hard to explain to the public.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.16	DNREC		RWQC	When the measurement of fecal indicator bacteria (FIB) does not provide any information on the source of the bacteria how can that be seen as “more stringent”?	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-09.17	DNREC		RWQC	Requiring the use of a statistical value for a level of indicator bacteria that has no direct relationship to the level of real pathogens present and assuming increased public health protection is promoting poor science.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-10.1	Erie County, Pennsylvania Department of Health (EC DOH)		BAV	It is extremely confusing right now as to whether or not we 'may' or 'must' use the 32/1,000 or the 36/1,000 illness rate-based BAV. We had already submitted the grant application when we found out the grant may be tied to using the lower rate of 32/1,000. Whether this is a requirement or a recommendation is not clear when reading the document and the summary sheets.	Based on a review of the public comments, EPA clarified the flexibilities that states have in selecting an illness rate. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. In order to provide flexibility to states and tribes, EPA decided not to require immediate use of a specific beach threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-10.2	EC DOH		BAV	We use the 235 cfu (E. coli) in Pennsylvania and do not want the criteria lowered to 190 cfu. Presque Isle State Park beaches receive nearly 4 million visitors a year and we are not receiving reports of human illness that could be tied to beach waters. There is no evidence that 235 cfu should be lowered to protect human health at our beaches. The 235 cfu has protected public health. If any beach is experiencing significant impact from pollution, has continuous advisories, or has reported human illnesses, then we could see requiring a stricter standard. However, that is not the case in Pennsylvania, and we request remaining at the 235 cfu. The BAV should not be a grant requirement.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-10.3	EC DOH		BAV	Our combined use of predictive modeling with precautionary advisories offers much more human health protection and is already very precautionary and conservative.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-10.4	EC DOH		BAV	When we compared the number of advisories and restrictions posted in the last 3 years using 235 cfu against what would have been posted using 190 cfu, there was a significant difference. Advisories/restrictions would have been issued significantly more times using the 190 cfu, without having reported health issues to justify them. We could never make the argument to local government and agency officials and get their support for lower criteria. Local tourism and the economic impact from loss of beach users would be significant on our community and again, there are no local health complaints to justify the actions. Our current criteria is conservative and protects public health.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

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4-10.5	EC DOH		RWQC	We can't justify lowering the GM (100) when we don't see local public health issues at the current geometric mean (126). One of our beaches would have been closed an entire month last year if we were using the lower geometric mean. Again, the impact on the tourism and economy would have been significant.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-10.6	EC DOH			Any change in Pennsylvania's criteria would be a very long process. Erie County manages the EPA Beach Grant for Pennsylvania. Adopting new criteria would be difficult; involve a lot of communication at various levels of government; require a lot of educating of individuals that are not routinely involved with this program; and we would have to sell the concept based on the health impact. This would be extremely difficult when we are not receiving calls of reported illnesses connected to beaches using our current criteria. Change must be evidence-based and show a health benefit.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-10.7	EC DOH			Pennsylvania definitely would not be able to implement any required changes to state law and regulations in the time available for a grant award.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.1	<b>Florida Department of Health (DOH)</b>	4.2.2	Resources	While recognizing that data driven determinations help develop appropriate use plans we feel the need to point out that the suggestions in this section (i.e. qPCR-vs-culture, model input/outcomes, switching beaches into non-existent monitoring programs, reclassifying them as non-program beaches, etc.) seems like an attempt to cut back the existing inexpensive tests for monitoring program in favor of experimental methods that have not yet proven their reliability in tropical and sub-tropical marine waters. Florida DOH would favor a scaled pilot project to evaluate these suggestions in our unique environment, yet would need additional EPA funds to do so. We have explored the costs of each of these suggestions for a large scale implementation and found them to be prohibitively excessive for the limited new knowledge gained.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.2	FL DOH	4.3.2.1.3	Methods	EPA should realize that states are not taking a single sample to the lab as soon as it is taken. A sample taken at 8:00AM will be batched with eight to ten other samples taken on the same sample run and then analyzed later that day (by 2:00 PM to meet 6 hour holding times). By the time these sample tests are read and reported it is the next afternoon on day two. The fact that EPA has continued to use this measure in their guidance illustrates that you have not heard the state program managers about how programs must be actually run in the field. Costs would multiply by a factor of five if this qPCR protocol was implemented, thus sites monitored would need to be reduced by a factor of five.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-11.3	FL DOH	4.3.2.1.4	Monitoring	In this section you indicate that you expect multiple samples to be at beaches. Is there a set minimum number of samples that are required at each beach for statistical validity? And is this criteria to be specified per 100 meter or per mile?	See section 4.3.2.1.4 for suggestions.
4-11.4	FL DOH	4.3.2.3	Methods	Again, line 5, page 52 proposes an unachievable turnaround time for qPCR, since real world sampling and logistics will not allow for same day sampling and test results. The California study detailed on page 61 that set this prediction included a ratio of samplers to samples of greater than one. In the real world that ratio is not going to be >1:1 but closer to 0.1:1. Include the fact that a laboratory doing contract work must submit their samples results to internal QAQC processes and the actual sample processing time will arrive at closer to 10 hours. We recognize that EPA has used the word "could" in this section to denote that there is a potential of this short turnaround happening but we feel that a guidance written in these generalized terms denotes the ability to make it seem like a common event.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.5	FL DOH	4.3.2.3.2	Resources	Resampling after an exceedance is preferred to waiting for the next routine sampling. However, Florida does not have the funding available to meet this requirement without major changes to the sampling program. In some areas resampling can happen due to sufficient local staffing and near-by lab proximity, but this is locale specific.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.6	FL DOH	4.4.2.2	Methods	Please add on line 38 page 58 that qPCR analytical results can be available is as little as 3 hours and as long as 10 hours after receipt in the lab. Please see our comments above at 4.2.2 regarding objections to reliance on unproven tropical waters experimental methods.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.7	FL DOH	4.5	Data	Clarify "Reported data must be consistent with 4.3.3.3." Does that mean we must report all the meta-data submitted to STORET? Can we bin the data into Good/Poor categories or do we have to put actual result CFU/100mL numbers on the website?	Please consult the BEACON Data User Corner ( <a href="http://water.epa.gov/grants_funding/beachgrants/datausers_index.cfm">http://water.epa.gov/grants_funding/beachgrants/datausers_index.cfm</a> ) for detailed reporting instructions.
4-11.8	FL DOH	4.5.1.1	QA/QC	Is the intent here to require that program managers maintain a file with QA/QC reports from contract labs? As a client we are using state and NELAP certified labs that give us certified data. Unless the laboratory determines there is a problem we do not have a reason to reject the data. Further, as clients we do not have rights to the labs internal QA/QC process on a routine basis, which is what this requirement seems to indicate. 4.5.1.2 Again, is the intent here that the beach program manager performs the same QA/QC overview that the state and national accrediting agencies already perform? If we use accredited labs are we still required to maintain the verification logs that this section requires?	Most laboratories maintain QA documentation for users/customers with QA requirements. It should not be a burden to the lab to share their QA documentation.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-11.9	FL DOH	4.6.2	Modeling	4.6.2- Predictive models are exceedingly labor and lab cost intensive. For shellfish harvest areas in Florida, these were only accomplished with multiple daily samples and 7 days per week testing over many weeks, and less frequently for months to acquire sufficient data for a statistically valid closure model at each area after rainfall events. This intensive effort is not possible for numerous beach sites with existing grant funds.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-11.10	FL DOH	4.7.2.1	BAV	Is the beach action value (BAV) a water quality standard? If it is not, then it will become possible to have a water contact health advisory in effect for water that has not exceeded the water quality standard. How does EPA expect states to reconcile the failure of "attainment of use" requirements for waters that have not exceeded the applicable water quality standards?	Please see section 4.7.4 for a discussion of the use of RWQC in identifying CWA section 303(d) impaired waters.
4-11.11	FL DOH	4.7.2.4	RWQC	We understood that the Puerto Rico studies of tropical marine waters similar to Florida's did not provide a statistically valid CCE count for health-based advisories using the qPCR methods, and so do not believe this table on page 72 reflects accurately for tropical, and potentially sub-tropical waters.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-12.1	<b>Georgia Department of Natural Resources (GDNR)</b>		Public Notification	The requirement for reporting monitoring data to the public in a timely manner by posting data on a publicly available website is unclear. Is an annual report timely? Does having the data available to the public in STORET meet this requirement?	Based on EPA's review of public comments, EPA added language clarifying this new performance criterion. See section 4.5.
4-12.2	GDNR		RWQC	Use of the STV and GM for beach notifications is unclear. Can a geometric mean calculation be applied to a single sample? This makes no sense.	The STV and GM in EPA's RWQC recommendations are not recommended for use as a beach notification threshold because EPA recommends a corresponding duration of 30 days for the GM and STV values. See the 2012 RWQC.
4-12.3	GDNR		BAV	Use of the BAV. If the state is in the process of adopting RWQS based on the illness rate of 36 but has not finalized their standards, the Guidance appears to say that the Beach Program should start using the BAV based on the illness rate of 32, and then switch to using a BAV based on the illness rate of 36. This switch would be very confusing to the public. The Beach program should have the option of using the BAV based on the illness rate that the state is in the process of adopting.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-13.1	<b>Guam Environmental Protection Agency (EPA)</b>		RWQC	Better guidance is needed on the use of the BAV vs GM/STV Criteria. For example, will states be required to conduct two notifications? One based on the BAV (alerts) and another based on the RWQC (standards exceedances). If not, then is the purpose of the RWQC simply for monthly assessments?	See EPA's 2012 RWQC document for an explanation of the GM, STV and BAV.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-13.2	Guam EPA		Public Notification	Clarification is needed on the definition and differences in the use of "advisory" vs "closure" vs "posting" vs "notification alerts". Guam uses "advisory" for water quality standard exceedances. Will an exceedance of the BAV be labeled an "alert"?	Please refer to the Glossary in the beach guidance document.
4-13.3	Guam EPA		RWQC	Clarification is needed on whether the GM and STV are calculated on a rolling or static duration. Evaluating Guam data, we will have significant differences in the number of "advisories/alerts" depending on which method is used.	See EPA's 2012 Recreational Water Quality Criteria document, section 3.6.2.
4-14.1	<b>Hawaii Department of Health (HDOH)</b>		qPCR	qPCR data can be generated in the same day if: 1) sampler starts at 4 am and delivers the samples to lab by 7 am, 2) lab staff preps the lab, stripping DNA from all equipment, before samples arrive, 3) filter and rolls filter and puts in bead tube another 1-2 hours depending on amount of samples, 4) put into machine, and 5) 6 hours later results. So by 3 pm we have the data and by 4pm public notification is out. By that time, most people are beginning to leave the beach. So, is the expense of the qPCR equipment, establishing a library, and a dedicated lab area worth all this? Then there is the question of whether what is found is viable. There seems to be some re-inventing of the wheel in this document, is it really needed?	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-14.2	HDOH		qPCR	Until a truly effective rapid test is developed that is implementable for the above described situations, qPCR is still not really a viable tool.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-14.3	HDOH	4.3.1.1.1	Modeling	Hawaii is already using a predictive tool in the event of a significant rain event. When the National Weather Service issue a Flash Flood Warning, and storm water discharge is verified, Brown Water Advisory is issue for the area of concern. It can a bay, a section of coastline, an entire island coastline, or the entire State of Hawaii. This was developed by review of a large historical database for WQ data and descriptive conditions that accompany the data.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-14.4	HDOH	4.3.2.3	Monitoring	This will be problematic for HI. Sporadic exceedances of enterococci occur randomly statewide. These tend to be one-time events which are typically followed by lower numbers. How do we address this? Is resampling the next day an option? What if the resample day falls on a Friday or a day preceding a holiday? Our budget does not allow overtime for lab staff. That is why we test for enterococci and Clostridium perfringens. If only enterococci is high and Clostridium is low, there is no human fecal contamination issue. Any rain event and/or high surf in Hawaii will result in elevated enterococci numbers due to enterococci replicating in biofilm and in the sand.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-14.5	HDOH	4.7.2.1	BAV	It is unclear from the document whether usage of the BAV is a recommended or mandatory, procedure, since it contradicts itself. If it is mandatory, this will be problematic for HI. Since the value must be lower than the STV, there is a possibility that numerous notifications will be sent out. The notifications will also be for a sampling that occurred a day ago. Will such notice be relevant and useful to beachgoers? Since enterococci has been shown by research to persist in tropical soils, beach sand, biofilm, decaying vegetation, and therefore not be a sign of possible fecal contamination in waters, how can exceedance of such an indicator be relied upon to issue a notification that waters are contaminated with fecal matter? In Hawaii, if we had used the BAV 70 during the last 30 days, we would have had 10 BAV alert to put out that was due to background numbers.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-14.6	HDOH		Performance Criteria	I applaud EPA's efforts to standardize and strengthen state's and tribe's BEACH programs. However the amount of oversight and rules is overly burdensome. It will divert time and manpower away from actual implementation of the program, thereby diminishing the effectiveness of BEACH.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-14.7	HDOH		Sanitary surveys	Although much of the needed time will be up-front, maintaining the reviews will still require diverting employee (samplers) away from sample collection. Sanitary surveys alone, which I feel is a useful tool, will take a large amount of effort to complete statewide. With other projects and studies, it will be very difficult to adhere to these new requirements.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-15.1	<b>Huron, Michigan Metro Parks</b>		BAV	We support efforts to improve beach water quality and protect public health, however, disagree with requiring states to adopt a Beach Action Value and new WQS as a condition of grant funding which is intended to improve human health protection, but could do the opposite if Michigan cannot implement the new standards in the time available for a grant award.	Based on EPA's review of public comments, EPA decided not to require immediate use of a specific beach threshold. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. See section 4.7.3 of the Beach Guidance.
4-16.1	<b>Illinois Environmental Protection Agency (IEPA)</b>		BAV	Illinois EPA is the agency responsible(through the Illinois pollution Control Board) for adopting the National Recreational Criteria (2012) as water quality standards for bacteria for our state. This is a long and involved process and will take two to three years to carry out.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-16.2	IEPA		BAV	We do not see the logic, as expressed in the subject Guidance, of requiring the state's beaches to be regulated at a new value, 190 cfu/100 mL while Illinois EPA undergoes the adoption process for the National Recreational Criteria (page 70 of the draft Guidance). The state and local authorities in Illinois that are responsible for regulating beaches will find it extremely difficult to deal with this new value for the few years in the interim.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-16.3	IEPA		RWQC	We intend to adopt the National Recreational Criteria as state standards and we believe that Illinois is in good standing with USEPA as we facilitate this process. Penalizing beach managers makes no sense when it is recognized that the process of adopting national criteria as state standards takes time, hence the Clean Water Act allowance of three years (the triennial review) to accomplish this task. Therefore, we request that the USEPA extend the timeframe to implement the grant conditions contained within the draft beach guidance and performance criteria document and thereby keep the beach criteria as they are (235 cfu/ 100 mL) during the interim period.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-17.1	Lake County, Ohio		WQS	The draft criteria requires the states to use a Beach Action Value (BAV) of 190 cfu in order to receive funding once the draft document has been adopted by EPA. It is our understanding that the 190 cfu BAV is to be used until the states adopt the revised RWQS based on the 2012 RWQC. States will have the choice to adopt BAVs based on a 32/1000 or 36/1000 estimated illness rate once the revised standards are approved. It is unclear when the revised standards will be approved and whether they will actually be the proposed numbers indicated in the draft criteria.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

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4-17.2	Lake County, Ohio		WQS	The legislative process in Ohio for a rule change takes at least 18 months, therefore new standards could not be adopted before the 2015 recreation season. It makes absolutely no sense and is a huge waste of resources to lower the BAV to 190 cfu temporarily when the Ohio standard is generally in compliance with the proposed standards for a 36/1000 estimated illness rate.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-17.3	Lake County, Ohio		BAV	Lowering the standard and then changing it back to 235 cfu after approval of the criteria will only confuse the public and the beach operators. They will also lose confidence in the reliability of the standard.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-17.4	Lake County, Ohio		BAV	The draft document clearly holds the states "hostage" in requiring the use of the 190 cfu BAV in order to receive beach grant funding. It is obvious that if the EPA does not accept Ohio's current water quality standards then Ohio would not be permitted to apply for and receive beach grant funding.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-17.5	Lake County, Ohio		Resources	If the funding ceases, the existing beach monitoring programs will likely cease as well. In this stressed economy, locals do not have the resources to continue provide services for non-mandated state programs. Should this scenario exist across the country, and the states do not have the capacity to continue with beach monitoring programs, it is doubtful that EPA can do the program or can contract out a national beach program for the \$10 million dollars that Congress managed to appropriate after the original funding cut. Elimination of funding to the states will directly result in jeopardizing the public health of the beach goers for which the 190 du standard was proposed.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-17.6	Lake County, Ohio		Modeling	Lake County sampled its beaches daily in 2013 and will go to the beaches daily to collect data for the predictive models that were developed for use in 2014. We will validate the models with sample analysis three days per week. Because Ohio beaches are sampled more frequently, we are able to predict more accurately the actual advisory days and hence more effectively protect the public health.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-17.7	Lake County, Ohio		BAV	The Lake County daily sampling frequency can more effectively predict the variability in FIB. We compared our past data for the last three bathing beach seasons to determine how lowering the BAV to 190 du would have affected our beaches. Due to the frequency of our sampling, the lower BAV would have resulted in an increase in exceedances of 10 to 23% over the last three years depending on the beach.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-17.8	Lake County, Ohio		General	The Lake County General Health District strongly recommends that the EPA consider all the comments that they receive and revise the draft criteria accordingly. Further we implore the EPA to continue to fund the beach monitoring program and appropriate the adequate funding for states to implement the final revised criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.1	<b>City of Long Beach, California</b>		General	Additional review as to the applicability of the science to California beaches is warranted, i.e. different sources of pollution - less sewage treatment effluent reaching our beaches vs east coast.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.2	City of Long Beach, California		BAV	The new regulations will create confusion with required posting of "Beach Action Values", which are "non regulatory". BAV's need additional review and input prior to implementing posting requirements.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.3	City of Long Beach, California		General	Economic impacts to local programs and beneficial uses issues need additional analysis.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-18.4	City of Long Beach, California		BAV	Lab impacts will need to be evaluated.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.5	City of Long Beach, California		RWQC	Having multiple risk levels and multiple criteria will create confusion among the monitoring agencies and the general public.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.6	City of Long Beach, California		General	Recommend meeting with local monitoring program reps, state water boards and EPA prior to implementation or approval.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-18.7	City of Long Beach, California		General	This approach from EPA should consider how it will impact California monitoring programs, which are very extensive when compared to other states. The new criteria will have a major impact on beach health and economy and at this point, we are not sure of tangible health benefits. More analysis and discussion is warranted prior to the adoption of the EPA Guidance Document.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-19.1	<b>Louisiana Department of Health and Hospitals (LDHH)</b>		BAV	Louisiana currently uses both a 30-day running geometric mean (GM) criterion of 35 CFU/100 mL and a single sample maximum (SSM) criterion of 104 CFU/100 mL. Using a simulation study, we have estimated that with once weekly sampling, approximately 60% of exceedances would be missed using single sample criterion alone. Those results are generally consistent with Louisiana's (LA) examination of advisory source (i.e., GM only, SSM only, both), in which 54% (722 of 1339) advisories were based on exceedance of SSM criterion (i.e., SSM only and both SSM and GM criterion) between 2009 and 2013. Examination of applying the BAV criteria of 60 CFU/100 mL to LA's 2013 season versus LA's current criteria results in 20% fewer exceedances, even though the single sample threshold is reduced from 104 to 60.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-19.2	LDHH	1.5.1	RWQC	The draft guidance does a good job of explaining the need for both GM and STV for WQ assessment purposes (Section 1.5.1), but completely ignores that rationale in the beach advisory section. If the Draft Guidance remains unchanged, LA will consider adopting the BAV as proposed and drop the GM criterion from its advisory decision process. Although we believe that adoption of the BAV will be less protective of public health, we do not believe that it is appropriate for LA to use a more stringent decision rule than that of neighboring states, creating the false impression that LA's beaches are more contaminated than those of neighboring states as a result.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-19.3	LDHH		BAV	If LA adopts the BAV, we will also consider reducing the sampling period by one month to correspond with the swimming season as a running 30-day GM would not be required.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-20.1	<b>Maine Department of Environmental Protection (MDEP)</b>		BAV	This reduction in the Beach Action Value number will essentially double the amount of exceedances and advisories posted annually, and will likely have a negative impact on local economies largely based on tourism as well as the public's perception of these valued resources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-20.2	MDEP		Monitoring	that FIB are limited due to the lag time in obtaining results, lack of source identification, detection of naturalized bacteria, non-fecal or not "fresh" events, etc.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-20.3	MDEP		General	Given the economic importance of beaches and the wave of negative public perception associated with advisories, this new requirement will likely have serious implications for retention and compliance with MHB protocols, etc.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-20.4	MDEP		RWQC	What epidemiological studies and data from the northeast were used to justify the need for a 60 cfu/ml BAV? We're interested in these details to help us communicate this proposal to our constituents.	Please refer to the 2012 RWQC document for a description of epidemiological studies. One was conducted in Goddard, Rhode Island.
4-20.5	MDEP		Methods	Maine currently does not have the capacity to implement these tools as they are expensive, highly technical, and we are not aware of any laboratories that are currently set up with the platform to conduct qPCR for surface waters within the state of Maine. Will EPA provide support or assist states in obtaining support from to other entities to build our capacity?	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-20.6	MDEP		General	We believe that the proposed changes will not lead to cleaner beaches but rather to less participation in our voluntary program, or less beach goers and tourist dollars due to increased advisories and closures or both.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.1	<b>Maryland Department of the Environment (MDE)</b>		Modeling	After working closely with Bay Program scientists, no beaches in Maryland are appropriate for predictive modeling. The reason given was that wind is the most significant factor associated with elevated FIB counts. This suggests that the source is re- growth harbored in bottom sediments and not a recent human source. This also shows that Maryland's current criteria are as protective and are precautionary, conservative, and provide a do-not-exceed value that protects swimmers.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-21.2	MDE		BAV	Please expand on how requirements will depend on status and content of a state's or tribe's new or revised RWQS.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-21.3	MDE	Table 4.2	Monitoring	None of Maryland beaches fit the risk/use categories 1-4; current use of the 1986 criteria ranks beaches and provides the same public health protection as the 2012 criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.4	MDE	14-32	Monitoring	This discussion on temporal variations ignores the fundamental flaws of any of the FIB : that the results do not provide any information on the source of the FIB and differences in density within a given day can be reasonably explained if the beach manager has done a sanitary survey. If the beach is impacted by combined sewers or an intermittent flow of untreated sewage, this discussion may make some sense, otherwise, it does little to inform public health risk without fully understanding actual and potential pollution sources.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.5	MDE	11-27	Modeling	In Maryland we issue a standing advisory for swimming after a rain event that is both protective and VERY precautionary. At beaches where we tried to develop predictive models, rain events were not the strongest factor. Again, Maryland beaches were deemed too "clean" for a predictive model to work. This discussion states that increased FIB levels from storm events might come from disturbed sediments and NOT fecal sources – HOW IS THIS A HEALTH HAZARD! Further proof that Maryland's current criteria as protective.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.6	MDE	2-31	Sanitary surveys	This discussion is useless without emphasizing the importance of a sanitary survey to understand variability of sample results that can be explained by a full understanding by beach managers on what impacts a particular beach. This understanding is KEY to the tiered approach and determining sampling frequency. It does not matter how many "exceedances" are missed if there are no human sources. Earlier in the document, EPA states that the risk from non-human sources is not equal to the risk from human sources. Again, confirmation that Maryland's current conservative approach using the 1986 criteria provides the same protection as the 2012 criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-21.7	MDE	121	General	California is referenced 12 times in this document while there are many states without any reference (ME, NH, MA, RI, CT, NY, NJ, MD, DE, VA, SC, GA, AL, MS, LA, TX, OR, and AL). EPA needs to write a guidance document for the whole nation, not just for California.	EPA added a case study of the adoption of predictive models in the City of Chicago and added advisory graphics from New York.
4-21.8	MDE	14-16	Sanitary surveys	Water quality numbers do not tell the whole story of what is going in a water column. A sanitary survey is an essential tool for a beach manager to be able to say with assurance that water quality is "good". Although EPA encourages the use of a sanitary survey it is apparent that EPA does not give this tool its due weight in light of the emphasis EPA has placed on the BAVs.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.9	MDE	1-22	Monitoring	FIB should not be considered a pollutant since, as discussed earlier in this document, it can come from "stirring up sediments" (page 50) and is an indicator for the presence of pathogens. If the source is not of fecal origin, it should not carry the same weight as if it was a human source for example. This is one reason why Maryland does not agree that the STV should be included for assessment purposes. As already stated throughout this document, if the goal is to protect public health, then it is accomplished with either the 1986 or 2012 criteria because both are precautionary, conservative, and provide a do-not-exceed value important for public notification and protection. If the goal is determining attainment of the WQS, these data do not provide information about the FIB source's magnitude, duration, or frequency. It makes more sense to use the geometric mean only over the entire beach season or even more than one beach season in addition to any data or information attained through the sanitary survey for attainment of water quality standards.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.10	MDE	5-16	RWQC	If this approach "encourages" more frequent monitoring, then why have a tiered monitoring approach based on risk? This limits resources and may result in States not monitoring low risk beaches at all since they would carry the same weight as a beach that should be monitored twice weekly due to risk (combined sewers for example).	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-21.11	MDE		RWQC	Requiring the use of a statistical value for a level of indicator bacteria that has no direct relationship to the level of real pathogens present and assuming increased public health protection is poor science and sets a bad principal, diminishing public health official's integrity with the public. Using the BAV should not be in the performance criteria and should remain optional. Requiring use of BAV prior to States promulgation of new criteria is coercive and an inappropriate mandate for receiving grant funding under the BEACH Act.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document. The relationship between pathogens and indicators is discussed fully in the 2012 RWQC document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-22.1	Massachusetts Department of Public Health (MDPH)		BAV	The proposal by EPA to require grantees to conduct public notification, such as advisories, when a water quality sample exceeds a BAV level contradicts EPA's description of the BAV, which is clearly not a water quality standard (EPA Recreational Water Quality Criteria 2012) but only a guidance. This creates the confusing scenario where a performance requirement of a federal BEACHES grant (the adoption of the BAV guideline complete with the requisite public notification when the value has been exceeded) contradicts state regulations requiring compliance with an EPA-established bacteriological water quality standard. Notifications based on two different values will serve to create a great deal of confusion for health officials and the general public alike.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-22.2	MDPH		BAV	We also note that based on the results of the 2013 beach season in Massachusetts, we expect over 300 additional notifications at marine beaches that exceed the BAV guidance value, but meet the state regulatory criterion (i.e., at beaches with samples > 60 cfu/100 ml; but < 104 cfu/100 ml). Requiring confusing public notification in so many instances where sampling met regulatory standards would result in significant resource impacts. MDPH/BEH therefore urges EPA not to move forward with this proposed performance requirement for future BEACH Act funding. Instead, we suggest that grantees be allowed the flexibility of using BAV as EPA originally intended, i.e., as an optional informational tool.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-23.1	Michigan Department of Environmental Quality (MDEQ)		BAV	Requiring states to adopt a Beach Action Value as a condition of a grant is inconsistent with the intent of the BEACH Act. It would pull precious staff time and resources away from the protection of public health by requiring states to initiate the lengthy process of updating WQS.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-23.2	MDEQ		BAV	The Public Health Code would also need to be modified since R 333.12544 of the Public Health Code, 1978 PA 368, as amended (Act 368), requires that the WQS used by a local health department to assess whether the water is safe for swimming conforms to the official state WQS adopted by the MDEQ.	Please see section 4.7.4 for a discussion of the use of RWQC in identifying CWA section 303(d) impaired waters.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-23.3	MDEQ		BAV	It would be impossible for Michigan to implement the required changes to state law and rules in the time available for a grant award.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-23.4	MDEQ		BAV	Even if the required changes were possible in the available time frame, this effort would have minimal impact on the protection of human health at beaches since the difference between the Beach Action Value (190 E. coli per 100 ml) and the current 235 or 300 E. coli per 100 ml WQS is only 45 or 110 E. coli per 100 ml, respectively.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-23.5	MDEQ		BAV	The United States Geological Survey evaluated data from freshwater beaches in Chicago, Illinois, over a nine-year period (2000 to 2008) and determined that lowering the threshold criteria from 235 to 190 E. coli per 100 ml would have resulted in an increase in swimming advisories of only 3.4 percent, which amounts to an extra 500 beach-days of advisories over that nine-year period.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-23.6	MDEQ		General	Monitoring and sanitary survey data have shown that storm water is a major source of pollution that causes acute elevations in bacteria counts. Michigan has 11 years of historical monitoring data and existing WQS that helped us identify beaches with impaired waters. In addition, the USEPA has reported that approximately 1,200 (40 percent) of the Nation's beaches have issued beach advisories, postings, or closures. We believe the most effective strategy to protect public health is to focus efforts to restore these beaches.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-23.7	MDEQ		General	Rather than require states to initiate a resource-intensive effort to make minor modifications to E. coli WQS with minimal additional human health protection, we believe the best way to protect public health and improve water quality is to expand and refine the use of sanitary surveys, rapid methods, and forecast models to identify, correct, and eliminate sources of pollution. Michigan is committed to these efforts regardless of the availability of funds from the BEACH Act. Governor Rick Snyder and the Legislature are preparing a budget for the MDEQ that includes the Water Quality Initiative, which will support the statewide implementation of real-time beach testing methods.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-24.1	New Hampshire Department of Environmental Services (NHDES)		BAV	NHDES however does not believe that EPA has presented any significant scientific evidence to demonstrate that implementing the revised Beach Action Values (BAV) will in any way increase protection of public health.	For States and Tribes that adopt EPA's 2012 RWQC recommendations as their water quality standards, and use one of EPA's recommended BAVs, the BAV would be based on the same water quality distribution as the state's or tribe's Recreational WQS. Any single sample above the BAV would trigger a beach notification until collection of another sample below the BAV. Because the BAV is a more conservative point on the water quality distribution for the 2012 RWQC, those states and tribes with standards based on the 2012 RWQC that use the BAV would issue a notification action at a lower concentration of fecal indicator bacteria.
4-24.2	NHDES		BAV	NHDES does not find clear guidance in the document on how to decide between acceptable levels of illness for choosing between the two suggested, yet very similar, BAV criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-24.3	NHDES		RWQC	... no clear research presented to date shows any improved health outcomes at bacteria levels lower than the current standards. According to the EPA's own research (Report on 2009 National Epidemiologic and Environmental Assessment of Recreational Water Epidemiology Studies), "health relationships with indicators of water quality could not be established due to good water quality" at a tropical marine beach.	See EPA's 2012 RWQC document for a discussion of the epidemiological studies supporting the 2012 RWQC.
4-24.4	NHDES		BAV	No evidence has been presented in the DRAFT National Beach Guidance and Required Performance Criteria for Grants supporting a lowered notification threshold.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-24.5	NHDES		BAV	An analyses of all coastal New Hampshire beach samples tested between 2001 and 2013 show that the number of beach advisories would have more than doubled from 1.2% to 3.0% if the suggested 60 CFU BAV rule had been in place. However, there is no evidence that a comparative reduction in waterborne bacterial illnesses would have been reported by the public. A reduction in the coastal notification criteria does not appear to be warranted to protect health and comes at a huge potential cost.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-24.6	NHDES		WQS	NHDES also has concerns regarding the process by which EPA is requiring the new BAVs to be adopted by states. Section 303 of the Clean Water Act provides the basic framework by which states and EPA work together to adopt and update water quality standards including the criteria by which waterbodies are evaluated. NH DES is currently completing its triennial review of its water quality criteria as required by EPA. The review included a consideration of the new BAVs proposed by EPA. Ultimately, we decided not to adopt these criteria for the reasons provided above. Here, however criteria are essentially being promulgated by EPA through a grant requirement. To invoke such a process sets a troublesome precedent especially given such short notice and the lack of a formal opportunity for comment by the states and the public within the standard CWA arena. Criteria are essentially being promulgated by EPA through a grant requirement.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-24.7	NHDES		General	Without any demonstrated increase in public health protection, a required reduction in the BAV used for issuing advisories will have a major impact on the New Hampshire coastal economy which is dependent on our tidal beaches. The excellent water quality at New Hampshire's beaches has been used consistently as an attraction to the beach-going public. Given that there is no discernable health benefit from changing this rule, the unwarranted beach closures it will produce, and the impact it will have on thousands of beach goers and of the many hundreds of thousands of dollars spent in New Hampshire, the pressure from the public and elected officials will be intense for NHDES to withdraw from the beach program.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-24.8	NHDES		General	EPA must seriously consider the lack of direct evidence of reduced public health and should engage their economists in a cost/benefit study before making such a rash decision.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-25.1	<b>North Carolina Department of Environment and Natural Resources (NCDENR)</b>		BAV	North Carolina adopted rules in 2004 that were a reflection of the 2002 Beach Guidance document. It will take an additional two years for North Carolina to go through the rule making process to update the changes to reflect the 2014 beach guidance. Assuming that BEACH Act funding is available, North Carolina would not be eligible for beach grants until this rule making process was complete. Using the BAV should remain optional.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

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4-25.2	NCDENR		RWQC	Page 69 line 18 concerning the departure of multiple use intensity values of the SSM. It may be necessary for North Carolina to reduce the number of tier II and tier III sampling sites because of the additional work and staff required to post these low usage sites. The BAV criteria will force the program to just concentrate on monitoring the most highly used ocean beaches.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-26.1	<b>Natural Resources Defense Council (NRDC) et al.</b>		BAV	We strongly support the requirement states and tribes must use a BAV to prompt public notification actions in order to be eligible for federal BEACH Act funding. Draft Criteria at 12-13, Section 4.7.2. We support this requirement because the BAVs are more protective of human health than EPA's current water quality criteria for recreational waters.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-26.2	NRDC et al.		BAV	Among other factors, those water quality criteria are based upon a gastrointestinal illness rate of either 32 or 36 illnesses per 1,000 swimmers, both of which are unacceptably high. The BAVs provide a more conservative level of protection, and linking notification to the BAVs will help offset the health risks associated with EPA's current water quality criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-26.3	NRDC et al.		BAV	Some language in the Draft Criteria is unclear and could be interpreted as establishing this requirement only as an interim measure while states and tribes are developing new or revised Recreational Water Quality Standards. For example, on page 12 of the draft, it indicates that it is important to have a nationally consistent trigger for BEACH Act beach notification actions until a state or tribe adopts EPA's new or revised water quality criteria, and then funding requirements will be based on the approved standards (lines 30-37, page 12). But the language on page 12 should be clarified to reflect that it is only the health risk level for the BAV that may vary based on the state adopted standard, and that use of one of the BAVs is still required for federal funding.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-26.4	NRDC et al.		Modeling	EPA should require grantees to include at least one beach risk appropriate predictive model – even if this is as simple as a preemptive closure based on rainfall – for every site. For example, at beaches affected by combined sewer overflows, storm/overflow models would inform monitoring plans; for beaches where other uses are the main risk drivers, different models may be applicable.	The 2012 RWQC document discusses EPA's water quality criteria recommendations for all recreational waters. The beach guidance, however, contains requirements that are applicable only to coastal recreation waters in states and tribes receiving beach grants as well as recommendations applicable to all waters. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. In order to provide flexibility to states and tribes, EPA decided not to require immediate use of a specific beach threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-26.5	NRDC et al.		Modeling	Where possible, accurate models should be developed that allow grantees to issue beach notifications and closures prospectively, so that swimmers are notified in time to avoid water contact. If EPA cannot mandate a model for every site, it should require grantees to explain why a model is inappropriate. If a model is inappropriate because of insufficient data, the state should prioritize acquiring additional data. EPA should require models where they do work, not merely encourage them. If they can't be required, they should be incentivized.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-26.6	NRDC et al.		Public Notification	We support the suggestion on page 77 that “To the extent possible, states and tribes should be moving toward same-day notification of exceedances and prompt reporting by using tools that provide rapid results (i.e., rapid analytical methods and predictive models) and tools that facilitate rapid communication of those results (e.g., electronic notification and real-time reporting).” But we believe that this should be a requirement rather than an encouragement.	EPA may attach conditions to grants so long as those conditions reasonably further the purpose of the authorizing statute. See <i>Shanty Town Associates Ltd. Partnership v. EPA</i> , 843 F.2d 782 (4th Cir. 1988). EPA's requirement that BEACH grant recipients submit a schedule for the adoption of new or revised water quality standards furthers the purpose of CWA Section 303(i)(1)(B), which directs States with coastal recreation waters to adopt and submit to EPA new or revised water quality standards for those waters for all pathogens and pathogen indicators to which EPA's 2012 RWQC are applicable. See 33 U.S.C. 1313(i)(1)(B). EPA's requirement that grant recipients use a beach notification value is directly based on the BEACH Act's purpose of providing for “the prompt notification of the public ... of any exceeding or likely exceeding applicable water quality standards for coastal recreation waters.” See 33 U.S.C. § 1346 (a)(1)(B), (b)(1).

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4-26.7	NRDC et al.		Monitoring	EPA is continuing to rely on culture methods with known and serious timing problems, but is only tentatively endorsing qPCR and modeling protocols because of hypothetical drawbacks. Even if a qPCR test is less accurate than a culture test, if it has some accuracy it is more helpful than a culture test that tells swimmers what the water quality was yesterday. Even if qPCR and models are less accurate in certain settings, they are at least timely. If beach managers have a good idea of what the water quality is now, through modeling or experience, then they should notify the public based on that modeling or expertise.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-26.8	NRDC et al.		Monitoring	We believe that EPA should require grantees to move toward rapid testing and further require predictive modeling and/or preemptive advisories (as on page 80) that warn the public before potential exposure.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-27.1	<b>New York City Department of Health and Mental Hygiene (NYC Health)</b>	4.7.2.1	BAV	NYC Health suggests that the guidance document and performance criteria consistently specify that, "any [valid] single sample above the BAV would trigger a beach notification until collection of another sample below the BAV."	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-27.2	NYC Health		BAV	NYC Health suggests that the EPA clarify how the BAV single sample threshold be applied to beaches that stretch many miles, and are sampled multiple times (>10) on a single day. For example, in the case of any (1) single sample exceedance of the BAV for a long, continuous beach, should the notification be applied to the entire beach, or only that particular section of beach where the exceedance occurred? Is the interpretation of single sample representativeness and notification scope entirely under state/local jurisdiction?	Please refer to section 4.3.2.1.4, for information about sampling locations. The state should also consult with the EPA beach coordinator when developing its monitoring protocols.
4-27.3	NYC Health		Monitoring	Furthermore, does state/local jurisdiction have flexibility in determining the validity and representativeness of a single sample? For example can the representative single sample for a long, continuous beach be a mean average of all of the single samples taken at that beach on a given day?	Please refer to section 4.3.2.1.4, for information about sampling locations. The state should also consult with the EPA beach coordinator when developing its monitoring protocols.
4-27.4	NYC Health	5.3.2	Monitoring	DOHMH suggests clarifying section 5.3.2 When to Remove a Notification to confirm, or specify otherwise, that a Notification Action may only be lifted when water quality sample results meet the BAV threshold and the 2012 RWQC for Statistical Threshold Value (STV) and Geometric Mean (GM). If any of the three thresholds remains unmet, the beach notification action must not be lifted.	A Notification Action should be lifted when a water quality sample result is received that is below the threshold used to impose the action, whether it is the BAV, existing SSM, or other beach notification threshold.
4-28.1	<b>Ohio Department of Health (ODOH)</b>		BAV	Ohio's existing E. coli recreational criterion applicable to bathing waters is 235 cfu/100 mL. This water quality standard is consistent with the Beach Action Value associated with an illness rate of 36/1000 recreators as put forward in EPA's 2012 revised guidance. As such, we do not see the necessity of applying BEACH Act grant conditions as described in the 2014 draft National Beach Guidance and Performance Criteria for Grants document to Ohio.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-28.2	ODOH		General	Ohio's water quality standards involves a multi-step and time-consuming process that under normal circumstances takes from 12-18 months. Even if Ohio were to initiate a rulemaking today, it is unlikely that revisions could be adopted in final form and approved by US EPA by the start of the next recreation season. Therefore we would request that the US EPA extend the timeframe to implement the grant conditions contained within the draft beach guidance and performance criteria document.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-28.3	ODOH		Modeling	The revised guidance briefly discusses the use of predictive modeling but does not specifically allow for their use as another determinant for posting advisories. Predictive models, once established and proven reliable, are more protective of public health and reduce the need for culture based water sampling multiple times per week.	See Sections 4.6.5 and 5.3.1, which specify that advisories may be imposed on the basis of model results.
4-28.4	ODOH		RWQC	The Ohio Department of Health encourages the review of the RWQS to ensure protection of the public health; however, more time is needed to complete the review at the state level.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-29.1	<b>Oregon Department of Environmental Quality (ODEQ)</b>		BAV	We estimate there will be approximately 40 % more advisories.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-29.2	ODEQ		General	The new criteria will create the perception, real or not, that our beaches are degrading (the opposite is probably true).	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-29.3	ODEQ		General	The temporal or spatial extent of our beach monitoring activities will be reduced. Because the new criteria will lead to more advisories, we will need to either reduce the number of beaches we visit to accommodate resampling or reduce the number of times we visit beaches over the season.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

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4-29.4	ODEQ		General	There will be less monitoring resources for investigative sampling.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-29.5	ODEQ		General	Additional public attention will be focused on the “issues of our beaches” detracting from more substantial environmental concerns like groundwater quality, polluted freshwater streams, emerging toxics concerns, stormwater and other non-point source issues etc.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-29.6	ODEQ		General	Inconsistency with water quality standards for fresh water creates confusing messaging to Oregonians.	EPA recommends that states adopt the 2012 RWQC into their WQS for all waters and achieve consistency between fresh and marine waters. The states should conduct an appropriate public process in making the required changes to their beach monitoring and advisory programs. Public outreach provides an opportunity to inform the public concerning the improvements in beach safety afforded by elements contained in the guidance.
4-29.7	ODEQ		General	As we promulgate new guidance and rules I think it is important to understand the “big picture” as we try to be as effective as possible in implementing effective “place based” environmental priorities based on data demonstrating the extent and risk to human health and aquatic life.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-30.1	<b>Oregon Health Authority</b>		General	Oregon Health authority provides documentation of substantially increases numbers of exceedances using BAV based on a review of past data and application of the BAV threshold.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-31.1	<b>Puerto Rico</b>		RWQC	Assuming that we start the process for public participation on June 1, 2014 it would take at least 4 to 5 month to finish it; a draft has to be developed, then it has to be reviewed internally before a public notice be issued, at least 30 days has to be granted for public submitting comments and then EQB has to review and address the comments and update the List of Beaches before submitting it to EPA. We understand that we can fulfill this requirement before EPA awards FY 2015 funds.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA’s 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-32.1	Rhode Island Department of Health (RIDOH)	4.7.2.1	BAV	There is a discrepancy between the recommendations within the document. Are states required to adopt a BAV in order to receive funding or is this a tool we may use?	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-32.2	RIDOH		Notification	In addition, attention should be brought to the definition of a "Beach Action." Many states conduct the notification for recreational facilities differently. A beach action in one state might be to recollect a sample, whereas a beach action in another state is to close the facility to all recreational activities. If the new Criteria leaves this definition open to the states' interpretation, that needs to be stated.	Please refer to the Glossary in the Guidance document. In addition, Section 5.2.1.2 discusses various forms of notification.
4-32.3	RIDOH		Notification	Rhode Island does not issue water quality advisories as is custom with other states and tribes. When a single sample exceeds the national threshold of 104 cfu/100 ml, the beach is closed to swimming until a clean sample is reported. As a Program, we believe this approach is the most protective to public health. Advisories give the public the option to swim and that exposes vulnerable populations to potential sources of contamination. Therefore, closing a beach at 104 cfu/100 ml may be more protective than posting an advisory at 60 cfu/100 ml.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-32.4	RIDOH		BAV	Implementation of the BAV in Rhode Island would lead to a significant reduction in state tourism as a majority of Rhode Island's summer revenue is from out-of-state visitors.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-32.5	RIDOH		BAV	The quality of life for our struggling job market would be further impacted. For every day a beach has to close, food stand workers, lifeguards, cleaning crews, parking attendants, and beach managers lose a day of work. These are often minimum wage jobs and a loss of work has the potential to severely affect a person's quality of life.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-32.6	RIDOH		BAV	The state of Rhode Island supports local and small businesses. When a beach is closed, revenue to local restaurants, shops, services, and hotels is lost.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-32.7	RIDOH		BAV	In 2013, Rhode Island experienced a 10% exceedance rate using the current value of 104 cfu/100 ml. If we had applied the proposed criteria of 60 cfu/100 ml we would have experienced a 16% exceedance rate. To the public this suggests water quality has declined but as we know that was not the case.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-32.8	Rhode Island DOH		BAV	In 2013, Rhode Island experienced 111 saltwater beach closure days. Using the draft BAV there may have been as many as 200 or more closure days. While Rhode Island has been very protective of public health, we feel the BAV would create a severe economic impact with no demonstrated improvement in protection.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-33.1	<b>South Carolina Department of Health and Environmental Conservation (SCDHEC)</b>	4.1	Modeling	For states with recreational water quality standards, the use of predictive models may not be specifically supported in regulation.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-33.2	SCDHEC	4.7.2	BAV	The State considers this proposed requirement to be beyond what is required by State and Federal regulation. As set forth in the Recreational Water Quality Criteria (2012), the EPA considers the illness rate of 32 illnesses in 1000 to be a reasonable risk and the STV is considered the reasonable quantification value to represent that risk.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-34.1	<b>Surfrider</b>		BAV	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 of equal concern to our members.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-34.2	Surfrider		BAV	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.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-34.3	Surfrider		BAV	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.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-34.4	Surfrider		BAV	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.	Based on EPA's review of public comments, EPA decided not to require immediate use of a specific beach threshold. States and tribes receiving beach grants must develop schedules to: adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. See section 4.7.3 of the Beach Guidance.
4-34.5	Surfrider		Modeling	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.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-34.6	Surfrider		BAV	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 your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-35.1	<b>Grand Traverse Bay Watershed Center</b>		General	Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, prohibits the MDEQ from promulgating any additional rules after December 31, 2006; therefore, a revision of the E. coli water quality standard under Michigan's Part 4 rules would first require the legislature to amend Part 31.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-35.2	Grand Traverse Bay Watershed Center		General	R 333.12544 of the Public Health Code, 1978 PA 368, as amended, requires the Water Quality Standard used by a local health department to assess whether water is safe for swimming conforms to the official state Water Quality Standards adopted by the MDEQ; therefore, a modification of the Public Health Code would also be required.	Please see section 4.7.4 for a discussion of the use of RWQC in identifying CWA section 303(d) impaired waters.
4-35.3	Grand Traverse Bay Watershed Center		Resources	Tourism is essential to our local Up North economy, and people are acutely aware that a lack of funding to continuously monitor public beaches and ensure healthy water could jeopardize our local economy and way of life. Continued funding is critical for us to continue monitoring efforts to pinpoint additional priority beaches and ensure that levels at other high-use beaches in our area remain below Water Quality Standards.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-35.4	Grand Traverse Bay Watershed Center		BAV	We advise the EPA to consider the impact the BAV would have by decreasing beach monitoring in states unable to immediately meet the new conditions, and urge you to work with the MDEQ to find a viable solution that would not result in the loss of funding to agencies throughout Michigan.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-36.1	<b>Grand Traverse County Health Department (CHP)</b>		BAV	It seems that it is a waste of precious time and resources to change state and local water quality standards by only 45 E. coli in order to meet the grant condition to utilize the BAV.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-36.2	Grand Traverse CHP		Resources	if it wasn't for the Beach Act funds over the past several years, that our monitoring efforts would not have been possible and our considerable improvements which have been accomplished collaboratively would have only been a dream.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-36.3	Grand Traverse CHP		Resources	It is my hope that local and state beach managers will be able to continue to use Beach Act funds to allow them to continue to pursue our strategic approach in protecting public health at our beaches, which utilize the tools which are cited in the "Guidance" which have been proven to be so successful within the Great Lakes region.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-36.4	Grand Traverse CHP		General	It is also my hope that the EPA considers pausing the proposed changes to the 2014 draft "Guidance" for beach grants for a two (2) year period. Any significant future changes should include utilizing meaningful scientific advances such as rolling out the rapid test methods for reporting beach results to the public.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See sec. 4.7.3.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-37.1	Virginia Department of Health (VDOH)		BAV	It is not necessary for EPA to require states to use an interim threshold value to issue beach notifications while developing new or revised state WQS. The BEACH Act clearly provides a requirement that states must update water quality standards within 36 months. This requirement is above and beyond what is required by the BEACH Act, and will likely impede on the time and effort required to adopt the 2012 RWQC into state WQS before December 2015.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See sec. 4.7.3.
4-37.2	VDOH	3.6.4	BAV	Virginia intends to adopt new WQS by December 2015, as required by the BEACH Act, as a threshold value to issue beach notifications. If EPA requires states to use the BAV as a threshold value to issue beach notifications, please strongly consider amending the BEACH Act requirement for states to adopt WQS by December 2015; the adoption of new WQS for state beach monitoring programs will be irrelevant if EPA dictates the use of BAVs, since BAVs are not suggested to be included in state WQS.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See sec. 4.7.3.
4-37.3	VDOH		RWQC	EPA's 2012 RWQC clearly that states use either the STV or BAV as a threshold value to issue beach notifications. Please strongly consider developing and issuing EPA Performance Criteria that is consistent with EPA's 2012 RWQC.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-37.4	VDOH	5	RWQC	EPA's 2012 RWQC is designed to provide states with options that meet the various needs of each state's beach monitoring program and water quality conditions. If EPA believes that it is important for states to have a nationally consistent trigger for BEACH Act beach notification actions, it is unclear why EPA provided states with two illness rate choices for criteria values in EPA's 2012 RWQC.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-37.5	VDOH		Resources	Virginia would require additional and significant resources if BAVs were used to trigger beach notifications. Since 2004, Virginia's beach monitoring program has issued 250 beach advisories. If using the BAV of 60 cfu/100 ml, Virginia would have issued at least 450 advisories, and likely more due to resampling.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-37.6	VDOH		BAV	At Virginia Beach area beaches, beach waters are closed when advisories are issued by state/local public health, and the closures are enforced by local law enforcement. Given the potential economic impacts of issuing more advisories and the additional resources needed to issue such advisories, EPA's 2014 draft Performance Criteria does not provide sufficient rationale of the additional public health protection gained by requiring the use of BAVs for beach notifications.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-37.7	VDOH		RWQC	EPA's 2012 RWQC explains that the criteria values of 110 cfu/100 ml and 130 cfu/100 ml in EPA's 2012 RWQC are health protective of the general public, including children. If BAVs are required to issue beach notifications, please provide a thorough explanation of the additional public health protection gained.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-38.1	Washington Beach Program		BAV	Washington BEACH program is concerned about the requirement that all BEACH Act grants use a beach notification threshold or beach action value (BAV) of 60 cfu if they have not adopted the 2012 EPA bacteria criteria. This requirement will mean a higher cost to our BEACH program, this will mean we will have to cut beaches from the program or monitor beaches less frequently.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See sec. 4.7.3.
4-38.2	Washington Beach Program		BAV	<p>The BAV of 60 cfu is much more stringent than our current BAV of 104 cfu. This will mean we will have to resample beaches more often, this is quite costly. For Washington State we estimated what the additional costs would be if the BAV were 60 or 70 (this is based on data from 2013 beach resample events):</p> <p>For the BAV <math>\geq 70</math> cfu we would have to resample 96 times versus the 64 resample events that occurred in 2013. Based on just the laboratory costs I estimate we'd have to cut 2-3 beaches at the <math>\geq 70</math> cfu BAV and 3-4 beaches at the <math>\geq 60</math> cfu BAV.</p> <ul style="list-style-type: none"> <li>• Additional laboratory costs would be costing \$3,360.</li> <li>• Additional labor costs to resample 32 more times would be \$5,120.</li> <li>• Total additional cost approximately: \$8,480.</li> </ul> <p>For the BAV <math>\geq 60</math> cfu we would have to resample 112 times versus the 64 resample events that occurred in 2013.</p> <ul style="list-style-type: none"> <li>• Additional laboratory costs would be costing \$5,040.</li> <li>• Additional labor costs to resample 48 more times would be \$7,680.</li> <li>• Total additional cost approximately: \$12,720. Based on just the laboratory costs I estimate we'd have to cut 2-3 beaches at the <math>\geq 70</math> cfu BAV and 3-4 beaches at the <math>\geq 60</math> cfu BAV.</li> </ul>	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-38.3	Washington Beach Program		RWQC	In addition, Washington State has not adopted the 2012 bacteria criteria. Local health jurisdictions think it would be politically unfavorable to use a lower numeric criteria than our current state standard. Our partners may choose to opt out of the beach program all together. A more politically favorable option would be to wait until Washington State has promulgated EPA's 2012 criteria, thus local jurisdictions would see it as a state imposed requirement.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.1	Wisconsin Department of Natural Resources (WDNR)		BAV	Requiring states to use a Beach Action Value (BAV) on 190 cfu as a requirement of receiving funding until the state adopts the revised RWQS will be disruptive to our program. It forces direction of resources to chase exceedances of a lower BAV at the expense of implementing real-time monitoring tools irrespective of the risks assessed in developing our tiered program.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-39.2	WDNR		BAV	At a time when our program partners have more limited funding and in some cases more limited staffing, the grant condition will force the beach program to allocate resources to more resampling activities rather than transitioning to the real-time tools at priority locations.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.3	WDNR		BAV	Given the limited resources available, lower the BAV and increasing the number of advisories may have the unintended consequence of abandoning monitoring at impaired beaches so only the relatively clean beaches get monitored.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.4	WDNR		General	Smaller communities in Wisconsin are already considering discontinuing monitoring at beaches identified as having water quality impairment, even those with a relatively large tourist industry. This may lead to even greater economic justice issues associated with pollution. Section 3.6 seems to encourage this action by declaring the beaches to be non-program beaches.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.5	WDNR		BAV	Lowering the BAV during our transition to using new real-time tools means additional work will be necessary at the local level to build confidence in the decision-making tool and resources that would have been devoted to the transition process will be diverted to re-sampling. We believe that the interests of public health are better served by preserving states' flexibility to implement recreational water quality standards, allowing the programs to optimize available tools to balance vigilance at the beaches and public health protection.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-39.6	WDNR		BAV	Requiring states to use the lower BAV until state rules are revised creates the impression that there is an urgent need to protect public health regardless of the source or setting and adds needless confusion to the public notification system. This grant condition subverts the federal rule which gave the states discretion on establishing the recreational water quality criteria to be applied within the state.	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
4-39.7	WDNR		BAV	This mandate seems to conflate determinations of water quality impairments with decisions about whether it is safe to swim on any particular day which seems counter to the RWQC rule that separated the decisions and created the concept of a BAV.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.8	WDNR	4.3.2.1.1	BAV	Used in isolation, the recommended monitoring frequencies and lower BAV in section 4.3.2.1.1 appear inadequate to provide the level of public health protection this BAV reflects.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.9	WDNR		Monitoring	Beginning the monitoring an entire month in advance of the beach season expends resources when little or no one is swimming. In the upper Midwest this recommendation is impractical and needlessly expensive in locations where ice is still present, limiting available resources for monitoring late in the season when we have experienced higher incidence of elevated bacteria and algae.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.10	WDNR		Monitoring	As with prioritizing locations to implement qPCR, the guidance should encourage strategic investments in more intensive monitoring to better characterize various beach settings to validate that minimal monitoring is appropriate.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.11	WDNR		Modeling	WDNR encourages providing more detailed support document for implementing predictive models using Virtual Beach 3.0 (similar to the details for qPCR).	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.12	WDNR		Modeling	Page 49, line 1 suggests a two year timeframe for building a robust model but doesn't indicate the monitoring frequency or number of data points included in this period. In our work with USGS, they have recommended roughly 60 data points over that period.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.



Comment #	Commentor	Cited Section	Keyword	Comment	EPA Response
4-39.13	WDNR	4.3.1.1.4	Monitoring	Section 4.3.1.1.4 makes general statements about 'most inland streams experiencing higher FIB densities in spring and summer than during the winter' and the reasons for the phenomenon. We are concerned that these broad generalities may not hold true across the range of coastal states and climate change and land use may be changing these patterns.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
4-39.14	WDNR	4.3.3.1	Monitoring	Section 4.3.3.1, page 53, line 5 suggests the potential for citizen volunteers to provide more intensive monitoring at high-priority beaches. Wisconsin has extensive experience with volunteer monitoring data in decision-making. Recruiting, training, and the logistics of coordinating a volunteer workforce have their own challenges and costs. Decision-makers may not be comfortable with delegating sampling directly associated with public health protection. We urge EPA and beach managers to be realistic about the investment required and the limitations of this approach.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

Comment #	Commentor	Cited Section	Keyword	Comment	Response
5-01	Oregon Department of Environmental Protection		General	The President's past and current budget proposals do not include funding beach monitoring programs. It will be difficult to explain why we are adopting a more conservative criteria, resulting in twice as many advisories and fueling public concern over contamination issues, just to be defunded the following year. How would the public respond? Would they know there is no funding to monitor Oregon's beaches? Or would the public think since there are no advisories, the water does not contain high levels of bacteria? Also, would hearing more frequent advisories indicate to the public that the beach is more contaminated than it had been in the past under the old criteria? Might the public become fatigued from hearing too many advisories and not pay any attention to them?	Based on a review of public comments, EPA decided not to require immediate use of a specific beach threshold in order to provide flexibility to states and tribes. States and tribes receiving beach grants must develop schedules to adopt new or revised recreational WQS, and to identify and use an appropriate beach notification threshold. While EPA expects that states and tribes will use Beach Action Values as their notification thresholds (i.e., the 75th percentile value of the water quality illness rate from their new or revised Recreational WQS if they are based on EPA's 2012 RWQC recommendations), grantees may use an alternative value based in science, local water quality data, or monitoring experience, so long as the grantee explains the selected value in documentation submitted to EPA. See section 4.7.3.
5-02.1	Natural Resources Defense Council (NRDC) et al.		BAV	Linking notification to the BAVs will help offset the health risks associated with EPA's current water quality criteria.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
5-02.2	NRDC et al.		Public Notification	At a minimum, EPA should require states to post signs that a beach is not monitored for water quality safety if it is a non-program beach.	EPA does not agree that states should be required to post signs at non-monitored beaches.
5-02.3	NRDC et al.		Public Notification	We support the suggestion on page 77 that "To the extent possible, states and tribes should be moving toward same-day notification of exceedances and prompt reporting by using tools that provide rapid results (i.e., rapid analytical methods and predictive models) and tools that facilitate rapid communication of those results (e.g., electronic notification and real-time reporting.)" But we believe that should be a requirement not an encouragement.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
5-03.1	Connecticut Department of Public Health (CT DPH)		Public Notification	The draft guidance requires "immediate" public notification of water quality monitoring sample exceedances. Current culture-based methods for enumerating indicator bacteria require 24 hour culture time. Results reported today as exceeding the WQC will be for samples collected yesterday. This kind of public notification confuses and obscures good public health messaging.	Section 5.3.1 requires states to immediately issue a public notification (1) after data and QA review of results are completed (2) results indicate that there is an exceedance or likely exceedance of a WQS or other notification threshold value; (3) and there is no reason to doubt the accuracy of the first sample.
5-03.2	CT DPH	5.5	Data	The draft guidance refers to requirements for "immediate" or "timely" responses (actions) without specifying further an applicable timeframe.	"Timely" and "immediate(ly)" have different meanings depending on the context, action and statutory requirement. Section 4.5 clarifies the requirement for timely communication of water quality to the public.

Comment #	Commentor	Cited Section	Keyword	Comment	Response
5-04.1	New York City Department of Health and Mental Hygiene (NYC Health)	5.3.2	BAV	NYC Health suggests clarifying section 5.3.2 When to Remove a Notification to confirm, or specify otherwise, that a Notification Action may only be lifted when water quality sample results meet the BAV threshold and the 2012 RWCQ for Statistical Threshold Value (STV) and Geometric Mean (GM). If any of the three thresholds remains unmet, the beach notification action must not be lifted.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.
5-04.2	NYC Health	5.4.1	Public Notification	To improve the communication of risk to the public when water quality does not meet acceptable standards, DOHMH conducted focus groups and intercept surveys of beach patrons in 2013. In response to input on several beach signs, DOHMH developed a new public notification sign for beach water quality warnings that communicates clearly and directly the action to be taken and the basis for the direction. The EPA may wish to consider including this and other signs considered more effective for consideration by other jurisdictions.	We have incorporated New York's signs as examples of effective advisory signage.
5-04.3	NYC Health	5.4.4.2	Public Notification	DOHMH developed a new texting service for the 2014 bathing season that other jurisdictions may wish to consider incorporating into their public communication strategies.	Thank you for your review of the draft National Beach Guidance and Required Performance Criteria for Grants. Your comment was noted and considered in the preparation of the final guidance document.

