

LC00732

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2004

A N A C T

RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING BEACHES

Introduced By: Senators Walaska, McCaffrey, Bates, Cote, and Polisena

Date Introduced: January 20, 2004

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 23 of the General Laws entitled "Health and Safety" is hereby
2 amended by adding thereto the following chapter:

3 CHAPTER 21.1

4 SANITATION STANDARDS FOR BATHING BEACHES

5 **23-21.1-1. Definitions.** -- For the purposes of this chapter, the following definitions
6 apply:

7 (1) "Bathing beach" shall mean any area or tract of land, which is used in connection
8 with swimming and/or bathing in any waters of the state except that land contiguous to the
9 Atlantic Ocean provided:

10 (a) It is open to the public with or without permit and/or payment of a fee;

11 (b) It is maintained as a private club or association requiring membership fees or dues; or

12 (c) It is maintained with or without charge for the recreation of groups of ten (10) or more
13 children.

14 (2) "Bathing water" shall mean fresh, salt, or estuarine water adjacent to any bathing
15 beach within the state, except the Atlantic Ocean.

16 (3) "Department" shall mean the Rhode Island Department of Health.

17 (4) "Director" shall mean the director of health or his or her duly appointed agents.

18 **23-21.1-2. Licensing.** -- No person shall maintain within this state any bathing beach

1 until that person shall have obtained a license therefore from the department to operate a
2 recreational facility consistent with chapter 23-21 of the general laws of Rhode Island.

3 **23-21.1-3. Enforcement.** -- The department shall enforce the provisions of this chapter
4 and the regulations adopted in accordance with this chapter and prosecute all persons guilty of
5 violation of this chapter or regulations adopted in accordance with it and/or suspend and/or
6 revoke their licenses. In all these prosecutions, the director, shall not be required to enter into any
7 recognizances or to give surety for costs.

8 **23-21.1-4. Obstruction of access to premises.** -- No person shall interfere with or
9 obstruct the entrance of the director to any structure, vessel, vehicle, or other premises or use in
10 the discharge of the director's official duties in connection with the enforcement of this chapter or
11 the regulations adopted in accordance therewith.

12 **23-21.1-5. Rules and regulations.** -- The department is hereby authorized and
13 empowered to adopt and prescribe rules and regulations and from time to time amend, change,
14 and/or repeal such rules and regulations and make such orders and perform such actions as are
15 necessary to carry out the provisions of this chapter.

16 **23-21.1-6. Standards.** -- The department shall adopt minimum sanitation standards for
17 pathogens and/or pathogen indicators present in the bathing water, consistent with sections 23-1-
18 17 and 23-1-18, in order to protect the public from illnesses associated with swimming in
19 contaminated bathing waters. This may include standards for:

20 (1) Pathogens and/or pathogen indicators including, but not limited to, total coliform,
21 fecal coliform, and enterococci.

22 **23-21.1-7. Bathing water monitoring/management.** -- To minimize the human health
23 risk associated with swimming in contaminated bathing waters; the department shall require all
24 bathing beach operators to test bathing waters adjacent to their bathing beach for pathogens
25 and/or pathogen indicators established under this chapter and authorized regulations, to ensure
26 those waters meet minimum sanitation standards for water quality at bathing beaches.
27 Furthermore, the department shall incorporate the following minimum provisions:

28 (1) The owner of a bathing beach shall be required to pay for the costs of sampling,
29 analysis and monitoring of bathing waters adjacent to such facilities at a laboratory approved by
30 the department. Said laboratory shall immediately notify by fax or email the department and the
31 beach owner of all bathing water sample results.

32 (2) The department shall determine at which sites to conduct testing and the number of
33 samples required to be taken at bathing beaches. The bathing beach sampler shall record site
34 conditions at the time of sampling, as required by the department, such as number of bathers and

1 waterfowl and other conditions that may affect bathing water quality. The department shall
2 consider, but shall not be limited to, the following factors in determining at which site to conduct
3 testing and monitoring of bathing water:

4 (i) Prior testing results for such bathing waters;

5 (ii) The length of coastline to be tested and monitored;

6 (iii) The number of people who use the bathing beach annually; and

7 (iv) Whether the beach is located adjacent to a storm water drain; sewage, industrial,
8 commercial or agricultural wastewater discharge; or other source of contamination such as
9 marinas or waterfowl.

10 (3) The department shall determine at what frequency to conduct sampling, analysis, and
11 monitoring of bathing waters. Sampling, analysis, and monitoring shall begin two (2) weeks prior
12 to the bathing season for each bathing beach and continue until the bathing beach closes for the
13 season. Sampling, analysis, and monitoring shall be conducted on a minimum weekly basis
14 during the bathing season, and at such times and under such conditions as shall be sufficient to
15 protect public health and safety. The department may grant a variance from the weekly testing
16 requirement for a bathing beach only where there is a documented history of satisfactory sample
17 results and no known sources of pollution that may jeopardize public health.

18 (4) Each bathing beach operator shall be responsible for operating the beach in a manner
19 designed to protect public health and safety. Feeding of waterfowl at the beach shall be prohibited
20 and the beach shall be left clean at night in order to not attract waterfowl and other animals.

21 **23-21.1-8. Beach closings/openings.** – The department shall order closed, any bathing
22 beach where it is established that the following or other conditions pose an imminent threat to
23 public health. The bathing beach shall remain closed until the department determines the bathing
24 water no longer poses an unacceptable risk to public health or safety. A bathing beach may be
25 closed for, but not limited to, the following:

26 (1) A violation of minimum water quality standards at a designated bathing beach;

27 (2) The presence of sewage sludge deposits or solid refuse;

28 (3) Floating solid, grease or scum wastes; or

29 (4) Oil or other hazardous material.

30 **23-21.1-9. Exemptions.** – Beaches that do not meet standards for licensure are exempt
31 from the requirements of this chapter. Exempt beaches include rights of way, public access
32 points, and beaches for which there is no charge for use with a daily user population of fewer than
33 fifty (50) bathers. Beaches currently licensed are not exempt from these requirements.

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1 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO HEALTH AND SAFETY -- SANITATION STANDARDS FOR BATHING
BEACHES

- 1 This act would establish minimum sanitation standards by the department of health in
- 2 order to protect the public from contaminants in beach bathing water.
- 3 This act would take effect upon passage.

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