

Union Calendar No. 474

116TH CONGRESS
2D SESSION

H. R. 4611

[Report No. 116–576, Part I]

To modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant in certain circumstances, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2019

Mr. PETERS introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

NOVEMBER 16, 2020

Additional sponsors: Mr. HUNTER, Mrs. DAVIS of California, Mr. VARGAS, and Mr. LEVIN of California

NOVEMBER 16, 2020

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

NOVEMBER 16, 2020

Committee on Natural Resources discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 4, 2019]

A BILL

To modify permitting requirements with respect to the discharge of any pollutant from the Point Loma Wastewater Treatment Plant in certain circumstances, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Ocean Pollution Reduc-*
5 *tion Act II”.*

6 **SEC. 2. SAN DIEGO POINT LOMA PERMITTING REQUIRE-**
7 **MENTS.**

8 *(a) IN GENERAL.—Notwithstanding any provision of*
9 *the Federal Water Pollution Control Act (33 U.S.C. 1251*
10 *et seq.) and section 307 of the Coastal Zone Management*
11 *Act of 1972 (16 U.S.C. 1456), the Administrator, in coordi-*
12 *nation with the State, may issue to the City a permit under*
13 *section 402 of the Federal Water Pollution Control Act (33*
14 *U.S.C. 1342) for a discharge from the Point Loma Plant*
15 *into marine waters, which, in lieu of the requirements of*
16 *subsections (b)(1)(B) and (j)(5) of section 301 the Federal*
17 *Water Pollution Control Act (33 U.S.C. 1311) otherwise ap-*
18 *plicable to the discharge of biochemical oxygen demand and*
19 *total suspended solids, requires compliance with the require-*
20 *ments described in subsection (b).*

21 *(b) CONDITIONS.—A permit issued under this section*
22 *shall require—*

23 *(1) maintenance of the currently designed deep*
24 *ocean outfall from the Point Loma Plant with a dis-*

1 *charge depth of not less than 300 feet and distance*
2 *from the shore of not less than 4 miles;*

3 *(2) as applicable to the term of the permit, dis-*
4 *charge of not more than 12,000 metric tons of total*
5 *suspended solids per year commencing on the date of*
6 *enactment of this section, not more than 11,500 met-*
7 *ric tons of total suspended solids per year com-*
8 *mencing on December 31, 2025, and not more than*
9 *9,942 metric tons of total suspended solids per year*
10 *commencing on December 31, 2027;*

11 *(3) discharge of not more than 60 milligrams per*
12 *liter of total suspended solids, calculated as a 30-day*
13 *average;*

14 *(4) removal of not less than 80 percent of total*
15 *suspended solids on a monthly average and not less*
16 *than 58 percent of biochemical oxygen demand on an*
17 *annual average, taking into account removal occur-*
18 *ring at all treatment processes at related facilities for*
19 *wastewater upstream from and at the Point Loma*
20 *Plant;*

21 *(5) attainment of all other effluent limitations of*
22 *secondary treatment as determined by the Adminis-*
23 *trator pursuant to section 304(d)(1) of the Federal*
24 *Water Pollution Control Act (33 U.S.C. 1314(d)(1)),*
25 *other than with respect to concentration limits for*

1 *biochemical oxygen demand and total suspended sol-*
2 *ids;*

3 *(6) compliance with the requirements applicable*
4 *to Federal issuance of a permit under section 402 of*
5 *the Federal Water Pollution Control Act, including*
6 *State approval consistent with section 401 of the Fed-*
7 *eral Water Pollution Control Act (33 U.S.C. 1341)*
8 *and ocean discharge criteria evaluation pursuant to*
9 *section 403 of the Federal Water Pollution Control*
10 *Act (33 U.S.C. 1343);*

11 *(7) implementation of the pretreatment program*
12 *requirements of paragraphs (5) and (6) of section*
13 *301(h) of the Federal Water Pollution Control Act (33*
14 *U.S.C. 1311(h)) in addition to the requirements of*
15 *section 402(b)(8) of such Act (33 U.S.C. 1342(b)(8));*

16 *(8) that the City provide 10 consecutive years of*
17 *ocean monitoring data and analysis for the period*
18 *immediately preceding the date of each application*
19 *for a permit under this section sufficient to dem-*
20 *onstrate to the satisfaction of the Administrator that*
21 *the discharge of pollutants pursuant to a permit*
22 *issued under this section will meet the requirements*
23 *of section 301(h)(2) of the Federal Water Pollution*
24 *Control Act (33 U.S.C. 1311(h)(2)) and that the ap-*
25 *plicant has established and will maintain throughout*

1 *the permit term an ocean monitoring program that*
2 *meets or exceeds the requirements of section 301(h)(3)*
3 *of such Act (33 U.S.C. 1311(h)(3)); and*

4 *(9) to the extent potable reuse is permitted by*
5 *Federal and State regulatory agencies, that the City*
6 *demonstrate that at least 83,000,000 gallons per day*
7 *on an annual average of water suitable for potable*
8 *reuse will be produced by December 31, 2035, taking*
9 *into account production of water suitable for potable*
10 *reuse occurring at all treatment processes at related*
11 *facilities for wastewater upstream from and at the*
12 *Point Loma Plant.*

13 *(c) MILESTONES.—The Administrator, in coordina-*
14 *tion with the State, shall determine development milestones*
15 *necessary to ensure compliance with this section and in-*
16 *clude such milestones as conditions in each permit issued*
17 *under this section before December 31, 2035.*

18 *(d) SECONDARY TREATMENT.—Nothing in this section*
19 *prevents the City from alternatively submitting an applica-*
20 *tion for the Point Loma Plant that complies with secondary*
21 *treatment pursuant to section 301(b)(1)(B) and section 402*
22 *of the Federal Water Pollution Control Act (33 U.S.C.*
23 *1311(b)(1)(B); 33 U.S.C. 1342).*

24 *(e) DEFINITIONS.—In this section:*

1 (1) *ADMINISTRATOR.*—*The term “Adminis-*
2 *trator” means the Administrator of the Environ-*
3 *mental Protection Agency.*

4 (2) *BIOCHEMICAL OXYGEN DEMAND.*—*The term*
5 *“biochemical oxygen demand” means biological oxy-*
6 *gen demand, as such term is used in the Federal*
7 *Water Pollution Control Act.*

8 (3) *CITY.*—*The term “City” means the City of*
9 *San Diego, California.*

10 (4) *POINT LOMA PLANT.*—*The term “Point Loma*
11 *Plant” means the Point Loma Wastewater Treatment*
12 *Plant owned by the City.*

13 (5) *STATE.*—*The term “State” means the State*
14 *of California.*

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