

119TH CONGRESS 1ST SESSION H.R. 1390

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

February 14, 2025

Mr. Peters (for himself, Mr. Levin, Mr. Vargas, Mr. Issa, and Ms. Jacobs) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 Re-
 - 5 duction Act II".

SEC. 2. SAN DIEGO POINT LOMA PERMITTING REQUIRE-2 MENTS. 3 (a) IN GENERAL.—Notwithstanding any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 4 5 et seq.), the Administrator may issue a permit under section 402 of the Federal Water Pollution Control Act (33 6 7 U.S.C. 1342) for a discharge from the Point Loma Plant into marine waters that requires compliance with the re-9 quirements described in subsection (b). 10 (b) CONDITIONS.—A permit issued under this section 11 shall require— 12 (1) maintenance of the currently designed deep 13 ocean outfall from the Point Loma Plant with a dis-14 charge depth of not less than 300 feet and distance 15 from the shore of not less than 4 miles: 16 (2) as applicable to the term of the permit, dis-17 charge of not more than 12,000 metric tons of total 18 suspended solids per year commencing on the date 19 of enactment of this section, not more than 11,500 20 metric tons of total suspended solids per year com-21 mencing on December 31, 2029, and not more than 22 9,942 metric tons of total suspended solids per year 23 commencing on December 31, 2031; 24 (3) discharge of not more than 60 milligrams 25 per liter of total suspended solids, calculated as a

30-day average;

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- 1 (4) removal of not less than 80 percent of total 2 suspended solids on a monthly average and not less 3 than 58 percent of biochemical oxygen demand on 4 an annual average, taking into account removal oc-5 curring at all treatment processes for wastewater 6 upstream from and at the Point Loma Plant;
 - (5) attainment of all other effluent limitations of secondary treatment as determined by the Administrator pursuant to section 304(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(d)(1)), other than any requirements otherwise applicable to the discharge of biochemical oxygen demand and total suspended solids;
 - (6) compliance with the requirements applicable to Federal issuance of a permit under section 402 of the Federal Water Pollution Control Act, including State concurrence consistent with section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) and ocean discharge criteria evaluation pursuant to section 403 of the Federal Water Pollution Control Act (33 U.S.C. 1343);
 - (7) implementation of the pretreatment program requirements of paragraphs (5) and (6) of section 301(h) of the Federal Water Pollution Control Act (33 U.S.C. 1311(h)) in addition to the require-

- ments of section 402(b)(8) of such Act (33 U.S.C. 1 2 1342(b)(8);
- 3 (8) that the applicant provide 10 consecutive years of ocean monitoring data and analysis for the 5 period immediately preceding the date of each appli-6 cation for a permit under this section sufficient to 7 demonstrate to the satisfaction of the Administrator 8 that the discharge of pollutants pursuant to a per-9 mit issued under this section will meet the require-10 ments of section 301(h)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1311(h)(2)) and 12 that the applicant has established and will maintain 13 throughout the permit term an ocean monitoring 14 program that meets or exceeds the requirements of 15 section 301(h)(3)of such Act (33)U.S.C. 16 1311(h)(3); and
 - (9) to the extent potable reuse is permitted by Federal and State regulatory agencies, that the applicant demonstrate that at least 83,000,000 gallons per day on an annual average of water suitable for potable reuse will be produced by December 31, 2039, taking into account production of water suitable for potable reuse occurring at all treatment processes for wastewater upstream from and at the Point Loma Plant.

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- 1 (c) Milestones.—The Administrator shall deter-
- 2 mine development milestones necessary to ensure compli-
- 3 ance with this section and include such milestones as con-
- 4 ditions in each permit issued under this section before De-
- 5 cember 31, 2039.
- 6 (d) Secondary Treatment.—Nothing in this sec-
- 7 tion prevents the applicant from alternatively submitting
- 8 an application for the Point Loma Plant that complies
- 9 with secondary treatment pursuant to section
- 10 301(b)(1)(B) and section 402 of the Federal Water Pollu-
- 11 tion Control Act (33 U.S.C. 1311(b)(1)(B); 33 U.S.C.
- 12 1342).
- 13 (e) Definitions.—In this section:
- 14 (1) Administrator.—The term "Adminis-
- trator" means the Administrator of the Environ-
- 16 mental Protection Agency.
- 17 (2) BIOCHEMICAL OXYGEN DEMAND.—The
- term "biochemical oxygen demand" means biological
- oxygen demand, as such term is used in the Federal
- 20 Water Pollution Control Act.
- 21 (3) Point Loma Plant.—The term "Point
- Loma Plant" means the Point Loma Wastewater
- Treatment Plant owned by the City of San Diego on
- 24 the date of enactment of this Act.

- 1 (4) STATE.—The term "State" means the State
- of California.

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