

116TH CONGRESS
2D SESSION

H. R. 4611

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Ocean Pollution Re-
3 duction Act II”.

4 **SEC. 2. SAN DIEGO POINT LOMA PERMITTING REQUIRE-**
5 **MENTS.**

6 (a) **IN GENERAL.**—Notwithstanding any provision of
7 the Federal Water Pollution Control Act (33 U.S.C. 1251
8 et seq.), the Administrator may issue a permit under sec-
9 tion 402 of the Federal Water Pollution Control Act (33
10 U.S.C. 1342) for a discharge from the Point Loma Plant
11 into marine waters that requires compliance with the re-
12 quirements described in subsection (b).

13 (b) **CONDITIONS.**—A permit issued under this section
14 shall require—

15 (1) maintenance of the currently designed deep
16 ocean outfall from the Point Loma Plant with a dis-
17 charge depth of not less than 300 feet and distance
18 from the shore of not less than 4 miles;

19 (2) as applicable to the term of the permit, dis-
20 charge of not more than 12,000 metric tons of total
21 suspended solids per year commencing on the date
22 of enactment of this section, not more than 11,500
23 metric tons of total suspended solids per year com-
24 mencing on December 31, 2025, and not more than
25 9,942 metric tons of total suspended solids per year
26 commencing on December 31, 2027;

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

4 (4) removal of not less than 80 percent of total
5 suspended solids on a monthly average and not less
6 than 58 percent of biochemical oxygen demand on
7 an annual average, taking into account removal oc-
8 curring at all treatment processes for wastewater
9 upstream from and at the Point Loma Plant;

10 (5) attainment of all other effluent limitations
11 of secondary treatment as determined by the Admin-
12 istrator pursuant to section 304(d)(1) of the Federal
13 Water Pollution Control Act (33 U.S.C. 1314(d)(1)),
14 other than any requirements otherwise applicable to
15 the discharge of biochemical oxygen demand and
16 total suspended solids;

17 (6) compliance with the requirements applicable
18 to Federal issuance of a permit under section 402
19 of the Federal Water Pollution Control Act, includ-
20 ing State concurrence consistent with section 401 of
21 the Federal Water Pollution Control Act (33 U.S.C.
22 1341) and ocean discharge criteria evaluation pursu-
23 ant to section 403 of the Federal Water Pollution
24 Control Act (33 U.S.C. 1343);

1 (7) implementation of the pretreatment pro-
2 gram requirements of paragraphs (5) and (6) of sec-
3 tion 301(h) of the Federal Water Pollution Control
4 Act (33 U.S.C. 1311(h)) in addition to the require-
5 ments of section 402(b)(8) of such Act (33 U.S.C.
6 1342(b)(8));

7 (8) that the applicant provide 10 consecutive
8 years of ocean monitoring data and analysis for the
9 period immediately preceding the date of each appli-
10 cation for a permit under this section sufficient to
11 demonstrate to the satisfaction of the Administrator
12 that the discharge of pollutants pursuant to a per-
13 mit issued under this section will meet the require-
14 ments of section 301(h)(2) of the Federal Water
15 Pollution Control Act (33 U.S.C. 1311(h)(2)) and
16 that the applicant has established and will maintain
17 throughout the permit term an ocean monitoring
18 program that meets or exceeds the requirements of
19 section 301(h)(3) of such Act (33 U.S.C.
20 1311(h)(3)); and

21 (9) to the extent potable reuse is permitted by
22 Federal and State regulatory agencies, that the ap-
23 plicant demonstrate that at least 83,000,000 gallons
24 per day on an annual average of water suitable for
25 potable reuse will be produced by December 31,

1 2035, taking into account production of water suit-
2 able for potable reuse occurring at all treatment
3 processes for wastewater upstream from and at the
4 Point Loma Plant.

5 (c) MILESTONES.—The Administrator shall deter-
6 mine development milestones necessary to ensure compli-
7 ance with this section and include such milestones as con-
8 ditions in each permit issued under this section before De-
9 cember 31, 2035.

10 (d) SECONDARY TREATMENT.—Nothing in this sec-
11 tion prevents the applicant from alternatively submitting
12 an application for the Point Loma Plant that complies
13 with secondary treatment pursuant to section
14 301(b)(1)(B) and section 402 of the Federal Water Pollu-
15 tion Control Act (33 U.S.C. 1311(b)(1)(B); 33 U.S.C.
16 1342).

17 (e) DEFINITIONS.—In this section:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of the Environ-
20 mental Protection Agency.

21 (2) BIOCHEMICAL OXYGEN DEMAND.—The
22 term “biochemical oxygen demand” means biological
23 oxygen demand, as such term is used in the Federal
24 Water Pollution Control Act.

