

# Union Calendar No. 474

116<sup>TH</sup> CONGRESS  
2<sup>D</sup> 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.

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## 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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