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117TH CONGRESS
1ST SESSION

H. R. 587

[Report No. 117-]

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

JANUARY 28, 2021

Mr. PETERS (for himself, Mr. LEVIN of California, Mr. ISSA, Mr. VARGAS, and Ms. JACOBS of California) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

MARCH --, 2021

Committed to the Committee of the Whole House on the State of the Union,
and ordered to be printed

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”.

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.), the Administrator may issue a permit under sec-
11 tion 402 of the Federal Water Pollution Control Act (33
12 U.S.C. 1342) for a discharge from the Point Loma Plant
13 into marine waters that requires compliance with the re-
14 quirements described in subsection (b).

15 (b) **CONDITIONS.**—A permit issued under this section
16 shall require—

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

21 (2) as applicable to the term of the permit, dis-
22 charge of not more than 12,000 metric tons of total
23 suspended solids per year commencing on the date
24 of enactment of this section, not more than 11,500
25 metric tons of total suspended solids per year com-

1 mencing on December 31, 2025, and not more than
 2 9,942 metric tons of total suspended solids per year
 3 commencing on December 31, 2027;

4 (3) discharge of not more than 60 milligrams
 5 per liter of total suspended solids, calculated as a
 6 30-day average;

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

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

20 (6) compliance with the requirements applicable
 21 to Federal issuance of a permit under section 402
 22 of the Federal Water Pollution Control Act, includ-
 23 ing State concurrence consistent with section 401 of
 24 the Federal Water Pollution Control Act (33 U.S.C.
 25 1341) and ocean discharge criteria evaluation pursu-

1 ant to section 403 of the Federal Water Pollution
2 Control Act (33 U.S.C. 1343);

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

9 (8) that the applicant provide 10 consecutive
10 years of ocean monitoring data and analysis for the
11 period immediately preceding the date of each appli-
12 cation for a permit under this section sufficient to
13 demonstrate to the satisfaction of the Administrator
14 that the discharge of pollutants pursuant to a per-
15 mit issued under this section will meet the require-
16 ments of section 301(h)(2) of the Federal Water
17 Pollution Control Act (33 U.S.C. 1311(h)(2)) and
18 that the applicant has established and will maintain
19 throughout the permit term an ocean monitoring
20 program that meets or exceeds the requirements of
21 section 301(h)(3) of such Act (33 U.S.C.
22 1311(h)(3)); and

23 (9) to the extent potable reuse is permitted by
24 Federal and State regulatory agencies, that the ap-
25 plicant demonstrate that at least 83,000,000 gallons

1 per day on an annual average of water suitable for
 2 potable reuse will be produced by December 31,
 3 2035, taking into account production of water suit-
 4 able for potable reuse occurring at all treatment
 5 processes for wastewater upstream from and at the
 6 Point Loma Plant.

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

12 (d) SECONDARY TREATMENT.—Nothing in this sec-
 13 tion prevents the applicant from alternatively submitting
 14 an application for the Point Loma Plant that complies
 15 with secondary treatment pursuant to section
 16 301(b)(1)(B) and section 402 of the Federal Water Pollu-
 17 tion Control Act (33 U.S.C. 1311(b)(1)(B); 33 U.S.C.
 18 1342).

19 (e) DEFINITIONS.—In this section:

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

23 (2) BIOCHEMICAL OXYGEN DEMAND.—The
 24 term “biochemical oxygen demand” means biological

1 oxygen demand, as such term is used in the Federal
2 Water Pollution Control Act.

3 (3) POINT LOMA PLANT.—The term “Point
4 Loma Plant” means the Point Loma Wastewater
5 Treatment Plant owned by the City of San Diego on
6 the date of enactment of this Act.

7 (4) STATE.—The term “State” means the State
8 of California.