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

SECTION 1. SHORT TITLE.

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

SEC. 2. SAN DIEGO POINT LOMA PERMITTING REQUIRE-
MENTS.

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

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

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

(2) as applicable to the term of the permit, dis-
charge of not more than 12,000 metric tons of total
suspended solids per year commencing on the date
of enactment of this section, not more than 11,500
metric tons of total suspended solids per year com-
mencing on December 31, 2025, and not more than
9,942 metric tons of total suspended solids per year
commencing on December 31, 2027;
(3) discharge of not more than 60 milligrams
per liter of total suspended solids, calculated as a
30-day average;
(4) removal of not less than 80 percent of total
suspended solids on a monthly average and not less
than 58 percent of biochemical oxygen demand on
an annual average, taking into account removal oc-
curring at all treatment processes for wastewater
upstream from and at the Point Loma Plant;
(5) attainment of all other effluent limitations
of secondary treatment as determined by the Admin-
istrator 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, includ-
ing State concurrence consistent with section 401 of
the Federal Water Pollution Control Act (33 U.S.C.
1341) and ocean discharge criteria evaluation pursu-
(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 requirements of section 402(b)(8) of such Act (33 U.S.C. 1342(b)(8));

(8) that the applicant provide 10 consecutive years of ocean monitoring data and analysis for the period immediately preceding the date of each application for a permit under this section sufficient to demonstrate to the satisfaction of the Administrator that the discharge of pollutants pursuant to a permit issued under this section will meet the requirements of section 301(h)(2) of the Federal Water Pollution Control Act (33 U.S.C. 1311(h)(2)) and that the applicant has established and will maintain throughout the permit term an ocean monitoring program that meets or exceeds the requirements of section 301(h)(3) of such Act (33 U.S.C. 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, 2035, 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.

(c) MILESTONES.—The Administrator shall determine development milestones necessary to ensure compliance with this section and include such milestones as conditions in each permit issued under this section before December 31, 2035.

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

(e) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

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

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

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