

Suspend the Rules and Pass the Bill, H.R. 4611, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
2^D SESSION

H. R. 4611

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

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

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”.

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

3 (a) IN GENERAL.—Notwithstanding any provision of
4 the Federal Water Pollution Control Act (33 U.S.C. 1251
5 et seq.), the Administrator may issue a permit under sec-
6 tion 402 of the Federal Water Pollution Control Act (33
7 U.S.C. 1342) for a discharge from the Point Loma Plant
8 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, 2025, and not more than
22 9,942 metric tons of total suspended solids per year
23 commencing on December 31, 2027;

24 (3) discharge of not more than 60 milligrams
25 per liter of total suspended solids, calculated as a
26 30-day average;

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;

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

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

22 (7) implementation of the pretreatment pro-
23 gram requirements of paragraphs (5) and (6) of sec-
24 tion 301(h) of the Federal Water Pollution Control
25 Act (33 U.S.C. 1311(h)) in addition to the require-

1 ments of section 402(b)(8) of such Act (33 U.S.C.
2 1342(b)(8));

3 (8) that the applicant provide 10 consecutive
4 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
11 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

17 (9) to the extent potable reuse is permitted by
18 Federal and State regulatory agencies, that the ap-
19 plicant demonstrate that at least 83,000,000 gallons
20 per day on an annual average of water suitable for
21 potable reuse will be produced by December 31,
22 2035, taking into account production of water suit-
23 able for potable reuse occurring at all treatment
24 processes for wastewater upstream from and at the
25 Point Loma Plant.

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, 2035.

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-
15 trator” means the Administrator of the Environ-
16 mental Protection Agency.

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

21 (3) POINT LOMA PLANT.—The term “Point
22 Loma Plant” means the Point Loma Wastewater
23 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
2 of California.