

Union Calendar No. 759

118TH CONGRESS
2^D SESSION

H. R. 1720

[Report No. 118-929]

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

MARCH 22, 2023

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

DECEMBER 19, 2024

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italics]

[For text of introduced bill, see copy of bill as introduced on March 22, 2023]

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.), the Administrator may issue a permit under section*
11 *402 of the Federal Water Pollution Control Act (33 U.S.C.*
12 *1342) for a discharge from the Point Loma Plant into ma-*
13 *rine waters that requires compliance with the requirements*
14 *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 of*
24 *enactment of this section, not more than 11,500 met-*
25 *ric tons of total suspended solids per year com-*

1 *mencing on December 31, 2028, and not more than*
2 *9,942 metric tons of total suspended solids per year*
3 *commencing on December 31, 2030;*

4 *(3) discharge of not more than 60 milligrams per*
5 *liter of total suspended solids, calculated as a 30-day*
6 *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 an*
10 *annual average, taking into account removal occur-*
11 *ring at all treatment processes for wastewater up-*
12 *stream from and at the Point Loma Plant;*

13 *(5) attainment of all other effluent limitations of*
14 *secondary treatment as determined by the Adminis-*
15 *trator 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 total*
19 *suspended solids;*

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

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

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

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

21 *(9) to the extent potable reuse is permitted by*
22 *Federal and State regulatory agencies, that the appli-*
23 *cant demonstrate that at least 83,000,000 gallons per*
24 *day on an annual average of water suitable for pota-*
25 *ble reuse will be produced by December 31, 2038, tak-*

1 *ing into account production of water suitable for po-*
2 *table reuse occurring at all treatment processes for*
3 *wastewater upstream from and at the Point Loma*
4 *Plant.*

5 (c) *MILESTONES.*—*The Administrator shall determine*
6 *development milestones necessary to ensure compliance with*
7 *this section and include such milestones as conditions in*
8 *each permit issued under this section before December 31,*
9 *2038.*

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

16 (e) *DEFINITIONS.*—*In this section:*

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

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

24 (3) *POINT LOMA PLANT.*—*The term “Point Loma*
25 *Plant” means the Point Loma Wastewater Treatment*

1 *Plant owned by the City of San Diego on the date of*
2 *enactment of this Act.*

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

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