

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1720
OFFERED BY MRS. NAPOLITANO OF CALIFORNIA

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

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

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

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

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

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

1 (2) as applicable to the term of the permit, dis-
2 charge of not more than 12,000 metric tons of total
3 suspended solids per year commencing on the date
4 of enactment of this section, not more than 11,500
5 metric tons of total suspended solids per year com-
6 mencing on December 31, 2028, and not more than
7 9,942 metric tons of total suspended solids per year
8 commencing on December 31, 2030;

9 (3) discharge of not more than 60 milligrams
10 per liter of total suspended solids, calculated as a
11 30-day average;

12 (4) removal of not less than 80 percent of total
13 suspended solids on a monthly average and not less
14 than 58 percent of biochemical oxygen demand on
15 an annual average, taking into account removal oc-
16 curring at all treatment processes for wastewater
17 upstream from and at the Point Loma Plant;

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

1 (6) compliance with the requirements applicable
2 to Federal issuance of a permit under section 402
3 of the Federal Water Pollution Control Act, includ-
4 ing State concurrence consistent with section 401 of
5 the Federal Water Pollution Control Act (33 U.S.C.
6 1341) and ocean discharge criteria evaluation pursu-
7 ant to section 403 of the Federal Water Pollution
8 Control Act (33 U.S.C. 1343);

9 (7) implementation of the pretreatment pro-
10 gram requirements of paragraphs (5) and (6) of sec-
11 tion 301(h) of the Federal Water Pollution Control
12 Act (33 U.S.C. 1311(h)) in addition to the require-
13 ments of section 402(b)(8) of such Act (33 U.S.C.
14 1342(b)(8));

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

1 program that meets or exceeds the requirements of
2 section 301(h)(3) of such Act (33 U.S.C.
3 1311(h)(3)); and

4 (9) to the extent potable reuse is permitted by
5 Federal and State regulatory agencies, that the ap-
6 plicant demonstrate that at least 83,000,000 gallons
7 per day on an annual average of water suitable for
8 potable reuse will be produced by December 31,
9 2038, taking into account production of water suit-
10 able for potable reuse occurring at all treatment
11 processes for wastewater upstream from and at the
12 Point Loma Plant.

13 (c) MILESTONES.—The Administrator shall deter-
14 mine development milestones necessary to ensure compli-
15 ance with this section and include such milestones as con-
16 ditions in each permit issued under this section before De-
17 cember 31, 2038.

18 (d) SECONDARY TREATMENT.—Nothing in this sec-
19 tion prevents the applicant from alternatively submitting
20 an application for the Point Loma Plant that complies
21 with secondary treatment pursuant to section
22 301(b)(1)(B) and section 402 of the Federal Water Pollu-
23 tion Control Act (33 U.S.C. 1311(b)(1)(B); 33 U.S.C.
24 1342).

25 (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
5 term “biochemical oxygen demand” means biological
6 oxygen demand, as such term is used in the Federal
7 Water Pollution Control Act.

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

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

