

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4611
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.) and section 307 of the Coastal Zone Management
9 Act of 1972 (16 U.S.C. 1456), the Administrator, in co-
10 ordination with the State, may issue to the City a permit
11 under section 402 of the Federal Water Pollution Control
12 Act (33 U.S.C. 1342) for a discharge from the Point
13 Loma Plant into marine waters, which, in lieu of the re-
14 quirements of subsections (b)(1)(B) and (j)(5) of section
15 301 the Federal Water Pollution Control Act (33 U.S.C.
16 1311) otherwise applicable to the discharge of biochemical
17 oxygen demand and total suspended solids, requires com-
18 pliance with the requirements described in subsection (b).

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

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

7 (2) as applicable to the term of the permit, dis-
8 charge of not more than 12,000 metric tons of total
9 suspended solids per year commencing on the date
10 of enactment of this section, not more than 11,500
11 metric tons of total suspended solids per year com-
12 mencing on December 31, 2025, and not more than
13 9,942 metric tons of total suspended solids per year
14 commencing on December 31, 2027;

15 (3) discharge of not more than 60 milligrams
16 per liter of total suspended solids, calculated as a
17 30-day average;

18 (4) removal of not less than 80 percent of total
19 suspended solids on a monthly average and not less
20 than 58 percent of biochemical oxygen demand on
21 an annual average, taking into account removal oc-
22 ccurring at all treatment processes at related facili-
23 ties for wastewater upstream from and at the Point
24 Loma Plant;

1 (5) attainment of all other effluent limitations
2 of secondary treatment as determined by the Admin-
3 istrator pursuant to section 304(d)(1) of the Federal
4 Water Pollution Control Act (33 U.S.C. 1314(d)(1)),
5 other than with respect to concentration limits for
6 biochemical oxygen demand and total suspended sol-
7 ids;

8 (6) compliance with the requirements applicable
9 to Federal issuance of a permit under section 402
10 of the Federal Water Pollution Control Act, includ-
11 ing State approval consistent with section 401 of the
12 Federal Water Pollution Control Act (33 U.S.C.
13 1341) and ocean discharge criteria evaluation pursu-
14 ant to section 403 of the Federal Water Pollution
15 Control Act (33 U.S.C. 1343);

16 (7) implementation of the pretreatment pro-
17 gram requirements of paragraphs (5) and (6) of sec-
18 tion 301(h) of the Federal Water Pollution Control
19 Act (33 U.S.C. 1311(h)) in addition to the require-
20 ments of section 402(b)(8) of such Act (33 U.S.C.
21 1342(b)(8));

22 (8) that the City provide 10 consecutive years
23 of ocean monitoring data and analysis for the period
24 immediately preceding the date of each application
25 for a permit under this section sufficient to dem-

1 onstrate to the satisfaction of the Administrator that
2 the discharge of pollutants pursuant to a permit
3 issued under this section will meet the requirements
4 of section 301(h)(2) of the Federal Water Pollution
5 Control Act (33 U.S.C. 1311(h)(2)) and that the ap-
6 plicant has established and will maintain throughout
7 the permit term an ocean monitoring program that
8 meets or exceeds the requirements of section
9 301(h)(3) of such Act (33 U.S.C. 1311(h)(3)); and
10 (9) to the extent potable reuse is permitted by
11 Federal and State regulatory agencies, that the City
12 demonstrate that at least 83,000,000 gallons per
13 day on an annual average of water suitable for pota-
14 ble reuse will be produced by December 31, 2035,
15 taking into account production of water suitable for
16 potable reuse occurring at all treatment processes at
17 related facilities for wastewater upstream from and
18 at the Point Loma Plant.

19 (c) MILESTONES.—The Administrator, in coordina-
20 tion with the State, shall determine development mile-
21 stones necessary to ensure compliance with this section
22 and include such milestones as conditions in each permit
23 issued under this section before December 31, 2035.

24 (d) SECONDARY TREATMENT.—Nothing in this sec-
25 tion prevents the City from alternatively submitting an ap-

1 plication for the Point Loma Plant that complies with sec-
2 ondary treatment pursuant to section 301(b)(1)(B) and
3 section 402 of the Federal Water Pollution Control Act
4 (33 U.S.C. 1311(b)(1)(B); 33 U.S.C. 1342).

5 (e) DEFINITIONS.—In this section:

6 (1) ADMINISTRATOR.—The term “Adminis-
7 trator” means the Administrator of the Environ-
8 mental Protection Agency.

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

13 (3) CITY.—The term “City” means the City of
14 San Diego, California.

15 (4) POINT LOMA PLANT.—The term “Point
16 Loma Plant” means the Point Loma Wastewater
17 Treatment Plant owned by the City.

18 (5) STATE.—The term “State” means the State
19 of California.

