

OCEAN POLLUTION REDUCTION ACT II

NOVEMBER 16, 2020.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. DEFAZIO, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4611]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (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, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Ocean Pollution Reduction Act II”.

SEC. 2. SAN DIEGO POINT LOMA PERMITTING REQUIREMENTS.

(a) **IN GENERAL.**—Notwithstanding any provision of the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) and section 307 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456), the Administrator, in coordination with the State, may issue to the City a permit under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) for a discharge from the Point Loma Plant into marine waters, which, in lieu of the requirements of subsections (b)(1)(B) and (j)(5) of section 301 the Federal Water Pollution Control Act (33 U.S.C. 1311) otherwise applicable to the discharge of biochemical oxygen demand and total suspended solids, requires compliance with the requirements 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 discharge 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, discharge 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 commencing 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 occurring at all treatment processes at related facilities for wastewater upstream from and at the Point Loma Plant;

(5) attainment of all other effluent limitations of secondary treatment as determined by the Administrator pursuant to section 304(d)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1314(d)(1)), other than with respect to concentration limits for 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, including State approval consistent with section 401 of the Federal Water Pollution Control Act (33 U.S.C. 1341) and ocean discharge criteria evaluation pursuant to section 403 of the Federal Water Pollution Control Act (33 U.S.C. 1343);

(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 City 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 City 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 at related facilities for wastewater upstream from and at the Point Loma Plant.

(c) **MILESTONES.**—The Administrator, in coordination with the State, 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 City 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) CITY.—The term “City” means the City of San Diego, California.
- (4) POINT LOMA PLANT.—The term “Point Loma Plant” means the Point Loma Wastewater Treatment Plant owned by the City.
- (5) STATE.—The term “State” means the State of California.

PURPOSE OF LEGISLATION

The purpose of H.R. 4611, as amended, is to provide an alternative process for the City of San Diego to comply with the Clean Water Act’s permitting requirements for the continued operation of the Point Loma Wastewater Treatment Plant, while ensuring continued reductions of pollutant discharges and greater use of reclaimed wastewater associated with the Plant.

BACKGROUND AND NEED FOR LEGISLATION

H.R. 4611 seeks to clarify that the City of San Diego, California, can utilize the standard Clean Water Act National Pollutant Discharge Elimination System (NPDES) permit renewal process and does not need a variance application to continue operating the E.W. Blom Point Loma Metropolitan Wastewater Treatment Plant (“Point Loma Plant”) and the Point Loma Ocean Outfall, subject to the implementation of the permitting requirements specified in the bill.

The Clean Water Act

The Federal Water Pollution Control Act, more commonly known as the Clean Water Act, prohibits the discharge of pollutants into navigable waters unless such discharges are covered by a Federal permit¹ as well as establishes national minimum standards for certain discharges, including discharges from publicly owned treatment works. Section 301(b)(1)(B)² of the Clean Water Act requires that all publicly owned treatment works in existence as of July 1, 1977, achieve effluent limitations based on secondary treatment standards,³ established by the Administrator of the U.S. Environmental Protection Agency (EPA), and defined pursuant to section 304(d)(1)⁴ of the Act. These limitations and standards are implemented through an NPDES permit, issued either by the EPA Administrator or an approved State program, pursuant to section 402 of the Clean Water Act.⁵ The State of California is currently approved to implement the Clean Water Act NPDES program in the state.⁶

Section 301(h)⁷ of the Clean Water Act also includes a process for certain publicly owned treatment works that discharge into marine waters to continue to operate under a Clean Water Act NPDES permit with a limited variance from the secondary treat-

¹ See 33 U.S.C. 1311(a).

² See 33 U.S.C. 1311(b)(1)(B).

³ See <https://www.epa.gov/npdes/secondary-treatment-standards>. Secondary treatment is defined in the regulation (40 CFR Part 133) in terms of effluent quality for total suspended solids (TSS), biochemical oxygen demand (BOD), and pH.

⁴ See 33 U.S.C. 1314(d)(1).

⁵ See 33 U.S.C. 1342.

⁶ See <https://www.epa.gov/npdes/npdes-state-program-authority>.

⁷ 33 U.S.C. 1311(h).

ment standards. Section 301(h)⁸ authorizes the EPA Administrator, with State concurrence, to issue such an NPDES variance for discharges that meet the requirements of that subsection.⁹ EPA regulations implementing section 301(h) require that NPDES variances under section 301(h) must also comply with applicable provisions of State, local, or other Federal laws or Executive Orders, including the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.); the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.); and Title III of the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431 et seq.).¹⁰ NPDES permits, including those issued with a 301(h) variance, have a duration of five years and must be renewed.¹¹

The Point Loma Wastewater Treatment Plant

The Point Loma Plant, located in San Diego, California, began operations in 1963.¹² The Plant treats approximately 175 million gallons of wastewater per day, generated in a 450-square-mile area by more than 2.2 million residents.¹³ The Point Loma Plant operates as a chemically-assisted primary treatment plant, and is the terminal treatment facility discharging to the Point Loma Ocean Outfall—a 4.5 mile pipe that extends outward from the Point Loma Plant and discharges treated wastewater into the Pacific Ocean at a depth of more than 300 feet.¹⁴

⁸See id.

⁹The statutory requirements for a 301(h) variance are that:

(1) there is an applicable water quality standard specific to the pollutant for which the modification is requested;

(2) the discharge of pollutants in accordance with such modified requirements will not interfere, alone or in combination with pollutants from other sources, with the attainment or maintenance of that water quality which assures protection of public water supplies and the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife, and allows recreational activities, in and on the water;

(3) the applicant has established a system for monitoring the impact of such discharge on a representative sample of aquatic biota, to the extent practicable, and the scope of such monitoring is limited to include only those scientific investigations which are necessary to study the effects of the proposed discharge;

(4) such modified requirements will not result in any additional requirements on any other point or nonpoint source;

(5) all applicable pretreatment requirements for sources introducing waste into such treatment works will be enforced;

(6) in the case of any treatment works serving a population of 50,000 or more, with respect to any toxic pollutant introduced into such works by an industrial discharger for which pollutant there is no applicable pretreatment requirement in effect, sources introducing waste into such works are in compliance with all applicable pretreatment requirements, the applicant will enforce such requirements, and the applicant has in effect a pretreatment program which, in combination with the treatment of discharges from such works, removes the same amount of such pollutant as would be removed if such works were to apply secondary treatment to discharges and if such works had no pretreatment program with respect to such pollutant;

(7) to the extent practicable, the applicant has established a schedule of activities designed to eliminate the entrance of toxic pollutants from nonindustrial sources into such treatment works;

(8) there will be no new or substantially increased discharges from the point source of the pollutant to which the modification applies above that volume of discharge specified in the permit; and

(9) the applicant at the time such modification becomes effective will be discharging effluent which has received at least primary or equivalent treatment and which meets the criteria established under section 304(a)(1) of the Act after initial mixing in the waters surrounding or adjacent to the point at which such effluent is discharged.

¹⁰See 40 CFR 125, Subpart G.

¹¹See 33 U.S.C. 1342(b)(1)(B).

¹²<https://www.sandiego.gov/public-utilities/customer-service/water-wastewater-facilities/point-loma>.

¹³See id.

¹⁴See *infra* at 15. The ocean outfall consists of an original 11,226-foot-long outfall section that was constructed in 1963 and a 12,246-foot-long extension that was added in 1993. The total length of the outfall system is 23,472 feet, or approximately 4.5 miles.

In 1979, the City of San Diego applied for a 301(h) variance, which was approved by EPA and the State.¹⁵ Since that time, the Point Loma Plant has generally operated, and is currently operating, under a section 301(h) permit variance¹⁶ to discharge their wastewater with less than full secondary treatment through the Ocean Outfall to the nearby coastal waters. The current 301(h) variance was issued on October 1, 2017, and expires September 30, 2022.¹⁷

According to the City of San Diego, it is impracticable for the Point Loma Plant to meet the secondary treatment requirements of the Clean Water Act, which has required the Point Loma Plant to seek a section 301(h) variance for its continued operation.¹⁸ The current 301(h) variance provides the Point Loma Plant with a modification related to its discharge levels for Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD).¹⁹

In addition, the City of San Diego is engaged in a long-term effort to reduce discharges from the Point Loma Plant to coastal waters while reclaiming treated wastewater for eventual potable and non-potable reuse in the area.²⁰ For example, in connection with enactment of the Ocean Pollution Reduction Act (Pub. L. 103–431), the City has constructed treatment facilities with the capacity for 45,000,000 gallons of reclaimed wastewater per day, which has also resulted in a reduction in the discharge of TSS and BOD by the facility.

In May 2020, the San Diego Regional Water Quality Control Board issued a new NPDES permit for the North City Water Reclamation and Pure Water Facility (part of San Diego’s Pure Water program) to combine tertiary treated recycled water and additional highly advanced treatment (reverse osmosis, oxidation, ultrafiltration, etc.), and then discharge to the Miramar reservoir for eventual drinking water use.²¹ Once fully operating, this will re-direct a portion of the Point Loma discharge to the North City/Pure Water facility. However, while the ocean discharges from the Point Loma Plant will be reduced, such discharges will not be eliminated in the foreseeable future.

¹⁵ See *United States of America v. City of San Diego*, U.S. District Court for the Southern District of California, March 31, 1994; 1994 U.S. Dist. LEXIS 19501 *; 38 ERC (BNA) 1718.

¹⁶ See Waste Discharge Requirements and National Pollutant Discharge Elimination System Permit for the City of San Diego E.W. Blom Point Loma Wastewater Treatment Plant Discharge for the Pacific Ocean Through the Point Loma Ocean Outfall (NPDES No. CA0107409), found at https://www.epa.gov/sites/production/files/2017-08/documents/ca0107409-point_loma_301h_decision_and_tdd_2017-08-04.pdf.

¹⁷ See *id.*

¹⁸ The City has expressed concern that local geographic limitations, including the adjacency of the Point Loma Wastewater Treatment Plant to the Cabrillo National Monument, the Point Loma Ecological Reserve, and the U.S. Naval Base at Point Loma, California, prevent the construction of treatment facilities that would be required to achieve full compliance with the secondary treatment requirements of the Clean Water Act. The City has also expressed the view that establishing a standard that allows for greater use of reclaimed wastewater to address the long-term water supply needs of the region makes more practical sense than requiring the treatment of wastewater that would ultimately be discharged into the Pacific Ocean.

¹⁹ See *supra* note 15. According to information provided by EPA, the Point Loma Plant currently removes approximately 80% of TSS, and BOD removal is approximately 55–60%. Existing secondary treatment standards require publicly owned treatment works to meet TSS and BOD removal at 85% minimum.

²⁰ See “Application for Renewal of NPDES CA0107409 and 301(h) Modified Secondary Treatment Requirements,” City of San Diego Public Utilities, Water and Wastewater. January 2015. Accessed at https://www.sandiego.gov/sites/default/files/ploovol2_15.pdf.

²¹ See https://www.waterboards.ca.gov/sandiego/board_decisions/adopted_orders/orders2020.html.

H.R. 4611, the Ocean Pollution Reduction Act II

The purpose of H.R. 4611, as amended, is to address the long-term Clean Water Act permitting requirements for the City of San Diego and co-cities which feed into Point Loma Plant for wastewater treatment.

H.R. 4611, as amended, provides for an alternative process for the Point Loma Plant to achieve compliance with the Clean Water Act's NPDES permitting requirements, other than the existing 301(h) variance conditions, while ensuring continued reductions of pollutant discharges and greater use of reclaimed wastewater associated with the Plant. The legislation also eliminates the need to reapply for the variance specifically for the Point Loma Plant, and provides direction to EPA for including minimum treatment levels for the NPDES permit to be issued to Point Loma Plant.

HEARINGS

For the purposes of section 103(i) of H. Res. 6 of the 116th Congress the following hearing was used to develop or consider H.R. 4611:

On February 27, 2020, the Subcommittee on Water Resources and Environment held a hearing, entitled "Proposals for a Water Resources Development Act of 2020: Members' Day Hearing." Representative Scott Peters testified before the Subcommittee on the issues addressed within H.R. 4611.

LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 4611 was introduced in the House on October 4, 2019, by Mr. Peters and referred to the Committee on Transportation and Infrastructure, and the Committee on Natural Resources. Within the Committee, H.R. 4611 was referred to the Subcommittee on Water Resources and Environment.

On September 30, 2020, the Subcommittee on Water Resources and Environment was discharged from further consideration of H.R. 4611.

The Committee met in open session to consider H.R. 4611 on September 30, 2020, and ordered the measure to be reported to the House with a favorable recommendation, as amended, by voice vote.

The following amendments were offered:

An Amendment in the Nature of a Substitute offered by Mrs. Napolitano (#1); was AGREED TO by voice vote.

An amendment to the Amendment in the Nature of a Substitute offered by Mr. Graves of Louisiana (#1A); was WITHDRAWN.

Page 1, line 4, strike "SAN DIEGO POINT LOMA" and insert "WASTEWATER FACILITY OCEAN DISCHARGE".

Page 1, line 10, strike "the State, may issue to the City" and insert "the applicable State, may issue to a municipality".

Page 1, beginning on line 12, strike "the Point Loma Plant" and insert "a treatment works".

Page 2, beginning on line 3, strike "the currently designed deep ocean outfall from the Point Loma Plant" and insert "a deep ocean outfall from the treatment works".

Page 2, beginning on line 23, strike "Point Loma Plant" and insert "treatment works".

Page 3, line 22, strike “City” and insert “municipality”.

Page 4, line 11, strike “City” and insert “municipality”.

Page 4, line 18, strike “Point Loma Plant” and insert “treatment works”.

Page 4, line 20, insert “applicable” before “State”.

Page 4, line 25, strike “the City” and insert “a municipality”.

Page 5, line 1, strike “the Point Loma Plant” and insert “a treatment works”.

Page 5, strike lines 13 through 19 and insert a new subsection entitled “(3) FEDERAL WATER POLLUTION CONTROL ACT TERMS.”

COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

There were no recorded votes taken in connection with consideration of H.R. 4611, as amended.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee’s oversight findings and recommendations are reflected in this report.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4611 from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 13, 2020.

Hon. PETER A. DEFazio,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4611, the Ocean Pollution Reduction Act II.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Stephen Rabent.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 4611, Ocean Pollution Reduction Act II			
As ordered reported by the House Committee on Transportation and Infrastructure on September 30, 2020			
By Fiscal Year, Millions of Dollars	2021	2021-2025	2021-2030
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2031?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

The National Pollutant Discharge Elimination System (NPDES) program controls water pollution by regulating point sources of discharge into the waters of the United States. Under that program, publicly owned wastewater treatment works must meet secondary treatment standards specified by law. The Environmental Protection Agency (EPA) generally delegates the authority to administer the NPDES program to individual states.

Under current law, the Point Loma Plant in San Diego, California, can apply to be exempted from secondary treatment standards if it meets certain conditions. H.R. 4611 would eliminate the need for an application and would allow that exemption under the plant's normal NPDES permit if it meets additional conditions that include implementing a pretreatment program and a water reuse program.

Using information from EPA, CBO estimates that implementing the bill would have an insignificant effect on EPA's costs to administer the NPDES program over the 2021–2025 period. CBO expects that EPA's cost to administer the Point Loma Plant secondary treatment standard waiver would shift to administering and evaluating its performance under the NPDES permit.

The CBO staff contact for this estimate is Stephen Rabent. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to provide an alternative process for the City of San Diego to achieve compliance with the Clean

Water Act's permitting requirements for the continued operation of the Point Loma Wastewater Treatment Plant, while ensuring continued reductions of pollutant discharges and greater use of reclaimed wastewater associated with the Plant.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 4611, as amended, establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104-4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 4611, as amended, does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104-1).

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that H.R. 4611 may be cited as the "Ocean Pollution Reduction Act II".

Sec. 2. San Diego Point Loma permitting requirements

Subsection (a) authorizes the EPA Administrator, in coordination with the State, to issue an NPDES permit (under section 402 of the Clean Water Act) for a discharge from the Point Loma Plant that complies with the requirements of subsection (b).

Subsection (b) directs that a permit issued pursuant to this legislation for the Point Loma Plant require the permittee to—

- (1) Maintain the current Point Loma Ocean Outfall;
- (2) Attain explicit annual limits for the discharge of TSS, which decrease from a level of 12,000 metric tons on the date of enactment to not more than 9,942 tons by December 31, 2027;
- (3) Comply with designated discharge limits of TSS on a 30-day average;
- (4) Require the removal of not less than 80 percent of TSS from the discharge on a monthly average, and not less than 58 percent of BOD on an annual average;
- (5) Attain all other effluent limitations of secondary treatment, as determined by the Administrator;
- (6) Comply with other applicable requirements of sections 401 (state certification requirements), 402 (NPDES permit requirements), and 403 (ocean outfall requirements) of the Clean Water Act;
- (7) Comply with pretreatment requirements of the Clean Water Act;
- (8) Provide the Administrator with consecutive years of ocean monitoring data to assist in determining compliance with this Act and the Clean Water Act; and
- (9) Demonstrate that at least 83,000,000 gallons per day on an annual average of water suitable for potable reuse will be provided by December 31, 2035.

Subsection (c) requires the Administrator, in coordination with the State, to develop and incorporate into the NPDES permit milestones for compliance with the requirements of this Act.

Subsection (d) allows the permittee to pursue the construction of facilities to comply with the normal secondary treatment requirements of the Clean Water Act.

Subsection (e) defines the terms “Administrator”, “biochemical oxygen demand”, “City”, “Point Loma Plant”, and “State.”

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 4611 makes no changes in existing law.

RAÚL M. GRIJALVA OF ARIZONA
CHAIRMAN

DAVID WATKINS
STAFF DIRECTOR

COMMITTEE CORRESPONDENCE
U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515
November 12, 2020

ROB BISHOP OF UTAH
RANKING REPUBLICAN

PARISH BRADEN
REPUBLICAN STAFF DIRECTOR

The Honorable Peter A. DeFazio
Chair
Committee on Transportation and Infrastructure
U.S. House of Representatives
2165 Rayburn House Office Building
Washington, D.C. 20515

Dear Chair DeFazio

In recognition of the goal of expediting consideration of H.R. 4611 the "Ocean Pollution Reduction Act II," the Committee on Natural Resources agrees to waive formal consideration of the bill as to provisions that fall within the Rule X jurisdiction of the Committee on Natural Resources.

The Committee on Natural Resources takes this action with the mutual understanding that, in doing so, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that the Committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues within our jurisdiction. Our Committee also reserves the right to seek appointment of conferees to any House-Senate conference involving this or similar legislation.

Thank you for agreeing to include our exchange of letters in the Congressional Record. I appreciate your cooperation regarding this legislation and look forward to continuing to work with you as this measure moves through the legislative process.

Sincerely,



Raúl M. Grijalva
Chair
House Natural Resources Committee

Cc: The Honorable Rob Bishop, Ranking Member
The Honorable Jason Smith, Parliamentarian



Committee on Transportation and Infrastructure
U.S. House of Representatives
Washington DC 20515

Peter A. DeFazio
Chairman
Katherine W. Dedrick
Staff Director

Sam Graves
Ranking Member
Paul J. Sass
Republican Staff Director

November 12, 2020

The Honorable Raúl Grijalva
Chair, Committee on Natural Resources
U.S. House of Representatives
1324 Longworth House Office Building
Washington, DC 20515

Dear Chair Grijalva,

Thank you for your letter regarding *H.R. 4611, the Ocean Pollution Reduction Act II*. I appreciate your decision to waive formal consideration of the bill.

I agree that the Committee on Natural Resources has valid jurisdictional claims to certain provisions in this important legislation, and I further agree that by forgoing formal consideration of the bill, the Committee on Natural Resources is not waiving any jurisdiction over any relevant subject matter. Additionally, I will support the appointment of conferees from the Committee on Natural Resources should a House-Senate conference be convened on this legislation. Finally, this exchange of letters will be included in the *Congressional Record* when the bill is considered on the floor.

Thank you again, and I look forward to continuing to work collaboratively with the Committee on Natural Resources on this important issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter A. DeFazio".

Peter A. DeFazio
Chair

cc: The Honorable Sam Graves
The Honorable Rob Bishop
Mr. Jason Smith, Parliamentarian