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May 29, 2019

Via email to [B WILKIE@ci.lompoc.ca.us](mailto:B.WILKIE@ci.lompoc.ca.us)
Mr. Brad Wilkie, Utility Director
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436

Re: Request for reconsideration by Lompoc Artificial Kidney Center, LLC re Wastewater Permit I-0013.

Dear Director Wilkie:

The Lompoc Artificial Kidney Center, LLC ("Center,") pursuant to City ordinance 13.16.140, requests reconsideration of Wastewater Discharge Permit I-0013 effective May 8, 2019 for the following reasons.

General Exemption. The Center is the only kidney dialysis center serving the Lompoc area. It provides dialysis to approximately 130 patients who receive approximately 1600 treatments per month. It has been in operation since 1997. Despite its years of operation, the City is still well within the chloride and sodium limits it is required to meet under its NPDES permit obviating the need for the Center to be permitted.

The Center requests the Director exempt it from the permit requirement. The City has the ability to enter into a special agreement with the Center allowing for unusual waste so long as there is no impairment to the function of the waste water system. 13.16.150. Dialysis water softener discharge is certainly unusual in Lompoc and has not impacted the City's waste water system. Therefore, the Center requests an exemption. Alternatively, the Director has the power to set discharge limits and the limits set in the permit should be adjusted to accommodate the Center. 13.16.340.

Domestic Standards. The law recognizes that regulation of residential water softening, including for sanitation, should only be regulated if regulation of industrial users is inadequate to meet discharge limits, Health & Safety Code 116775, and then only at the levels required by 11785. If the City will not exempt the Center entirely then it requests that the City withdraw its permit requirement if the Center upgrades its softener to meet

the standard of 11785. "An appliance installed on or after January 1, 2002, shall be certified by a third-party rating organization using industry standards to have a salt efficiency rating of no less than 4,000 grains of hardness removed per pound of salt used in regeneration."

The ordinance defines an Industrial Users as a discharger of industrial waste. 11.16.030. The Center treats kidney patients and its use is more akin to domestic sanitation than industrial use and should be treated accordingly. Its dialysis machines require specifically conditioned water for obvious reasons. City water is run through an FDA approved device which includes a self-regenerating water softener. The Center uses approximately 8,500 gallons of City water per day for all of its operations including the dialysis system. The center has been in operation since 1997. There is no reason to regulate it at this time.

Remove System to Obviate Permit. The Center has determined that it can operate without the water softener and is prepared to remove it if this will obviate the need for a permit. However, this will result in increased operating cost resulting from more frequent replacement of RO membranes. If using unsoftened water creates significant problems for its RO membranes the Center will install an exchange tank softening system which will further increase its operating costs. Therefore, if the Director will not exempt the Center's current self-regenerating system as requested above, the Center requests that the Director agree that no permit is necessary if it removes its soft water system and/or substitutes exchange tanks within sixty (60) of the date of agreement.

Specifics Objection to the permit. The following follow the pagination and numbering of the Permit.

Class. Page 1. The Center request that it be re-designated as a domestic or Class II user rather than Class I Significant Industrial User. The Center uses about 8,500 gallons per day which is below the 10,000 threshold for a Class II uses per 13.16.030.B.

Standard Conditions with Additional Special Conditions:

Pretreatment. Page 2, ¶ 3. The permit refers to pretreatment devices without definition and without specifying them in the Sampling Point Diagram attached to the permit as Exhibit C

Fees. Page 2 ¶ 6. The fees are not specified. In any event the Center requests that the Director exercise his discretion to waive fees.

Section II-Special Conditions/Compliance Schedules.

A. General Water Discharge.

1. The Center already has a flow meter.

4, 5 & 9 Pretreatment. The permit does not specify any pretreatment system.

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6 Additional Fees. These are not adequately defined. It is not clear what the fees, rates and fine are or what triggers them. In any event the Center requests that the Director exercise his discretion to waive fees.

Section III – Self Monitoring/Sampling Requirements.

A. Self-Monitoring. The Center requests sampling be limited to flow, Chloride and Sodium and not include conductivity, TDS and pH monitoring. The Center's operations do not justify the expense of monitoring these. The Center also requests that self-monitoring and reporting be limited to quarterly reports. As written the Permit seems to requires monthly monitoring and reporting of flow and conductivity and quarterly monitoring of Chloride, Sodium, TDS and pH. See e.g. III.C.2. Monthly monitoring is burdensome and unnecessary.

Sampling Locations, Page 5, III.A. Footnotes to III.A. refer to sampling locations on the diagram attached as Exhibit C but it is unclear from the diagram where those locations are. The Center requests that the permit be amended to clarify, by mutual agreement, where the sampling sites are to be.

Revocation of Permit, Page 12, IV.K. The Center request the permit be amended to provide that the City must give notice and a reasonable opportunity to cure any violation before revoking the permit.

Penalties. Beginning at page 12 Section IV incorporates various penalties provided by the ordinance at paragraphs K, R, S & T. Some of these ordinances impose draconian fines and criminal liability. The Center wishes to reserve its right to contest the validity of the penalties imposed by the ordinance. There is no need to incorporate provisions of the ordinance into the permit which might be interpreted as acceptance of their validity.

Appendix D Enforcement Response Plan. The Center requests clarification of the plan. For example, there is no response period provided.

If you have questions, please let me know. Thank you.

Regards,



Ian M. Guthrie

CC via email to:
Tom Allyn M.D.
Katrina Dorsey
Victor Vega