



## City Council Agenda Item

**City Council Meeting Date:** November 5, 2019

**TO:** Jim Throop, City Manager

**FROM:** Brad Wilkie, Utility Director  
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Jeff Malawy, City Attorney  
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**SUBJECT:** Authorize Staff to Submit to the Central Coast Regional Water Quality Control Board the City Council-Proposed Amendments to Certain Sections of Chapter 13.16 of the Lompoc Municipal Code Relating to Wastewater from Dialysis Operations; Authorize the Continuation of the Currently Effective Stay of the Kidney Center's Appeal; and Direct Staff to Return with an Ordinance, for First Reading, that May Be Recommended by the Board

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### **Recommendation:**

Staff recommends the City Council:

- 1) Authorize the Utility Director to submit to the Central Coast Regional Water Quality Control Board (Board) amendments to certain sections of Chapter 13.16 of the Lompoc Municipal Code (LMC) relating to wastewater from dialysis operations (Attachment 1); and
- 2) Authorize the continuation of the stay on the appeal by the Lompoc Artificial Kidney Center until either (i) the Kidney Center withdraws the appeal or (ii) the City receives notice from the Board of its outright rejection of the proposed changes to certain sections of Chapter 13.16 of the LMC set forth in the draft ordinance; and
- 3) Direct staff to return to the City Council with the attached ordinance for first reading, at the next available regular City Council meeting following confirmation by the Board of that ordinance, with changes the Board may indicate; or
- 4) Provide alternate direction.

**Background:**

At the September 3, 2019, City Council meeting, the City Council approved a motion directing staff to return with modifications to LMC to amend:

1. The definition of domestic wastewater to include dialysate,
2. The definition of industrial and infectious waste to exclude dialysate, and
3. The LMC to allow the use of regenerative water softeners with an efficiency rating of at least 4,000 grains of hardness removed per pound of salt used in regeneration if used only (i) by any commercial or industrial uses and (ii) the user generates less than 5% of the total volume treated by the City's wastewater treatment plant for dialysate and its liquid waste.

**Discussion:**

The proposed ordinance (Attachment 1) has been developed by the City Attorney's Office and incorporates the points addressed in the motion made at the September 3, 2019, City Council meeting. The proposed changes are being brought back to the City Council now to confirm the language changes are as requested by the City Council prior to delivering the draft ordinance to the Board for their affirmation. (See Attachment 2, which shows the changed text from the original.)

Please note, the proposed changes to the LMC do not amend the current requirements for any use that disposes more than 10,000 gallons per day of wastewater into the City's treatment system to obtain a wastewater permit from the City.

**Fiscal Impact:**

The acceptance of the proposed language in the attached draft ordinance and the delivery of the attached draft ordinance to the Board for review and consideration does not have a fiscal impact to the City's General Fund nor to the City's Wastewater Utility.

**Conclusion:**

The attached draft ordinance has been developed by City staff. If the language is acceptable to the City Council, then the proposed ordinance will be forwarded to the Board for consideration and comment.

Respectfully submitted,

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Brad Wilkie, Utility Director



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Jeff Malawy, City Attorney

**APPROVED FOR SUBMITTAL TO THE CITY COUNCIL:**

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Jim Throop, City Manager

- Attachments: 1) Draft Ordinance  
2) Redlined Proposed Changes to the LMC