

From: Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>
Sent: Friday, May 14, 2021 10:26 AM
To: Joseph Pannone <jpannone@awattorneys.com>; Berry, Charles <c_berry@ci.lompoc.ca.us>
Cc: Christine Wong <cwong@algcorp.com>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>
Subject: RE: Lompoc Kidney Center

*** EXTERNAL SENDER ***

Joe,

Thank you for the clarification. I will advise LAKC that the May 18 appeal hearing has been rescheduled for June 15, and we will provide substantive responses to Mr. Berry's email on or before June 7.

Regards,
Samir

Samir J. Abdelnour

Partner

Hanson Bridgett LLP

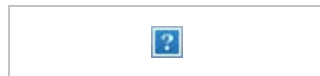
(415) 995-5869 Direct

(415) 995-3581 Fax

SAbdelnour@hansonbridgett.com

1676 N. California Blvd., Suite 620

Walnut Creek, CA 94596



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From: Joseph Pannone <jpannone@awattorneys.com>
Sent: Friday, May 14, 2021 10:22 AM
To: Berry, Charles <c_berry@ci.lompoc.ca.us>; Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>
Cc: Christine Wong <cwong@algc Corp.com>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>
Subject: [EXTERNAL] RE: Lompoc Kidney Center

Samir – Thanks for your call. To clarify the below timing, the May 18th hearing date has been rescheduled for June 15th. If LAKC meets the requirements set forth in the below email from Utility Director Berry on or before June 7th, then the City will again reschedule that hearing date in an effort to bring this matter to an appropriate conclusion.

Joe

Joseph W. Pannone | Special Counsel for Culver City, Lompoc and Morro Bay
Aleshire & Wynder, LLP | 2361 Rosecrans Ave., Suite 475, El Segundo, CA 90245
Tel: (310) 527-6660 | Dir: (310) 527-6663 | Fax: (310) 532-7395 | jpannone@awattorneys.com | awattorneys.com

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From: Berry, Charles <c_berry@ci.lompoc.ca.us>
Sent: Friday, May 14, 2021 10:05 AM
To: Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>; Joseph Pannone <jpannone@awattorneys.com>
Cc: Christine Wong <cwong@algc Corp.com>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>
Subject: RE: Lompoc Kidney Center

*** EXTERNAL SENDER ***

Samir,

LAKC has not met the criteria established pursuant to the email dated April 15, 2021. The City responds as follows:

1. If the current water softener will no longer be used, describe the change in operations that allow for this. Prior statements by LAKC insisted water softening is mutually inclusive, thus an inseparable part of the dialysis process. City will require further explanation. Confirmation of removal of the water softener will be required, via visual inspection as well as executed contract(s) to be provided to City.
 - a. Pursuant to discharge permit I-013, Special Conditions, "Requests for modification to the permit that include a substantial change in the permitted waste stream shall be made at least 90 days prior to discharge of waste".
 - i. The change in the waste stream is substantial and therefore must comply with the above.
2. The City has rejected on not less than two occasions the proposed location as an inadequate representative sample point due to concerns regarding representativeness of all waste streams discharged, sample type, and accessibility/security. The facility must identify a representative sampling location that meets City requirements.
 - a. City may reconsider upon LAKC providing schematics and/or diagrams of the building plumbing systems.
 - i. Absent explicit approval from City, the proposed sampling point is inadequate and therefore rejected.
 - b. Pursuant to discharge permit I-013, Special Conditions, "The User is required to install a flow meter to measure the effluent discharge at the facility. The meter shall monitor and record flow and conductivity data, which shall be available to City staff upon request." Further, the City is authorized, per 13.16.390 of the Lompoc Municipal Code, to require **any user** to provide, operate, and maintain at user's expense flow monitoring, process monitoring, and/or sampling facilities.
 - i. Pursuant to discharge permit I-013 and LMC Section 13.16.390, the flow meter is required.
 - c. The City does not accept a grab sample as an equivalent alternative. LAKC will provide a representative sample point that allows for collection of a 24-hour composite sample.
3. See information contained in response 2.
4. Timeline for self-monitoring and self-reporting will be pursuant to the requirements defined in discharge permit I-013.

City will agree to continue the hearing until June 15, 2021, providing the above conditions, as well as those outlined in the April 15, 2021 email correspondence are met no later than June 7, 2021.

Best regards,

C.J. Berry
Utility Director
City of Lompoc
100 Civic Center Plaza

Lompoc, CA 93436
805-875-8299
c_berry@ci.lompoc.ca.us



From: Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>
Sent: Tuesday, May 11, 2021 1:29 PM
To: Berry, Charles <c_berry@ci.lompoc.ca.us>; Pannone, Joseph <jpannone@awattorneys.com>
Cc: Christine Wong <cwong@algcorp.com>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>
Subject: RE: Lompoc Kidney Center

C.J.,

The Lompoc Artificial Kidney Center (LAKC) responds to your email of April 15, 2021, as follows:

1. LAKC will stop using its current water softener and has decided not to replace it at this time.
2. LAKC has identified a representative sample point, which allows for 24-hour access through a screw cap for grab samples to be collected (see attached Picture 1). LAKC has identified an independent, accredited laboratory that can provide a Composite Portable Sampler (see attached Picture 2) on demand for the collection of a 24-hour composite sample from the identified location. LAKC does not agree to install a flow meter at this time, as LAKC's utility statements for the past 6 months show that LAKC's monthly water usage has not exceeded 7,900 gallons/day in any month, and there are no current plans to expand the facility such that the LAKC is likely to use or discharge more than 10,000 gallons/day.
3. LAKC agrees to collect a 24-hour composite sample at the currently identified location described in item (2) above in the presence of City staff, obtain a laboratory analysis report from an independent laboratory, and share the report with the City within 72-hours of receiving it from the laboratory. LAKC proposes setting a composite sampler to collect samples at two-hour increments. If this is agreeable to the City, we will follow up to coordinate a date for rental of the sampler and invite City staff to observe.
4. LAKC will agree to provide monthly sampling reports to the City for a period of 3 consecutive months, beginning with the first sample collection described in item (3) above.

LAKC requests that the appeal hearing be continued to June 15, 2021, to allow LAKC and the City to implement the course of action described above and continue discussions about resolving the City's concerns over LAKC's wastewater discharges.

We look forward to the City's response.

Sincerely,
Samir

Samir J. Abdelnour

Partner

Hanson Bridgett LLP

(415) 995-5869 Direct

(415) 995-3581 Fax

SAbdelnour@hansonbridgett.com

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From: Berry, Charles <c_berry@ci.lompoc.ca.us>

Sent: Thursday, April 15, 2021 3:39 PM

To: Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>; Pannone, Joseph <jpannone@awattorneys.com>

Cc: Christine Wong <cwong@algc corp.com>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>

Subject: [EXTERNAL] RE: Lompoc Kidney Center

Importance: High

Good afternoon, Samir, et al,

The City has agreed to postpone the hearing on LAKC's appeals of the subject Rulings on Reconsideration until May 18, 2021, based on the understanding LAKC will comply with the following:

- Provide a definitive timeline for installation of the upgraded water softener, including performance specifications.
 - Copy of contract must be provided.
 - Timeline due to City no later than May 11, 2021.

- Provide a definitive timeline for installation of a representative sample point that provides 24-hour access for city personnel.
 - Must include a flow meter.
 - Timeline due to City no later than May 11, 2021.
- Within 10-days of installation of sample point, a sample will be drawn in the presence of the City.
 - Lab report from an independent laboratory, will be provided to the City within 72-hours of receiving sample results.
- Provide monthly sampling and monitoring reports to City, beginning not more than 30-days after the installation of the representative sample point.

If those conditions are timely met and LAKC agrees, then the May 18th date will be continued again until June 15th. Compliance with the above conditions will not be not considered responses to the requirements of LAKC's outstanding NOV and compliance schedule.

Sincerely,

C.J. Berry
Utility Director
City of Lompoc
100 Civic Center Plaza
Lompoc, CA 93436
805-875-8299
c_berry@ci.lompoc.ca.us



From: Samir J. Abdelnour <SAbdelnour@hansonbridgett.com>
Sent: Wednesday, April 14, 2021 3:58 PM
To: Pannone, Joseph <jpannone@awattorneys.com>
Cc: Berry, Charles <c_berry@ci.lompoc.ca.us>
Subject: RE: Lompoc Kidney Center

Joe and CJ,

The Lompoc Artificial Kidney Center (LAKC) requests that the City of Lompoc reschedule the hearing on LAKC's appeals for May 18, 2021. Please confirm receipt of this request.

Thank you,
Samir Abdelnour
Counsel for LAKC

Sent with BlackBerry Work (www.blackberry.com)