Message

From: Jeff M. Malawy [jmalawy@awattorneys.com]
Sent: 5/28/2021 4:49:28 PM
To: VonVacano, Marcela [VonVacano.Marcela@epa.gov]
CC: Weiss, Michael [weiss.michael@epa.gov]; j_throop@ci.lompoc.ca.us; Berry, Charles [c_berry@ci.lompoc.ca.us]; Moore, Julie [JMoore@ci.lompoc.ca.us]; Chon, Dong Hyun [d_chon@ci.lompoc.ca.us]
Subject: Lompoc AOC - Toxicity Identification Evaluation
Attachments: Lompoc Letter.pdf; TREUpdateMemo.pdf

Hello Marcela -- Lompoc Wastewater staff and our consultant are continuing to work on the TIE for Paragraph 41 of the AOC. As we have previously discussed, Lompoc had gone for many months without any positive toxicity result in our effluent sampling prior to the AOC. However, in sampling collected on October 13, 2020, there was a positive toxicity result. That triggered the AOC's requirement for completion of a TIE by February 10, 2021. We requested an extension to June 1, 2021 because we had little to no toxicity in our effluent since the original positive, which made it difficult to determine what may have caused the toxicity. Thank you for granting that extension.

We provided EPA a technical memorandum in February 2021 summarizing all the work that had been completed at that time toward the TIE and the leading candidate causes we were investigating.

The intermittency of toxicity has continued, and thus Wastewater staff have requested that I contact you for another extension. Attached to this email is a new letter and technical memorandum to update EPA on the current status of our progress toward completing the TIE.

As before, it is difficult to know how long an extension is needed to complete the TIE. We request an extension to December 1, 2021.

Thank you,

Jeff Malawy
City Attorney, City of Lompoc
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From: VonVacano, Marcela <VonVacano.Marcela@epa.gov>
Sent: Tuesday, January 19, 2021 1:41 PM
To: Jeff M. Malawy <jmalawy@awattorneys.com>
Cc: Weiss, Michael <weiss.michael@epa.gov>; j_throop@ci.lompoc.ca.us; Berry, Charles <c_berry@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>
Subject: RE: Lompoc AOC - Toxicity Identification Evaluation

EXTERNAL SENDER

Jeff,

Thank you for the update. Mike and I have discussed the request and agree that it makes sense to grant it.

Pursuant to paragraph 53 of the AOC, EPA hereby approves the City of Lompoc's request for extension of time to submit a complete TIE 120 days from February 10, 2021, which falls on June 1, 2021.

Please let me know if you have any questions or comments.

Take care,

Marcela

From: Jeff M. Malawy <jmalawy@awattorneys.com>
Sent: Friday, January 15, 2021 3:25 PM
To: VonVacano, Marcela <VonVacano.Marcela@epa.gov>
Cc: Weiss, Michael <weiss.michael@epa.gov>; j_throop@ci.lompoc.ca.us; Berry, Charles <c_berry@ci.lompoc.ca.us>; Moore, Julie <JMoore@ci.lompoc.ca.us>; Chon, Dong Hyun <d_chon@ci.lompoc.ca.us>
Subject: Lompoc AOC - Toxicity Identification Evaluation

Hi Marcela -- I hope you are doing well. Lompoc is continuing to complete the requirements of the Administrative Order on Consent. We will be submitting the quarterly report due January 31, pursuant to paragraph 45, and the budget, staffing, and equipment needs also due January 31, pursuant to paragraph 40 and the extension you granted due to medical issues that arose.

Paragraph 41 of the AOC requires Lompoc to complete a Toxicity Identification Evaluation (TIE) within 120 days after a toxicity effluent violation. As we have previously discussed, Lompoc had gone for many months without any positive toxicity result in our effluent sampling prior to the AOC. However, in sampling collected on October 13, 2020, there was a positive toxicity result. That triggered the AOC's requirement for completion of a TIE by February 10, 2021.

Our City staff and consultants have been working since then to complete the TIE. However, as they describe it, our wastewater is not cooperating. We have had little to no toxicity in our effluent since then, which makes it difficult to determine what may be causing the toxicity. We have sent a new sample this week and are waiting for the results. Without toxicity, our consultant states it is difficult to investigate and complete the TIE, and has requested that I contact you for an extension to the February 10 deadline under paragraph 41 for that reason.

By February 10, 2021, we will be able to provide EPA a technical memorandum summarizing all the work that has been completed thus far toward the TIE and the leading candidate causes we have been investigating.

It is difficult to know how long an extension is needed to complete the TIE because we do not know when or whether toxicity will return, but our consultant is suggesting at least an additional 120 days will be needed. My suggestion and request is for a 120-day extension for the TIE, with the understanding Lompoc will submit the technical memorandum mentioned above by February 10, 2021 to demonstrate our progress. Please let me know your thoughts.

Thank you, Marcela.

Jeff Malawy
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