Message

From: Jeff M. Malawy [jmalawy@awattorneys.com]
Sent: 1/15/2021 11:25:09 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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