City of Lompoc Response to EPA's Disapproval of Summary of Proposed PreTreatment Program and SUO Changes

This follow-up report is made pursuant to Paragraph 36 of the EPA-Lompoc Administrative Order on Consent (AOC) dated September 2, 2020, which reads as follows:

> 36. **Within 90 days after the effective date of this Order**, Lompoc shall provide a description of all substantive changes it proposes to make to its Pretreatment Program, including, but not limited to, any substantive change in its Pretreatment SUO, program administration, program structure, monitoring requirements, and program funding. Lompoc shall seek and obtain written approval from EPA before making any such change(s).

The City submitted its AOC Paragraph 36 response on November 24, 2020. In accordance with EPA's letter, Administrative Order on Consent, Docket No. CWA-309(a)-20-006 Disapproval of Summary of Proposed Pre-Treatment Program and SUO Changes, received by the City on March 2, 2021, the City has updated the Paragraph 36 Summary of Proposed Pre-Treatment Program and SUO Changes to address EPA's concerns and clarify relevant components of the proposed program modifications. With this summary description, the City seeks the review and approval of the EPA and the Central Coast Water Board for the updated program changes proposed herein.

Overall Pretreatment Program Update

The City is working on a complete update of the Pretreatment Program, including revision and update of the Pretreatment Program policy document, which has not been modified since the City's Pretreatment Program was first approved in approximately 1983. The policy document provides a general program description, as required by 40 CFR 403.9, and includes discussions of program administration, program structure, monitoring requirements, and program funding, as specified in AOC Paragraph 36. The revised policy document will clarify the City staff associated with the Pretreatment Program; frequency and procedures for inspection and monitoring activities; and address funding of the program.

Overall, the most substantive Pretreatment Program changes include:

A. Revision of the City's sewer use ordinance (SUO), Chapter 13.16 of the Lompoc Municipal Code, including both substantial and non-substantial changes as defined at 40 CFR 403.18 to incorporate the 2005 Streamlining Rule changes, include new program components, address concerns the noted in EPA's AOC Paragraphs 33 and 37, and previous requirements and recommendations from pretreatment compliance inspections (PCIs) and pretreatment compliance audits (PCAs).

B. Update of the City's Enforcement Response Plan (ERP), per the requirements at 40 CFR 403.8(f)(5), EPA's AOC Paragraphs 33 f, k and 38, and address of requirements and recommendations from previous PCIs and PCAs. This component of the original submittal remains unchanged and has not been addressed in this document.

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C. Formal establishment of a Fats, Oils, and Grease (FOG) Control program, as per EPA's AOC Paragraph 39. This component of the original submittal remains unchanged and has not been addressed in this document.

The components relevant to EPA's Disapproval letter are further discussed below. Components of the original submission not addressed in this response were not revised and are considered to be active proposals for modifications to the City's Pretreatment Program.

A. Sewer Use Ordinance

The City was in the process of revising its SUO prior to entering into the AOC with EPA, in order to address issues identified during approval authority oversight activities (i.e., PCIs and PCAs) in the past few years. Major revisions involve the incorporation of all requirement elements of the 2005 Streamlining Rule (update of the federal pretreatment regulations) and adoption of several optional program provisions, including monitoring waivers for pollutants not expected to be present, the non-significant categorical industrial user classification, general permits, and best management practices.

Specifically, in response to EPA's Disapproval letter, the following modifications have been proposed:

1) Addition and update of definitions, including best management practices, domestic wastewater, infectious waste, medical waste, non-significant categorical industrial user, significant noncompliance, slug load, new source, etc.:

a) Note that the proposed definition of *domestic wastewater* has been slightly updated from the current SUO's definition of the term, but the proposal no longer references or includes wastewater related to the processing of water for dialysis, and therefore should no longer constitute a substantial program change, per EPA's disapproval letter. The City will continue to consider liquid dialysate and other wastewater related to dialysis processes as an industrial wastewater.
   i) The current SUO definition of *domestic wastewater* reads: "Domestic wastewater" means wastewater from residences and other premises derived from personal use of water for washing or sanitary purposes.
   ii) The newly proposed SUO definition of *domestic wastes and sewage* reads: "Domestic wastes or sewage" means waste and wastewater generated from the ordinary living processes of humans or household operations, and of such character as to allow satisfactory disposal to, and treatment in, the POTW or by means of a private disposal system.

b) Note that the definition of *infectious waste* has slightly updated the current SUO's definition of the term, but this revision no longer references domestic wastewater or nonsolid dialysis materials, per EPA's disapproval letter:
   i) The current SUO definition of *infectious waste,* subpart e, reads: Human dialysis waste materials including arterial lines and dialyzable membranes;

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ii) The proposed clarification in the SUO definition of *infectious waste*, subpart e, reads: Human dialysis solid waste materials, including arterial lines and dialyzable membranes;

c) No changes are proposed to the SUO's current definition of *industrial waste.*

d) Note that the proposed definition of *medical waste* (which is not currently defined in the SUO) no longer references dialysis wastes, as per EPA's disapproval letter.

   i) The new definition reads: "Medical waste" means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, X-ray processing wastes, and radioactive waste.

e) The other modified definitions proposed in the SUO continue to reflect the same terms as defined in the federal pretreatment regulations at 40 CFR 403.3, were not discussed in EPA's disapproval letter, and are therefore not further addressed in this document.

2) Clarification on the implementation of the extra-strength wastewater surcharge program: The City's current SUO references in Section 13.16.030.B "extra-strength concentration" of wastewater, meaning any wastewater discharges containing concentrations of total suspended solids (TSS) or biochemical oxygen demand (BOD) greater than 300 mg/L. The ordinance also references a "service charge" for discharges of extra-strength sewage (TSS and BOD greater than 300 mg/L) in both sections 13.16.030.B and 13.16.410.B.1. The ordinance, however, does not otherwise discuss the implementation of these extra-strength wastewater charges, and these charges are not currently assessed on any users. In the proposed SUO, the City has added text providing greater detail about the City's authority assess such charges and specifying how these existing service charges will be implemented. The language describes the process for determining extra-strength wastewaters, including an example formula for calculating surcharges; how dischargers will be notified and billed; how affected dischargers may request reconsideration of surcharges; and the authorization and location of approved rates to be used in the surcharge calculation.

   No changes have been proposed to revise the existing definitions of or references to extra-strength concentrations, and only BOD and TSS are being considered for the extra-strength wastewater surcharge program at this time. Although these modifications could be considered a substantial program modification as defined by 40 CFR 403.18, because they will change how the pretreatment program is implemented for extra-strength users, the legal authority to determine extra-strength dischargers is already established in the ordinance and the proposed modifications largely serve to clarify how the existing program is to be implemented.

3) Update of conditions controlling discharge of water softening waste and revision to criteria for allowable water softeners: Per EPA's disapproval letter, the proposed changes to requirements for the water softeners have largely been removed and text is being added the existing SUO language to clarify how the water softener conditions in the SUO are currently implemented. In addition, the City proposes to remove the authorization for water softener waste to be discharged to storm drains to conform with the requirements of the Statewide General Permit

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for Stormwater Discharges Associated with Industrial Activities. As the General Permit does not allow for water softening waste to be discharged as an authorized non-stormwater discharge into the storm drain system, this modification brings City regulations in line with Statewide requirements. As such, this modification makes City regulations more stringent and are therefore considered non-substantial program changes. Note that the City plans to include salts parameters in its upcoming local limits evaluation, and will consider any potential changes to water softener requirements with regards to both evaluation findings and also any potential changes to or concerns in the City's Salts Management Plan.

a) The current SUO language at 13.16.320 states: "It is unlawful to install, replace, or enlarge apparatus for softening all or any part of the water supply to any premises when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of use with the regeneration wastes being discharged to the ground, storm drain, or City sewerage system, unless said softener or demineralizer meets or exceeds the standards specified in California Health and Safety Code sections 116775 to 116795, relating to water softening or conditioning..."

b) The proposed SUO language at the same location states: "It is unlawful to install, replace, operate or enlarge an apparatus for softening all or any part of the water supply to any domestic, commercial, or industrial premises within City jurisdiction, when such apparatus is an ion-exchange softener or demineralizer of the type that is regenerated on the site of use with the regeneration wastes being discharged to the ground or City sewerage system, unless the softener or demineralizer used for domestic, commercial, or industrial operations meets or exceeds the minimum standards specified in California Health and Safety Code sections 116775 to 116795, relating to water softening or conditioning…"

4) Limitation of the Director's discretion to require a permit for use of the City's sewerage system to industrial users, pursuant to 40 CFR 403.8(f)(1), which constitutes a substantial program change: This language has been removed and no changes to the current SUO for this provision are proposed.

5) Addition of authority to implement monitoring waivers for pollutants not expected to be present: The concept of allowing monitoring waivers for pollutants not expected to be present was introduced in the 2005 Streamlining Rule changes to the general pretreatment regulations at 40 CFR Part 403. Pretreatment programs considering implementing these optional monitoring waivers were required to include all the relevant regulatory language from 40 CFR Part 403 into their SUOs and were highly encouraged to develop standard operating procedures (SOPs) for implementing these waivers. The proposed changes to the City's SUO reflect these required changes and include all relevant text related to these waivers as specified in EPA's 2007 *Model Pretreatment Ordinance*. There are several proposed provisions included throughout the City's SUO related to these waivers, including in the permit application requirements, permit components, and user reporting and recordkeeping requirements. In addition, the City has developed an SOP describing how the waivers will be implemented. All the proposed changes related to these waivers reflect the federal pretreatment regulations and, as such, are not considered to be a substantial program modification.

6) Clarification of authority to require users to implement best management practices (BMPs): Allowing use of BMPs for controlling certain pollutants in discharges to the POTW was another concept introduced in the 2005 Streamlining Rule changes to the general pretreatment regulations at 40 CFR Part 403. Pretreatment programs considering implementing these optional BMPs were required to include all the relevant regulatory language from 40 CFR Part 403 into their SUOs and were highly encouraged to develop SOPs for implementing these BMPs. The proposed changes to the City's SUO reflect these required changes and include all relevant text related to BMPs as specified in EPA's 2007 *Model Pretreatment Ordinance*. There are several proposed provisions included throughout the City's SUO related to use of these BMPs, including in the permit application requirements, permit components, and user monitoring, reporting, and recordkeeping requirements. In addition, the City has developed an SOP describing how applicable BMPs will be developed and implemented for industrial users. All the proposed changes related to the BMP program reflect the federal pretreatment regulations and, as such, are not considered to be a substantial program modification.

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