

**AMENDMENT NO. 5
TO THE PROFESSIONAL SERVICES AGREEMENT
BETWEEN THE CITY OF CALISTOGA AND
LARRY WALKER ASSOCIATES**

**Ongoing Permit Assistance Services Related to the
City's Current Wastewater Treatment Plant
NPDES Permit and the State's General Water Reuse Permit
(Authorizing Agreement No. 0288-04
Amending Agreement No. 0288-02)**

THIS AMENDMENT NO. 5 to the Professional Services Agreement between the City of Calistoga and Larry Walker Associates, for ongoing permit assistance services related to the City's current Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit (hereinafter Amendment No. 5) is hereby entered into as of the ____ day of June, 2013, by and between the City of Calistoga, a municipal corporation (hereinafter referred to as "City") and Larry Walker Associates, (hereinafter referred to as "Consultant").

RECITALS

WHEREAS, City and Consultant have previously entered into a Professional Services Agreement for ongoing permit assistance services related to the City's current Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit, said Agreement being dated August 16, 2005, Amendment No. 1, being dated March 4, 2008, Amendment No. 2, being dated July 21, 2009, Amendment No. 3, being dated July 19, 2011, Amendment No. 4 being dated August 22, 2012; and

WHEREAS, City and Consultant now desire to enter into this Amendment No. 5 to provide the additional ongoing permit assistance relating to the City's Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit as described in "Scope of Services for Ongoing Assistance with Recycled Water/Wastewater Permits" dated May 15, 2013.

NOW, THEREFORE, the parties do hereby mutually agree to amend the Agreement as follows:

1. Under Paragraph 1, Scope of Services, Subsection E is added as follows:

E. Subject to such policy direction and approvals as the City through its staff may determine from time to time, Consultant shall perform the additional ongoing permit assistance services set forth in Consultant's letter dated May 15, 2013. (See Exhibit "A".)

2. Under Paragraph 3, Compensation and Method of Payment, Subsection A and C are revised as follows:

A. Compensation. The compensation to be paid to Consultant shall be at the fees included in the Agreement (\$37,075), Amendment No. 1 (\$50,863), Amendment No. 2 (\$22,325), Amendment No. 3 (\$15,795), Amendment No. 4 (\$11,000) and also as indicated in Exhibit "A," being the "Scope of Services for Ongoing Assistance with Recycled Water/Wastewater Permits" dated May 15, 2013, attached hereto and incorporated herein by reference (\$59,810). However, in no event shall the total amount exceed One Hundred Ninety Six Thousand Eight Hundred Sixty-eight Dollars (\$196,868), with such amount including the original Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, and the additional fees associated with this Amendment No. 5. Payment by City under this Agreement shall not be deemed a waiver of defects, even if such defects were known to the City at the time of payment.

C. Changes in Compensation. Consultant will not undertake any work that will incur costs in excess of the amount of One Hundred Ninety Six Thousand Eight Hundred Sixty-eight Dollars (\$196,868).

3. Except as specifically modified by Amendment No. 5, all other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the City and Consultant have executed this Amendment No. 5 as of the date first above written.

CITY OF CALISTOGA

LARRY WALKER ASSOCIATES

By: _____

By: _____

Richard D. Spitler

Malcolm Walker

Title: _____
City Manager

Title: _____
Vice-President

ATTEST:

APPROVED AS TO FORM:

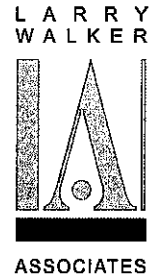
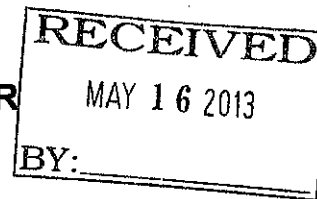
Amanda Davis
Deputy City Clerk

Michelle Marchetta Kenyon
City Attorney

EXHIBIT "A"

SCOPE OF WORK & FEE SCHEDULE

**SCOPE OF SERVICES FOR
CITY OF CALISTOGA**



Contract Amendment No. 5

Ongoing Assistance with Recycled Water/Wastewater Permits

(July 1, 2013 to June 30, 2014)

The City of Calistoga (City) has requested a scope of services and cost estimate from Larry Walker Associates (LWA) for assistance implementing conditions specified by the Wastewater Treatment Plant (WWTP) NPDES permit, the Sanitary Sewer System Waste Discharge Requirements (WDRs), and the recycled water use permit. The following Scope of Services describes the tasks predicted during Fiscal Year (FY) 2013/14. The tasks include preparation of regulatory compliance reports, general consulting on NPDES or recycled water permit issues, assistance with pollution prevention program implementation, an internal audit of the City's Sanitary Sewer Management Plan (SSMP), and development of a data management tool to facilitate electronic data reporting.

A cost estimate is included as Attachment A. The cost estimate is presented in terms of the specific tasks outlined in this scope and includes the number of hours for each LWA staff member that may assist with the project. LWA's projected hourly rates for July 1, 2013 to June 30, 2014 are included as Attachment B.

Task 1 – Preparation of Regulatory Compliance Reports

Periodic reporting of operational information and monitoring data is required by the City's NPDES permit (Order No. R2-2010-0104) and the recycled water permit (Order No. 96-011). Incident reporting is required to document the occurrence, cause, and response to spills, bypasses, and unauthorized dischargers. Wastewater and receiving water monitoring data must be submitted monthly along with an assessment of compliance with effluent limitations and water quality objectives. Annual reporting is required to document proper wastewater treatment plant operation, biosolids disposal, and recycled water program implementation. In addition, various workplans, progress reports, and letters to the Regional Water Board are expected during FY 2013/14 to document efforts underway to obtain additional disposal capacity and improve effluent quality.

During past years, City staff prepared draft compliance reports and LWA provided review and comment to ensure regulatory and policy requirements were addressed properly. For FY 2013/14, the City is asking LWA to prepare draft versions of compliance reports for City review and comment. This approach will reduce City staff time spent on reporting obligations and allow the City to dedicate its full resources to facility operations. When requested by City staff, LWA will prepare compliance reports that meet permit/regulatory requirements and Regional Water

Board expectations. Draft versions of all reports will be provided to City staff for review and comment prior to finalizing for submittal to the Regional Water Board for approval.

Task 2 – General Consulting

Under the General Consulting task, funds are allocated to assist the City with new or emerging issues that are not included under the other identified contract tasks. During previous years, this task was used for evaluating compliance concerns, reviewing/editing spill reports, communicating with Regional Water Board staff, obtaining approval for dry season discharge, responding to Notices of Violation, and following regulatory developments. Significant regulatory developments anticipated during FY 2013/14 include a statewide toxicity policy, and nutrient criteria (i.e., nitrogen and phosphorus objectives or endpoints). Upon request of City staff, LWA will utilize these funds for assistance with issues that may arise during the contract term.

Task 3 – Pollution Prevention Assistance

As specified in the NPDES permit, the City must undertake pollution prevention activities to reduce the amount of pollutants received at the WWTP. Pollutants of concern are identified by the City and the Regional Water Board and include those constituents that could cause or contribute to an exceedance of water quality objectives in the Napa River. Current pollutants of concern are mercury, boron, antimony, cyanide, chlorodibromomethane, dichlorobromomethane, ammonia, copper, oil and grease, and PCBs. LWA will provide advice to the City when identifying and implementing appropriate pollution prevention activities. LWA will prepare a draft 2013 Annual Pollution Prevention Report. The draft report will be submitted to City staff for review and approval before finalizing for submittal to the Regional Water Board.

Task 4 – Disinfection Byproducts Compliance Schedule

The City received a Cease and Desist Order (CDO, Order No. R2-2010-0107) that contains interim limits and a time schedule for compliance with final limits for chlorodibromomethane and dichlorobromomethane. The time schedule contains specific actions to be completed by the City over 5 years and periodic reporting on compliance status to the Regional Water Board. During 2012, the City installed aerators in the Riverside Ponds. The use of aeration plus increased detention time appears to have resulted in compliance with the final effluent limitations. As a result, no activities are predicted under this task during FY 2013/14.

Task 5 – Napa River Collaborative Monitoring

Collaborative monitoring of upstream Napa River quality (a shared effort between Calistoga, Yountville, and St. Helena) was completed in June 2009, according to provisions included in the City's previous NPDES permits. The current NPDES permit does not include this requirement. As a result, no activities are predicted under this task during FY 2013/14.

Task 6 – Project Management

LWA activities under this task include managing budgets and schedules, implementing contract conditions, and preparing monthly progress reports for City staff.

Task 7 – Calibration/Modeling for Mixing Zone Study

A mixing zone model was utilized during FY 2009/10 to characterize the dilution, travel time, and mixing zone size at the City's wastewater outfalls in the Napa River. This effort was completed in April 2010, and the results were used by the Regional Water Board to establish dilution credits in the City's current NPDES permit. There are no activities predicted under this task during FY 2013/14.

Task 8 – Sanitary Sewer Management Plan (SSMP) Internal Audit

Provision D.13(x) of the Sanitary Sewer System WDRs (Order No. 2006-0003-DWQ) requires all collection system agencies perform an internal audit of their SSMP every two years, at a minimum. The Regional Water Board has requested that all agencies in the San Francisco Bay Area serving more than 2,500 people (i.e., City of Calistoga) complete an SSMP internal audit by May 1, 2014. LWA will assist the City in preparing an internal audit report by the assigned deadline. LWA has the insight that comes from assisting many agencies around the State in developing their SSMP programs and complying with other requirements in the SSS WDRs.

LWA will review the City's current SSMP as well as information available on CIWQS Public Reports to understand the City's program and its effectiveness at managing the collection system. LWA will work with City staff to assemble any information which may not be publicly available in CIWQS. Per Provision D.13(x) of the SSS WDR, the internal audit needs to evaluate the SSMP effectiveness (e.g., compile metrics such as miles of televised pipe, number of spills/volumes from year to year, etc.) and the City's compliance status with each of the required SSMP elements. LWA will analyze, tabulate, and graph historical information on the program metrics and also evaluate the SSMP for compliance with all the required elements.

LWA will prepare a list of deficiencies and opportunities for improving the SSMP, if any are identified in the previous tasks. LWA will prepare a draft report of the findings from Tasks 1 through 3 for the City's review. The report will be finalized following review by City staff. The final report is to be kept on file at City offices; there is no need to submit it to regulatory agencies.

Task 9 – CIWQS Electronic Data Management Tool (EDMT)

Electronic data reporting is required by the State of California and the WWTP NPDES permit. According to permit requirements, the City must upload its self-monitoring data monthly to the California Integrated Water Quality System (CIWQS). Under current operations, the City's monitoring data are maintained in Excel spreadsheets. Some data are uploaded directly to the CIWQS database while others are submitted via PDF attachments. Development of a Microsoft Access-based Electronic Data Management Tool (EDMT) will allow for ongoing compilation and management of the monitoring data in a single application and accommodate querying,

analysis, and reporting of the data for internal and external use. Use of an EDMT by the City to submit all monitoring data to CIWQS will reduce staff time spent compiling and formatting data, eliminate monthly submittals of paper reports to the Regional Water Board, and reduce Annual Report contents.

An EDMT design very similar to that developed for the Town of Yountville will be built by LWA to assist the City in uploading its NPDES self-monitoring data to the CIWQS web site. The EDMT will automatically import electronic data provided to the City by contract laboratories in the form of an electronic data deliverable (EDD). LWA will also design in-house EDD templates for flow and conventional grab samples for City staff to use when importing internally-generated data into the EDMT. LWA will assist City staff in developing Standard Operating Procedures (SOPs) for entering the City's NPDES data into the EDMT and then exporting it for semi-automated entry into the State Water Resources Control Board's Permittee Entry Template (PET) Tool. The EDMT will accommodate the compilation of multiple years of NPDES self-monitoring data in the application's data tables.

LWA will assist the City via phone calls and emails in developing a data review process that will allow the City to receive an EDD from an outside analytical laboratory and use the EDMT to automatically format data so that it conforms to CIWQS PET Tool data formatting requirements. The EDMT will be authored in Microsoft Access 2007 or 2010 (at the discretion of the City) and it will import and process EDDs contained in Microsoft Excel spreadsheets. LWA will visit City offices three times, first to meet with City staff to review the City's existing data evaluation process and discuss necessary changes to the existing process needed to accommodate the reporting of discharger electronic self-monitoring data to the CIWQS eSMR2 module. LWA will meet with City staff two additional times to provide staff with training on how to properly use the EDMT and upload data to CIWQS. The effort and budget associated with this task includes working with EDDs from two outside analytical laboratories, in addition to two internally-produced EDDs.

The ultimate cost for developing the EDMT will vary based on the level of automation and features the City requests for the tool. After conducting the first site visit, the cost estimate may be adjusted to reflect existing procedures and templates. The EDMT developed for the City at the cost presented in Attachment A will not possess any features outside of those customary features possessed by the Standard LWA EDMT (i.e., the City's EDMT will possess the same features as the Town of Yountville EDMT that will be demonstrated to City staff during a future site visit). The City's existing data management and evaluation processes, as they pertain to monthly NPDES self-monitoring reports, will likely be capable of being incorporated to a great extent into the operational functionality of the EDMT. Limited documentation on use of the electronic data reporting SOP will also be provided to the City.

Attachment A
 City of Calistoga
 Professional Services by Larry Walker Associates
 Contract Amendment No. 5

Estimated Costs for Ongoing Assistance with Recycled Water/Wastewater Permits
 (July 1, 2013 through June 30, 2014)

Task	Description	LWA Labor Hours and Rates (1)							Total Hours	Total Labor Costs	Other Direct Costs	Total Costs
		Project Manager: Denise Connors \$230	Senior Engineer Michael Troughon \$205	Project Engineer II: Alina Constantinescu \$185	Project Engineer I: Patrick Wong \$150	Project Engineer I: Danielle Moss \$150	Contract Administrator: Michelle Boeckx \$140					
1	Preparation of Permit Compliance Reports Prepare monthly SMRs, annual reports, technical memoranda, or workplans specified by the Regional Water Board, NPDES permits, and recycled water permit.	12		12	24	12		60	\$10,380	\$500 (2)	\$10,880	
2	General Consulting Answer questions from City staff, address compliance issues that may arise, and update City staff of new regulatory requirements.	12		12				24	\$4,980		\$4,980	
3	Pollution Prevention Assistance Assist with implementation of the pollution prevention program, revise program (as needed) to address new constituents of concern, and prepare 2013 Annual Pollution Prevention Report.			8	12			20	\$3,280		\$3,280	
4	Disinfection Byproducts Compliance Schedule This task was completed in 2012. No additional activities are predicted.							0			0	
5	Napa River Collaborative Monitoring This task was completed in 2009. No additional activities are predicted.							0			0	
6	Project Management Prepare monthly progress reports, track budgets and schedules, ensure implementation of contract conditions.	8						22	\$3,800		\$3,800	
7	Calibration/Modeling for Mixing Zone Study This task was completed in 2010. No additional activities are predicted.							0			0	
8	SSMP Internal Audit Review Sanitary Sewer Management Plan (SSMP) and CIWQS data, evaluate effectiveness of the SSMP and compliance with WDR provisions, identify deficiencies and recommend revisions, prepare internal audit report.			36				36	\$6,660	\$100 (2)	\$6,760	
9	CIWQS Electronic Data Management Tool (EDMT) Review existing data management/reporting process with City staff, develop EDMT and CIWQS electronic data reporting procedures, assist staff in using EDMT, document electronic data reporting procedures.	2	130		18			150	\$28,810	\$300 (2)	\$30,110	
TOTAL PROJECT COSTS (3)		34	130	68	54	14	12	312	\$58,910	\$900	\$59,810	

(1) Estimated LWA hourly rates are shown. Rates are typically adjusted on July 1st of each year.

(2) Estimated transportation costs for trips to/from Calistoga.

(3) The cost estimate is based on best available information and a projections of activities required during FY 2013/14. If it appears the budget will be exceeded, LWA will notify the City of Calistoga and discuss approach before proceeding with additional work.

Attachment B

LARRY WALKER ASSOCIATES**Rate Schedule****Projected Rates July 1, 2013 - June 30, 2014**

PERSONNEL	Rate \$/Hour	REIMBURSABLE COSTS
Principals		Travel:
Tom Grovhoug	\$265.00	Local mileage
Larry Walker	\$265.00	Transportation
Ashli Cooper Desai	\$250.00	Auto rental
Brian Laurenson	\$250.00	Fares
Mack Walker	\$250.00	Room
		Subsistence ⁽¹⁾
		<ul style="list-style-type: none"> • Current IRS rate • Actual expense • Actual commercial rate • Actual expense • Actual expense • \$48.00 per day
Associates		The rate for each meal is as follows:
Karen Ashby	\$230.00	Breakfast
Denise Conners	\$230.00	Lunch
Betsy Elzufon	\$230.00	Dinner
Chris Minton	\$230.00	Incidentals
Mitch Mysliwicz	\$230.00	
Claus Suverkropp	\$230.00	
Senior Staff		Report Reproduction and Copying:
Kristine Corneillie	\$205.00	<ul style="list-style-type: none"> • Actual outside expense • \$0.08 per black and white copy, in-house • \$0.89 per color copy, in-house • \$1.95 per binding, in-house
Karen Cowan	\$205.00	
Diana Engle	\$205.00	
Gorman Lau	\$205.00	
Sandy Mathews	\$205.00	
Mike Troughon	\$205.00	
Project Staff		Special Postage and Express Mail:
Alina Constantinescu	\$185.00	<ul style="list-style-type: none"> • Actual expense
Mike Marson	\$185.00	
Amy Storm	\$185.00	
Rachel Warren	\$185.00	
Reni Keane-Dengel	\$165.00	
Airy Krich-Brinton	\$165.00	
Hope M. Taylor	\$165.00	
Jeff Walker	\$165.00	
Bryant Alvarado	\$150.00	
Michelle Boeckx	\$140.00	
Steve Maricle	\$150.00	
Kathryn Walker	\$140.00	
Patrick Wong	\$150.00	
Danielle Moss	\$150.00	
Amber Shiau	\$140.00	
Greg Reide	\$105.00	
Mashon Jones	\$75.00	
Denise Parren	\$75.00	
Adriana Stovall	\$75.00	
Allison Lewis	\$75.00	
Amy Bonato	\$75.00	
		Daily Equipment Rental Rates:
		<ul style="list-style-type: none"> • All single parameter field meters <li style="padding-left: 20px;">(pH, EC, D.O., Turbidity) \$25.00 each • Multi-parameter field meters \$35.00 • Peristaltic Sampling Pump \$35.00 • Professional grade GPS unit \$25.00 • Digital Flow Meter \$45.00 • Digital Fluorometer \$45.00 • Multi-parameter Data Sonde <li style="padding-left: 20px;">(with telemetry) <li style="padding-left: 40px;">- first day \$200.00 <li style="padding-left: 40px;">- each additional day \$40.00
		Subcontractors:
		Actual expense plus 10% fee

Note: ⁽¹⁾ Charged when overnight lodging is required.