

**AMENDMENT NO. 6
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. 0288-03)**

THIS AMENDMENT NO. 6 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. 6) is hereby entered into as of the 15th day of July, 2014, 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, Amendment No. 5 being dated June 18, 2013; and

WHEREAS, City and Consultant now desire to enter into this Amendment No. 6 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 June 9, 2014 which is attached as Exhibit "A".

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

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

F. 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 June 9, 2014. (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), Amendment No. 5 (\$59,810), and also as indicated in Exhibit "A," being the "Scope of Services for Ongoing Assistance with Recycled Water/Wastewater Permits" dated June 9, 2014, attached hereto and incorporated herein by reference (\$68,300). However, in no event shall the total amount exceed Two Hundred Sixty Five Thousand One Hundred Sixty-eight Dollars (\$265,168), with such amount including the original Agreement, Amendment No. 1, Amendment No. 2, Amendment No. 3, Amendment No. 4, Amendment No. 5, and the additional fees associated with this Amendment No. 6. 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 Two Hundred Sixty Five Thousand One Hundred Sixty-eight Dollars (\$265,168).

3. Except as specifically modified by Amendment No. 6, 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:

Kathy Flamson
Deputy City Clerk

Michelle Marchetta Kenyon
City Attorney

EXHIBIT "A"

SCOPE OF WORK & FEE SCHEDULE



ATTACHMENT "A"

**SCOPE OF SERVICES FOR
CITY OF CALISTOGA**

Contract Amendment No. 6

Ongoing Assistance with Recycled Water/Wastewater Permits

(July 1, 2014 to June 30, 2015)

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) 2014/15. The tasks include preparation of regulatory compliance reports, general consulting on NPDES or recycled water permit issues, assistance with pollution prevention program implementation, development of a data management tool to facilitate electronic data reporting, and preparation of the NPDES permit application.

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, 2014 to June 30, 2015 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 2014/15 to document efforts underway to obtain additional disposal capacity, comply with expected boron limitations, and improve effluent quality.

LWA will review draft reports prepared by City staff and provide comments to explain issues more thoroughly or meet regulatory requirements. 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 emergency bypass approval, responding to Notices of Violation, and following regulatory developments. The significant activities anticipated during FY 2014/15 include implementation of the statewide toxicity plan, enforcement actions related to bypass operations, and modifications to the riverside ponds. 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 2014 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 2014/15.

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 2014/15.

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 that all collection system agencies perform an internal audit of their SSMP every two years, at a minimum. LWA conducted an internal audit during FY 2013/14 and the City updated its program materials as needed. As a result, there are no activities predicted under this task during FY 2014/15.

Task 9 – CIWQS Electronic Data Management Tool (EDMT)

Electronic reporting of data collected under the WWTP NPDES permit is currently required by the State of California and will soon be required by the U.S. EPA. 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 EDTM 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 EDTM, 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 EDTM 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 EDTM. LWA will assist City staff in developing Standard Operating Procedures (SOPs) for entering the City's NPDES data into the EDTM and then exporting it for semi-automated entry into the State Water Resources Control Board's Permittee Entry Template (PET) Tool. The EDTM 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 EDTM to automatically format data so that it conforms to CIWQS PET Tool data formatting requirements. The EDTM 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 meet with City staff to provide training on how to properly use the EDTM 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. The EDMT developed for the City 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). 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.

Task 10 – NPDES Permit Application

The NPDES permit application must be submitted to the Regional Water Board by May 1, 2015. LWA will identify required information for the NPDES permit application package; assemble, review and edit available materials; and complete the required forms. The NPDES permit application package is expected include the Report of Waste Discharge (i.e., EPA Forms 1, 2A, 2S; California Form 200), Effluent Characterization Report, mixing zone study (completed in 2010), recent chronic toxicity species screening results, and other supporting documentation requested by the Regional Water Board. LWA will also prepare a cover letter to outline the contents of the application package, summarize activities planned or undertaken to improve wastewater treatment plant performance/capacity, address data invalidation and potential effluent compliance problems, and propose strategies to resolve issues (as needed). A draft package will be prepared for City review and comment prior to submittal to the Regional Water Board. The final cover letter will be produced on City letterhead and signed by a City official.

Attachment A

City of Calistoga
 Professional Services by Larry Walker Associates
 Contract Amendment No. 6

Estimated Costs for Ongoing Assistance with Recycled Water/Wastewater Permits
 (July 1, 2014 through June 30, 2015)

Task	Description	LWA Labor Hours and Rates (1)					Total Hours	Total Labor Costs	Other Direct Costs	Total Costs	
		Project Manager:	Senior Engineer	Project Engineer II:	Project Engineer II:	Project Engineer I:					Contract Admin:
		Denise Conners	Michael Troughon	Alina Constantinescu	Airy Krich-Brinton	Elizabeth Yin/Zachary Helsley					Michelle Boeckx
		\$235	\$210	\$185	\$165	\$150	\$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		33		57	\$9,990		\$9,990
2	General Consulting Answer questions from City staff, address compliance issues that may arise, and update City staff of new regulatory requirements.	24		12		32		68	\$12,660	\$270 (2)	\$12,930
3	Pollution Prevention Assistance Assist with implementation of the pollution prevention program, revise program (as needed) to address new constituents of concern, and prepare 2014 Annual Pollution Prevention Report.	2				20		22	\$3,470		\$3,470
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					14	22	\$3,840		\$3,840
7	Calibration/Modeling for Mixing Zone Study This task was completed in 2010. No additional activities are predicted.							0			0
8	SSMP Internal Audit This task was completed in FY 2013/14. No additional activities are predicted in FY 14/15.							0			0
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	100			21		123	\$24,620	\$270 (2)	\$24,890
10	NPDES Permit Application Identify required information; assemble and review available materials; complete required State/Federal forms; propose compliance strategies (as needed); and prepare cover letter that identifies issues of concern.	20		4	16	34		74	\$13,180		\$13,180
TOTAL PROJECT COSTS (3)		68	100	28	16	140	14	366	\$67,760	\$540	\$68,300

(1) FY 2014/15 LWA hourly rates.

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

(3) The cost estimate is based on best available information and a projections of activities required during FY 2014/15. 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 Effective July 1, 2014 – June 30, 2015

PERSONNEL	Rate \$/Hour	REIMBURSABLE COSTS
<i>Administrative</i>	\$75.00	Travel: Local mileage • Current IRS rate Transportation • Actual expense Auto rental • Actual commercial rate Fares • Actual expense Room • Actual expense Subsistence ⁽¹⁾ • \$48.00 per day The rate for each meal as follows: ⁽¹⁾ Breakfast \$ 9.00 Lunch \$ 13.00 Dinner \$ 21.00 Incidentals \$ 5.00
<i>Contract Administrator</i>	\$140.00	
<i>Project Staff 1C</i>	\$105.00	
<i>Project Staff 1B</i>	\$135.00	
<i>Project Staff 1A</i>	\$150.00	
<i>Project Staff 2B</i>	\$165.00	
<i>Project Staff 2A</i>	\$185.00	
<i>Senior Staff</i>	\$210.00	
<i>Associates</i>	\$235.00	
<i>Vice President</i>	\$260.00	
<i>President</i>	\$280.00	
		Report Reproduction and Copying: <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
		Special Postage and Express Mail: <ul style="list-style-type: none"> • Actual expense
		Other Direct Costs: <ul style="list-style-type: none"> • Actual expense
		Daily Equipment Rental Rates: <ul style="list-style-type: none"> • All single parameter field meters (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 (with telemetry) <ul style="list-style-type: none"> - first day \$200.00 - each additional day \$40.00
		Subcontractors: Actual expense plus 10% fee

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