



Scope of Services for City of Calistoga

Assistance with NPDES Permit Renewal (July 1, 2009 to December 31, 2010)

The City of Calistoga (City) Dunaweal Wastewater Treatment Plant (Plant) operates under a National Pollutant Discharge Elimination System (NPDES) permit that allows seasonal discharge of treated effluent to the Napa River. The Plant produces and discharges primarily tertiary quality effluent to the river. However, during large rainfall events and/or high river flow periods, the plant also discharges secondary quality effluent. Discharge to the Napa River is permitted only during the wet season (November 1 to June 15) provided that specific dilution conditions are met in the Napa River. During the remainder of the year, the City distributes tertiary quality recycled water for landscape irrigation and dust control.

The City's NPDES permit expires on February 28, 2010 and is currently scheduled for adoption at the October 2010 Regional Water Board Hearing. The City has requested assistance from Larry Walker Associates (LWA) during the renewal process. The activities required to renew the City's NPDES permit will be undertaken during fiscal year 2009/10 and 2010/11. LWA assistance will include preparation of the permit application (Report of Waste Discharge), determination of reasonable potential, calculation of projected effluent limits for constituents with reasonable potential, communication with Regional Water Board staff, review and comment on the administrative draft and Tentative Order, preparation of testimony for the Regional Water Board hearing, and development of system for tracking permit activities during the next permit term. The following Scope of Services describes these tasks in detail and indicates an approximate schedule for completion. A cost estimate is presented as Attachment A and the current LWA rate schedule is included as Attachment B.

Task 1. Prepare and Submit Report of Waste Discharge (Completion by February, 2010)

The Report of Waste Discharge (ROWD) must be submitted to the Regional Water Board 180 days prior to the expiration of the NPDES permit. Since the City's NPDES permit expires on February 28, 2010, the ROWD is due no later than September 1, 2009. LWA will complete the application forms and compile data required for the attachments. A draft ROWD will be prepared for the City's review and comments prior to submittal to the Regional Water Board. LWA will provide two hard copies of the final ROWD to the City for its files.

Task 2. Evaluate Data for Sufficiency and Outliers (Predicted to be completed in May, 2010)

Pertinent data will be reviewed to evaluate data quality, compliance history, and sufficiency. Data to be reviewed will include influent, effluent, and receiving water quality (flows, quality); whole effluent toxicity; and biosolids data. Outliers in the dataset will be evaluated to determine if it is appropriate for the City to request that data be removed from the dataset when determining reasonable potential and calculating effluent limitations. Additional information to be reviewed may also include pertinent Regional Water Board correspondence, results of special studies performed by the City, and current planning documents for the Plant.

Task 3. Determine Reasonable Potential and Calculate Expected Effluent Limitations (Predicted to be completed in June, 2010)

LWA has developed a customized spreadsheet program for conducting a Reasonable Potential Analysis (RPA), as outlined in the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries in California (SIP). The purpose of an RPA is to determine whether reasonable potential exists for a discharger to cause or contribute to the exceedance of a water quality objective. The program also computes interim and final effluent limitations. The data gathered in the Task 2 will be used to conduct this analysis, as a check on the results provided by the Regional Water Board staff.

Task 4. Perform Sensitivity Analyses for Effluent Limitations (Predicted to be completed in June, 2010)

There are numerous ways to interpret language in the California Toxics Rule (CTR) and the SIP to develop effluent limitations. LWA will evaluate additional scenarios, as appropriate, to determine the consequences of various alternative interpretations.

Task 5. Attend Meetings and Communicate with Regional Water Board Staff (Ongoing Activities through December, 2010)

It is important to communicate with the Regional Water Board staff on a regular basis during the NPDES permit negotiation process. Communications are expected to take place through meetings, telephone conferences, and e-mails. LWA will attend one meeting in Calistoga with the City and two meetings in Oakland with the Regional Water Board to discuss permit conditions.

Task 6. Prepare Infeasibility Report and Develop Cease and Desist Order Requirements (Predicted to occur in August 2010)

The 2000 SIP provides for the situation when an existing NPDES discharger cannot immediately comply with a final effluent limitation derived from a CTR or Basin Plan water quality objective. The SIP allows for the implementation of interim effluent limitations and a schedule to achieve compliance with final effluent limitations in such cases. To qualify for interim effluent limitations and a compliance schedule, the SIP

requires that the existing discharger demonstrate that it is infeasible to achieve immediate compliance with the CTR-based effluent limitation. However, the SIP only allowed for 10 years to achieve compliance with the effluent limitations. Thus, water quality objectives identified in the 2000 SIP must be complied with by May 17, 2010.

Knowing that dischargers may not be able to comply with water quality objectives past May 17, 2010, the Regional Water Board developed a Cease and Desist Order (CDO) approach in 2007. For constituents that show potential for non-compliance, but are not allowed interim effluent limitations and compliance schedules in NPDES permits, a concurrent CDO is adopted with the NPDES permit. The CDO includes interim effluent limitations and prescribes various activities that the discharger must undertake to eventually achieve compliance with final effluent limitations. As long as the discharger stays in compliance with the CDO, they are protected from Mandatory Minimum Penalties (MMPs). However, the CDO requires the discharger to implement control measures that will (under best possible conditions) guarantee compliance with final effluent limitations. As such, these measures may include a timeline for construction of new treatment facilities. Another drawback to the CDO approach is that it does not protect the discharger from citizen lawsuits if the effluent is out of compliance with final effluent limitations.

Under this task, LWA will identify all constituents that may present compliance problems for the City and discuss possible CDO requirements with the City. The Regional Water Board will simultaneously determine if a compliance schedule and interim effluent limitations are appropriate, based on the ROWD submittal and RPA. If the Regional Water Board determines that compliance is infeasible and all conditions are met, compliance schedules, interim effluent limitations, and CDO tasks will be established on a constituent-by-constituent basis. LWA will prepare an Infeasibility Analysis for all appropriate constituents. Additionally, LWA will assist the City with developing reasonable, effective CDO tasks, as needed, to meet regulatory requirements.

Task 7. Prepare Comments on Administrative Draft and Tentative Order (Predicted to occur from July 2010 through September 2010)

The Regional Water Board usually provides an Administrative Draft version of the NPDES Permit to dischargers for comment prior to public release. Due to the increasing complexity of NPDES permitting in California, the Regional Water Board staff often requests that Administrative Draft comments be submitted in writing with justification for the requested changes. LWA will prepare written comments on one Administrative Draft for this NPDES permit renewal. Administrative Draft comments are normally indicated by underline-strikeout mode.

Once the Administrative Draft is finalized, a Tentative Order will be released for public comment. As needed, Tentative Order comments will include items not resolved through the City's Administrative Draft review. Tentative Order comments are typically more detailed and comprehensive, because the comments are submitted for the public record and may be used in future appeals or other actions on the NPDES permit. LWA will prepare draft written comments on the Tentative Order, and submit those comments

to the City for review and approval. The Tentative Order comments may require additional research for citations of precedent-setting activity and will cover all aspects of the Tentative Order that the City wishes the Regional Water Board staff to consider for revision.

Task 8. Prepare for and Attend Regional Water Board Hearing on NPDES Permit Adoption (Predicted to occur in October 2010)

It is desirable to place the tentative NPDES permit on the Regional Water Board hearing consent agenda if the NPDES permit is acceptable to the City. However, if the tentative NPDES permit is placed on the regular agenda, the City is not required to testify at the Regional Water Board hearing, but it is advisable to do so. The reasons for testifying include the following:

- Expressing support for the NPDES permit as-is;
- Expressing objections to specific or significant provisions, possibly reaching an agreement with Regional Water Board staff and members that was not possible without the pressure of a public forum (however, it should be noted that it is unusual for Regional Water Board members to agree to changes not recommended or supported by the Regional Water Board staff); and/or
- Countering any comments from other entities that may influence the outcome of the NPDES permit.

Under this task, LWA will develop a presentation strategy for a Regional Water Board hearing, to be implemented as needed.

Task 9. Proof Final Order, Develop Compliance Plan and System for Tracking Submittal Dates (Predicted to occur from October 2010 through December 2011)

Depending on the number of changes that occur during the public comment process, it is advisable to proof the post-Regional Water Board hearing version of the NPDES permit before it is signed by the Executive Officer to ensure that agreed upon changes were made. LWA will review the adopted order for any mistakes that could render the content of a particular condition different than intended.

The Regional Water Board routinely requires status reports and special studies (related to toxic constituents and other matters) in renewed NPDES permits. Additionally, SIP requirements and CDO tasks may necessitate a review of sampling/analytical techniques, implementation of additional monitoring, and specific activities for source control/pollution prevention. Each of these tasks is normally assigned a compliance date in the NPDES permit. LWA will develop an overall schedule and plan for the City to keep track of these activities and assist with compliance during the 5-year permit term.

Task 10. Project Management (Ongoing Activities through December, 2010)

LWA activities under this task include managing budgets and schedules, as well as preparing monthly progress reports for City staff that detail project status.

Task 11. Additional NPDES Permit Assignments (Possible Activities through December, 2010)

During the NPDES permit renewal process, the Regional Water Board may request that the City undertake additional analyses to address emerging concerns. At the direction of City staff, LWA will complete additional NPDES permit-related activities not included in Tasks 1-9.

Attachment A

City of Calistoga
 Professional Services by Larry Walker Associates
Estimated Costs for Assistance with NPDES Permit Renewal
 (July 1, 2009 through December 31, 2010)

Task	Description	LWA Labor Hours and Rates (1)				Total Labor Costs	Total Hours	Other Direct Costs	Total Costs
		Project Advisor: Tom Grothoug \$235	Project Manager: Denise Comets \$185	Project Engineer: Gorman Lau \$145	Contract Admin: Susan Fishel \$135				
Fiscal Year 2009/10 Activities									
1	Prepare and submit Report of Waste Discharge		6	60	\$9,810	66	\$100 (2)	\$9,910	
2	Evaluate data for sufficiency and outliers		2	8	\$1,530	10		\$1,530	
3	Determine reasonable potential and calculate expected effluent limits		6	24	\$4,590	30		\$4,590	
4	Perform sensitivity analyses for effluent limitations	2	4	8	\$2,370	14		\$2,370	
5	Attend meetings and communicate with Regional Water Board staff	2	20		\$4,170	22	\$100 (3)	\$4,270	
6	Prepare Infeasibility Analysis and develop Cease and Desist Order requirements		8	16	\$3,800	24		\$3,800	
10	Project Management		12		\$3,165	19		\$3,165	
11	Additional NPDES Permit Assignments (4)				-			-	
	Totals for Fiscal Year 2009/10	4	58	116	\$29,435	185	\$200	\$29,635	

Task	Description	LWA Labor Hours and Rates (5)				Total Labor Costs	Total Hours	Other Direct Costs	Total Costs
		Project Advisor: \$240	Project Manager: \$195	Project Engineer: \$155	Contract Admin: \$140				
Fiscal Year 2010/11 Activities									
5	Attend meetings and communicate with Regional Water Board staff		20		\$3,900	20	\$25 (6)	\$3,925	
7	Prepare comments on Administrative Draft and Tentative Order	2	40	16	\$10,760	58		\$10,760	
8	Prepare for and attend Regional Water Board Hearing on NPDES permit adoption	2	8		\$2,040	10	\$25 (6)	\$2,065	
9	Proof Final Order, develop compliance plan and system for tracking submittal dates		4	8	\$2,020	12		\$2,020	
10	Project Management		5		\$1,675	10		\$1,675	
11	Additional NPDES Permit Assignments (4)				-			-	
	Totals for Fiscal Year 2010/11	4	77	24	\$20,395	110	\$50	\$20,445	
	TOTAL PROJECT COSTS (7)	8	135	140	\$49,830	295	\$250	\$50,080	

(1) LWA hourly rates through June 30, 2010.
 (2) Estimated costs for photocopies and postage.
 (3) Estimated transportation costs for one meeting in Calistoga and one meeting in Oakland.
 (4) This task is set aside for additional tasks related to the NPDES Permit renewal. Any hours charged to this task will be first authorized by the City of Calistoga.
 (5) Projected LWA hourly rates starting July 1, 2010.
 (6) Estimated transportation costs for one meeting in Oakland.
 (7) The cost estimate is based on best available information. LWA will provide monthly progress reports to the City of Calistoga. If it appears a task budget will be exceeded, the City will be notified before proceeding.

Attachment B

LARRY WALKER ASSOCIATES

**Rate Schedule
Effective July 1, 2008 – June 30, 2010**

PERSONNEL	Rate \$/Hour	REIMBURSABLE COSTS
Principals		Travel:
Larry Walker	\$235.00	Local mileage • Current IRS rate
Tom Grovhoug	\$235.00	Transportation • Actual expense
Mack Walker	\$235.00	Auto rental • Actual commercial rate
Ashli Cooper Desai	\$235.00	Fares • Actual expense
Associates		Room • Actual expense
Karen Ashby	\$210.00	Subsistence ⁽¹⁾ • \$48.00 per day
Betsy Elzufon	\$210.00	
Brian Laurenson	\$210.00	
Robert Smith	\$210.00	
Chris Minton	\$210.00	
Claus Suverkropp	\$210.00	
Senior Staff		Report Reproduction and Copying:
Denise Conners	\$185.00	• Actual outside expense
Kristine Corneillie	\$185.00	• \$0.08 per black and white copy, in-house
Stephen McCord	\$185.00	• \$0.89 per color copy, in-house
Diana Engle	\$185.00	• \$1.95 per binding, in-house
Mitch Mysliwicz	\$185.00	
Rebecca Winer-Skonovd	\$185.00	
Sandy Mathews	\$185.00	
Mike Troughon	\$185.00	
Project Staff		Special Postage and Express Mail:
David Martinez	\$160.00	• Actual expense
Tracy Krueger	\$160.00	
Kevin Coyne	\$160.00	
Airy Krich-Brinton	\$145.00	
Gorman Lau	\$145.00	
Aiina Constantinescu	\$145.00	
Hope McCaslin-Taylor	\$145.00	
Jeff Walker	\$145.00	
Laura Foglia	\$145.00	
Rachel Terpstra	\$145.00	
Kate Lundberg	\$145.00	
Susan Fischei	\$135.00	
Michael Marson	\$135.00	
Kathryn Walker	\$135.00	
Amy Storm	\$135.00	
Shikha Chetal	\$125.00	
Steve Maricle	\$125.00	
Jodi Cope	\$95.00	
Greg Reide	\$95.00	
		Other Direct Costs:
		• Actual expense
		Daily Equipment Rental Rates:
		• 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 \$200.00 first day \$40 addtl. day
		Subcontractors:
		Actual expense plus 10% fee
		Note: ⁽¹⁾ Charged when overnight lodging is required.