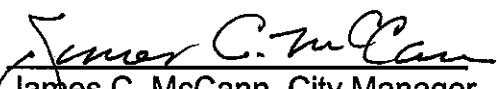


City of Calistoga

Staff Report

TO: Honorable Mayor and City Council
FROM: Dan Takasugi, Public Works Director/City Engineer
DATE: March 4, 2008
SUBJECT: **Consideration of a Resolution Approving Amendment No. 1 to the Professional Services Agreement with 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 in an Amount Not-to-Exceed \$50,863**

APPROVAL FOR FORWARDING:


James C. McCann, City Manager

1
2 **ISSUE:**
3

4 Consideration of a resolution approving Amendment No. 1 to the Professional
5 Services Agreement with Larry Walker Associates for ongoing permit assistance
6 services related to the City's current Wastewater Treatment Plant NPDES permit
7 and the State's General Water Reuse Permit in an amount not-to-exceed \$50,863.
8

9 **RECOMMENDATION:**

10
11 Adopt a Resolution.
12

13 **BACKGROUND/DISCUSSION:**
14

15 The City of Calistoga Wastewater Treatment Plant (WWTP) was issued a National
16 Pollutant Discharge Elimination System Permit (NPDES Permit) in December, 2006,
17 by the San Francisco Bay Regional Water Quality Control Board (RWQCB). Under
18 this permit, the City may discharge treated effluent to the Napa River during the wet
19 season (October 1st through May 15th) as long as specific dilution requirements in
20 the river are met. During the remainder of the year, river discharge is prohibited and
21 all effluent produced at the WWTP must be stored or recycled.
22

23 The monitoring and reporting requirements associated with the City's WWTP
24 NPDES permit have become more onerous and complex, and the RWQCB has
25 imposed mandatory fines for certain permit violations. LWA is very familiar with our
26 current permit and, since January of 2001, has been providing ongoing assistance
27 related to the City's permit monitoring and reporting requirements.
28

29 The City of Calistoga recently updated its Recycled Water Use Program to be
30 consistent with conditions specified in the State's General Water Reuse Permit, also
31 with assistance from LWA. In May of 2005, the RWQCB and the State Department
32 of Health Services granted the City formal approval to operate its recycled water
33 program under the State's General Water Reuse Permit. The General Water Reuse
34 Permit delegates regulatory authority to the City, and requires the City to monitor
35 and report all activities utilizing recycled water within its jurisdiction.
36

37 Staff requested and received from LWA a proposal to provide additional ongoing
38 permit assistance for both the WWTP NPDES Permit and the General Water Reuse
39 Permit. Staff has reviewed the proposal, determined that the services are necessary
40 and reasonable, and recommends that Amendment No. 1 to the agreement with
41 Larry Walker and Associates be approved. A copy of the proposal is attached to the
42 proposed agreement. The total cost of these additional services is \$50,863 and
43 cover fiscal years 07/08 and 08/09. The total amount of the original contract plus
44 Amendment No. 1 is \$87,938.
45

46 **FISCAL IMPACT:**
47

48 The adopted Fiscal Year 07/08 Wastewater Enterprise Budget includes funding for
49 the Fiscal Year 07/08 work (\$22,358). The Fiscal Year 08/09 Budget will identify the
50 funds (\$28, 505) for the services for that period.
51

52 **ATTACHMENTS:**
53

- 54 1. Resolution
- 55 2. Professional Services Agreement

**AMENDMENT NO. 1
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. 0124
Amending Agreement No. ____)**

THIS AMENDMENT NO. 1 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. 1) is hereby entered into as of the 4th day of March, 2008, 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 (hereinafter referred to as "Agreement"); and

WHEREAS, City and Consultant now desire to enter into this Amendment No. 1 to provide additional ongoing permit assistance relating to the City's Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit.

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

1. Under Paragraph 1, Scope of Services, Subsection A is added as follows:
 - A. 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 February 25, 2008. (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) and also as indicated in Exhibit "A," being the "Scope of Services for Ongoing Permit Assistance related to the City's Wastewater Treatment Plant NPDES Permit and the State's General Water Reuse Permit" dated March 4, 2008, attached hereto and incorporated herein by reference (\$50,863). However, in no event shall the total amount exceed Eighty Seven Thousand Nine Hundred Thirty-eight Dollars (\$87,938), with such amount including both the original Agreement amount and the additional fees associated with this Amendment No. 1. 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 Eighty Seven Thousand Nine Hundred Thirty-eight Dollars (\$87,938.00).

3. Except as specifically modified by Amendment No. 1, 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. 1 as of the date first above written.

CITY OF CALISTOGA

LARRY WALKER ASSOCIATES

By: _____
James C. McCann
Title: City Manager

By: Gil Wheeler
Gil Wheeler
Title: Vice-President

ATTEST:

APPROVED AS TO FORM:

Susan Sneddon
City Clerk

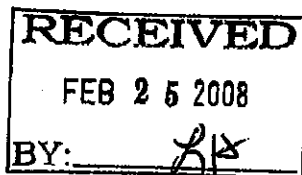
Michelle Marchetta Kenyon
City Attorney

250 Lafayette Cr, Suite 200
Lafayette, CA 94549

925.962.9700
925.962.9701 fax

www.lwa.com

February 25, 2008



Mr. Dan Takasugi
Public Works Director/City Engineer
City of Calistoga
414 Washington Street
Calistoga, CA 94515

Subject: Scope of Services for Ongoing Water/Wastewater Permit Assistance to the City of Calistoga (January 1st, 2008 to June 30th, 2009)

Dear Mr. Takasugi:

The City of Calistoga has requested a scope of services and cost estimate from Larry Walker Associates (LWA) for assistance with several activities associated with the NPDES and Recycled Water Use Permits. The following Scope of Services describes the tasks required to assist the City of Calistoga during the remaining months of the 2007/08 Fiscal Year and the entire 2008/09 Fiscal Year. The tasks specified below include review or assistance with preparation of Self-Monitoring Reports and various Annual Reports, general consulting on NPDES or Recycled Water Permit issues, pollution prevention program assistance, implementation of the Disinfection Byproducts Compliance Schedule, and Napa River collaborative monitoring. A cost estimate is attached which shows the estimated amount of time for services performed by LWA. The cost estimate is presented in terms of the specific tasks required and includes the number of hours for each LWA staff member that is expected to assist with the project. LWA's current hourly rate sheet (through 6/30/08) is also included for your information.

Task 1 –Review or Assist with Preparation of SMRs and Annual Reports

Monthly Self-Monitoring Reports and various Annual Reports are specified as conditions of Calistoga's NPDES and Recycled Water Permits and must be submitted to the Regional Water Board. Annual reporting is required for the Dunaweal Wastewater Treatment Plant, the Pollutant Minimization Program, the Recycled Water Program, and the Kimball Water Treatment Plant. When requested, LWA will review draft reports prepared by Calistoga staff to ensure completeness and identify any issues of concern for permit compliance.

FY 2007/08 Activities. LWA will prepare the 2007 Pollutant Minimization Program Annual Report in a format that can be easily updated in subsequent years by Calistoga staff.

FY 2008/09 Activities. No additional activities identified.

Task 2 – General Consulting

Under the General Consulting task, funds are allocated to assist the City with new or emerging issues that were not included under the other identified contract tasks. During previous years, this task was used for securing approval of Supplemental Environmental Projects, advising staff on preparations for site inspections, investigating emergency discharge approval procedures, researching aquatic pesticide permitting requirements, and following TMDL developments. Upon request of Calistoga staff, LWA will utilize these funds for assistance with any special issues that may arise.

FY 2007/08 Activities. No special activities have been identified for this time period. Work will be conducted under direction of Calistoga staff.

FY 2008/09 Activities. No special activities have been identified for this time period. Work will be conducted under direction of Calistoga staff.

Task 3 – Pollution Prevention Assistance

As part of its NPDES permit, Calistoga is required to undertake pollution prevention activities to reduce the amount of pollutants received at the wastewater treatment plant. Pollutants of concern include constituents identified by the Water Board that could cause or contribute to an exceedance of water quality objectives in the Napa River. For Calistoga, these constituents include mercury, cyanide, chlorodibromomethane, dichlorobromomethane, copper, and oil and grease. LWA will assist Calistoga in implementing basic pollution prevention activities to identify the sources of these constituents and reduce contributions from these sources.

FY 2007/08 Activities. LWA will compile an inventory of businesses in Calistoga to identify potential sources of copper, mercury, cyanide, and oil and grease. LWA will also produce outreach materials for dentists and restaurants.

FY 2008/09 Activities. LWA will distribute outreach materials to restaurants and dentists; develop Best Management Practices (BMPs) for copper sources (e.g., vehicle service facilities, carwashes, machine shops); and develop BMPs for cyanide sources (e.g., hospitals and spas).

Task 4 – Disinfection Byproducts Compliance Schedule

The Calistoga NPDES Permit contains interim limits and a compliance schedule for two disinfection byproducts: chlorodibromomethane and dichlorobromomethane. The compliance schedule contains specific actions to be completed by the City including monitoring influent concentrations, identifying how these disinfection byproducts are produced, and determining how they can be controlled in order to meet final effluent limits. LWA will assist Calistoga in implementing the compliance schedule provisions.

FY 2007/08 Activities. LWA will review studies completed by other dischargers on the formation of dichlorobromomethane and chlorodibromomethane to determine if the results of those studies can be applied to Calistoga WWTP operations. LWA will summarize the findings in a technical memorandum for submittal to the Regional Water Board. (Permit specified deadline of 8/1/07.) LWA will also review monitoring data to determine if influent sources of dichlorobromomethane and chlorodibromomethane can be identified. LWA will then assist Calistoga staff in preparing a report for submittal to the Regional Water Board that presents the data and findings. (Permit specified deadline of 7/1/08.)

FY 2008/09 Activities. LWA will assist Calistoga staff in preparing a Work Plan to assess chlorine dosage and the formation of chlorodibromomethane and dichlorobromomethane at the Calistoga WWTP. The Work Plan must be submitted to the Water Board for approval by 9/1/08. Once the Work Plan is approved, LWA will assist Calistoga staff with implementation of Disinfection Byproducts Study.

Task 5 - Napa River Collaborative Monitoring

The Calistoga NPDES Permit specifies that Calistoga must collect or participate in collecting background ambient receiving water monitoring data for priority pollutants. This information is used by the Water Board to perform reasonable potential analyses and to calculate effluent limitations during the next permit cycle. The permit provision may be met by monitoring through the Collaborative Napa River Receiving Water Study or a similar ambient monitoring program for the Napa River. Monitoring of the Napa River upstream of wastewater discharges has been undertaken since 2002 through a collaborative effort funded by the City of Calistoga, City of St. Helena, and the Town of Yountville. The three dischargers have agreed to collect one background sample per year to assemble a representative dataset for the next permit reissuance. LWA will collect the samples, deliver the samples to the analytical laboratory, specify analytical procedures to the laboratory, review the data and quality control procedures, and summarize the results in a technical memorandum to all three dischargers.

FY 2007/08 Activities. LWA will collect one background Napa River sample, have the sample analyzed for all pollutants of concern, review the data, and present the data in a technical memorandum to Calistoga.

FY 2008/09 Activities. LWA will collect one background Napa River sample, have the sample analyzed for all pollutants of concern, review the data, and present the data in a technical memorandum to Calistoga.

Task 6 – Project Management

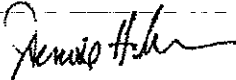
LWA activities under this task will include attendance at one meeting per year in Calistoga, managing budgets and schedules, and preparing monthly progress reports for Calistoga staff.

FY 2007/08 Activities. No additional activities have been identified. Work will be conducted as needed to manage the identified projects.

FY 2008/09 Activities. No additional activities have been identified. Work will be conducted as needed to manage the identified projects.

We are looking forward to continuing our work with the City on its water and wastewater permitting issues. Please give me a call if you have questions or need any additional information.

Sincerely,



Denise H. Conners
Senior Engineer

Attachments:

Cost Estimate for Ongoing Water/Wastewater Permit Assistance (FY 07/08)
Cost Estimate for Ongoing Water/Wastewater Permit Assistance (FY 08/09)
LWA 2007/08 Rate Schedule

Estimated Costs for Ongoing Water/Wastewater Permit Assistance
(January 1, 2007 to June 30, 2008)

Task No.	Proposed Task	LWA Labor Hours										Total Hours	Labor Cost	Other Direct Costs	Total Project Costs
		Project Advisor: Wheeler	Project Manager: Denise Connors	Project Associate: Elizufon Betsy Gorman	Project Engineer: Kate Lundberg	Contract Admin: Sue Fishel	Cost/hour:	225	175	200	140				
1	<ul style="list-style-type: none"> Review or Assist with Preparation of SMRs and Annual Reports Review and/or assist with preparation of monthly and the Annual Reports required by the NPDES and Recycled Water Permits (e.g., SMRs, Wastewater AR, Recycled Water AR). Prepare 2007 Pollutant Minimization Program Annual Report. 	0	2	24	3	0	225	175	200	140	130	5	\$770		\$770
	Total for Task 1	0	2	24	3	0						24	\$4,800	\$100 (2)	\$4,900
2	<ul style="list-style-type: none"> General Consulting Answer staff questions, address permit issues that may arise, update staff on new regulatory requirements. 	2	12									14	\$2,550		\$2,550
	Total for Task 2	2	12	0	0	0						14	\$2,550		\$2,550
3	<ul style="list-style-type: none"> Pollution Prevention Assistance Compile Business Inventory. Compile and produce outreach materials for dentists and restaurants. 	0	0	2	8							10	\$1,520		\$1,520
	Total for Task 3	0	0	2	8							10	\$1,520	\$500 (3)	\$2,020
4	<ul style="list-style-type: none"> Disinfection Byproducts Compliance Schedule Review recent studies on the formation of dichloro- and chlorobromomethane. Summarize results, determine if they can be applied to the Callistoga WWTP, and prepare technical memo for submittal to the Water Board. (Due 8/1/07) Review influent data to determine source of dichloro- and chlorobromomethane. Prepare report for Water Board to summarize data and findings. (Due 7/1/08) 	0	0	4	16							20	\$3,040	\$600	\$3,540
	Total for Task 4	0	0	4	16							20	\$3,040	\$600	\$3,540
5	<ul style="list-style-type: none"> Napa River Collaborative Monitoring Collect background Napa River sample, analyze sample for all pollutants of concern, review data, summarize data in technical memorandum. (4) 	0	2	0	0							10	\$1,390	\$30 (2)	\$1,420
	Total for Task 5	0	2	0	0							10	\$1,390	\$30	\$1,420
6	<ul style="list-style-type: none"> Project Management Prepare monthly progress reports, track budgets and schedules, attend one meeting to discuss contract implementation. 	0	3	0	0							7	\$1,045	\$75 (5)	\$1,120
	Total for Task 6	0	3	0	0							7	\$1,045	\$75	\$1,120
	Total Project Costs (1)	2	19	28	19	8						102.25	\$16,911	\$605	\$22,358

Notes: (1) The cost estimate for this project is based on best available information. LWA will provide monthly progress reports to the City which will itemize the activities completed by task. If it appears that a task budget may be exceeded, LWA will notify the City to discuss a possible approach.
(2) Costs for photocopies and postage.
(3) Production of outreach materials.
(4) Amount shown is one-third of total cost for Napa River monitoring event. Total estimated cost of \$14,225 is to be shared equally between Callistoga, St. Helena, and Yountville.
(5) Transportation costs for LWA attendance at meetings and site visits.

**Estimated Costs for Ongoing Water/Wastewater Permit Assistance
(July 1, 2008 to June 30, 2009)**

Task No.	Proposed Task	LWA Labor Hours (2)										Total Hours	Labor Cost	Other Direct Costs	Total Project Costs	
		Project Advisor: Gill Wheeler	Project Manager: Denise Connors	Associate: Betsy Elzofon	Engineer: Gorman Lau	Engineer: Kate Lunchedberg	Contract Admin: Sue Fishel	Cost/hour: \$225	Project Manager: \$180	Associate: \$200	Engineer: \$150					Engineer: \$140
1	Review or Assist with Preparation of SMRFs and Annual Reports	0	3	2	4	2	0	3	2	4	2	0	11	\$1,820		\$1,820
	Review and/or assist with preparation of monthly and the Annual Reports required by the NPDES and Recycled Water Permits (e.g., SMRFs, PMP and Wastewater AR, and Recycled Water AR).															
	General Consulting															
2	Answer staff questions, address permit issues that may arise, update staff on new regulatory requirements.	4	24										28	\$5,220		\$5,220
	Pollution Prevention Assistance															
3	Distribute outreach materials to restaurants and dentists.			2					20				22	\$3,200	\$75 (3)	\$3,275
	Develop BMPs for copper sources (vehicle service, carwashes, machine shops), develop BMPs for cyanide sources (hospitals and spas).			4					16				20	\$3,040	\$500 (4)	\$3,540
	Disinfection Byproducts Compliance Schedule															
4	Prepare Work Plan to assess chlorine dosage and the formation of chlorodibromomethane and dichlorobromomethane. Submit Work Plan to Regional Water Board for approval. (Due 9/1/08)	2	4		24								30	\$4,770	\$30 (5)	\$4,800
	Assist with implementation of Disinfection Byproducts Study.		6		8								14	\$2,280	\$75 (3)	\$2,355
	Napa River Collaborative Monitoring															
5	Collect background Napa River sample, analyze sample for all pollutants of concern, review data, summarize data in technical memorandum. (6)	2	4	0	24								30	\$7,050	\$105	\$7,155
	Project Management															
6	Prepare monthly progress reports, track budgets and schedules, attend one meeting to discuss contract implementation.		8										15	\$2,420	\$75 (3)	\$2,495
	Total Project Costs (1)	6	39	8	28	38	7						126	\$22,750	\$755	\$28,505

Notes: (1) The cost estimate for this project is based on best available information. LWA will provide monthly progress reports to the City which will itemize the activities completed by task. If it appears that a task budget may be exceeded, LWA will notify the City to discuss a possible approach.
 (2) LWA cost per hour is projected based on expected rate increases.
 (3) Transportation costs for LWA attendance at meetings and site visits.
 (4) Production of outreach materials.
 (5) Costs for postage and/or photocopies.
 (6) Amount shown is one-third of total cost for Napa River monitoring event. Total estimated cost of \$15,000 is to be shared equally between Calistoga, St. Helena, and Yountville.

LARRY WALKER ASSOCIATES

Rate Schedule
Effective July 1, 2007 – June 30, 2008

PERSONNEL	Rate \$/Hour	REIMBURSABLE COSTS
Principals		Travel:
Larry Walker	\$225.00	Local mileage • Current IRS rate
Tom Grovhoug	\$225.00	Transportation • Actual expense
Gil Wheeler	\$225.00	Auto rental • Actual commercial rate
Mack Walker	\$225.00	Fares • Actual expense
Ashli Cooper Desai	\$225.00	Room • Actual expense
Associates		Subsistence ⁽¹⁾ • \$48.00 per day
Karen Ashby	\$200.00	Report Reproduction and Copying:
Betsy Elzufon	\$200.00	• Actual outside expense
Brian Laurenson	\$200.00	• \$0.08 per black and white copy, in-house
Robert Smith	\$200.00	• \$0.89 per color copy, in-house
Claus Suverkropp	\$200.00	• \$1.95 per binding, in-house
Senior Staff		Special Postage and Express Mail:
Denise Connors	\$175.00	• Actual expense
Kristine Corneillie	\$175.00	Other Direct Costs:
Stephen McCord	\$175.00	• Actual expense
Chris Minton	\$175.00	Daily Equipment Rental Rates:
Mitch Mysliwicz	\$175.00	• All single parameter field meters
Shelll St. Clair	\$175.00	(pH, EC, D.O., Turbidity) \$25.00 each
Mike Troughon	\$175.00	• Multi-parameter field meters \$35.00
Project Staff		• Peristaltic Sampling Pump \$35.00
David Martinez	\$150.00	• Professional grade GPS unit \$25.00
Airy Krich-Brinton	\$140.00	• Digital Flow Meter \$45.00
Alina Constantinescu	\$140.00	• Digital Fluorometer \$45.00
Gorman Lau	\$140.00	• Multi-parameter Data Sonde \$200.00
Laura Foglia	\$140.00	Subcontractors:
Rachel Terpstra	\$140.00	Actual expense plus 10% fee
Susan Fishel	\$130.00	
Tracy Krueger	\$130.00	
Michael Marson	\$130.00	
Kathryn Walker	\$130.00	
Kate Lundberg	\$120.00	
Seth Derrick	\$105.00	
Kathy Green	\$105.00	
Jodi Cope	\$90.00	
Greg Reide	\$90.00	
Alyssa Glimm	\$65.00	

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