



BOARD MEETING AGENDA
Monday, August 12, 2019
Regular Meeting - 7:00 P.M.

Union Sanitary District
Administration Building
5072 Benson Road
Union City, CA 94587

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

- | | | | |
|----------------|-----|--|--|
| | 1. | Call to Order. | |
| | 2. | Salute to the Flag. | |
| | 3. | Roll Call. | |
| Motion | 4. | Approve Minutes of the Board Meeting of July 22, 2019. | |
| | 5. | Written Communications. | |
| | 6. | Public Comment.
Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available in the Boardroom and are requested to be completed prior to the start of the meeting. | |
| Public Hearing | 7. | Public Hearing to Consider Adopting Ordinance 36.04, Sewer Use Ordinance, and to Repeal Ordinance 36.03 <i>(to be reviewed by the Legal/Community Affairs Committee)</i> . | |
| Motion | 8. | Authorize the General Manager to Execute a Cost-Sharing Agreement with the Alameda County Water District and the San Francisco Public Utilities Commission for the Purified Water Feasibility Evaluation <i>(to be reviewed by the Budget & Finance Committee)</i> . | |
| Motion | 9. | Review and Consider Approval of Policy No. 5334, Equal Employment Opportunity <i>(to be reviewed by the Personnel Committee)</i> . | |
| Information | 10. | Board of Directors Internal Committee Assignments for Fiscal Year 2020. | |
| Information | 11. | Solar and Cogeneration Facilities Operational Update <i>(to be reviewed by the Budget & Finance Committee)</i> . | |
| Information | 12. | Boardmember Expenses, Fourth Quarter Fiscal Year 2019 <i>(to be reviewed by the Budget & Finance Committee)</i> . | |

Information	13. Report on the East Bay Dischargers Authority (EBDA) Meeting of July 18, 2019.
Information	14. Check Register.
Information	15. Committee Meeting Reports. <i>(No Board action is taken at Committee meetings):</i> <ol style="list-style-type: none"> Budget & Finance Committee – Wednesday, August 7, 2019, at 10:00 a.m. <ul style="list-style-type: none"> Director Kite and Director Handley Personnel Committee – Thursday, August 8, 2019, at 9:15 a.m. <ul style="list-style-type: none"> Director Fernandez and Director Kite Legal/Community Affairs Committee – Friday, August 9, 2019, at 10:30 a.m. <ul style="list-style-type: none"> Director Fernandez and Director Handley Audit Committee – will not meet. Engineering and Information Technology Committee – will not meet. Legislative Committee – will not meet.
Information	16. General Manager’s Report. <i>(Information on recent issues of interest to the Board).</i>
	17. Other Business: <ol style="list-style-type: none"> Comments and questions. <i>Directors can share information relating to District business and are welcome to request information from staff.</i> Scheduling matters for future consideration.
	18. Adjournment – The Board will adjourn to the next Regular Board Meeting in the Boardroom on Monday, August 26, 2019, at 7:00 p.m.
	The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager’s office at (510) 477-7503 at least 24 hours in advance of the meeting.

REVISED



BUDGET & FINANCE COMMITTEE MEETING

Committee Members: Director Kite and ~~Director Toy~~
Director Handley

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

AGENDA

**Wednesday, August 7, 2019
10:00 A.M.**

**Alvarado Conference Room
5072 Benson Road
Union City, CA 94587**

1. Call to Order
2. Roll Call
3. Public Comment
Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available and are requested to be completed prior to the start of the meeting.
4. Items to be reviewed for the Regular Board meeting of August 12, 2019:
 - Authorize the General Manager to Execute a Cost-Sharing Agreement with the Alameda County Water District and the San Francisco Public Utilities Commission for the Purified Water Feasibility Evaluation
 - Solar and Cogeneration Facilities Operational Update
 - Boardmember Expenses, Fourth Quarter Fiscal Year 2019
5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting.
No action will be taken at committee meetings.

The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager's office at (510) 477-7503 at least 24 hours in advance of the meeting.



PERSONNEL COMMITTEE MEETING

Committee Members: Director Fernandez and Director Kite

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

AGENDA

Thursday, August 8, 2019
9:15 A.M.

Alvarado Conference Room
5072 Benson Road
Union City, CA 94587

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

1. Call to Order

2. Roll Call

3. Public Comment

4. Items to be reviewed for the Regular Board meeting of August 12, 2019:
 - Review and Consider Approval of Policy No. 5334, Equal Employment Opportunity

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting. No action will be taken at committee meetings. The Public may provide oral comments at regular and special Board meetings; however, whenever possible, written statements are preferred (to be received at the Union Sanitary District at least one working day prior to the meeting). If the subject relates to an agenda item, the speaker should address the Board at the time the item is considered. If the subject is within the Board's jurisdiction but not on the agenda, the speaker will be heard at the time "Public Comment" is calendared. Oral comments are limited to three minutes per individual, with a maximum of 30 minutes per subject. Speaker's cards will be available and are to be completed prior to discussion of the agenda item.

The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager's office at (510) 477-7503 at least 24 hours in advance of the meeting.

THE PUBLIC IS INVITED TO ATTEND



LEGAL/COMMUNITY AFFAIRS COMMITTEE MEETING

Committee Members: Director Fernandez and Director Handley

Directors

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

AGENDA

Friday, August 9, 2019

10:30 A.M.

Alvarado Conference Room

5072 Benson Road

Union City, CA 94587

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

1. Call to Order

2. Roll Call

3. Public Comment

Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available and are requested to be completed prior to the start of the meeting.

4. Items to be reviewed for the Regular Board meeting of August 12, 2019:

- Public Hearing to Consider Adopting Ordinance 36.04, Sewer Use Ordinance, and to Repeal Ordinance 36.03
-

5. Adjournment

Items reviewed at committee meetings will be included in the agenda packet for the upcoming Board meeting.
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No action will be taken at committee meetings.
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The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager's office at (510) 477-7503 at least 24 hours in advance of the meeting.

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
July 22, 2019**

CALL TO ORDER

President Lathi called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Paul Eldredge, General Manager
Karen Murphy, District Counsel
Sami Ghossain, Technical Services Manager
Ric Pipkin Treatment and Disposal Services Coach
Robert Simonich, Fabrication, Maintenance, and Construction Manager
James Schofield, Collection Services Manager
Laurie Brenner, Business Services Coach
Gene Boucher, Human Resources Manager
May Bautista, Administrative Specialist
Danielle Lemos, Administrative Specialist

VISITORS: Alice Johnson, League of Women Voters
Roelle Balan, Tri-City Voice Newspaper
Monique Spyke, PFM Asset Management, LLC

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 24, 2019

It was moved by Vice President Fernandez, seconded by Director Kite, to approve the Minutes of the Regular Meeting of June 24, 2019. Motion carried unanimously.

JUNE 2019 MONTHLY OPERATIONS REPORT

This item was reviewed by the Budget & Finance and Legal and Community Affairs Committees. General Manager Eldredge provided an overview of the Odor Report and work group reports included in the Board meeting packet. Business Services Coach Brenner reviewed the financial reports included in the Board meeting packet.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

FISCAL YEAR 2019 FOURTH QUARTER MANAGED INVESTMENT PORTFOLIO REPORT

This item was heard out of order. This item was reviewed by the Budget & Finance Committee. General Manager Eldredge introduced Monique Spyke from PFM Asset Management LLC and stated this is the first of the quarterly updates the District will be receiving. Monique presented information included in the Board packet and the prepared Investment Performance Review for the Quarter Ended June 30, 2019. Monique responded to Boardmember questions. General Manager Eldredge recommended that future reports be included in the Monthly Operations Report as item 5b. The Board agreed with this recommendation. The committee requested that they continue to receive the current level of detail in future reports.

PUBLIC HEARING TO CONSIDER ADOPTING ORDINANCE NO. 34.08, AN ORDINANCE PROVIDING FOR THE GENERAL REGULATION OF PRIVATE AND PUBLIC SEWERS, PLAN REVIEW, ISSUANCE OF CONSTRUCTION PERMITS, INSPECTION OF SEWER INSTALLATION, AND THE COLLECTION OF FEES FOR THESE SERVICES, AND TO REPEAL ORDINANCE NO. 34.07

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Ordinance 34.07 provides for plan review, issuance of construction permits, inspection of sewer installation, and the collection of fees for these services. Fees for these services have not been updated in over three years. Due to economic inflation, some fees no longer cover the minimum effort associated with performing these services. Staff recommended repealing Ordinance 34.07 and the adoption of Ordinance 34.08 to incorporate the current schedule of construction costs used for calculating plan review and inspection fees and updates to the material and services fees. Staff scheduled a public hearing for July 22, 2019, and published the notice in the Tri City Voice on June 11, 2019 and June 25, 2019. No public comments were received to date. If adopted, Ordinance 34.08 will be published in the Tri City Voice on July 20, 2019 and The Argus on August 2, 2019. Ordinance 34.08 will go into effect August 12, 2019.

President Lathi opened the public hearing. There were no speakers.

President Lathi closed the public hearing.

It was moved by Director Kite, seconded by Director Handley, to Adopt Ordinance No. 34.08, an Ordinance Providing for the General Regulation of Private and Public Sewers, Plan Review, Issuance of Construction Permits, Inspection of Sewer Installation, and the

Collection of Fees for these Services, and to Repeal Ordinance 34.07. Motion carried unanimously.

REVIEW AND CONSIDER APPROVAL OF THE ENHANCED TREATMENT & SITE UPGRADE PROGRAM MANAGER (LIMITED DURATION) AND ENHANCED TREATMENT & SITE UPGRADE ASSISTANT PROGRAM MANAGER (LIMITED DURATION) JOB DESCRIPTIONS AND SALARY RANGES

This item was reviewed by the Personnel Committee. General Manager Eldredge stated details were discussed at a previous workshop and can be reviewed in the Board packet.

It was moved by Vice President Fernandez, seconded by Director Handley, to Approve the Enhanced Treatment & Site Upgrade Program Manager (Limited Duration) and Enhanced Treatment & Site Upgrade Assistant Program Manager (Limited Duration) Job Descriptions and Salary Ranges. Motion carried unanimously.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 1 WITH CAROLLO ENGINEERS FOR THE PRIMARY DIGESTER NO. 2 REHABILITATION PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated JDH Corrosion Consultants, Inc. performed a condition assessment of Thickener Nos. 1 and 2, the Sludge Transfer Tank, and Primary Clarifier Nos. 5 and 6. The condition of Thickener Nos. 1 and 2 and the Sludge Transfer Tank were found to be in good condition with only minor coating repairs on the steel components of the thickener mechanism required. The condition assessment of Primary Clarifier Nos. 5 and 6 found the clarifier mechanisms to be in relatively good condition except for some damaged coatings on the steel components of the mechanisms. The assessment also found significant corrosion damage to portions of the concrete walkways and miscellaneous metals inside the building. Additionally, staff had separately identified some structural and mechanical improvements in Thickener Nos. 1 and 2 that would improve the operational use of the thickener tanks and access to the equipment and process areas. Since these improvements are similar in nature to the scope of the Primary Digester No. 2 Rehabilitation Project, staff believes including them in the Project would be prudent as it would take advantage of the economy of scale of a larger construction project. The purpose of this amendment is to provide design services for the additional scope summarized above and detailed in the Board packet.

It was moved by Vice President Fernandez, seconded by Director Kite, to Authorize the General Manager to Execute Amendment No. 1 to Task Order No. 1 with Carollo Engineers in the Amount of \$38,929 to Provide Additional Design Services for the Primary Digester No. 2 Rehabilitation Project. Motion carried unanimously.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE A LEASE AGREEMENT WITH THE CALIFORNIA STATE LANDS COMMISSION FOR THE EMERGENCY OUTFALL IMPROVEMENTS PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Alvarado Effluent Pump Station normally pumps the final effluent from the Alvarado Wastewater Treatment Plant to the East Bay Dischargers Authority (EBDA) system where the combined effluent from the EBDA agencies is dechlorinated and discharged from the EBDA Common Outfall to lower San Francisco Bay. The District has an NPDES permit to discharge final effluent to Old Alameda Creek during wet weather and when the capacity of the EBDA system is maximized. The purpose of the Emergency Outfall Improvements Project is to make improvements to the Emergency Outfall to reduce the maintenance activities associated with the flap gate and increase the reliability of the Emergency Outfall during wet weather events. Staff negotiated a lease with the California State Lands Commission granting permission for the pipelines and structure to be located at the Old Alameda Creek. The lease was approved at the June 28, 2019 California State Lands Commission meeting and has a 25-year term with no monetary consideration at this time.

It was moved by Secretary Toy, and seconded by Vice President Fernandez, to Authorize the General Manager to Execute a Lease Agreement with the California State Lands Commission for the Emergency Outfall Improvements Project. Motion carried unanimously.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 2 WITH WOODARD & CURRAN, INC. FOR THE CONTROL BOX NO. 1 IMPROVEMENTS PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated in 2011 the District retained Carollo Engineers to conduct a limited concrete assessment on the interior of Control Box No. 1 (CB1). Temporary concrete repairs were made to CB1 in 2012 during the Primary Clarifiers Rehabilitation Project until permanent repairs could be made. Due to the age, existing configuration, and condition of CB1, staff identified a project to rehabilitate CB1's existing infrastructure, along with other mechanical facilities, piping, and equipment in the vicinity. The project will also include a more comprehensive condition assessment of CB1 and other structures and development of alternatives to reduce ongoing operation requirements and cost associated with removing grit. On November 12, 2018, the Board authorized an agreement and Task Order No. 1 with Woodard & Curran, Inc. for predesign services. Additional scope was identified by W&C's condition assessment and is detailed in the Board packet.

It was moved by Director Handley, seconded by Vice President Fernandez, to Authorize the General Manager to Execute Task Order No. 2 with Woodard & Curran, Inc. in the amount of \$89,046 for the Control Box No. 1 Improvements Project. Motion carried unanimously.

APPOINT TWO BOARDMEMBERS TO SERVE ON THE EAST BAY DISCHARGERS AUTHORITY (EBDA) JPA NEGOTIATIONS AD HOC COMMITTEE

General Manager Eldredge stated the East Bay Dischargers Authority (EBDA) is a Joint Powers authority of which Union Sanitary District is a Member. EBDA was formed in 1974 by a "Joint Exercise of Powers Agreement" (JPA Agreement) entered into by the City of Hayward, City of San Leandro, Oro Loma Sanitary District, Union Sanitary District, and

Castro Valley Sanitary District. EBDA provides a transport system and outfall to collect effluent from six wastewater treatment plants in the East Bay, including two non-member agencies (Dublin San Ramon Services District and Livermore). EBDA transports treated wastewater and removes chlorine prior to its discharge through a deep-water outfall in the San Francisco Bay. Amendments to the JPA Agreement were approved in 1978, 1986, and 2007. As the current JPA Agreement is set to expire in January of 2020, discussions and negotiations have been taking place over the last few years to develop deal points and a framework for a renewed agreement. The Ad Hoc committee brings its formal recommendations to the entire Board for consideration and approval.

It was moved by Vice President Fernandez, seconded by Director Kite, to Appoint the USD EBDA Representative and Alternate to Serve as the USD Ad-Hoc Members on the USD Ad Hoc JPA Negotiations Committee. Motion carried unanimously.

ELECTION OF OFFICERS FOR THE BOARD OF DIRECTORS FOR FISCAL YEAR 2020

General Manager Eldredge stated Policy 3070, Boardmember Officers and Committee Membership, was adopted by the Board in December 2016. The policy states the Board shall annually elect by majority vote the President, Vice-President, and Secretary for one-year terms to coincide with the fiscal year.

It was moved by Vice President Fernandez, seconded by Director Kite, that Jennifer Toy would serve as President, Tom Handley would serve as Vice President, and Pat Kite would serve as Secretary for Fiscal Year 2020. Motion carried unanimously.

INFORMATION ITEMS:

FISCAL YEAR 2019 FOURTH QUARTER MANAGED INVESTMENT PORTFOLIO REPORT

This item was heard out of order. For minutes of action, see page two of these minutes.

Cal-Card Quarterly Activity Report:

This item was reviewed by the Budget & Finance Committee. Business Services Coach Brenner stated the Cal-Card Merchant Spend Analysis for the fourth quarter of FY 2019, included in the Board Meeting packet, covers transactions from the billing period of April 23, 2019 through June 22, 2019. Staff responded to Boardmember questions.

Report on the East Bay Dischargers Authority (EBDA) Meeting of June 20, 2019:

Director Handley provided an overview of the June 20, 2019 EBDA Commission meeting.

Check Register:

Staff responded to Boardmember questions regarding the Check Register.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Engineering and Information Technology, Personnel, and Legal/Community Affairs Committees met.

GENERAL MANAGER’S REPORT:

General Manager Eldredge reported the following:

- The developer working on the force main relocation project has requested an extension to October 2020. The District is evaluating if an extension is warranted. An amendment will be brought to the Board at a later date, if required.
- The deadline to register for the California Association of Sanitation Agencies Annual Conference is July 30, 2019.
- General Manager Eldredge stated he will be out of the office on July 26, 2019. Collection Services Manager Schofield will be acting General Manager in his absence.
- General Manager Eldredge introduced May Bautista as the new Capital Improvements Project Team Administrative Specialist.

OTHER BUSINESS:

Secretary Toy stated she attended the Alameda County Special District Association meeting.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m. to the next Regular Meeting in the Boardroom on Monday, August 12, 2019 at 7:00 p.m.

SUBMITTED:

ATTEST:

DANIELLE LEMOS
ADMINISTRATIVE SPECIALIST

PAT KITE
SECRETARY

APPROVED:

JENNIFER TOY
PRESIDENT

Adopted this 12th day of August 2019

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 7**

TITLE: **Public Hearing to Consider Adopting Ordinance 36.04, Sewer Use Ordinance, and to Repeal Ordinance 36.03 (*This is a Motion Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
 Sami E. Ghossain, Technical Services Work Group Manager
 Michael Dunning, Environmental Compliance Team Coach
 Alex Paredes, Environmental Programs Coordinator

Recommendation

Conduct a public hearing on the proposal to adopt Ordinance 36.04, and consider adopting Ordinance 36.04.

Previous Board Action

05/26/2015 Board Meeting – Adoption of Ordinance 36.03

06/24/2019 - Public Hearing to Adopt Ordinance 36.04, was scheduled for August 12, 2019

Background

Union Sanitary District Ordinance No. 36 provides the requirements for restrictions on discharges to the sanitary sewer. This ordinance applies to industrial, commercial, and residential dischargers and establishes the requirements for USD's pretreatment program to comply with federal, state, and local laws regulating discharges.

At the June 24, 2019 Board meeting, the Board scheduled the public hearing for this Ordinance for August 12, 2019. Subsequently, a Notice of Public Hearing was published in the Argus Newspaper on June 28, 2019 and July 5, 2019. See attached Proof of Publication. A copy of

the proposed Ordinance 36.04 with the proposed changes has been available for review on the District website. Staff has not received any written communications regarding the proposed ordinance.

The proposed revisions to Ordinance 36.03 consist of modifications such as revised definitions, additional prohibitions of various discharges, additional requirements for Industrial Users regarding Immediate Notification of Slug Loadings, and updated language of Requirements for Dental Facilities pursuant to recent versions of the Code of Federal Regulations under 40 CFR 441. The changes proposed are not considered Substantial Modifications, as defined by 40 CFR 403.18(b) of the Code of Federal regulations.

The District is proposing to publish a summary of the ordinance in the Tri-City Voice and the Argus on August 20th and 27th, 2019 and August 23rd and 30th, 2019 respectively. The ordinance will then go into effect on September 12, 2019.

PRE/SEG/MD/AP/av

Attachments

- a. Proof of Publication; Argus Newspaper
- b. Proposed Changes to Ordinance 36.03
- c. Proposed Ordinance 36.04

Argus

c/o Bay Area News Group-East Bay
41424 Christy St.
Fremont, CA 94538
510-403-4483
2054285

UNION SANITARY DISTRICT
ATTN: ACCOUNTS PAYABLE
PO BOX 5050
UNION CITY, CA 94587

PROOF OF PUBLICATION

FILE NO. 8/12/2019 Hearing

In the matter of

Argus

The Argus

I am a citizen of the United States. I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Argus, a newspaper published in the English language in the City of Fremont, County of Alameda, State of California.

I declare that the Argus is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order dated July 28, 2008 in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Argus as a Newspaper of General Circulation, Case Number HG08-390724. Said order states "The Argus" has been established, printed and published in the City of Fremont, County of Alameda, State of California; That it is a newspaper published daily for the dissemination of local and telegraphic news and intelligence of general character and has a bona fide subscription list of paying subscribers; and...THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:...That "The Argus" is a newspaper of general circulation for the City of Fremont, County of Alameda, California. Said order has not been revoked.

I declare that this notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

06/28/2019, 07/05/2019

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated: July 8, 2019



Public Notice Advertising Clerk

Legal No.

0006361549

UNION SANITARY DISTRICT

NOTICE OF PUBLIC HEARING

FOR IMMEDIATE RELEASE:

UNION SANITARY DISTRICT
5072 BENSON ROAD
UNION CITY, CA 94587
CONTACT: Paul R. Eldredge
(510) 477-7500

June 28 and July 5, 2019

NOTICE IS HEREBY GIVEN that the Board of Directors of Union Sanitary District will consider adoption of revisions to Ordinance No. 36.03, which provides for the regulation of discharges to the sanitary sewer, including compliance with State and Federal law. The revisions are not considered Substantial Modifications, as defined by 40 CFR 403.18(b) of the Code of Federal Regulations, such as definitions and additional requirements, prohibitions of various discharges to the sanitary sewer system, requiring Industrial Users to provide immediate notification of Slug Loadings, and to revise language of Requirements for Dental Facilities pursuant to recent versions of the Code of Federal Regulations under 40 CFR 441. A copy of the proposed changes will be available for review on the Union Sanitary website under Permits & Fees/ Forms, Documents & Ordinances.

NOTICE IS FURTHER GIVEN that on Monday, the 12th of August 2019, at the hour of 7:00 P.M., at the Union Sanitary District Boardroom, 5072 Benson Road, Union City, California, in said District, said Board will hear and consider all comments, protests, and objections to said proposed Ordinance No. 36.04.

By order of the Board of Directors of Union Sanitary District.

UNION SANITARY DISTRICT
Anjali Lathi
President

AR #6361549; June 28; July 5, 2019



UNION SANITARY DISTRICT SEWER USE ORDINANCE

ORDINANCE NO. 36.0304

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Section 1

GENERAL PROVISIONS

1.01 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works of the Union Sanitary District and enables the Agency to comply with all applicable Local, State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), ~~and~~ the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the water quality requirements set by the Regional Water Quality Control Board and/or the State of California Water Resource Control Board. The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (e) To provide revenues derived from the application of this Ordinance which shall be used to defray the Agency's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable Agency to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal, State or State-Local laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.02 Definitions

Unless otherwise defined herein, terms shall be as found in Title 40 Code of Federal Regulations (CFR) Parts 403 and 136.

- (a) *Agency*: Union Sanitary District.
- (b) *Amalgam*: an alloy containing mercury, tin, silver, or copper that is used in dentistry to restore teeth.
- (c) *Amalgam Separator*: a device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- (d) *Amalgam Waste*: includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- (e) *Authority*: The East Bay Dischargers Authority.
- (f) *Batch Discharge*: A definite quantity or volume of wastewater produced under conditions that are considered uniform.
- (g) *Beneficial Uses*: Uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.
- (h) *Best Management Practices or BMPs*: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials.
- (i) *Building Sewer*: ~~A sewer conveying wastewater from the premises of a user to the community sewer.~~ A sewer conveying wastewater from a point 30 inches or less from the building or structure to a main sewer. The building sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer).

- (j) *Bypass*: The intentional diversion of waste streams from any portion of an Industrial ~~u~~User's treatment facility.
- (k) *Categorical Pretreatment Standard or Categorical Standard*: ~~Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471. Standards specifying the quantity, concentration, or properties of pollutants that may be discharged to POTWs. EPA promulgates pretreatment standards for specific industry categories in accordance with Clean Water Act section 307. These standards are codified in 40 CFR chapter I, subchapter N, Parts 405-471.~~
- (l) *Chemical Oxygen Demand or COD*: The measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.
- (m) *Community Sewer*: A sewer owned and operated by the Agency, a city, or other public agency tributary to a treatment facility operated by the Agency or the Authority.
- (n) *Compatible Pollutant*: Biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Agency's National Pollutant Discharge Elimination System (NPDES) permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (o) *Composite Sample*: A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Samples may be taken manually or by using automatic equipment. Manual composite samples shall consist of a minimum of four (4) grab samples.
- (p) *Contamination*: An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.
- (q) *District: Union Sanitary District*
- (~~qr~~) *Domestic Use*: Any single family or multifamily residence which discharges, or causes, ~~u~~ or allows the discharge of domestic wastewater to the POTW.
- (~~rs~~) *Domestic Wastewater*: The liquid waste or liquid-borne waste discharged from residential units, normally resulting from the non-commercial preparation, cooking and handling of food, personal laundry, and wastes from sanitary conveniences or from sanitary devices in industrial or commercial establishments.

- (~~st~~) *Environmental Protection Agency or EPA:* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- (~~tu~~) *Federal Act, Clean Water Act:* The Federal Water Pollution Control ~~Clean Water~~ Act, also known as the Clean Water Act, as amended, PL 92-500 Title 33 U.S. Code, section 1251 et seq. (and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.)
- (~~uv~~) *Grab Sample:* ~~A sample which is taken from a waste stream on a one-time basis representing conditions at that moment without regard to the flow in the waste stream and over a period not to exceed fifteen (15) minutes~~ A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (~~wv~~) *Hazardous Waste:* Waste substances which can pose a ~~substantial or potential~~ hazard to human health or the environment when improperly managed; ~~or. Hazardous waste that possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or appears on special U.S. EPA lists. This definition also includes all wastes covered in the California Code of Regulations, Title 22, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.~~
- (~~wx~~) *Holding Tank Waste:* Any waste from temporary or permanent containers such as holding tanks, ~~such as~~ vessels, truck tanks, chemical toilets, campers, trailers, septic tanks, totes, drums, and vacuum pump tank trucks, etc.
- (~~xy~~) *Incompatible Pollutant:* Any pollutant, which is not a compatible pollutant as defined in this section.
- (~~yz~~) *Industrial User:* An industrial or commercial business, which discharges, or causes, or allows the discharge of non-domestic wastewater to the POTW.
- (~~zaa~~) *Industrial Wastewater:* Liquid waste or liquid-borne waste that is generated in a commercial or industrial process.
- (~~aabb~~) *Indirect Discharge or Discharge:* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.
- (~~bbcc~~) *Interference:* A discharge ~~which~~ that, alone or in conjunction with discharges from other sources, both:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore

~~(2) therefore~~ is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource-

(2)—Conservation and Recovery Act (RCRA),—and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

~~(eedd)~~ *Manager:* ~~The manager of the Agency or his or her designated representative~~
~~Authorized or Duly Authorized Representative~~ The General Manager of the District,
or his or her designated representative.

~~(ddee)~~ *Mass Emission Limit Rate:* The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission-limit rate shall mean pounds per day of a ~~particular~~ constituent or combination of constituents.

~~(eeff)~~ *Maximum Allowable Discharge Limit:* The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

~~(ffgg)~~ *Medical Waste:* Any waste, liquid or solid, generated by a medical facility which may pose a health and/or safety threat to Agency personnel.

~~(gghh)~~ *National Pretreatment Standard, Pretreatment Standard, or Standard:* Any regulation containing pollutant discharge limits or Best Management Practices promulgated by the EPA in accordance with section 307 (b) and (c) of the Clean Water Act, ~~which-that~~ applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.

~~(hhjj)~~ *New Source:* Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307c of the Clean Water Act ~~which-that~~ will be applicable to such source if such standards are thereafter promulgated, provided that:

- (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
- (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered

(~~h~~ii) *pH*: A measure of the acidity or alkalinity of a solution, expressed in standard units.

(~~j~~kk) *POTW Treatment Plant*: That portion of the Publicly Owned Treatment Works which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

(~~k~~ll) *Pass Through*: A discharge ~~which that~~ exits the POTW into waters of the United States in quantities or concentrations ~~which that~~, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

(~~h~~mm) *Person*: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes ~~all any~~ Federal, State and local governmental entities.

(~~m~~nn) *Pesticides*: Total pesticides identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.

(~~n~~oo) ~~*Phenols*~~*Phenolics*: ~~Total hydroxy derivatives of benzene and its condensed nuclei (including phenol, chlorinated phenols, nitrophenols and chlorinated cresols) identified in Table 1, Section 307 of the Act which are detectable by EPA approved methods~~Compounds having one or more hydroxy groups attached to a benzene or other polynuclear aromatic hydrocarbons as tested using EPA Method 420.

(~~e~~pp) *Pollution*: An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.

(~~p~~qq) *Pollution Prevention*: Activities which reduce the amount of pollutants discharged to the community sewer, without transferring those pollutants to the air or land,

including reduction in the use of chemicals containing regulated pollutants, reduction in the generation of wastes which contain pollutants, recovery and recycling of wastes and/or improved pretreatment of wastes prior to discharge.

(~~qqrr~~) *Polychlorinated biphenyls (PCB)*: Total PCBs detectable by EPA approved methods.

(~~rrss~~) *Polynuclear Aromatic Hydrocarbons (PAH)*: Total organic pollutants containing more than one fused aromatic ring, which are detectable by EPA approved methods.

(~~sstt~~) *Premise*: A parcel of real estate including any improvements thereon which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.

(~~ttuu~~) *Pretreatment Requirement*: Any substantive or procedural pretreatment requirement other than a national pretreatment standard.

(~~uuvv~~) *Private Sewer Lateral*: The pipeline that conveys wastewater from a residence or any other building foundation to the main ~~District USD~~ sewer line.

(~~vwww~~) *Prohibited Discharge Standards or Prohibited Discharges*: Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.01 of this ordinance.

(~~wwwxx~~) *Publicly Owned Treatment Works or "POTW"*: A treatment works as defined by section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by section 502(4) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Clean Water Act, ~~which-that~~ has jurisdiction over the indirect discharges to and the discharges from such a treatment works.

(~~xyyy~~) *Sample points*:

- (1) Facility (FAC) – a sample point whereby the total, combined waste stream, both process and domestic, from a facility is monitored for compliance with local discharge limitations or requirements.
- (2) "001" – a sample point whereby a facility's federally regulated process waste stream/streams, immediately after treatment, is/are monitored for compliance with federally imposed discharge limitations or requirements.

- (3) “002” – a sample point whereby all process waste streams (non-categorical), excluding domestic, from a facility are monitored for compliance with local discharge limitations.

(~~yyzz~~) *Septic Tank Waste*: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

(~~zzaaa~~) *Severe Property Damage*: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

(~~aaabbb~~) *Significant Industrial User (SIU)*:

- (1) A user subject to categorical pretreatment standards; or
- (2) A user that:
 - (i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Is designated as such by the Agency on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon ~~a~~-finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Agency may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

(~~bbbccc~~) *Significant Noncompliance*: An industrial user is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all ~~of~~ the measurements taken for the same

pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).

- (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all ~~of~~ the measurements taken for the same pollutant parameter during a 6-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)
 - (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative ~~Standard~~standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).
 - (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge.
 - (5) Failure to meet, within 90 days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
 - (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
 - (7) Failure to accurately report noncompliance.
 - (8) Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), ~~which-that~~ the Agency determines will adversely affect the operation or implementation of the local pretreatment program.
- (~~eeeddd~~) *Slug Load or Slug*: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.01 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, ~~which-that~~ has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
- (~~dddeee~~) *Storm-wWater*: ~~Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt~~The -runoff

generated when precipitation from rain and snowmelt events flow over land or impervious surfaces without percolating into the ground.

(~~ee~~eff) *The District:* Union Sanitary District.

(~~ff~~ggg) *Total Halogenated Organics (THO):* Total halogenated organic pollutants identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.

(~~ggg~~hhh) *Total Organics (TO):* Total organic pollutants as specified by the Agency which are detectable by EPA approved methods.

(~~hhh~~iii) *Total Toxic Organics (TTO):* Total organic pollutants including polynuclear aromatic hydrocarbons (PAHs), but excluding pesticides, PCBs, and phenols, identified in Table 1, Section 307 of the Act which are detectable by EPA approved methods. The TTO value is determined as the summation of all quantifiable values greater than 0.01 milligrams per liter for the regulated toxic organics.

(~~iii~~jjj) *Unpolluted Water:* Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the Agency—agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

(~~jjj~~kkk) *User:* Any person that discharges, causes, or permits the discharge of wastewater into a community sewer.

(~~kkk~~lll) *User Classification:* A classification of user based on the latest edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.

(~~lll~~mmm) *Waste:* Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.

(~~mmm~~nnn) ~~Wastewater~~Wastewater: Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.

(~~nnn~~ooo) *Wastewater Constituents and Characteristics:* The individual chemical, physical, bacteriological and ~~radiological parameters~~radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

(~~eee~~ppp) *Wastewater Discharge Permit:* A legal document used as a control mechanism to ensure compliance with regulations that grants revocable permission to discharge wastewater to the sanitary sewer, including the following types of Wastewater Discharge Permit:-

Class I Permit ~~___~~ Issued to Significant Industrial Users both Categorical and Non-Categorical

Class II Permit ~~___~~ Issued to Non-Significant Industrial Users.

Class III Permit ~~___~~ Issued to Industrial or Commercial Users determined by the Agency not to fall in the Class I or Class II categories.

General Permit ~~__~~ Similar to a Class III permit, issued to Industrial or Commercial User groups that perform similar functions or activities.

Groundwater Permit - ~~Issued for the purpose of remediation of contaminated ground water~~Issued for the discharge of treated groundwater from contaminated site remediation, excavation groundwater or potable water related projects.

Temporary Permit ~~___~~ Issued for single or short term (less than one year) discharges of wastewater or contaminated ground water.

(~~ppp~~qqq) *Waters of the State:* Any water, surface or underground, including saline waters within the boundaries of the state.

1.03 Analytical and Sampling Methodology and Procedures

- (a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.
- (b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of these regulation shall be as specified by the provisions of 40 CFR Part 136.
- (c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by USD the District or EPA.

- (d) Analytical data collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, and is representative of conditions occurring during the reporting period.

Section 2

REGULATIONS

2.01 Sewer Use Requirements

2.01.1 Prohibited Discharges

- (a) General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements.
- (b) Specific Prohibitions: No user shall introduce or cause to be introduced into the community sewer system any pollutants, substances, or wastewater which cause, threaten to cause, or are capable of causing, either alone or by interaction with other substances:
- (1) a fire or explosion, including but not limited to discharges with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40CFR261.21;
 - (2) obstruction of flow in a sewer system or injury of the system or damage to the wastewater collection, treatment, or disposal facilities;
 - (3) danger to life or safety of personnel;
 - (4) a nuisance or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;
 - (5) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
 - (6) interference with the wastewater treatment process; and/or pass through of any pollutant which causes a violation of the Agency's National Pollutant Discharge Elimination System (NPDES) permit.

- (7) the Agency's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- (8) a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the Agency;
- (9) discoloration or any other condition in the quality of the Agency's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;
- (10) conditions at or near the Agency's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;
- (11) quantities or rates of flow which overload the Agency's collection or treatment facilities or cause excessive Agency collection or treatment costs, or may use a disproportionate share of the Agency facilities;
- (12) the evolution of toxic gases, fumes, or vapors in quantities injurious to the health and safety of Agency personnel;
- (13) the temperature at the treatment plant headworks to exceed 104° F (40°C) or temperature which will inhibit biological activity in the treatment plant resulting in Interference;
- (14) wastewater having a pH less than 5.0 or greater than 12.0, or otherwise causing corrosive structural damage to the collection system, POTW or equipment;
- (15) an exceedance of the permitted Mass Limit Rate established in the Local Limits or discharge permits; or
- ~~(14)~~(16) settlement of materials or obstruction to flow resulting in interference, such as, but not limited to, sand, mud, glass, metal, filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers and non-dispersible products.

2.01.2 No person shall discharge the following wastes to the community sewer:

- (a) Pollutants, including oxygen-demanding pollutants (for example, COD), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

- (b) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (c) Sludges, screenings, or other residues (solid or liquid) from the pretreatment of industrial wastes;
- (d) Medical wastes, except as specifically authorized by the ~~agency~~ Agency;
- (e) All prescription and non-prescription (over the counter) pharmaceutical drugs or medications;
- (f) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (g) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (h) Wastewater containing pesticides, dioxins and dioxin-like compounds, and/or polychlorinated biphenyls (PCB) at levels detectable by EPA approved methods;
- (i) Hazardous wastes or materials, as defined by California Code of Regulations Title 22 or Subtitles C and D of the Federal Resource Conservation and Recovery Act;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.02 Requirements for Dental Facilities that Remove or Place Amalgam Fillings

~~(a) Definitions: For the purposes of this section the following shall be as defined herein:~~

~~—(1)—“ISO 11143” is the International Organization for Standardization’s standard for amalgam separators.~~

~~(b) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:~~

~~—(1)—No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the sanitary sewer. Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.~~

~~—(2)—Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling,~~

~~management and disposal of mercury-containing material and fixer-containing solutions, and shall maintain training records that will be made available for inspection by the Manager during normal business hours.~~

~~—(3)— Amalgam waste shall be collected, packaged, labeled, stored and managed in accordance with state and local regulations and disposed of by a licensed recycler or hauler of such materials.~~

~~—(4)— Bleach and other chlorine-containing disinfectants shall not be used to disinfect the vacuum line system.~~

~~—(5)— The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.~~

~~(c) All owners and operators of dental vacuum suction systems, except as set forth in subsection (d) of this section, shall comply with the following:—~~

~~—(1)— Submit a Self-Certification of Amalgam Management Requirements form issued by the District on or before January 1, 2007.~~

~~—(2)— Install an ISO 11143 certified amalgam separator device for each dental vacuum suction system on or before January 1, 2008. All dental facilities that are newly constructed on or after the effective date of this requirement shall include an installed ISO 11143 certified amalgam separator device capable of removing a minimum of 95 percent of amalgam. The amalgam separator system shall be certified at flow rates comparable to the flow rate of the actual vacuum suction system operation. Neither the separator device nor the related plumbing shall include an automatic flow bypass. For facilities that require an amalgam separator that exceeds the practical capacity of ISO 11143 test methodology, a non-certified separator will be accepted, provided that smaller units of the same technology from the same manufacturer are ISO-certified. For facilities that have installed amalgam separators on or before the effective date of this Ordinance that are not ISO-certified, they may be grandfathered in if it can be shown that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the Manager for approval.~~

~~—(3)— Self-Certification of Amalgam Separator Installation form issued by the District shall be submitted to the Manager within 30 days of installation.~~

~~—(4)— Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations. Installation, certification and maintenance records shall be available for immediate inspection upon request by the Manager during normal business hours.~~

~~(d) The following types of dental practices are exempt from this section 2.02, provided that the Agency receives written assurance that removal or placement of amalgam fillings occurs at the facility no more than 3 days per year:~~

- ~~• Orthodontics~~
- ~~• Periodontics~~
- ~~• Oral and Maxillofacial surgery~~
- ~~• Radiology; Oral Pathology or Oral Medicine~~
- ~~• Endodontics and Prosthodontics.~~

(a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:

(1) (1) —No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per 40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.

(2) (2) —Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.

(3) (3) —Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).

(4) (4) —Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.

(5) (5) —The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.

(b) -All owners and operators of dental vacuum suction systems, except as set forth in subsection (c) of this section, shall comply with the following:

(1) Install amalgam separator device compliant with 40CFR441.30 (existing offices) or 40CFR441.40 (new offices). Amalgam separator device must achieve at least a 95 percent removal efficiency. No bypass of separator device or related plumbing shall be allowed.

- (2) Per 40CFR441.50, a One-Time Compliance Report must be submitted to the District from existing offices by no later than October 12, 2020, or 90 days after a transfer of ownership. For new offices, a One-Time Compliance Report must be submitted to the District no later than 90 days following the introduction of wastewater into the community sewer.
- (3) Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations per 40CFR441.30 (existing offices) or 40CFR441.40 (new offices).
- (4) Dental Dischargers or an agent or representative of the dental discharger must maintain for a minimum of three years and make available for immediate inspection the following documentation per 40CFR441.50(b):
- —Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) and a summary of follow-up actions, if needed.
 - —Documentation of amalgam retaining container replacement (including installation date, as applicable).
 - Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam waste.
 - Documentation of any repair or replacement of an amalgam separator, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
 - Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.
- (c) Specialty dental offices where the practice of dentistry consists exclusively of one or more of the following are exempt from this requirement (Section 2.02) per 40CFR441.10(c), provided that the District receives written certification that removal or placement of amalgam fillings does not take place:
- Orthodontics
 - Periodontics
 - Oral and Maxillofacial Surgery
 - Oral and Maxillofacial Radiology
 - Oral Pathology or Oral Medicine
 - Prosthodontics

2.03 Prohibitions on Storm Drainage and Groundwater

Storm water, groundwater, rain-water, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If the permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.04 Acceptance of Groundwater from Cleanup Remediation Projects

Wastewater generated from the cleanup of spills, leaking underground storage tanks, groundwater remediation, monitoring wells, excavation groundwater, potable water projects or other similar sources shall not be discharged through direct or indirect connections to a community sewer unless a discharge permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion only when no reasonable alternative method of disposal is available.

If a discharge permit is granted for the discharge of such water into the community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.05 Prohibition on Unpolluted Water

Unpolluted water, including but not limited to cooling water, process water, or blow-down from cooling towers or evaporative coolers, will not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If authorization is granted for the discharge of such water into a community sewer, the user shall pay the applicable user charges and fees and shall meet such other requirements and/or conditions as required by the Agency.

2.06 Limitations on Radioactive Wastes

No person shall discharge or cause to be discharged any radioactive waste into a community sewer except:

- (a) when a person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
- (b) when the waste is discharged in strict conformity with the requirements of the United States Nuclear Regulatory Commission, the United States Department of Energy, and/or the California Radiation Control Regulations; and
- (c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

2.07 Limitations on the Use of Garbage Grinders

~~Waste from garbage grinders shall not be discharged into a community sewer except:~~

- ~~(a) where the user has obtained authorization for that specific use from the Agency, and agrees to undertake whatever self-monitoring is required to enable the Agency to equitably determine the user charges based on the waste constituents and characteristics.~~

~~Such grinders must shred the waste to a degree that all particles will be carried freely under normal flow conditions prevailing in the community sewer. Garbage grinders shall not be used for grinding plastic, paper products, inert materials, or garden refuse.~~

~~Waste from garbage grinders, food waste liquefiers, aerobic and anaerobic bio-digesters, food composters and similar devices shall not be discharged into the community sewer excepts as approved in writing by the Agency.~~

~~Garbage grinders and similar devices shall not be used for grinding plastic, paper products, inert materials, or garden refuse.~~

2.08 Limitations on Points of Discharge

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon written

application by the user and payment of the applicable user charges and fees, the Agency issues a permit for such direct discharges.

2.09 ~~Holding Tank Waste~~ Waste Holding Tanks, Vessels and Containers

No person shall discharge any holding tank or vessel waste into a community sewer unless ~~he has been issued a permit~~ wastewater discharge permit is issued by the Agency. Unless otherwise allowed by the Agency under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit may state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency. An exception to the above is that no permit will be required for discharge of domestic wastes from mobile home holding tanks provided that such discharges are made into an Agency approved facility designed to receive such wastes.

2.10 Limitations on Wastewater Strength

- (a) The ~~m~~Manager is authorized to establish Local Limits or Best Management Practices (BMP's) pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against Pass Through and Interference.
 - (1) The following limits are maximum allowable discharge limits (the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event). Limits for metals are for total recoverable metals.

No person shall discharge wastewater containing in excess of:

Arsenic	0.35	mg/L
Cadmium	0.2	mg/L
Copper	2.0	mg/L
Cyanide	0.65	mg/L
Lead	1.0	mg/L
Mercury	0.01	mg/L
Nickel	1.0	mg/L
Silver	0.5	mg/L
Total Chromium	2.0	mg/L
Zinc	3.0	mg/L
TTO	2.13	mg/L

Formaldehyde	50.0	mg/L
Phenols Phenolics	5.0	mg/L

(2) No person shall discharge wastewater:

- (A) having a temperature higher than 150° F (65.5° C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant -to exceed 104° F (40° C);
- (B) containing more than 300 mg/L of oil or grease of animal or vegetable origin, unless specifically approved by the District. The District may approve, on a case by case basis, a modification to the analytical method if the discharger can demonstrate that constituents in their wastewater interfere with the freon extraction, hexane extraction or current EPA approved procedure and have no negative impact on the POTW and/or receiving waters.
- (C) containing more than 100 mg/L of oil or grease of mineral or petroleum origin;
- (D) having a pH lower than 6.0 or higher than 12.0 units, or otherwise causing corrosive structural damage to the collection system, POTW or equipment, unless specifically approved by the District. Under no circumstances will a pH of less than 5.0 or higher than 12.5 pH units be approved.

(23) The following limits for ammonia are maximum allowable average concentrations. Limits are for total ammonia expressed as nitrogen. Limits are tiered based on average daily flow, which is the arithmetic average of the permitted industrial user's daily flows for the preceding calendar year and is equivalent to the flow rate used in establishing sewer service charges:

Average Daily Flow	Ammonia Limit
<10,000 gallons per day (gpd)	225 mg/L as N
10,000 – 25,000 gpd	150 mg/L as N
>25,000 gpd	75 mg/L as N

Compliance determination shall be based on the average of all valid and representative analyses occurring within a 6-month period

For industrial users holding permits issued prior to January 1, 2014, the Manager may issue compliance schedules for ammonia as described in Sections 6.09 and 6.10. In no case may these compliance schedules exceed 5 years. All new permitted industrial users must comply with these limits upon initial discharge.

(4) Additional Limits

Limits for pollutants not listed in this section 2.10 may be established in a wastewater discharge permit based on available treatment technology, existing wastewater conditions in the District's facilities or other factors determined by the Manager. The Manager may also establish wastewater strength limits on the wastewater discharge permits at locations within a premises whenever non-process water may dilute wastewater discharging from side sewers.

- (c) National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, as may be amended from time to time, are hereby incorporated into these regulations. Effluent limitations promulgated by the ~~federal~~ Clean Water Act shall apply in any instance where they are more stringent than those in these regulations.
- (d) Additional limits specific to the discharge of groundwater or surface water. No person shall discharge groundwater or surface water in excess of:

Total Halogenated Organics (THO)	0.02mg/L
Total Organics	2.0mg/L

2.10.1 Mass Limit Rate Determination

- (a) Mass Limit Rates for non-compatible or compatible pollutants that are present or anticipated in the User's wastewater discharge may be set for each User and made an applicable part of each User's wastewater discharge permit. These rates shall be based on Maximum Allowable Local Discharge Limits, Federal Categorical Pretreatment Standards, the User's average daily wastewater discharge for the past three years, the most recent representative data, or other data or factors determined by the Manager
- (b) To verify the User's operating data, the User may be required to submit an inventory of all wastewater streams and/or records indicating production rates.
- (c) The District may revise limits or Mass Limit Rates previously established in the User's permit at any time, based on current or anticipated operating data of the User or the District; the District's ability to meet NPDES limits, or changes in the requirements of regulatory agencies.
- (d) The excess use of water to establish artificially high flow rate for the Mass Limit Rate determination is prohibited.

2.11 Prohibition on Slug Discharges

No user shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in Section 2 of this ordinance shall be deemed a slug discharge.

2.12 Prohibition on Use of Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard, requirement or discharge limitation.

2.13 Prohibition of Bypass

- (a) Bypass of pretreatment equipment and/or discharge points is prohibited and the Agency may take enforcement action against any user for bypass unless:
 - (1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) the industrial user submits the following notices:
 - (i) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Agency, if possible at least ten days before the date of the bypass.
 - (ii) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Agency within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including

exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

- (b) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions specified in part (a) of this section.

2.14 Prohibition of the Discharge of ~~Process Solution Tanks~~ Chemical Solutions and Sludges

~~No user shall, without prior and explicit approval of the Agency, discharge the contents, in whole or part, of any process solution tank to the sewer system. For the purposes of this section, such materials include, but are not limited to, concentrated solutions utilized within any commercial or industrial operation, containerized liquids of any description whatsoever, spoiled or otherwise unusable raw materials of any description whatsoever, spoiled or otherwise unusable products of any description whatsoever.~~

No user shall, without prior written approval of the Agency, discharge any unused or waste chemical solutions to the community sewer. For the purposes of this section, such materials include, but are not limited to, concentrated solutions utilized within any commercial or industrial operation, containerized liquids of any description, spoiled or otherwise unusable raw materials of any description, or spoiled or otherwise unusable products of any description.

—The Agency may approve the discharge of such wastes at its sole and absolute discretion.

2.15 Prohibition of the Discharge of Petroleum or Mineral Oil Causing Pass-through or Interference

Notwithstanding the provisions of section 2.10(b), no user may discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes interference or pass-through.

2.16 Prohibition of the Discharge of Trucked or Hauled Wastes

The discharge of any trucked or otherwise hauled wastes to the sanitary sewer system is prohibited except as the Agency may permit under the provisions of section 2.09.

2.17 Prohibition of the Discharge from Containment Areas

The discharge of waste (solid or liquid), wastewater or chemicals from a chemical storage containment area is prohibited unless expressly authorized by the Agency.

2.18 Prohibition of Unapproved Sanitary Sewer Connections

Unapproved connections to the community sewer are strictly prohibited. Any building sewers that have not been permitted, inspected, or where capacity and/or current sewer service charges have not been paid, are subject to the conditions of Ordinance 34, Article 2, Section 7, Connection of Building Drains.

Section 3

WASTEWATER VOLUME DETERMINATION

3.01 Application

Section 3 does not apply to "dwelling units" as defined in Agency Ordinance 31.

3.02 Metered Water Supply

User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Agency, significant portions of water received are not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency.

- (a) **Metered Wastewater Volume and Metered Diversions.** For users where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into a community sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into a community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the Agency and at the user's expense. Such meters may measure either the amount of sewage discharged or the amount water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Manager.

- (b) **Users With Source Meters.** For users who, in the opinion of the Agency, divert a significant portion of their metered water supply from a community sewer, the user charges may be based upon an estimate of the volume to be discharged, provided the user obtains authorization from the agency and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.
- (c) **Users Without Source Meters.** The agency may require the installation of water meters; however, for users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Agency. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

Section 4

ADMINISTRATION

4.01 Application

Section 4 does not apply to "dwelling units" as defined in Agency Ordinance 31.

4.02 Discharge Reports

- (a) The Agency, or the Authority through the Agency, may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and characteristics in the wastewater discharge and sample analysis demonstrating compliance with Section 2. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged.

- (b) The agency may prohibit, authorize or condition any discharge into the sanitary sewer in accordance with this ordinance and applicable state and federal regulations, whether or not a Discharge Permit is issued.
- (c) Acceptance of any new discharge is contingent on available capacity in the collection system and/or treatment plant, as determined by the District Engineering Division and Operations Department.

4.03 Wastewater Discharge Permits

4.03.1 Class I Permits. All significant industrial users (SIU), as defined in Section 1.02 (bbb), must have a current Class I Wastewater Discharge Permit.

Each new SIU, if not connected to a community sewer, must obtain a Class I Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Any user currently connected to the community sewer who in the future is deemed to be an SIU shall be required to obtain a Class I permit. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.2 Class II Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I Permit, yet require some sampling and regular monitoring of wastewater discharge, if connected to a community sewer, may be required to obtain a Class II Wastewater Discharge Permit before connecting to or discharging into a community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.3 Class III Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I or II permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge, if connected to a community sewer, may be required to obtain a Class III wastewater discharge permit before connecting to or discharging into the community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule. Class III permits may include General permits or any other as determined by the Manager.

4.03.4 Temporary and/or Groundwater Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I, II, or III permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge if connected to the community sewer. Temporary permits will be issued for one time, or for a discharge period not to exceed one year. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

The Manager may modify wastewater discharge requirements for the following types of facilities:

- (a) Industrial Facilities that have a wastewater discharge with no treatment (beyond simple filtration) in place and do not require routine monitoring or inspection.
- (b) Commercial Facilities that have a wastewater discharge that may have detectable amounts of one or more priority or conventional pollutants present in their waste stream. The Agency may require some level of treatment at such facilities, however, do not require routine monitoring or inspection. (Examples: dentists, photo processors, printers, and restaurants.)

4.04 Permit Application

Users seeking a Wastewater Discharge Permit shall complete and file with the Manager an application in the form prescribed by the Manager and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) name, address, and SIC number of applicant;
- (b) volume of wastewater to be discharged;
- (c) sampling of wastewater to determine constituents and characteristics including, but not limited to, those listed in Section 2.10 as determined by a laboratory approved by the Agency;
- (d) time and duration of discharge;
- (e) average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (f) site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by function, size, location, and elevation;
- (g) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (h) each product produced by type, amount, and rate of production;
- (i) number and type of employees, and hours of work;
- (j) description of wastewater treatment system(s), and/or procedures, including system design, piping, layout, hydraulic and pollutant removal capacity, design criteria, calibration and maintenance procedures, alarm systems, sample points, treatment chemicals, excursion response procedures, and any other information necessary to

evaluate the adequacy and appropriateness of the treatment system and/or procedures.

- (k) management plans, including any or all of the following: solvent management plan, best management practice plan, slug control plan, hazardous materials management plan, emergency/violation response plan, and/or pollution prevention plan.
- (l) any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

4.05 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with these regulations, and applicable state and federal regulations. Permits may contain the following:

- (a) A statement that indicates the duration of the wastewater discharge permit;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Agency in accordance with Section 4.08 of this ordinance;
- (c) Effluent Limits, including Best Management Practices (BMPs), based on applicable pretreatment standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- (f) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (g) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;

- (h) The average and maximum wastewater constituent concentrations and characteristics;
- (i) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (j) Requirements for installation of inspection and sampling facilities;
- (k) Pretreatment requirements;
- (l) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests, reporting schedules, and Best Management Practices;
- (m) Requirements for submission of technical reports, self-monitoring reports, or discharge reports, including, but not limited to baseline monitoring reports, compliance schedule progress reports, reports of compliance with categorical pretreatment standard deadlines, periodic reports of continued compliance, or any report required by 40 CFR 403.12, and/or any other reports as required by the Agency;
- (n) Requirements for maintaining plant records relating to wastewater discharge as specified by the Agency, and affording Agency access thereto;
- (o) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by section 1.02(ee)) are proposed or presented in the user's wastewater discharge;
- (p) Notification requirements;
- (q) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (r) Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
- (s) Other conditions as deemed appropriate by the Agency to insure compliance with these regulations;
- (t) Requirements to control Slug Discharges, if determined by the Agency to be necessary.

4.06 Duration of Permits

____Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.07 Modification of Permits

The Agency may modify an individual/general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual/general wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Agency's POTW, Agency personnel, the beneficial use of the Agency's bio-solids, or the receiving waters;
- (5) Violation of any terms or conditions of the individual/general wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual/general wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.08.

4.08 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Agency and the Agency approves the wastewater discharge permit transfer. The notice to the Agency must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

4.09 Revocation of Permit

Any user who violates the following conditions of the permit or any conditions of these regulations, or applicable state and federal regulations may be subject to permit revocation:

- (a) failure of the user to factually report the wastewater constituents and characteristics of his or her discharge;
- (b) violations of conditions of the permit.
- (c) Failure to notify the Agency of significant changes to the wastewater prior to the changed discharge;
- (d) Failure to provide prior notification to the Agency of changed conditions pursuant to Section 4.19 of this ordinance;
- (e) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Refusing to allow the Agency personnel timely access to the facility premises and records;

- (i) Failure to meet effluent limitations;
- (j) Failure to pay fines;
- (k) Failure to pay sewer charges,
- (l) Failure to meet compliance schedules;
- (m) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (n) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (o) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

4.10 Monitoring Facilities

The Agency may require the user to construct at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises; but the Agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the Agency unless a time extension is otherwise granted by the Agency.

4.11 Inspection and Sampling

The Agency may inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Agency or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security personnel so that, upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purposes of performing their specific responsibilities. Agency personnel will not be required to sign release forms prior to entry and may take appropriate photographs as necessary to document compliance and/or non-compliance with the provisions of this ordinance. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Manager access to the user's premises shall be a violation of this ordinance.

4.12 Search Warrants

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Agency designed to verify compliance with this ordinance or any permit or order issued here under, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of an inspection warrant and/or a search warrant.

4.13 Pretreatment

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities, design criteria and operating procedures shall be submitted to the Agency for review, and shall be acceptable to the Agency before construction of the facility. The review of such plans, design criteria, and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency.

4.14 Protection from Accidental Discharge

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review, and shall be acceptable to the Agency before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section.

4.15 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Agency's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and/or Federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately to the EPA upon request. Such information will also be made available immediately upon request to other governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

4.16 Signature Requirement

- (a) All reports and/or permit applications received and/or required under these regulations shall be signed:
 - (1) By a responsible corporate officer, if the user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:

- (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or;
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively.
 - (3) By a duly authorized representative of the individual designated in paragraph (1) or (2);
 - (i) The authorization is made in writing by the individual designated in paragraph (1) or (2);
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the Agency.
 - (4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the Agency prior to or together with any reports to be signed by an authorized representative.
- (b) Reports and applications must include the following certification statement:
- I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those

persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.17 Retention of Records

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.10(a), including but not limited to discharge reports, permits, self-monitoring data, pretreatment system process control logs, and relevant correspondence (whether or not required by these regulations). All records must be maintained by the user for a period of not less than three (3) years. All such records shall be made available for inspection and copying by a duly authorized representative of the Agency or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the request of the Agency, the State or US EPA.

4.18 Notices to Employees

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of these regulations together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

4.19 Preventive Measures

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of these regulations.

4.20 Notification of Changed Conditions

Each user must notify the Agency of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater discharge prior to implementation of said change.

- (a) The Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.04 of this ordinance.
- (b) The Manager may issue a wastewater discharge permit under Section 4.03 of this ordinance or modify an existing wastewater discharge permit under Section 4.06 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, significant flow increases or decreases (greater than 25%), modification of any pretreatment system, bypass of any portion of the pretreatment system, installation or removal of process tanks or equipment, discharge of any previously unreported pollutants, and the closure of a facility due to purchase by another party, relocation, changed business conditions, or other factor affecting the continued operation of the facility.

4.21 Notification of Hazardous Waste Discharge

- (a) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).
- (b) In the case of any notification made under section (a) above, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The Agency may accept a copy of a hazardous waste reduction or minimization plan as otherwise required by law.
- (c) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

4.22 Special Agreements

Special agreements and arrangements between the Agency and any persons or agencies may be established when, in the opinion of the Agency, unusual or extraordinary circumstances compel special terms and conditions. Under no circumstances, however, will any special agreement or arrangement be established which contravenes any federal

pretreatment regulation, categorical pretreatment standard, or any other provision of state or federal law.

4.23 Immediate Notification of Slug Loadings to the POTW

All SIU's shall notify the Manager immediately of any slug loading, as defined by 40 CFR 403.5(b), or any other discharge that could adversely affect the POTW.

4.24 Industrial User Self-Monitoring Requirements

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) Except as indicated in Sections (b) or (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenolics, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.25(c) below [40 CFR 403.12(b) and (d)], A minimum of four (4) grab samples must be used for pH, cyanide, phenolics, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may authorize a lower minimum. For the reports required by (40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- (d) If a user subject to reporting requirement monitors any regulated pollutant at a designated sampling location more frequently than required, the results of this monitoring shall be reported.
- (e) The Manager may specify the type of sampling equipment that must be installed and used. pH monitoring and Flow monitoring equipment installed at an industrial user's sampling location shall be calibrated at the frequency specified in the industrial user's wastewater discharge permit or at the frequency recommended by the manufacturer.
- (f) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Manager or other parties approved by the EPA. Samples shall be analyzed at the discharges expense, by a laboratory accredited by the State of California Department of Public Health for such analysis.
- (g) The Manager may require self-monitoring for facilities for which a wastewater discharge permit has not been issued.

4.25 Submission of Reports

The Agency has authority to require all Significant Industrial Users and any other designated dischargers to submit reports and schedules within a time-frame directed by the Agency. Required reports and schedules, include, but are not limited to, the following:

(a) Wastewater Discharge Surveys

(b) Chemical Use Reports

(c) Baseline Monitoring Reports (BMR) and 90-Day Monitoring Reports containing information as required under 40 CFR 403.12(b) and (d):

(1) Within (i)180 days after the effective date of a categorical standard in the case of an existing industrial user, or 90 days prior to commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a Baseline Report; and (ii) 90-Days after commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a 90-Day report. All Baseline Reports and 90-Day Report must contain the following information:

(A) The name and address of the facility including the name of the operator and owners;

- (B) A list of any environmental control permits held by or for the facility;
- (C) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (D) The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
- (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (E) The Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;
- (F) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and
- (G) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.
- New sources must give estimates of information requested in paragraphs (D) and (E) and must include information on the method of pretreatment that will be used to meet applicable pretreatment standards.

(d) Compliance Schedule Progress Reports

(e) Periodic Self-Monitoring Reports

(f) Periodic Report of Continued Compliance (PRCC) containing information as required under 40 CFR 403.12(e) and (h)

All Significant Industrial Users must, at a frequency determined by the Manager, submit no less than twice per year (June and December [or on dates specified by Manager]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

All periodic compliance reports must be signed and certified in accordance with Section 4.16 of this ordinance.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Agency, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the report.

(g) Hazardous Materials Management Plans

(h) Best Management Practice Plans

(i) Slug Control Plans containing information as required under 40 CFR 403.8(f)(2) (vi).

(j) Source Reduction Evaluation Review and Plans (SB14) and other pollution prevention plans

(k) SARA III Reports

(l) Written responses to Notices of Violation

(m) Facility Closure Plans

(n) Any data obtained from self-monitoring performed more frequently than required by the Agency

(o) Solvent Management Plan

(p) Any other reports, written documents, and/or analytical results as deemed necessary by the Agency, to determine a user's compliance status with local, state and federal limits or requirements.

Section 5

WASTEWATER CHARGES AND FEES

5.01 Schedule of Charges and Fees

The agency may adopt ordinances for the collection of charges and fees for, but not limited to, the following purposes:

- Capacity Charges
- Sewer Service Charges
- Annexation Fees
- Construction Permit Fees
- Construction Inspection Fees
- Wastewater Discharge Permit Fees

5.02 Environmental Compliance Charges and Fees

The Agency may adopt reasonable fees for reimbursement of costs of setting up and operating its Environmental Compliance Program including, but not limited to, the following:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of sample collection and analyzing a user's discharge, reviewing monitoring reports submitted by users, and conducting inspections of the user's facilities;
- (c) Fees for reviewing and responding to discharge violations, accidental discharges and spills, and related enforcement activities.
- (d) Fees for filing appeals; and
- (e) Other fees as the Agency may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Agency.

Section 6

ENFORCEMENT

6.01 Notification of Discharge

Users shall notify the Agency immediately upon accidentally discharging wastes in violation of these regulations and/or discharging any slug loading to enable countermeasures to be taken by the Agency to minimize damage to the community sewer, treatment facility, treatment processes, and the receiving waters.

This notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the Agency on account thereof under section 13350 of the California Water Code, or for violations of section 5650 of the California Fish and Game Code.

6.02 Notification of Violation

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may serve upon that user a written Notice of Violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

6.03 Consent Orders

The Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to

correct the noncompliance within a time period specified by the document. Such documents shall have the same force and affect as the administrative orders issued pursuant to Sections 6.05 and 6.06 of this ordinance and shall be judicially enforceable.

6.04 Show Cause Hearing

The Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested). Such notice may be served on any authorized representative of the user. A Sshow Cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

6.05 Administrative Orders

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.06 Issuance of Cease and Desist Orders

When the Agency finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of these regulations, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist, and direct that those not complying with such prohibitions, limits, requirements, or provisions:

- (a) comply forthwith;

- (b) comply in accordance with a time schedule set forth by the Agency; or
- (c) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

6.07 Legal Authority to Administer Fines

In accordance with Section 54739 of the California Government Code, the agency may require any of the following:

- (a) Pretreatment of any industrial waste which the local agency determines is necessary in order to meet standards established by the federal or California state government or other regulatory agencies or which the local agency determines is necessary in order to protect its treatment works or the proper and efficient operation thereof or the health or safety of its employees or the environment.
- (b) The prevention of the entry of such industrial waste into the collection system and treatment works.
- (c) The payment of excess costs to the system for supplementary treatment plants, facilities, or operations needed as a result of allowing the entry into the collection system and treatment works of such industrial waste.
- (d) The provisions of this section shall be in addition to other requirements provided for in this or any other Agency ordinance.

6.08 Administrative Procedures and Penalties

- (a) The agency may issue an administrative complaint to any person who violates any requirement adopted or ordered by the agency pursuant to paragraph (a) and (b) of Section 6.07. The administrative complaint shall allege the act or failure to act that constitutes the violation of the agency's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
- (b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the agency's discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. In event no request for hearing is filed within 50 days after the service of the administrative complaint, the right to a hearing will be deemed waived. The hearing shall be before a hearing officer designated by the governing board of the agency. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the agency shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the governing board of the agency within 30 days of notice of the hearing officer's decision.

- (c) If after any default in requesting a hearing, the holding of the hearing, or the conclusion of an appeal, it is found that the person has violated reporting or discharge requirements, the hearing officer or board may assess a civil penalty against that person in determining the amount of the civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.
- (d) Civil Penalties. In accordance with Section 54740.5 of the California Government Code, Civil penalties may be imposed by the agency as follows:
 - (1) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
 - (2) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.
 - (3) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.
 - (4) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the agency.
 - (5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days after finality of the decision, can become a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. In accordance with the procedures specified in Health & Safety Code Section 5473 et seq., the Board of Directors can have the lien imposed against the real property to be assessed on the tax roll, to be collected at the same time and in the same manner, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
 - (6) In addition, in the event that the penalty is imposed as a court judgment in the same manner as in an arbitration award, the judgment thereon shall be renewable in accordance with the provisions of California Code of Civil Procedures Sections 683.110 through 683.220.
 - (7) Any legal action, including arbitration, shall allow attorneys' fees and costs to the prevailing party.

(e) Administrative Penalties

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued. The violations are categorized as discharge or non-discharge violations.

(1) Non-discharge Violations

Non-discharge violations shall be considered any violation of a reporting requirement, timeline, schedule or any other violation of Ordinance 36. A warning letter will be issued to the permittee informing them of an impending Notice of Violation and imposition of a six hundred dollar (\$600) penalty for any future violations.

(2) Discharge Violation

A Discharge Violation is specifically related to a discharge event or release. The penalty for an actual discharge violation shall be one thousand four hundred dollars (\$1400) for every incident or event.

These penalties are not exclusive and failure to comply could result in the District taking additional enforcement actions up to and including civil penalties and abatement.

- (f) All moneys collected under this section shall be deposited in a special account of the agency and shall be made available for inspector training, environmental program enhancement, the monitoring, treatment, and control of discharges into the Agency's sanitary sewer system or for other mitigation measures.
- (g) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by certified mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.
- (h) The Agency may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith as though it were an arbitration award, in accordance with the provisions of California Code of Civil Procedure, Sections 1285 through 1287.6.
- (i) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 7.06 of this ordinance.
- (j) Any party aggrieved by a final order issued by the governing board of the agency under this Section, after granting review of the order of a hearing officer, may obtain

review of the order of the board in the superior court by filing in the court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the board. Any party aggrieved by a final order of a hearing officer issued under this Section, for which the board denies review, may obtain review of the order of the hearing officer in the superior court by filing in the court a petition for writ of mandate within 30 days following service of a copy of a decision and order denying review by the board.

- (k) If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the board or a hearing officer shall not be subject to review by any court or agency, except that the board may grant review on its own motion of an order issued under this Section after the expiration of the time limits set by that section.
- (l) The evidence before the court shall consist of the record before the board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.
- (m) Except as otherwise provided in this section, subdivisions (e) and (f) of Section 1094.5 of the California Government Code or the Code of Civil Procedure shall govern proceedings pursuant to this section.

6.09 Submission of Compliance Time Schedule

When the Agency finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in these regulations, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit or at any time the Agency determines a time schedule to be necessary to comply with the requirements of Section 4.13, the Agency may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of the requirements.

6.10 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.09 of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an

engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (b) No increment referred to above shall exceed nine (9) months;
- (c) The user shall submit a progress report to the Manager as specified but no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Manager.

6.11 Appeals

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders made by the Manager or another employee of the Agency in, interpreting or implementing the provisions of these regulations this ordinance or in any permit issued herein, may file with the Manager a written appeal or request for reconsideration, as applicable, within ten days of such decision, action, or determination, setting forth in detail the facts supporting the user's appeal or request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person appealing or requesting reconsideration, he or she may , within ten days after notification of Agency action, file a written appeal to the Agency's governing body within ten days after notification of Agency action. The written appeal shall be heard by the governing body within 30 days from the date of filing or as soon thereafter as reasonably possible. The Agency's governing body shall make a final ruling on the appeal within ten-30 days of the close-of-the hearing meeting. The Manager's decision, action, or determination shall remain in effect during such period of reconsideration appeal. The determination of an appeal by the governing body of the Agency shall constitute a final determination of the Agency and shall be subject to judicial review.

6.12 Submission of Reports

The Agency has authority to require all Significant Industrial Users and any other designated dischargers to submit reports and schedules, including, but not limited to, the following:

- (a) Wastewater Discharge Surveys

- ~~(b) Chemical Use Reports~~
- ~~(c) Baseline Monitoring Reports (BMR) containing information as required under 40 CFR 403.12(b)~~
- ~~(d) Compliance Schedule Progress Reports~~
- ~~(e) Report of Final Compliance with Categorical or Other Pretreatment Standards containing information as required under 40 CFR 403.12 (d)~~
- ~~(f) Periodic Self-monitoring Reports~~
- ~~(g) Periodic Report of Continued Compliance (PRCC) containing information as required under 40 CFR 403.12(e) and (h)~~
- ~~(h) Hazardous Materials Management Plans~~
- ~~(i) Best Management Practice Plans~~
- ~~(j) Slug Control Plans containing information as required under 40 CFR 403.8(f)(2) (vi).~~
- ~~(k) Source Reduction Evaluation Review and Plans (SB14) and other pollution prevention plans~~
- ~~(l) SARA III Reports~~
- ~~(m) Written responses to Notices of Violation~~
- ~~(n) 90-Day Reports~~
- ~~(o) Facility Closure Plans~~
- ~~(p) Any data obtained from self-monitoring performed more frequently than required by the Agency~~
- ~~(q) Solvent Management Plan~~
- ~~(r) Any other reports, written documents, and/or analytical results as deemed necessary by the Agency, to determine a user's compliance status with local, state and federal limits or requirements.~~

6.1~~23~~ Reports of Potential Problems

- (a) In the case of any discharges including, but not ~~limited~~ to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately

telephone and notify the Agency of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user and any other information the Agency deems appropriate.

(b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(c) All Users are required to notify the Agency of any changes at their facility affecting the potential for a Slug Discharge.

6.134 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Agency within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within thirty (30) days after becoming aware of the violation.

Within five (5) days following such discharge, the user shall, unless waived by the Agency, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

6.145 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Agency as the Manager may require.

6.156 Public Notification of Dischargers Found to be in Significant Non-Compliance

At an interval of not less than once per year, the Agency will publish the identities of any user(s) which is (are) found to be in significant non-compliance of any national pretreatment standard, discharge limitation or prohibition, or any other requirement of these regulations. The definition of significant non-compliance shall be as specified in Section 1.02 (bbb). The publication shall occur in the newspaper of general circulation that provides meaningful public notice within the service area of the Agency.

Section 7

ABATEMENT

7.01 Public Nuisance

Discharge of wastewater in any manner in violation of these regulations or of any order issued by the Manager as authorized by these regulations, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person creating a public nuisance shall be subject to provisions of Agency codes or ordinances governing such nuisance.

7.02 Recovery of Expenses

In the event a discharge of wastewater occurs from a private sewer lateral that creates or threatens to create a public nuisance that the Agency must abate as directed by the Manager, the Agency may seek recovery of the cost of time and materials to abate said discharge from the property owner as well as interest and attorneys' fees as provided by Health & Safety Code § 5473.10.

7.03 Injunctive Relief

When the Agency finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Agency may petition the appropriate Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of an individual wastewater discharge permit, general permit, order or other requirement imposed by this ordinance on activities of the User. The Agency may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.04 Damage to Facilities

When a discharge of wastes causes an obstruction, damage, or any other impairment to Agency facilities, the Agency may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.

7.05 Civil Penalties

Any person who violates any provision of these regulations or permit conditions, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to penalties imposed by the Agency against which the violation occurs as provided for in Section 6.07 of this Ordinance.

7.06 Court Imposed Civil and Criminal Penalties

The Agency may refer any violations of these regulations to the office of the Alameda County District Attorney for civil or criminal prosecution under any applicable statute or provision of law.

In accordance with Section 54740 of the California Government Code:

- (a) Any person who violates any requirement adopted or ordered by the Agency pursuant to Section 6.07 of this ordinance may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation.
- (b) The Agency may petition the superior court to impose, assess, and recover the sums provided for in paragraph (a). In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.
- (c) Notwithstanding any other provision of law, all civil penalties imposed by the court for any violation of this section shall be distributed to the local agency.
- (d) Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 6.07.
- (e) Any person who violates any provision of these regulations, or of a permit or a cease and desist order issued pursuant to these regulations, is guilty of a public offense. The classification of such public offense and the punishment therefore shall be as provided by local, county, state and/or federal law.

7.07 Falsifying Information

Any person who knowingly makes any false statements, representation, record, report, plan, or other document filed with the Agency, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall be punished in accordance with the Agency codes or ordinances governing such falsifications. The Agency may petition the Superior Court to impose, assess, and recover such sums as may be applicable or in accordance with Sections 7.05 and 7.06 of this ordinance.

7.08 Termination of Service

In order to effect its powers, the Agency may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this Ordinance is found to exist.

Prior to termination of service, however, the Agency Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the Agency Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten days subsequent to the giving of notice as herein required.

7.09 Emergency Suspension of Service

The Manager or designated representative may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager may allow the User to recommence its discharge only when the User has demonstrated to the satisfaction of the Manager that the

period of endangerment has passed, unless the termination proceedings in Section 7.10 of this ordinance are initiated against the User.

- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under sections 6.04 or 7.08 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.10 Immediate Termination of Discharge

The manager or designated representative has the authority to immediately and effectively halt or prevent any actual or threatened discharge of pollutants to the Agency's facilities which:

- present, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the Agency's facilities;
- cause interferences with the operation of the Agency's facilities or the POTW;
- cause conditions (a) through (n) of Section 2.01.1 of this Ordinance;
- are prohibited by Section 2.01.2 of this Ordinance;
- are violations of individual wastewater discharge permit or general permit conditions;
- are a failure to accurately report the wastewater constituents and characteristics of the User's discharge;
- are a failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- are a result of refusal to reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.11 Nonexclusive Remedies

The remedies provided for in this ordinance are not exclusive except as specified in Section 7.06(d). The Manager may take any, all, or any combination of these actions

against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Agency's Enforcement Response Plan. However, the Manager may take other action against any user when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant user.

Section 8

SEVERABILITY

If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of the regulations or the application of such provisions to other persons or other circumstances shall not be affected.

Section 9

Union Sanitary District Ordinance No. 36 and all its amendments are hereby repealed.

Section 10

EFFECTIVE DATE

~~On motion duly made and seconded, this Ordinance was adopted by the following vote on _____.~~

~~This Ordinance shall take effect and be in force on _____.~~

~~:~~

~~AYES: _____ ABSENT: _____~~

~~NOES: _____ ATTEST: _____~~

~~This Ordinance shall take effect and be in force on July 1, 2015, and shall be entered in the Minutes of the District per Resolution No. 2758~~

SUPPLEMENT

This Wastewater Discharge Regulations Supplement includes selected Code of Federal Regulations parts (listed as 40 CFR) referred to in the main section of this ~~document~~ordinance for convenience only. Other 40 CFR parts, which are too lengthy to include in their entirety, are summarized. More information relating to these Federal Regulation references is available in the Union Sanitary District's Environmental Compliance Division Office and the text of the regulations is available online at <https://www.epa.gov/laws-regulations/regulations>.

Federal Regulations are updated from time to time. This document contains current regulations as of ~~October 1993~~April 2019. However, it is the responsibility of the user to ensure compliance with ~~Compliance with any future federal regulations, including any future amendments, is the responsibility of the user.~~

40 CFR Part 2.302(2): Definition of Effluent Data

“(i) Effluent data means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362 (6)):

(Aa) Information necessary to determine the identity, amount, frequency, ~~e~~o concentration, temperature or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(Bb) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to

water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(Ce) —A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source).

(ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be effluent data only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

(A) Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and

(B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.”

40 CFR Part 136: ~~Environmental Protection Agency Regulations on~~Guidelines Establishing Test Procedures for the Analysis of Pollutants

(Summary) This part describes test procedures for performing analyses of wastewater constituents. Part 136 identifies test procedures and specifies application of and approval of alternate test procedures. ~~Reprints of the introductory pages of this part are available upon request from the District.~~

40 CFR Part 261: ~~Environmental Protection Agency Regulations for~~Identifying Identification and Listing of Hazardous Waste

(Summary) This part ~~is commonly referred to as the RCRA regulations. It~~ includes criteria for identifying the characteristics of hazardous waste, as well as characteristics of hazardous waste and lists of hazardous wastes.

40 CFR Part 403.5: National Pretreatment Standards: Prohibited Discharges

(Summary) -This part is commonly referred to as the General Pretreatment Regulations and includes discharge prohibitions and the requirement for development of local limits by the POTW.

403.5 National Pretreatment Standards: Prohibited Discharges

- (a) (1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State or local Pretreatment Requirements.
- (2) *Affirmative Defenses:* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), ~~(b)(4)~~, ~~(b)(5)~~, ~~(b)(6)~~ and ~~(b)(7)~~ of this section where the Users can demonstrate that:
- (i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
- (ii) ~~(A)~~ -A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or
- ~~(B)~~ If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the
- User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements-for sewage sludge use or disposal.
- (b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a close cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
 - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
 - (4) Any pollutant, including oxygen demanding pollutants (BOD, COD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
 - (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through;
 - (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (c) *When specific limits must be developed by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to [paragraph-section 403.8](#) shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section.
- (1) Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.
 - (2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued

compliance with the POTW's NPDES permit or sludge use or disposal practices.

- (3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
- (4) POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of [this part and](#) section 307(d) of the Act.
- (d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.
- (e) *EPA enforcement actions under section 309(f) of the Clean Water Act.* If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.
- ~~(f) *Compliance deadlines.* Compliance with the provisions of this section is required beginning on March 16, 1981, except for paragraph (b)(5) of this section which must be complied with by August 25, 1981.~~

40 CFR Part 403.8(f)(2)(vi): Slug Control Plans

~~(Summary) This part describes the District's authority and responsibility in regard to Slug Control Plans.~~—The District [must have](#)as the authority to evaluate whether each Significant Industrial User needs a plan to control slug discharges. For purposes of these regulations, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- [\(Aa\)](#) Description of discharge practices, including non-routine batch discharges;
- [\(Bb\)](#) Description of stored chemicals;

- (Ce) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- (De) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;”

40 CFR Part 403.12: Reporting Requirements for POTWs and Industrial Users

(Summary) This part contains the monitoring and reporting requirements for baseline monitoring reports and other required reports such as the periodic report of continued compliance. 40 CFR Part 403.12 is crucial to the implementation of and compliance with self-monitoring and reporting requirements. Portions of the regulations are summarized or cited below. ~~Copies of the complete text are available from the District.~~

~~40 CFR Part 403.12(b): Baseline Monitoring Reports~~

~~Within 180 days after the effective date of a categorical standard in the case of an existing industrial user, or 90 days prior to commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a baseline report containing the following information:~~

- ~~(a) The name and address of the facility including the name of the operator and owners;~~
- ~~(b) A list of any environmental control permits held by or for the facility;~~
- ~~(c) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.~~
- ~~(d) The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:~~
 - ~~(1) Regulated process streams; and~~
 - ~~(2) Other streams as necessary to allow use of the combined waste stream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.~~

- ~~(e) The Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;~~
- ~~(f) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and~~
- ~~(g) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.~~

~~New sources must give estimates of information requested in paragraphs 4 and 5 and must include information on the method of pretreatment that will be used to meet applicable pretreatment standards.~~

~~40 CFR Part 403.12(d): Final Compliance Reports~~

~~Within 90 days following the date for final compliance with applicable categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any industrial user subject to Federal Pretreatment Standards and Requirements must submit a report containing the following information:~~

- ~~(a) Flow measurements (average and maximum daily flow)~~
- ~~(b) Measurement of regulated pollutants in the discharge from each regulated waste stream.~~
- ~~(c) A certification statement indicating whether Pretreatment Standards are being met on a consistent basis.~~

~~40 CFR Part 403.12(e): Periodic Reports of Continued Compliance~~

~~All Significant Industrial Users must, at a frequency determined by the Manager, submit no less than twice per year (June and December [or on dates specified]) reports indicating~~

~~the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.~~

~~All periodic compliance reports must be signed and certified in accordance with Section 4.16 of this ordinance.~~

~~All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.~~

~~If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Agency, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the report.~~

40 CFR Part 403.12(h): Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards

At least once every 6 months, industrial users not subject to categorical Pretreatment Standards must submit a description of the nature, concentration and flow of the pollutants discharged to the POTW. These reports shall be based on sampling and analysis performed during the reporting period.

40 CFR Part 403.12 (p): Hazardous Waste Discharge Notification

~~California regulation prohibits the disposal of hazardous wastes in the sanitary sewer. The following notification requirements contained in 40 CFR do not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued under this ordinance, or any applicable Federal or State Law.~~

- (a) The ~~Industrial u~~User shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW,

the notification also shall contain the following information to the extent such information is known and readily available to the ~~Industrial~~ User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred and eighty (180) days of the effective date of this rule. ~~Industrial~~ Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j) (Section 4.20 of this ordinance). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d) and (e).

- (b) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Agency, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

(Summary) These parts describe the regulations applicable to categorical discharges. ~~Copies of specific parts are available from the District.~~ The following types of industries are currently subject to categorical standards:

Aluminum Forming	Fruit & Vegetable Processing	Paving and Roofing (Tars & Asphalt)
Asbestos Manufacturing	Glass Manufacturing	Pesticides
Battery Manufacturing	Grain Mills Manufacturing	Petroleum Refining
Builder's Paper	Hospitals	Pharmaceuticals
Carbon Black	Ink Formulating	Phosphate Manufacturing
Cement Manufacturing	Iron and Steel Manufacturing	Photographic
Centralized Waste Treatment	Landfills	Plastics Molding and Forming
Chemicals-Inorganic	Leather Tanning and Finishing	Porcelain Enameling
Chemicals-Organic	Meat & Poultry Processing	Pulp and Paper
Chemicals-Gum & Wood	Metal Finishing	Rubber Processing
Concentrated Animal Feeding Ops.	Metal Molding and Casting	Seafood Processing
Coil Coating	Metal products & Machinery	Soaps and Detergents Mfg
Copper Forming	Mining – Coal	Steam Electric
Dairy Products Processing	Mining – Mineral	Sugar Processing
Electrical and Electronic Components	Mining – Ore	Timber Products Mfg
Electroplating	Nonferrous Metals Forming	Transportation
Explosives Mfg	Nonferrous Metals Mfg	Textile Mills
Ferroalloy Manufacturing	Oil & Gas Extraction	Waste Combustors
Fertilizer Manufacturing	Paint Formulating	

Locally Regulated Toxic Organic Pollutants and Locally Regulated Phenols

Volatiles

<input type="checkbox"/>	Acrolein
<input type="checkbox"/>	Acrylonitrile
<input type="checkbox"/>	Benzene
<input type="checkbox"/>	Bromoform
<input type="checkbox"/>	Carbon tetrachloride
<input type="checkbox"/>	Chlorobenzene
<input type="checkbox"/>	Chloroethane
<input type="checkbox"/>	2-chloroethylvinyl ether
<input type="checkbox"/>	Chloroform
<input type="checkbox"/>	Dibromochloromethane
<input type="checkbox"/>	Dichlorobromomethane
<input type="checkbox"/>	1,1-dichloroethane
<input type="checkbox"/>	1,2-dichloroethane
<input type="checkbox"/>	1,1-dichloroethylene
<input type="checkbox"/>	1,2-dichloropropane
<input type="checkbox"/>	1,3-dichloropropylene
<input type="checkbox"/>	Ethylbenzene
<input type="checkbox"/>	Methyl bromide
<input type="checkbox"/>	Methyl chloride
<input type="checkbox"/>	Methylene chloride
<input type="checkbox"/>	Tetrachloroethylene (PCE)
<input type="checkbox"/>	1,1,2,2-tetrachloroethane
<input type="checkbox"/>	1,1,1-trichloroethane (TCA)
<input type="checkbox"/>	1,1,2-trichloroethane
<input type="checkbox"/>	Toluene
<input type="checkbox"/>	1,2-trans-dichloroethylene
<input type="checkbox"/>	Trichloroethylene (TCE)
<input type="checkbox"/>	Vinyl chloride

Semi-Volatiles

<input type="checkbox"/>	Acenaphthene
<input type="checkbox"/>	Acenaphthylene
<input type="checkbox"/>	Anthracene
<input type="checkbox"/>	Benzidine
<input type="checkbox"/>	Benzo(a)anthracene
<input type="checkbox"/>	Benzo(a)pyrene

Semi-Volatiles (cont'd)

<input type="checkbox"/>	Benzo(ghi)perylene
<input type="checkbox"/>	Benzo(k)fluoranthene
<input type="checkbox"/>	3,4-benzofluoranthene
<input type="checkbox"/>	Bis (2-chloroisopropyl) ether
<input type="checkbox"/>	Bis (2-chloroethoxy) methane
<input type="checkbox"/>	Bis (2-chloroethyl) ether
<input type="checkbox"/>	Bis (2-ethylhexyl) phthalate
<input type="checkbox"/>	4-bromophenyl phenyl ether
<input type="checkbox"/>	Butyl benzyl phthalate
<input type="checkbox"/>	2-chloronaphthalene
<input type="checkbox"/>	4-chlorophenyl phenyl ether
<input type="checkbox"/>	Chrysene
<input type="checkbox"/>	Dibenzo(a,h)anthracene
<input type="checkbox"/>	1,2-dichlorobenzene
<input type="checkbox"/>	1,3-dichlorobenzene
<input type="checkbox"/>	1,4-dichlorobenzene
<input type="checkbox"/>	3,3-dichlorobenzidine
<input type="checkbox"/>	Diethyl phthalate
<input type="checkbox"/>	Dimethyl phthalate
<input type="checkbox"/>	Di-n-butyl phthalate
<input type="checkbox"/>	Di-n-octyl phthalate
<input type="checkbox"/>	2,4-dinitrotoluene
<input type="checkbox"/>	2,6-dinitrotoluene
<input type="checkbox"/>	1,2-diphenylhydrazine
<input type="checkbox"/>	Fluoranthene
<input type="checkbox"/>	Fluorene
<input type="checkbox"/>	Hexachlorobenzene
<input type="checkbox"/>	Hexachlorobutadiene
<input type="checkbox"/>	Hexachlorocyclopentadiene
<input type="checkbox"/>	Hexachloroethane
<input type="checkbox"/>	Indeno (1,2,3-cd) pyrene
<input type="checkbox"/>	Isophorone
<input type="checkbox"/>	N-nitrosodi-n-propylamine
<input type="checkbox"/>	N-nitrosodimethylamine
<input type="checkbox"/>	N-nitrosodiphenylamine
<input type="checkbox"/>	Naphthalene

Semi-Volatiles (cont'd)

<input type="checkbox"/>	Nitrobenzene
<input type="checkbox"/>	Phenanthrene
<input type="checkbox"/>	Pyrene
<input type="checkbox"/>	1,2,4-trichlorobenzene

Locally Regulated Phenols

☐ 2-chlorophenol
☐ 4-chloro-3-methyl phenol
☐ 2,4-dichlorophenol
☐ 2,4-dimethylphenol
☐ 2-methyl-4,6-dinitrophenol
☐ 2-methyl-phenol
☐ 4-methyl-phenol
☐ 2-nitro-phenol
☐ 4-nitro-phenol
☐ Pentachlorophenol
☐ Phenol
☐ 2,4,6-trichlorophenol



UNION SANITARY DISTRICT SEWER USE ORDINANCE

ORDINANCE NO. 36.04

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Section 1

GENERAL PROVISIONS

1.01 Purpose and Policy

This ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works of the Union Sanitary District and enables the Agency to comply with all applicable Local, State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*), the General Pretreatment Regulations (40 Code of Federal Regulations Part 403) and the water quality requirements set by the Regional Water Quality Control Board and/or the State of California Water Resource Control Board. The objectives of this ordinance are:

- (a) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- (b) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (e) To provide revenues derived from the application of this Ordinance which shall be used to defray the Agency's cost of operating and maintaining adequate wastewater collection and treatment systems and to provide sufficient funds for capital outlay, bond service costs, capital improvements, and depreciation for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (f) To enable Agency to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal, State or Local laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.02 Definitions

Unless otherwise defined herein, terms shall be as found in Title 40 Code of Federal Regulations (CFR) Parts 403 and 136.

- (a) *Agency*: Union Sanitary District.
- (b) *Amalgam*: an alloy containing mercury, tin, silver, or copper that is used in dentistry to restore teeth.
- (c) *Amalgam Separator*: a device that applies filtration, settlement, centrifugation, or ion exchange to remove amalgam and its metal constituents from a dental office vacuum system before it discharges to the sewer.
- (d) *Amalgam Waste*: includes non-contact amalgam (amalgam scrap that has not been in contact with the patient); contact amalgam (including, but not limited to, extracted teeth containing amalgam); amalgam sludge captured by chair-side traps, vacuum pump filters, screens and other amalgam trapping devices; used amalgam capsules; and leaking or unusable amalgam capsules.
- (e) *Authority*: The East Bay Dischargers Authority.
- (f) *Batch Discharge*: A definite quantity or volume of wastewater produced under conditions that are considered uniform.
- (g) *Beneficial Uses*: Uses of the waters of the state that may be protected against quality degradation include, but are not necessarily limited to, domestic, municipal, agricultural and industrial supply, power generation, recreation, aesthetic enjoyment, navigation and the preservation and enhancement of fish, wildlife and other aquatic resources or reserves, and other uses, both tangible or intangible, as specified by federal or state law.
- (h) *Best Management Practices or BMPs*: Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage and leaks, sludge or waste disposal, or drainage from raw materials.
- (i) *Building Sewer*: A sewer conveying wastewater from a point 30 inches or less from the building or structure to a main sewer. The building sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer).

- (j) *Bypass*: The intentional diversion of waste streams from any portion of an Industrial User's treatment facility.
- (k) *Categorical Pretreatment Standard or Categorical Standard*: Standards specifying the quantity, concentration, or properties of pollutants that may be discharged to POTWs. EPA promulgates pretreatment standards for specific industry categories in accordance with Clean Water Act section 307. These standards are codified in 40 CFR chapter I, subchapter N, Parts 405–471.
- (l) *Chemical Oxygen Demand or COD*: The measure of the oxygen equivalent of the organic matter content of a sample that is susceptible to oxidation by a strong chemical oxidant.
- (m) *Community Sewer*: A sewer owned and operated by the Agency, a city, or other public agency tributary to a treatment facility operated by the Agency or the Authority.
- (n) *Compatible Pollutant*: Biochemical oxygen demand, chemical oxygen demand, suspended solids, pH and fecal coliform bacteria, plus additional pollutants identified in the Agency's National Pollutant Discharge Elimination System (NPDES) permit if the publicly owned treatment works was designed to treat such pollutants, and in fact does remove such pollutants to a substantial degree.
- (o) *Composite Sample*: A sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time. Samples may be taken manually or by using automatic equipment. Manual composite samples shall consist of a minimum of four (4) grab samples.
- (p) *Contamination*: An impairment of the quality of the waters of the state by waste to a degree which creates a hazard to the public health through poisoning or through the spread of disease. Contamination shall include any equivalent effect resulting from the disposal of wastewater, whether or not waters of the state are affected.
- (q) *District*: Union Sanitary District
- (r) *Domestic Use*: Any single family or multifamily residence which discharges, or causes, or allows the discharge of domestic wastewater to the POTW.
- (s) *Domestic Wastewater*: The liquid waste or liquid-borne waste discharged from residential units, normally resulting from the non-commercial preparation, cooking and handling of food, personal laundry, and wastes from sanitary conveniences or from sanitary devices in industrial or commercial establishments.
- (t) *Environmental Protection Agency or EPA*: The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

- (u) *Federal Act, Clean Water Act:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, PL 92-500 Title 33 U.S. Code, section 1251 et seq. (and any amendments thereto; as well as any guidelines, limitations, and standards promulgated by the Environmental Protection Agency pursuant to the Act.)
- (v) *Grab Sample:* A sample that is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (w) *Hazardous Waste:* Waste substances which can pose a hazard to human health or the environment when improperly managed; or. waste that possesses at least one of these four characteristics: ignitability, corrosivity, reactivity or toxicity; or appears on special U.S. EPA lists. This definition also includes all wastes covered in the California Code of Regulations, Title 22, Division 4.5 Environmental Health Standards for the Management of Hazardous Waste.
- (x) *Holding Tank Waste:* Any waste from temporary or permanent containers such as holding tanks, vessels, truck tanks, chemical toilets, campers, trailers, septic tanks, totes, drums, vacuum pump tank trucks, etc.
- (y) *Incompatible Pollutant:* Any pollutant, which is not a compatible pollutant as defined in this section.
- (z) *Industrial User:* An industrial or commercial business, which discharges, or causes, or allows the discharge of non-domestic wastewater to the POTW.
- (aa) *Industrial Wastewater:* Liquid waste or liquid-borne waste that is generated in a commercial or industrial process.
- (bb) *Indirect Discharge or Discharge:* The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act.
- (cc) *Interference:* A discharge that, alone or in conjunction with discharges from other sources, both:
 - (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and therefore
 - (2) is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued there under (or more stringent state or local regulations): Section 405 of the Clean Water Act, the

Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

- (dd) *Manager*: The General Manager of the District, or his or her designated representative.
- (ee) *Mass Limit Rate*: The weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass limit rate shall mean pounds per day of a constituent or combination of constituents.
- (ff) *Maximum Allowable Discharge Limit*: The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (gg) *Medical Waste*: Any waste, liquid or solid, generated by a medical facility which may pose a health and/or safety threat to Agency personnel.
- (hh) *National Pretreatment Standard, Pretreatment Standard, or Standard*: Any regulation containing pollutant discharge limits or Best Management Practices promulgated by the EPA in accordance with section 307 (b) and (c) of the Clean Water Act, that applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5.
- (ii) *New Source*: Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307c of the Clean Water Act that will be applicable to such source if such standards are thereafter promulgated, provided that:
 - (1) The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered

- (jj) *pH*: A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (kk) *POTW Treatment Plant*: That portion of the Publicly Owned Treatment Works which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.
- (ll) *Pass Through*: A discharge that exits the POTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).
- (mm) *Person*: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes any Federal, State and local governmental entity.
- (nn) *Pesticides*: Total pesticides identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.
- (oo) *Phenolics*: Compounds having one or more hydroxy groups attached to a benzene or other polynuclear aromatic hydrocarbons as tested using EPA Method 420.
- (pp) *Pollution*: An alteration of the quality of the waters of the state by waste to a degree which unreasonably affects such waters for beneficial use or facilities which serve such beneficial uses. Pollution may include contamination.
- (qq) *Pollution Prevention*: Activities which reduce the amount of pollutants discharged to the community sewer, without transferring those pollutants to the air or land, including reduction in the use of chemicals containing regulated pollutants, reduction in the generation of wastes which contain pollutants, recovery and recycling of wastes and/or improved pretreatment of wastes prior to discharge.
- (rr) *Polychlorinated biphenyls (PCB)*: Total PCBs detectable by EPA approved methods.
- (ss) *Polynuclear Aromatic Hydrocarbons (PAH)*: Total organic pollutants containing more than one fused aromatic ring, which are detectable by EPA approved methods.
- (tt) *Premise*: A parcel of real estate including any improvements thereon which is determined by the Agency to be a single user for purposes of receiving, using, and paying for service.

- (uu) *Pretreatment Requirement:* Any substantive or procedural pretreatment requirement other than a national pretreatment standard.
- (vv) *Private Sewer Lateral:* The pipeline that conveys wastewater from a residence or any other building foundation to the main District sewer line.
- (ww) *Prohibited Discharge Standards or Prohibited Discharges:* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.01 of this ordinance.
- (xx) *Publicly Owned Treatment Works or "POTW":* A treatment works as defined by section 212 of the Clean Water Act, which is owned by a state or municipality (as defined by section 502(4) of the Clean Water Act). This definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in section 502(4) of the Clean Water Act, that has jurisdiction over the indirect discharges to and the discharges from such a treatment works.
- (yy) *Sample points:*
- (1) Facility (FAC) – a sample point whereby the total, combined waste stream, both process and domestic, from a facility is monitored for compliance with local discharge limitations or requirements.
 - (2) "001" – a sample point whereby a facility's federally regulated process waste stream/streams, immediately after treatment, is/are monitored for compliance with federally imposed discharge limitations or requirements.
 - (3) "002" – a sample point whereby all process waste streams (non-categorical), excluding domestic, from a facility are monitored for compliance with local discharge limitations.
- (zz) *Septic Tank Waste:* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (aaa) *Severe Property Damage:* Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (bbb) *Significant Industrial User (SIU):*
- (1) A user subject to categorical pretreatment standards; or

- (2) A user that:
- (i) Discharges an average of twenty-five thousand (25,000) gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - (ii) Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - (iii) Is designated as such by the Agency on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Agency may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (ccc) *Significant Noncompliance:* An industrial user is in significant noncompliance with applicable pretreatment requirements if any violation meets one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
 - (2) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period are equal to or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH.)
 - (3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public).

- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f)(1)(vi)(B) of 40 CFR 403.8 to halt or prevent such a discharge.
 - (5) Failure to meet, within 90 days after the due date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance.
 - (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.
 - (7) Failure to accurately report noncompliance.
 - (8) Any other violation or group of violations, which may include a violation of Best Management Practices (BMPs), that the Agency determines will adversely affect the operation or implementation of the local pretreatment program.
- (ddd) *Slug Load or Slug*: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 2.01 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, that has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.
 - (eee) *Stormwater*: The runoff generated when precipitation from rain and snowmelt events flow over land or impervious surfaces without percolating into the ground.
 - (fff) *The District*: Union Sanitary District.
 - (ggg) *Total Halogenated Organics (THO)*: Total halogenated organic pollutants identified in Table 1, Section 307 of the Clean Water Act which are detectable by EPA approved methods.
 - (hhh) *Total Organics (TO)*: Total organic pollutants as specified by the Agency which are detectable by EPA approved methods.
 - (iii) *Total Toxic Organics (TTO)*: Total organic pollutants including polynuclear aromatic hydrocarbons (PAHs), but excluding pesticides, PCBs, and phenols, which are detectable by EPA approved methods. The TTO value is determined as the summation of all quantifiable values greater than 0.01 milligrams per liter for the regulated toxic organics.
 - (jjj) *Unpolluted Water*: Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the

agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

- (kkk) *User*: Any person that discharges, causes, or permits the discharge of wastewater into a community sewer.
- (III) *User Classification*: A classification of user based on the latest edition of the Standard Industrial Classification (SIC) Manual prepared by the Executive Office of Management and Budget.
- (mmm) *Waste*: Includes sewage and any and all other waste substances, liquid, solid, gaseous, or radioactive, associated with human habitation, or of human or animal origin, or from any producing, manufacturing, or processing operation of whatever nature, including such waste placed within containers of whatever nature prior to, and for purposes of, disposal.
- (nnn) *Wastewater*: Waste and water, whether treated or untreated, discharged into or permitted to enter a community sewer.
- (ooo) *Wastewater Constituents and Characteristics*: The individual chemical, physical, bacteriological and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.
- (ppp) *Wastewater Discharge Permit*: A legal document used as a control mechanism to ensure compliance with regulations that grants revocable permission to discharge wastewater to the sanitary sewer, including the following types of Wastewater Discharge Permit:
- Class I Permit - Issued to Significant Industrial Users both Categorical and Non-Categorical
 - Class II Permit - Issued to Non-Significant Industrial Users.
 - Class III Permit - Issued to Industrial or Commercial Users determined by the Agency not to fall in the Class I or Class II categories.
 - General Permit - Similar to a Class III permit, issued to Industrial or Commercial User groups that perform similar functions or activities.
 - Groundwater Permit - Issued for the discharge of treated groundwater from contaminated site remediation, excavation groundwater or potable water related projects.

Temporary Permit - Issued for single or short term (less than one year) discharges of wastewater or contaminated ground water.

(qqq) *Waters of the State:* Any water, surface or underground, including saline waters within the boundaries of the state.

1.03 Analytical and Sampling Methodology and Procedures

- (a) The method and procedures utilized for all analyses which are reported under the requirements of these regulations shall be as specified by the provisions of 40 CFR Part 136.
- (b) The methods and procedures utilized for all sampling performed and/or reported under the requirements of these regulation shall be as specified by the provisions of 40 CFR Part 136.
- (c) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the District or EPA.
- (d) Analytical data collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report and is representative of conditions occurring during the reporting period.

Section 2

REGULATIONS

2.01 Sewer Use Requirements

2.01.1 Prohibited Discharges

- (a) General Prohibitions: No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements.
- (b) Specific Prohibitions: No user shall introduce or cause to be introduced into the community sewer system any pollutants, substances, or wastewater which cause,

threaten to cause, or are capable of causing, either alone or by interaction with other substances:

- (1) a fire or explosion, including but not limited to discharges with a closed cup flashpoint of less than 140° F (60° C) using the test methods specified in 40CFR261.21;
- (2) obstruction of flow in a sewer system or injury of the system or damage to the wastewater collection, treatment, or disposal facilities;
- (3) danger to life or safety of personnel;
- (4) a nuisance or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;
- (5) air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- (6) interference with the wastewater treatment process; and/or pass through of any pollutant which causes a violation of the Agency's National Pollutant Discharge Elimination System (NPDES) permit;
- (7) the Agency's effluent or any other product of the treatment process, residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process;
- (8) a detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the Agency;
- (9) discoloration or any other condition in the quality of the Agency's treatment works effluent in such a manner that receiving water quality requirements established by law cannot be met;
- (10) conditions at or near the Agency's treatment works which violate any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;
- (11) quantities or rates of flow which overload the Agency's collection or treatment facilities or cause excessive Agency collection or treatment costs, or may use a disproportionate share of the Agency facilities;
- (12) the evolution of toxic gases, fumes, or vapors in quantities injurious to the health and safety of Agency personnel;

- (13) the temperature at the treatment plant headworks to exceed 104° F (40°C) or temperature which will inhibit biological activity in the treatment plant resulting in Interference;
- (14) wastewater having a pH less than 5.0 or greater than 12.0, or otherwise causing corrosive structural damage to the collection system, POTW or equipment;
- (15) an exceedance of the permitted Mass Limit Rate established in the Local Limits or discharge permits; or
- (16) settlement of materials or obstruction to flow resulting in interference, such as, but not limited to, sand, mud, glass, metal, filings, diatomaceous earth, cat litter, asphalt, wood, bones, hair, fleshings, food packaging, product containers and non-dispersible products.

2.01.2 No person shall discharge the following wastes to the community sewer:

- (a) Pollutants, including oxygen-demanding pollutants (for example, COD), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (b) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (c) Sludges, screenings, or other residues (solid or liquid) from the pretreatment of industrial wastes;
- (d) Medical wastes, except as specifically authorized by the Agency;
- (e) All prescription and non-prescription (over the counter) pharmaceutical drugs or medications;
- (f) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (g) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (h) Wastewater containing pesticides, dioxins and dioxin-like compounds, and/or polychlorinated biphenyls (PCB) at levels detectable by EPA approved methods;
- (i) Hazardous wastes or materials, as defined by California Code of Regulations Title 22 or Subtitles C and D of the Federal Resource Conservation and Recovery Act;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.02 Requirements for Dental Facilities that Remove or Place Amalgam Fillings

- (a) All owners and operators of dental facilities that remove or place amalgam fillings shall comply with the following waste management practices:
 - (1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per 40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.
 - (2) Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.
 - (3) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).
 - (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.
 - (5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.
- (b) All owners and operators of dental vacuum suction systems, except as set forth in subsection (c) of this section, shall comply with the following:
 - (1) Install amalgam separator device compliant with 40CFR441.30 (existing offices) or 40CFR441.40 (new offices). Amalgam separator device must achieve at least a 95 percent removal efficiency. No bypass of separator device or related plumbing shall be allowed.
 - (2) Per 40CFR441.50, a One-Time Compliance Report must be submitted to the District from existing offices by no later than October 12, 2020, or 90 days after a transfer of ownership. For new offices, a One-Time Compliance Report must be submitted to the District no later than 90 days following the introduction of wastewater into the community sewer.

- (3) Amalgam separators shall be installed, operated and maintained in accordance with manufacturer recommendations per 40CFR441.30 (existing offices) or 40CFR441.40 (new offices).
- (4) Dental Dischargers or an agent or representative of the dental discharger must maintain for a minimum of three years and make available for immediate inspection the following documentation per 40CFR441.50(b):
- Documentation of the date, person(s) conducting the inspection, and results of each inspection of the amalgam separator(s) and a summary of follow-up actions, if needed.
 - Documentation of amalgam retaining container replacement (including installation date, as applicable).
 - Documentation of all dates that collected dental amalgam is picked up or shipped for proper disposal in accordance with 40 CFR 261.5(g)(3), and the name of the permitted or licensed treatment, storage or disposal facility receiving the amalgam waste.
 - Documentation of any repair or replacement of an amalgam separator, including the date, person(s) making the repair or replacement, and a description of the repair or replacement (including make and model).
 - Dischargers or an agent or representative of the dental discharger must maintain and make available for inspection in either physical or electronic form the manufacturers operating manual for the current device.
- (c) Specialty dental offices where the practice of dentistry consists exclusively of one or more of the following are exempt from this requirement (Section 2.02) per 40CFR441.10(c), provided that the District receives written certification that removal or placement of amalgam fillings does not take place:
- Orthodontics
 - Periodontics
 - Oral and Maxillofacial Surgery
 - Oral and Maxillofacial Radiology
 - Oral Pathology or Oral Medicine
 - Prosthodontics

2.03 Prohibitions on Storm Drainage and Groundwater

Storm water, groundwater, rainwater, street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to a community

sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If the permit is granted for the discharge of such water into a community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.04 Acceptance of Groundwater from Remediation Projects

Wastewater generated from the cleanup of spills, leaking underground storage tanks, groundwater remediation, monitoring wells, excavation groundwater, potable water projects or other similar sources shall not be discharged through direct or indirect connections to a community sewer unless a discharge permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion only when no reasonable alternative method of disposal is available.

If a discharge permit is granted for the discharge of such water into the community sewer, the user shall pay the applicable charges and fees and meet such other conditions as required by the Agency. For the purpose of permits and fees, the discharge shall be considered a Class I discharge subject to permit requirements in Section 4 and discharge limitations or prohibitions of Section 2. The Agency retains the right to terminate the discharge at any time for cause. Each discharge permit must be reviewed on an annual basis.

2.05 Prohibition on Unpolluted Water

Unpolluted water, including but not limited to cooling water, process water, or blow-down from cooling towers or evaporative coolers, will not be discharged through direct or indirect connection to a community sewer unless a permit is issued by the Agency. The Agency may approve the discharge of such water at its discretion and only when no reasonable alternative method of disposal is available.

If authorization is granted for the discharge of such water into a community sewer, the user shall pay the applicable user charges and fees and shall meet such other requirements and/or conditions as required by the Agency.

2.06 Limitations on Radioactive Wastes

No person shall discharge or cause to be discharged any radioactive waste into a community sewer except:

- (a) when a person is authorized to use radioactive materials by the State Department of Health or other governmental agency empowered to regulate the use of radioactive materials; and
- (b) when the waste is discharged in strict conformity with the requirements of the United States Nuclear Regulatory Commission, the United States Department of Energy, and/or the California Radiation Control Regulations; and
- (c) when the person is in compliance with all rules and regulations of all other applicable regulatory agencies.

2.07 Limitations on the Use of Garbage Grinders

Waste from garbage grinders, food waste liquefiers, aerobic and anaerobic bio-digesters, food composters and similar devices shall not be discharged into the community sewer excepts as approved in writing by the Agency.

Garbage grinders and similar devices shall not be used for grinding plastic, paper products, inert materials, or garden refuse.

2.08 Limitations on Points of Discharge

No person shall discharge any substances directly into a manhole or other opening in a community sewer other than through an approved building sewer unless, upon written application by the user and payment of the applicable user charges and fees, the Agency issues a permit for such direct discharges.

2.09 Waste Holding Tanks, Vessels and Containers

No person shall discharge any holding tank or vessel waste into a community sewer unless a wastewater discharge permit is issued by the Agency. Unless otherwise allowed by the Agency under the terms and conditions of the permit, a separate permit must be secured for each separate discharge. This permit may state the specific location of discharge, the time of day the discharge is to occur, the volume of the discharge and the wastewater constituents and characteristics. If a permit is granted for discharge of such waste into a community sewer, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Agency. An exception to the above is that no permit will be required for discharge of domestic wastes from mobile home holding

tanks provided that such discharges are made into an Agency approved facility designed to receive such wastes.

2.10 Limitations on Wastewater Strength

- (a) The Manager is authorized to establish Local Limits or Best Management Practices (BMP's) pursuant to 40 CFR 403.5(c).
- (b) The following pollutant limits are established to protect against Pass Through and Interference.
 - (1) The following limits are maximum allowable discharge limits (the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event). Limits for metals are for total recoverable metals.

No person shall discharge wastewater containing in excess of:

Arsenic	0.35	mg/L
Cadmium	0.2	mg/L
Copper	2.0	mg/L
Cyanide	0.65	mg/L
Lead	1.0	mg/L
Mercury	0.01	mg/L
Nickel	1.0	mg/L
Silver	0.5	mg/L
Total Chromium	2.0	mg/L
Zinc	3.0	mg/L
TTO	2.13	mg/L
Formaldehyde	50.0	mg/L
Phenolics	5.0	mg/L

- (2) No person shall discharge wastewater:

- (A) having a temperature higher than 150° F (65.5° C), or any thermal discharge which as a result of temperature and/or volume causes the influent of the wastewater treatment plant to exceed 104° F (40° C);
- (B) containing more than 300 mg/L of oil or grease of animal or vegetable origin, unless specifically approved by the District. The District may approve, on a case by case basis, a modification to the analytical method if the discharger can demonstrate that constituents in their wastewater interfere with the freon extraction, hexane extraction or current EPA approved procedure and have no negative impact on the POTW and/or receiving waters.

- (C) containing more than 100 mg/L of oil or grease of mineral or petroleum origin;
 - (D) having a pH lower than 6.0 or higher than 12.0 units, or otherwise causing corrosive structural damage to the collection system, POTW or equipment, unless specifically approved by the District. Under no circumstances will a pH of less than 5.0 or higher than 12.5 pH units be approved.
- (3) The following limits for ammonia are maximum allowable average concentrations. Limits are for total ammonia expressed as nitrogen. Limits are tiered based on average daily flow, which is the arithmetic average of the permitted industrial user's daily flows for the preceding calendar year and is equivalent to the flow rate used in establishing sewer service charges:

Average Daily Flow	Ammonia Limit
<10,000 gallons per day (gpd)	225 mg/L as N
10,000 – 25,000 gpd	150 mg/L as N
>25,000 gpd	75 mg/L as N

Compliance determination shall be based on the average of all valid and representative analyses occurring within a 6-month period

For industrial users holding permits issued prior to January 1, 2014, the Manager may issue compliance schedules for ammonia as described in Sections 6.09 and 6.10. In no case may these compliance schedules exceed 5 years. All new permitted industrial users must comply with these limits upon initial discharge.

(4) Additional Limits

Limits for pollutants not listed in this section 2.10 may be established in a wastewater discharge permit based on available treatment technology, existing wastewater conditions in the District's facilities or other factors determined by the Manager. The Manager may also establish wastewater strength limits on the wastewater discharge permits at locations within a premises whenever non-process water may dilute wastewater discharging from side sewers.

- (c) National Categorical Standards, found in 40 CFR Chapter I, Subchapter N, Parts 405-471, as may be amended from time to time, are hereby incorporated into these regulations. Effluent limitations promulgated by the Clean Water Act shall apply in any instance where they are more stringent than those in these regulations.
- (d) Additional limits specific to the discharge of groundwater or surface water. No person shall discharge groundwater or surface water in excess of:

Total Halogenated Organics (THO)	0.02mg/L
Total Organics	2.0 mg/L

2.10.1 Mass Limit Rate Determination

- (a) Mass Limit Rates for non-compatible or compatible pollutants that are present or anticipated in the User's wastewater discharge may be set for each User and made an applicable part of each User's wastewater discharge permit. These rates shall be based on Maximum Allowable Local Discharge Limits, Federal Categorical Pretreatment Standards, the User's average daily wastewater discharge for the past three years, the most recent representative data, or other data or factors determined by the Manager
- (b) To verify the User's operating data, the User may be required to submit an inventory of all wastewater streams and/or records indicating production rates.
- (c) The District may revise limits or Mass Limit Rates previously established in the User's permit at any time, based on current or anticipated operating data of the User or the District the District's ability to meet NPDES limits, or changes in the requirements of regulatory agencies.
- (d) The excess use of water to establish artificially high flow rate for the Mass Limit Rate determination is prohibited.

2.11 Prohibition on Slug Discharges

No user shall discharge any pollutant, including oxygen-demanding pollutants, at a flow rate and/or pollutant concentration which causes or threatens to cause interference with the wastewater treatment process. For the purposes of this section, any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards or limitations in Section 2 of this ordinance shall be deemed a slug discharge.

2.12 Prohibition on Use of Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no user shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a pretreatment standard, requirement or discharge limitation.

2.13 Prohibition of Bypass

- (a) Bypass of pretreatment equipment and/or discharge points is prohibited and the Agency may take enforcement action against any user for bypass unless:
 - (1) bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) there were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
 - (3) the industrial user submits the following notices:
 - (i) If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Agency, if possible at least ten days before the date of the bypass.
 - (ii) An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Agency within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Agency may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (b) The Agency may approve an anticipated bypass, after considering its adverse effects, if the Agency determines that it will meet the three conditions specified in part (a) of this section.

2.14 Prohibition of the Discharge of Chemical Solutions and Sludges

No user shall, without prior written approval of the Agency, discharge any unused or waste chemical solutions to the community sewer. For the purposes of this section, such materials include, but are not limited to, concentrated solutions utilized within any commercial or industrial operation, containerized liquids of any description, spoiled or otherwise unusable raw materials of any description, or spoiled or otherwise unusable products of any description.

The Agency may approve the discharge of such wastes at its sole and absolute discretion.

2.15 Prohibition of the Discharge of Petroleum or Mineral Oil Causing Pass-through or Interference

Notwithstanding the provisions of section 2.10(b), no user may discharge petroleum oil, non-biodegradable cutting oil or other products of mineral origin in any amount that causes interference or pass-through.

2.16 Prohibition of the Discharge of Trucked or Hauled Wastes

The discharge of any trucked or otherwise hauled wastes to the sanitary sewer system is prohibited except as the Agency may permit under the provisions of section 2.09.

2.17 Prohibition of the Discharge from Containment Areas

The discharge of waste (solid or liquid), wastewater or chemicals from a chemical storage containment area is prohibited unless expressly authorized by the Agency.

2.18 Prohibition of Unapproved Sanitary Sewer Connections

Unapproved connections to the community sewer are strictly prohibited. Any building sewers that have not been permitted, inspected, or where capacity and/or current sewer service charges have not been paid, are subject to the conditions of Ordinance 34, Article 2, Section 7, Connection of Building Drains.

Section 3

WASTEWATER VOLUME DETERMINATION

3.01 Application

Section 3 does not apply to "dwelling units" as defined in Agency Ordinance 31.

3.02 Metered Water Supply

User charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Agency, significant portions of water received are

not discharged to a community sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user and approved by the Agency.

- (a) **Metered Wastewater Volume and Metered Diversions.** For users where, in the opinion of the Agency, a significant portion of the water received from any metered source does not flow into a community sewer because of the principal activity of the user or removal by other means, the user charges and fees will be applied against the volume of water discharged from such premises into a community sewer. Written notification and proof of the diversion of water must be provided by the user if the user is to avoid the application of the user charges and fees against the total amount of water used from all sources. The user may install a meter of a type and at a location approved by the Agency and at the user's expense. Such meters may measure either the amount of sewage discharged or the amount water diverted. Such meters shall be tested for accuracy at the expense of the user when deemed necessary by the Manager.
- (b) **Users With Source Meters.** For users who, in the opinion of the Agency, divert a significant portion of their metered water supply from a community sewer, the user charges may be based upon an estimate of the volume to be discharged, provided the user obtains authorization from the agency and pays the applicable user charges and fees. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.
- (c) **Users Without Source Meters.** The agency may require the installation of water meters; however, for users where, in the opinion of the Agency, it is unnecessary or impractical to install meters, the quantity of wastewater may be based upon an estimate prepared by the Agency. This estimate shall be based upon a rational determination of the wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinants of water use necessary to estimate the wastewater volume discharged.

Section 4

ADMINISTRATION

4.01 Application

Section 4 does not apply to "dwelling units" as defined in Agency Ordinance 31.

4.02 Discharge Reports

- (a) The Agency, or the Authority through the Agency, may require that any person discharging or proposing to discharge wastewater into a community sewer file a periodic discharge report. The discharge report may include, but not be limited to, nature of process, volume, rates of flow, mass emission rate, production quantities, hours of operation, number and classification of employees, or other information which relates to the generation of waste including wastewater constituents and characteristics in the wastewater discharge and sample analysis demonstrating compliance with Section 2. Such reports may also include the chemical constituents and quantity of liquid or gaseous materials stored on site even though they may not normally be discharged.
- (b) The agency may prohibit, authorize or condition any discharge into the sanitary sewer in accordance with this ordinance and applicable state and federal regulations, whether or not a Discharge Permit is issued.
- (c) Acceptance of any new discharge is contingent on available capacity in the collection system and/or treatment plant, as determined by the District Engineering Division and Operations Department.

4.03 Wastewater Discharge Permits

4.03.1 Class I Permits. All significant industrial users (SIU), as defined in Section 1.02 (bbb), must have a current Class I Wastewater Discharge Permit.

Each new SIU, if not connected to a community sewer, must obtain a Class I Wastewater Discharge Permit before connecting to or discharging into a community sewer.

Any user currently connected to the community sewer who in the future is deemed to be an SIU shall be required to obtain a Class I permit. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.2 Class II Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I Permit, yet require some sampling and regular monitoring of wastewater discharge, if connected to a community sewer, may be required to obtain a Class II Wastewater Discharge Permit before connecting to or discharging into a community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

4.03.3 Class III Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I or II permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge, if connected to a community sewer, may be required to obtain a Class III wastewater

discharge permit before connecting to or discharging into the community sewer. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule. Class III permits may include General permits or any other as determined by the Manager.

4.03.4 Temporary and/or Groundwater Permits. Users who, as determined by the Agency, do not fall within the requirements for a Class I, II, or III permit, yet have a wastewater discharge that the Agency may decide requires oversight due to potential risks associated with said discharge if connected to the community sewer. Temporary permits will be issued for one time, or for a discharge period not to exceed one year. User will be required to pay all applicable fees as set forth in the Agency's current fee schedule.

The Manager may modify wastewater discharge requirements for the following types of facilities:

- (a) Industrial Facilities that have a wastewater discharge with no treatment (beyond simple filtration) in place and do not require routine monitoring or inspection.
- (b) Commercial Facilities that have a wastewater discharge that may have detectable amounts of one or more priority or conventional pollutants present in their waste stream. The Agency may require some level of treatment at such facilities, however, do not require routine monitoring or inspection. (Examples: dentists, photo processors, printers, and restaurants.)

4.04 Permit Application

Users seeking a Wastewater Discharge Permit shall complete and file with the Manager an application in the form prescribed by the Manager and accompanied by the applicable fees. The applicant may be required to submit, in units and terms appropriate for evaluation, the following information:

- (a) name, address, and SIC number of applicant;
- (b) volume of wastewater to be discharged;
- (c) sampling of wastewater to determine constituents and characteristics including, but not limited to, those listed in Section 2.10 as determined by a laboratory approved by the Agency;
- (d) time and duration of discharge;
- (e) average and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (f) site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by function, size, location, and elevation;

- (g) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (h) each product produced by type, amount, and rate of production;
- (i) number and type of employees, and hours of work;
- (j) description of wastewater treatment system(s), and/or procedures, including system design, piping, layout, hydraulic and pollutant removal capacity, design criteria, calibration and maintenance procedures, alarm systems, sample points, treatment chemicals, excursion response procedures, and any other information necessary to evaluate the adequacy and appropriateness of the treatment system and/or procedures.
- (k) management plans, including any or all of the following: solvent management plan, best management practice plan, slug control plan, hazardous materials management plan, emergency/violation response plan, and/or pollution prevention plan.
- (l) any other information as may be deemed by the Manager to be necessary to evaluate the permit application.

The Manager will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Manager may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

4.05 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the Agency. The conditions of Wastewater Discharge Permits shall be uniformly enforced by the Manager in accordance with these regulations, and applicable state and federal regulations. Permits may contain the following:

- (a) A statement that indicates the duration of the wastewater discharge permit;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Agency in accordance with Section 4.08 of this ordinance;
- (c) Effluent Limits, including Best Management Practices (BMPs), based on applicable pretreatment standards;
- (d) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best

Management Practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.

- (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law;
- (f) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (g) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer;
- (h) The average and maximum wastewater constituent concentrations and characteristics;
- (i) Limits on rate and time of discharge or requirements for flow regulations and equalization;
- (j) Requirements for installation of inspection and sampling facilities;
- (k) Pretreatment requirements;
- (l) Specifications for monitoring programs which may include sampling locations, frequency and method of sampling, number, types and standards for tests, reporting schedules, and Best Management Practices;
- (m) Requirements for submission of technical reports, self-monitoring reports, or discharge reports, including, but not limited to baseline monitoring reports, compliance schedule progress reports, reports of compliance with categorical pretreatment standard deadlines, periodic reports of continued compliance, or any report required by 40 CFR 403.12, and/or any other reports as required by the Agency;
- (n) Requirements for maintaining plant records relating to wastewater discharge as specified by the Agency, and affording Agency access thereto;
- (o) Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants (as defined by section 1.02(ee)) are proposed or presented in the user's wastewater discharge;
- (p) Notification requirements;

- (q) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
- (r) Development and implementation of pollution prevention plans to reduce the amount of pollutants discharged to the POTW;
- (s) Other conditions as deemed appropriate by the Agency to insure compliance with these regulations;
- (t) Requirements to control Slug Discharges, if determined by the Agency to be necessary.

4.06 Duration of Permits

Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification and change by the Agency during the life of the permit. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.07 Modification of Permits

The Agency may modify an individual/general wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual/general wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Agency's POTW, Agency personnel, the beneficial use of the Agency's bio-solids, or the receiving waters;
- (5) Violation of any terms or conditions of the individual/general wastewater discharge permit;

- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the individual/general wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.08.

4.08 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Agency and the Agency approves the wastewater discharge permit transfer. The notice to the Agency must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

4.09 Revocation of Permit

Any user who violates the following conditions of the permit or any conditions of these regulations, or applicable state and federal regulations may be subject to permit revocation:

- (a) failure of the user to factually report the wastewater constituents and characteristics of his or her discharge;
- (b) violations of conditions of the permit.
- (c) Failure to notify the Agency of significant changes to the wastewater prior to the changed discharge;

- (d) Failure to provide prior notification to the Agency of changed conditions pursuant to Section 4.19 of this ordinance;
- (e) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (f) Falsifying self-monitoring reports;
- (g) Tampering with monitoring equipment;
- (h) Refusing to allow the Agency personnel timely access to the facility premises and records;
- (i) Failure to meet effluent limitations;
- (j) Failure to pay fines;
- (k) Failure to pay sewer charges,
- (l) Failure to meet compliance schedules;
- (m) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (n) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (o) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

4.10 Monitoring Facilities

The Agency may require the user to construct at his or her own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer or internal drainage systems and may also require sampling or metering equipment to be provided, installed, and operated at the user's expense. The monitoring facility should normally be situated on the user's premises; but the Agency may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area with the approval of the public agency having jurisdiction over that street or sidewalk, and located so that it will not be obstructed by landscaping or parked vehicles.

If the monitoring facility is inside the user's fence, there shall be accommodations to allow access for Agency personnel, such as a gate secured with an Agency lock. There shall be ample room in or near such sampling manhole to allow accurate sampling and

compositing of samples for analysis. The manhole, sampling, and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Agency's requirements and all applicable local agency construction standards and specifications. Construction shall be completed within 90 days following written notification by the Agency unless a time extension is otherwise granted by the Agency.

4.11 Inspection and Sampling

The Agency may inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Agency or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties. The Agency shall have the right to set up on the user's property such devices as are necessary to conduct sampling or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security personnel so that, upon presentation of suitable identification, personnel from the Agency will be permitted to enter without delay for the purposes of performing their specific responsibilities. Agency personnel will not be required to sign release forms prior to entry and may take appropriate photographs as necessary to document compliance and/or non-compliance with the provisions of this ordinance. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or oral request of the Manager and shall not be replaced. The costs of clearing such access shall be borne by the user. Unreasonable delays in allowing the Manager access to the user's premises shall be a violation of this ordinance.

4.12 Search Warrants

If the Manager has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Agency designed to verify compliance with this ordinance or any permit or order issued here under, or to protect the overall public health, safety and welfare of the community, then the Manager may seek issuance of an inspection warrant and/or a search warrant.

4.13 Pretreatment

Users shall make wastewater acceptable under the limitations established herein before discharging to any community sewer. Any facilities required to pretreat wastewater to a level acceptable to the Agency shall be provided and maintained at the user's expense. Detailed plans showing the pretreatment facilities, design criteria and operating procedures shall be submitted to the Agency for review and shall be acceptable to the Agency before construction of the facility. The review of such plans, design criteria, and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Agency under the provisions of these regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Agency.

4.14 Protection from Accidental Discharge

Each user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by these regulations. Such facilities shall be provided and maintained at the user's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Agency for review and shall be acceptable to the Agency before construction of the facility.

The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this section.

4.15 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Agency's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State and/or Federal law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available immediately to the EPA upon request. Such information will also be made available immediately upon request to other governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

4.16 Signature Requirement

- (a) All reports and/or permit applications received and/or required under these regulations shall be signed:
- (1) By a responsible corporate officer, if the user submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
 - (i) a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or;
 - (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (2) By a general partner or proprietor if the user submitting the reports is a partnership or sole proprietorship, respectively.
 - (3) By a duly authorized representative of the individual designated in paragraph (1) or (2);
 - (i) The authorization is made in writing by the individual designated in paragraph (1) or (2);
 - (ii) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the Agency.
 - (4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3)

of this section must be submitted to the Agency prior to or together with any reports to be signed by an authorized representative.

(b) Reports and applications must include the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.17 Retention of Records

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.10(a), including but not limited to discharge reports, permits, self-monitoring data, pretreatment system process control logs, and relevant correspondence (whether or not required by these regulations). All records must be maintained by the user for a period of not less than three (3) years. All such records shall be made available for inspection and copying by a duly authorized representative of the Agency or any other governmental entity having jurisdiction. The retention period may be extended in the case of unresolved litigation or at any time at the request of the Agency, the State or US EPA.

4.18 Notices to Employees

In order that employees of users be informed of Agency requirements, users shall make available to their employees copies of these regulations together with such other wastewater information and notices which may be furnished by the Agency from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these regulations.

4.19 Preventive Measures

Any direct or indirect connection or entry point for persistent or deleterious wastes to the user's plumbing or drainage system should be eliminated. Where such action is

impractical or unreasonable, the user shall appropriately label such entry points to warn against discharge of such wastes in violation of these regulations.

4.20 Notification of Changed Conditions

Each user must notify the Agency of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater discharge prior to implementation of said change.

- (a) The Manager may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.04 of this ordinance.
- (b) The Manager may issue a wastewater discharge permit under Section 4.03 of this ordinance or modify an existing wastewater discharge permit under Section 4.06 of this ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, significant flow increases or decreases (greater than 25%), modification of any pretreatment system, bypass of any portion of the pretreatment system, installation or removal of process tanks or equipment, discharge of any previously unreported pollutants, and the closure of a facility due to purchase by another party, relocation, changed business conditions, or other factor affecting the continued operation of the facility.

4.21 Notification of Hazardous Waste Discharge

- (a) All industrial users discharging any substance which, if otherwise disposed of, would be a hazardous or acutely hazardous waste under 40 CFR 261, must comply with the reporting requirements of 40 CFR 403.12(p)(1) and (3) unless exempted under the provisions of 40 CFR 403.12(p)(2).
- (b) In the case of any notification made under section (a) above, the industrial user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. The Agency may accept a copy of a hazardous waste reduction or minimization plan as otherwise required by law.
- (c) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

4.22 Special Agreements

Special agreements and arrangements between the Agency and any persons or agencies may be established when, in the opinion of the Agency, unusual or extraordinary circumstances compel special terms and conditions. Under no circumstances, however, will any special agreement or arrangement be established which contravenes any federal pretreatment regulation, categorical pretreatment standard, or any other provision of state or federal law.

4.23 Immediate Notification of Slug Loadings to the POTW

All SIU's shall notify the Manager immediately of any slug loading, as defined by 40 CFR 403.5(b), or any other discharge that could adversely affect the POTW.

4.24 Industrial User Self-Monitoring Requirements

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (a) Except as indicated in Sections (b) or (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the District. Where time-proportional composite sampling or grab sampling is authorized by the District, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by District, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, phenolics, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 4.25(c) below [40 CFR 403.12(b) and (d)], A minimum of four (4) grab samples must be used for pH, cyanide, phenolics, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the District may

authorize a lower minimum. For the reports required by (40 CFR 403.12(e) and 403.12(h), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- (d) If a user subject to reporting requirement monitors any regulated pollutant at a designated sampling location more frequently than required, the results of this monitoring shall be reported.
- (e) The Manager may specify the type of sampling equipment that must be installed and used. pH monitoring and Flow monitoring equipment installed at an industrial user's sampling location shall be calibrated at the frequency specified in the industrial user's wastewater discharge permit or at the frequency recommended by the manufacturer.
- (f) If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed using validated analytical methods or any other applicable sampling and analytical procedures suggested by the Manager or other parties approved by the EPA. Samples shall be analyzed at the discharges expense, by a laboratory accredited by the State of California Department of Public Health for such analysis.
- (g) The Manager may require self-monitoring for facilities for which a wastewater discharge permit has not been issued.

4.25 Submission of Reports

The Agency has authority to require all Significant Industrial Users and any other designated dischargers to submit reports and schedules within a time-frame directed by the Agency. Required reports and schedules, include, but are not limited to, the following:

- (a) Wastewater Discharge Surveys
- (b) Chemical Use Reports
- (c) Baseline Monitoring Reports (BMR) and 90-Day Monitoring Reports containing information as required under 40 CFR 403.12(b) and (d):
 - (1) Within (i)180 days after the effective date of a categorical standard in the case of an existing industrial user, or 90 days prior to commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a Baseline Report; and (ii) 90-Days after commencement of discharge for a new source, all industrial users subject to categorical Pretreatment Standards must submit a 90-Day report. All Baseline Reports and 90-Day Report must contain the following information:

- (A) The name and address of the facility including the name of the operator and owners;
- (B) A list of any environmental control permits held by or for the facility;
- (C) A brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.
- (D) The measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:
 - (i) Regulated process streams; and
 - (ii) Other streams as necessary to allow use of the combined wastestream formula. The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.
- (E) The Pretreatment Standards applicable to each regulated process, and the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations;
- (F) A statement, reviewed by an authorized representative of the Industrial User and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O and M) and/or additional pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and
- (G) If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

New sources must give estimates of information requested in paragraphs (D) and (E) and must include information on the method of pretreatment that will be used to meet applicable pretreatment standards.

(d) Compliance Schedule Progress Reports

(e) Periodic Self-Monitoring Reports

(f) Periodic Report of Continued Compliance (PRCC) containing information as required under 40 CFR 403.12(e) and (h)

All Significant Industrial Users must, at a frequency determined by the Manager, submit no less than twice per year (June and December [or on dates specified by Manager]) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Manager or the Pretreatment Standard necessary to determine the compliance status of the User.

All periodic compliance reports must be signed and certified in accordance with Section 4.16 of this ordinance.

All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Agency, using the procedures prescribed in 40 CFR 403.12(g)(5), the results of this monitoring shall be included in the report.

(g) Hazardous Materials Management Plans

(h) Best Management Practice Plans

(i) Slug Control Plans containing information as required under 40 CFR 403.8(f)(2) (vi).

(j) Source Reduction Evaluation Review and Plans (SB14) and other pollution prevention plans

(k) SARA III Reports

(l) Written responses to Notices of Violation

(m) Facility Closure Plans

(n) Any data obtained from self-monitoring performed more frequently than required by the Agency

- (o) Solvent Management Plan
- (p) Any other reports, written documents, and/or analytical results as deemed necessary by the Agency, to determine a user's compliance status with local, state and federal limits or requirements.

Section 5

WASTEWATER CHARGES AND FEES

5.01 Schedule of Charges and Fees

The agency may adopt ordinances for the collection of charges and fees for, but not limited to, the following purposes:

- Capacity Charges
- Sewer Service Charges
- Annexation Fees
- Construction Permit Fees
- Construction Inspection Fees
- Wastewater Discharge Permit Fees

5.02 Environmental Compliance Charges and Fees

The Agency may adopt reasonable fees for reimbursement of costs of setting up and operating its Environmental Compliance Program including, but not limited to, the following:

- (a) Fees for wastewater discharge permit applications including the cost of processing such applications;
- (b) Fees for monitoring, inspection, and surveillance procedures including the cost of sample collection and analyzing a user's discharge, reviewing monitoring reports submitted by users, and conducting inspections of the user's facilities;
- (c) Fees for reviewing and responding to discharge violations, accidental discharges and spills, and related enforcement activities.
- (d) Fees for filing appeals; and
- (e) Other fees as the Agency may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by the Agency.

Section 6

ENFORCEMENT

6.01 Notification of Discharge

Users shall notify the Agency immediately upon accidentally discharging wastes in violation of these regulations and/or discharging any slug loading to enable countermeasures to be taken by the Agency to minimize damage to the community sewer, treatment facility, treatment processes, and the receiving waters.

This notification shall be followed, within five days of the date of occurrence, by a detailed written statement describing the causes of the accidental discharge and the measures being taken to prevent future occurrence.

Such notification will not relieve users of liability for any expense, loss, or damage to the sewer system, treatment plant, or treatment process, or for any fines imposed on the Agency on account thereof under section 13350 of the California Water Code, or for violations of section 5650 of the California Fish and Game Code.

6.02 Notification of Violation

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may serve upon that user a written Notice of Violation. Within 15 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Manager. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

6.03 Consent Orders

The Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and affect as the administrative orders issued pursuant to Sections 6.05 and 6.06 of this ordinance and shall be judicially enforceable.

6.04 Show Cause Hearing

The Manager may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, to appear before the Manager and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested). Such notice may be served on any authorized representative of the user. A Show Cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

6.05 Administrative Orders

When the Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued here under, or any other pretreatment standard or requirement, the Manager may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Administrative orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. An administrative order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does an administrative order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

6.06 Issuance of Cease and Desist Orders

When the Agency finds that a discharge of wastewater has taken place in violation of prohibitions or limitations of these regulations, or the provisions of a Wastewater Discharge Permit, the Manager may issue an order to cease and desist, and direct that those not complying with such prohibitions, limits, requirements, or provisions:

- (a) comply forthwith;
- (b) comply in accordance with a time schedule set forth by the Agency; or
- (c) take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

6.07 Legal Authority to Administer Fines

In accordance with Section 54739 of the California Government Code, the agency may require any of the following:

- (a) Pretreatment of any industrial waste which the local agency determines is necessary in order to meet standards established by the federal or California state government or other regulatory agencies or which the local agency determines is necessary in order to protect its treatment works or the proper and efficient operation thereof or the health or safety of its employees or the environment.
- (b) The prevention of the entry of such industrial waste into the collection system and treatment works.
- (c) The payment of excess costs to the system for supplementary treatment plants, facilities, or operations needed as a result of allowing the entry into the collection system and treatment works of such industrial waste.
- (d) The provisions of this section shall be in addition to other requirements provided for in this or any other Agency ordinance.

6.08 Administrative Procedures and Penalties

- (a) The agency may issue an administrative complaint to any person who violates any requirement adopted or ordered by the agency pursuant to paragraph (a) and (b) of Section 6.07. The administrative complaint shall allege the act or failure to act that constitutes the violation of the agency's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.
- (b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the agency's discharge requirements and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. In event no request for hearing is filed within 50 days after the service of the administrative complaint, the right to a hearing will be deemed waived. The hearing shall be before a hearing officer designated by the governing board of the agency. The person who has been issued an administrative complaint may waive the right to a hearing, in which case the agency shall not conduct a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the governing board of the agency within 30 days of notice of the hearing officer's decision.
- (c) If after any default in requesting a hearing, the holding of the hearing, or the conclusion of an appeal, it is found that the person has violated reporting or discharge requirements, the hearing officer or board may assess a civil penalty against that person in determining the amount of the civil penalty, the hearing officer or board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived

through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

(d) **Civil Penalties.** In accordance with Section 54740.5 of the California Government Code, Civil penalties may be imposed by the agency as follows:

- (1) In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- (2) In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the local agency.
- (3) In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.
- (4) In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the agency.
- (5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of 60 days after finality of the decision, can become a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. In accordance with the procedures specified in Health & Safety Code Section 5473 et seq., the Board of Directors can have the lien imposed against the real property to be assessed on the tax roll, to be collected at the same time and in the same manner, together with and not separately from, general taxes, and shall be delinquent at the same time and thereafter be subject to the same delinquency penalties.
- (6) In addition, in the event that the penalty is imposed as a court judgment in the same manner as in an arbitration award, the judgment thereon shall be renewable in accordance with the provisions of California Code of Civil Procedures Sections 683.110 through 683.220.
- (7) Any legal action, including arbitration, shall allow attorneys' fees and costs to the prevailing party.

(e) **Administrative Penalties**

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued. The violations are categorized as discharge or non-discharge violations.

(1) Non-discharge Violations

Non-discharge violations shall be considered any violation of a reporting requirement, timeline, schedule or any other violation of Ordinance 36. A warning letter will be issued to the permittee informing them of an impending Notice of Violation and imposition of a six hundred dollar (\$600) penalty for any future violations.

(2) Discharge Violation

A Discharge Violation is specifically related to a discharge event or release. The penalty for an actual discharge violation shall be one thousand four hundred dollars (\$1400) for every incident or event.

These penalties are not exclusive and failure to comply could result in the District taking additional enforcement actions up to and including civil penalties and abatement.

- (f) All moneys collected under this section shall be deposited in a special account of the agency and shall be made available for inspector training, environmental program enhancement, the monitoring, treatment, and control of discharges into the Agency's sanitary sewer system or for other mitigation measures.
- (g) Unless appealed, orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by certified mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.
- (h) The Agency may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith as though it were an arbitration award, in accordance with the provisions of California Code of Civil Procedure, Sections 1285 through 1287.6.
- (i) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 7.06 of this ordinance.
- (j) Any party aggrieved by a final order issued by the governing board of the agency under this Section, after granting review of the order of a hearing officer, may obtain review of the order of the board in the superior court by filing in the court a petition for writ of mandate within 30 days following the service of a copy of a decision and order issued by the board. Any party aggrieved by a final order of a hearing officer issued under this Section, for which the board denies review, may obtain review of the order of the hearing officer in the superior court by filing in the court a petition for

writ of mandate within 30 days following service of a copy of a decision and order denying review by the board.

- (k) If no aggrieved party petitions for writ of mandate within the time provided by this section, an order of the board or a hearing officer shall not be subject to review by any court or agency, except that the board may grant review on its own motion of an order issued under this Section after the expiration of the time limits set by that section.
- (l) The evidence before the court shall consist of the record before the board, including the hearing officer's record, and any other relevant evidence which, in the judgment of the court, should be considered to effectuate and implement policies of this division. In every such case, the court shall exercise its independent judgment on the evidence.
- (m) Except as otherwise provided in this section, subdivisions (e) and (f) of Section 1094.5 of the California Government Code or the Code of Civil Procedure shall govern proceedings pursuant to this section.

6.09 Submission of Compliance Time Schedule

When the Agency finds that a discharge of wastewater has been taking place in violation of prohibitions or limitations prescribed in these regulations, or wastewater source control requirements, effluent limitations or pretreatment standards, or the provisions of a Wastewater Discharge Permit or at any time the Agency determines a time schedule to be necessary to comply with the requirements of Section 4.13, the Agency may require the user to submit for approval, with such modifications as it deems necessary, a detailed time schedule of specific actions which the user shall take in order to prevent or correct a violation of the requirements.

6.10 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.09 of this ordinance:

- (a) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed nine (9) months;

- (c) The user shall submit a progress report to the Manager as specified but no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- (d) In no event shall more than nine (9) months elapse between such progress reports to the Manager.

6.11 Appeals

Any user, permit applicant, or permit holder affected by any decision, action, or determination, including cease and desist orders made by the Manager or another employee of the Agency in interpreting or implementing the provisions of this ordinance or in any permit issued herein, may file with the Manager a written appeal or request for reconsideration, as applicable, within ten days of such decision, action, or determination, setting forth in detail the facts supporting the appeal or request for reconsideration.

If the ruling made by the Manager is unsatisfactory to the person appealing or requesting reconsideration, he or she may file a written appeal to the Agency's governing body within ten days after notification of Agency action. The written appeal shall be heard by the governing body within 30 days from the date of filing or as soon thereafter as reasonably possible. The Agency's governing body shall make a final ruling on the appeal within 30 days of the meeting. The Manager's decision, action, or determination shall remain in effect during such period of appeal. The determination of an appeal by the governing body of the Agency shall constitute a final determination of the Agency and shall be subject to judicial review.

6.12 Reports of Potential Problems

- (a) In the case of any discharges including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Agency of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user and any other information the Agency deems appropriate.
- (b) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

- (c) All Users are required to notify the Agency of any changes at their facility affecting the potential for a Slug Discharge.

6.13 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Agency within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Agency within thirty (30) days after becoming aware of the violation.

Within five (5) days following such discharge, the user shall, unless waived by the Agency, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this ordinance.

6.14 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Agency as the Manager may require.

6.15 Public Notification of Dischargers Found to be in Significant Non-Compliance

At an interval of not less than once per year, the Agency will publish the identities of any user(s) which is (are) found to be in significant non-compliance of any national pretreatment standard, discharge limitation or prohibition, or any other requirement of these regulations. The definition of significant non-compliance shall be as specified in Section 1.02 (bbb). The publication shall occur in the newspaper of general circulation that provides meaningful public notice within the service area of the Agency.

Section 7

ABATEMENT

7.01 Public Nuisance

Discharge of wastewater in any manner in violation of these regulations or of any order issued by the Manager as authorized by these regulations, is hereby declared a public nuisance and shall be corrected or abated as directed by the Manager. Any person

creating a public nuisance shall be subject to provisions of Agency codes or ordinances governing such nuisance.

7.02 Recovery of Expenses

In the event a discharge of wastewater occurs from a private sewer lateral that creates or threatens to create a public nuisance that the Agency must abate as directed by the Manager, the Agency may seek recovery of the cost of time and materials to abate said discharge from the property owner as well as interest and attorneys' fees as provided by Health & Safety Code § 5473.10.

7.03 Injunctive Relief

When the Agency finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, a general permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Agency may petition the appropriate Court through the District's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of an individual wastewater discharge permit, general permit, order or other requirement imposed by this ordinance on activities of the User. The Agency may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

7.04 Damage to Facilities

When a discharge of wastes causes an obstruction, damage, or any other impairment to Agency facilities, the Agency may assess a charge against the user for the work required to clean or repair the facility and add such charge to the user's charges and fees.

7.05 Civil Penalties

Any person who violates any provision of these regulations or permit conditions, or who discharges wastewater which causes pollution, or who violates any cease and desist order, prohibition, effluent limitation, national standard of performance, pretreatment or toxicity standard, shall be liable civilly to penalties imposed by the Agency against which the violation occurs as provided for in Section 6.07 of this Ordinance.

7.06 Court Imposed Civil and Criminal Penalties

The Agency may refer any violations of these regulations to the office of the Alameda County District Attorney for civil or criminal prosecution under any applicable statute or provision of law.

In accordance with Section 54740 of the California Government Code:

- (a) Any person who violates any requirement adopted or ordered by the Agency pursuant to Section 6.07 of this ordinance may be civilly liable in a sum of not to exceed twenty-five thousand dollars (\$25,000) a day for each violation.
- (b) The Agency may petition the superior court to impose, assess, and recover the sums provided for in paragraph (a). In determining the amount, the court shall take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs, and corrective action, if any, attempted or taken by the discharger.
- (c) Notwithstanding any other provision of law, all civil penalties imposed by the court for any violation of this section shall be distributed to the local agency.
- (d) Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil or criminal, but no liability shall be recoverable under this section for any violation for which liability is recovered under Section 6.07.
- (e) Any person who violates any provision of these regulations, or of a permit or a cease and desist order issued pursuant to these regulations, is guilty of a public offense. The classification of such public offense and the punishment therefore shall be as provided by local, county, state and/or federal law.

7.07 Falsifying Information

Any person who knowingly makes any false statements, representation, record, report, plan, or other document filed with the Agency, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations, shall be punished in accordance with the Agency codes or ordinances governing such falsifications. The Agency may petition the Superior Court to impose, assess, and recover such sums as may be applicable or in accordance with Sections 7.05 and 7.06 of this ordinance.

7.08 Termination of Service

In order to effect its powers, the Agency may enter upon private property for the purpose of inspection and maintenance of sanitary and waste disposal facilities and may terminate service to property in which a violation of any rule, regulation, or this Ordinance is found to exist.

Prior to termination of service, however, the Agency Board shall notify, in writing, the owner and tenant, if any, of such property that service is intended to be so terminated and conduct a hearing thereon as herein provided. Such notice shall be mailed to the owner at the address shown on the records of the Assessor of the County, or as known to the Clerk, and a copy shall be delivered to the tenant or posted conspicuously on the property. The notice shall state the date of proposed termination of service and the reasons therefore and the date the Agency Board shall hold a hearing upon such intended termination. Such hearing shall not be held less than ten days subsequent to the giving of notice as herein required.

7.09 Emergency Suspension of Service

The Manager or designated representative may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Manager may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Manager may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Manager may allow the User to recommence its discharge only when the User has demonstrated to the satisfaction of the Manager that the period of endangerment has passed, unless the termination proceedings in Section 7.10 of this ordinance are initiated against the User.
- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Manager prior to the date of any show cause or termination hearing under sections 6.04 or 7.08 of this ordinance. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.10 Immediate Termination of Discharge

The manager or designated representative has the authority to immediately and effectively halt or prevent any actual or threatened discharge of pollutants to the Agency's facilities which:

- present, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment or to the Agency's facilities;
- cause interferences with the operation of the Agency's facilities or the POTW;
- cause conditions (a) through (n) of Section 2.01.1 of this Ordinance;
- are prohibited by Section 2.01.2 of this Ordinance;
- are violations of individual wastewater discharge permit or general permit conditions;
- are a failure to accurately report the wastewater constituents and characteristics of the User's discharge;
- are a failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- are a result of refusal to reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

7.11 Nonexclusive Remedies

The remedies provided for in this ordinance are not exclusive except as specified in Section 7.06(d). The Manager may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Agency's Enforcement Response Plan. However, the Manager may take other action against any user when the circumstances warrant. Further, the Manager is empowered to take more than one enforcement action against any noncompliant user.

Section 8

SEVERABILITY

If any provision of these regulations or the application to any person or circumstances is held invalid, the remainder of the regulations or the application of such provisions to other persons or other circumstances shall not be affected.

Section 9

Union Sanitary District Ordinance No. 36 and all its amendments are hereby repealed.

Section 10

PUBLICATION AND MINUTE ENTRY

This Ordinance shall take effect and be in force as of September 12, 2019, and a summary of the Ordinance has been published in The Argus and Tri-City Voice, newspapers of general circulation published in the UNION SANITARY DISTRICT service area. This Ordinance shall be entered in the minutes of the District.

Passed and adopted by the Board of Directors of UNION SANITARY DISTRICT on this 12th day of August 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Board of Directors
UNION SANITARY DISTRICT

ATTEST:

Secretary, Board of Directors
UNION SANITARY DISTRICT

SUPPLEMENT

This Wastewater Discharge Regulations Supplement includes selected Code of Federal Regulations parts (listed as 40 CFR) referred to in the main section of this ordinance for convenience only. Other 40 CFR parts, which are too lengthy to include in their entirety, are summarized. More information relating to these Federal Regulation references is available in the Union Sanitary District's Environmental Compliance Division Office and the text of the regulations is available online at <https://www.epa.gov/laws-regulations/regulations>.

Federal Regulations are updated from time to time. This document contains current regulations as of April 2019. However, it is the responsibility of the user to ensure compliance with federal regulations, including any future amendments.

40 CFR Part 2.302(2): Definition of Effluent Data

- “(i) Effluent data means, with reference to any source of discharge of any pollutant (as that term is defined in section 502(6) of the Act, 33 U.S.C. 1362 (6)):
- (A) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;
 - (B) Information necessary to determine the identity, amount, frequency, concentration, temperature or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and
 - (C) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation or operation constituting the source).
- (ii) Notwithstanding paragraph (a)(2)(i) of this section, the following information shall be considered to be effluent data only to the extent necessary to allow EPA to disclose publicly that a source is (or is not) in compliance with an applicable standard or limitation, or to allow EPA to demonstrate the feasibility, practicability, or attainability (or lack thereof) of an existing or proposed standard or limitation:

- (A) Information concerning research, or the results of research, on any product, method, device, or installation (or any component thereof) which was produced, developed, installed, and used only for research purposes; and
- (B) Information concerning any product, method, device, or installation (or any component thereof) designed and intended to be marketed or used commercially but not yet so marketed or used.”

40 CFR Part 136: Guidelines Establishing Test Procedures for the Analysis of Pollutants

(Summary) This part describes test procedures for performing analyses of wastewater constituents. Part 136 identifies test procedures and specifies application of and approval of alternate test procedures.

40 CFR Part 261: Environmental Protection Agency Regulations for Identification and Listing of Hazardous Waste

(Summary) This part includes criteria for identifying the characteristics of hazardous waste, as well as characteristics of hazardous waste and lists of hazardous wastes.

40 CFR Part 403.5: National Pretreatment Standards: Prohibited Discharges

(Summary) This part is commonly referred to as the General Pretreatment Regulations and includes discharge prohibitions and the requirement for development of local limits by the POTW.

403.5 National Pretreatment Standards: Prohibited Discharges

- (a) (1) *General prohibitions.* A User may not introduce into a POTW any pollutant(s) which cause Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph (b) of this section apply to each User introducing pollutants into a POTW whether or not the User is subject to other National Pretreatment Standards or any national, State or local Pretreatment Requirements.
- (2) *Affirmative Defenses:* A User shall have an affirmative defense in any action brought against it alleging a violation of the general prohibitions established in paragraph (a)(1) of this section and the specific prohibitions in paragraphs (b)(3), (b)(4), (b)(5), (b)(6) and (b)(7) of this section where the Users can demonstrate that:

- (i) It did not know or have reason to know that its Discharge, alone or in conjunction with a discharge or discharges from other sources, would cause Pass Through or Interference; and
 - (ii) (A) A local limit designed to prevent Pass Through and/or Interference, as the case may be, was developed in accordance with paragraph (c) of this section for each pollutant in the User's Discharge that caused Pass Through or Interference, and the User was in compliance with each such local limit directly prior to and during the Pass Through or Interference; or

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements-for sewage sludge use or disposal.
- (b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a close cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
 - (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
 - (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
 - (4) Any pollutant, including oxygen demanding pollutants (BOD, COD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
 - (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
 - (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through;

- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
 - (8) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (c) *When specific limits must be developed by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to section 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section.
- (1) Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits.
 - (2) All other POTW's shall, in cases where pollutants contributed by User(s) result in Interference or Pass Through, and such violation is likely to recur, develop and enforce specific effluent limits for Industrial User(s), and all other users, as appropriate, which, together with appropriate changes in the POTW Treatment Plant's facilities or operation, are necessary to ensure renewed and continued compliance with the POTW's NPDES permit or sludge use or disposal practices.
 - (3) Specific effluent limits shall not be developed and enforced without individual notice to persons or groups who have requested such notice and an opportunity to respond.
 - (4) POTWs may develop Best Management Practices (BMPs) to implement paragraphs (c)(1) and (c)(2) of this section. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of this part and section 307(d) of the Act.
- (d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) above, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.
- (e) *EPA enforcement actions under section 309(f) of the Clean Water Act.* If, within 30 days after notice of an Interference or Pass Through violation has been sent by EPA to the POTW, and to persons or groups who have requested such notice, the POTW fails to commence appropriate enforcement action to correct the violation, EPA may take appropriate enforcement action under the authority provided in section 309(f) of the Clean Water Act.

40 CFR Part 403.8(f)(2)(vi): Slug Control Plans

The District has the authority to evaluate whether each Significant Industrial User needs a plan to control slug discharges. For purposes of these regulations, a slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge.

“If the POTW decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

- (A) Description of discharge practices, including non-routine batch discharges;
- (B) Description of stored chemicals;
- (C) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 CFR 403.5(b), with procedures for follow-up written notification within five days;
- (D) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response;”

40 CFR Part 403.12: Reporting Requirements for POTWs and Industrial Users

(Summary) This part contains the monitoring and reporting requirements for baseline monitoring reports and other required reports such as the periodic report of continued compliance. 40 CFR Part 403.12 is crucial to the implementation of and compliance with self-monitoring and reporting requirements. Portions of the regulations are summarized or cited below.

40 CFR Part 403.12(h): Reporting Requirements for Industrial Users Not Subject to Categorical Pretreatment Standards

At least once every 6 months, industrial users not subject to categorical Pretreatment Standards must submit a description of the nature, concentration and flow of the pollutants discharged to the POTW. These reports shall be based on sampling and analysis performed during the reporting period.

40 CFR Part 403.12 (p): Hazardous Waste Discharge Notification

- (a) The user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place within one hundred and eighty (180) days of the effective date of this rule. Users who commence discharging after the effective date of this rule shall provide the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12 (j) (Section 4.20 of this ordinance). The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of 40 CFR 403.12 (b), (d) and (e).
- (b) Dischargers are exempt from the requirements of paragraph 1, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Agency, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

40 CFR Part 405-471: Categorical Standards and Requirements

(Summary) These parts describe the regulations applicable to categorical discharges. The following types of industries are currently subject to categorical standards:

Aluminum Forming	Fruit & Vegetable Processing	Paving and Roofing (Tars & Asphalt)
Asbestos Manufacturing	Glass Manufacturing	Pesticides
Battery Manufacturing	Grain Mills Manufacturing	Petroleum Refining
Builder's Paper	Hospitals	Pharmaceuticals
Carbon Black	Ink Formulating	Phosphate Manufacturing
Cement Manufacturing	Iron and Steel Manufacturing	Photographic
Centralized Waste Treatment	Landfills	Plastics Molding and Forming
Chemicals-Inorganic	Leather Tanning and Finishing	Porcelain Enameling
Chemicals-Organic	Meat & Poultry Processing	Pulp and Paper
Chemicals-Gum & Wood	Metal Finishing	Rubber Processing
Concentrated Animal Feeding Ops.	Metal Molding and Casting	Seafood Processing
Coil Coating	Metal products & Machinery	Soaps and Detergents Mfg
Copper Forming	Mining – Coal	Steam Electric
Dairy Products Processing	Mining – Mineral	Sugar Processing
Electrical and Electronic Components	Mining – Ore	Timber Products Mfg
Electroplating	Nonferrous Metals Forming	Transportation
Explosives Mfg	Nonferrous Metals Mfg	Textile Mills
Ferroalloy Manufacturing	Oil & Gas Extraction	Waste Combustors
Fertilizer Manufacturing	Paint Formulating	

Locally Regulated Toxic Organic Pollutants

Volatiles

<input type="checkbox"/>	Acrolein
<input type="checkbox"/>	Acrylonitrile
<input type="checkbox"/>	Benzene
<input type="checkbox"/>	Bromoform
<input type="checkbox"/>	Carbon tetrachloride
<input type="checkbox"/>	Chlorobenzene
<input type="checkbox"/>	Chloroethane
<input type="checkbox"/>	2-chloroethylvinyl ether
<input type="checkbox"/>	Chloroform
<input type="checkbox"/>	Dibromochloromethane
<input type="checkbox"/>	Dichlorobromomethane
<input type="checkbox"/>	1,1-dichloroethane
<input type="checkbox"/>	1,2-dichloroethane
<input type="checkbox"/>	1,1-dichloroethylene
<input type="checkbox"/>	1,2-dichloropropane
<input type="checkbox"/>	1,3-dichloropropylene
<input type="checkbox"/>	Ethylbenzene
<input type="checkbox"/>	Methyl bromide
<input type="checkbox"/>	Methyl chloride
<input type="checkbox"/>	Methylene chloride
<input type="checkbox"/>	Tetrachloroethylene (PCE)
<input type="checkbox"/>	1,1,2,2-tetrachloroethane
<input type="checkbox"/>	1,1,1-trichloroethane (TCA)
<input type="checkbox"/>	1,1,2-trichloroethane
<input type="checkbox"/>	Toluene
<input type="checkbox"/>	1,2-trans-dichloroethylene
<input type="checkbox"/>	Trichloroethylene (TCE)
<input type="checkbox"/>	Vinyl chloride

Semi-Volatiles

<input type="checkbox"/>	Acenaphthene
<input type="checkbox"/>	Acenaphthylene
<input type="checkbox"/>	Anthracene
<input type="checkbox"/>	Benzidine
<input type="checkbox"/>	Benzo(a)anthracene
<input type="checkbox"/>	Benzo(a)pyrene

Semi-Volatiles (cont'd)

<input type="checkbox"/>	Benzo(ghi)perylene
<input type="checkbox"/>	Benzo(k)fluoranthene
<input type="checkbox"/>	3,4-benzofluoranthene
<input type="checkbox"/>	Bis (2-chloroisopropyl) ether
<input type="checkbox"/>	Bis (2-chloroethoxy) methane
<input type="checkbox"/>	Bis (2-chloroethyl) ether
<input type="checkbox"/>	Bis (2-ethylhexyl) phthalate
<input type="checkbox"/>	4-bromophenyl phenyl ether
<input type="checkbox"/>	Butyl benzyl phthalate
<input type="checkbox"/>	2-chloronaphthalene
<input type="checkbox"/>	4-chlorophenyl phenyl ether
<input type="checkbox"/>	Chrysene
<input type="checkbox"/>	Dibenzo(a,h)anthracene
<input type="checkbox"/>	1,2-dichlorobenzene
<input type="checkbox"/>	1,3-dichlorobenzene
<input type="checkbox"/>	1,4-dichlorobenzene
<input type="checkbox"/>	3,3-dichlorobenzidine
<input type="checkbox"/>	Diethyl phthalate
<input type="checkbox"/>	Dimethyl phthalate
<input type="checkbox"/>	Di-n-butyl phthalate
<input type="checkbox"/>	Di-n-octyl phthalate
<input type="checkbox"/>	2,4-dinitrotoluene
<input type="checkbox"/>	2,6-dinitrotoluene
<input type="checkbox"/>	1,2-diphenylhydrazine
<input type="checkbox"/>	Fluoranthene
<input type="checkbox"/>	Fluorene
<input type="checkbox"/>	Hexachlorobenzene
<input type="checkbox"/>	Hexachlorobutadiene
<input type="checkbox"/>	Hexachlorocyclopentadiene
<input type="checkbox"/>	Hexachloroethane
<input type="checkbox"/>	Indeno (1,2,3-cd) pyrene
<input type="checkbox"/>	Isophorone
<input type="checkbox"/>	N-nitrosodi-n-propylamine
<input type="checkbox"/>	N-nitrosodimethylamine
<input type="checkbox"/>	N-nitrosodiphenylamine
<input type="checkbox"/>	Naphthalene

Semi-Volatiles (cont'd)

<input type="checkbox"/>	Nitrobenzene
<input type="checkbox"/>	Phenanthrene
<input type="checkbox"/>	Pyrene
<input type="checkbox"/>	1,2,4-trichlorobenzene

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 8**

TITLE: **Authorize the General Manager to Execute a Cost-Sharing Agreement with the Alameda County Water District and the San Francisco Public Utilities Commission for the Purified Water Feasibility Evaluation (*This is a Motion Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
 Sami E. Ghossain, Technical Services Work Group Manager
 Raymond Chau, CIP Team Coach

Recommendation

Staff recommends the Board authorize the General Manager to execute a cost-sharing agreement with the Alameda County Water District (ACWD) and the San Francisco Public Utilities Commission (SFPUC) for the Purified Water Feasibility Evaluation.

Previous Board Action

June 8, 2015 Board Meeting – The Board authorized the General Manager to enter into a cost-sharing agreement with ACWD for the Recycled Water Feasibility Study. The Board also adopted Resolution No. 2760 authorizing the General Manager to enter into a grant agreement with the State of California to receive funds for the completion of the Recycled Water Feasibility Study.

October 24, 2016 Board Meeting – The Board received information from staff on the findings and conclusions of the Recycled Water Feasibility Study.

Background

Previous Reclaimed Water Studies

ACWD's long-term water supply strategy includes plans for developing non-potable recycled water, such as for landscape irrigation and industrial process water. The benefits of recycled water include: 1) providing a new, stable, and locally controlled source of supply; and, 2) providing additional water capacity to provide a reliable drought-proof supply of water to meet the peak summer demands of both ACWD's and the District's customers. Although the use of reclaimed water is not an operational necessity, the District has and continues to support this concept.

The District and the Alameda County Water District (ACWD) have partnered to investigate potential recycled water projects in the joint service area in 1993, 2000, 2003, 2010, and 2016. In 2016, RMC Water and Environment (now part of Woodard & Curran [W&C]), conducted the Recycled Water Feasibility Study, which evaluated non-potable recycled water and indirect potable re-use (IPR). As with previous studies, the 2016 Study concluded the implementation of a large-scale non-potable water project continued to be deferred due to a lack of growth in the potential customer base, the lack of anchor customers such as golf courses or heavy industries, rising efficiency in water usage, and drought ordinances which limit water usage and decrease overall demand via conservation.

The primary objective of the 2016 Study was to evaluate the potential for a joint IPR project between the District and ACWD that would recharge the Niles Cone Groundwater Basin with recycled water.

The District supports the concept of recycled water and is continually looking for opportunities to reuse this resource. From an operational perspective, the options presented in the 2016 Study have some benefits to the District such as an additional option during wet weather and some nutrient removal from a small fraction of the WTP's final effluent, however these benefits are minimal.

Purified Water Feasibility Evaluation

The Bay Area's largest water agencies are working together to develop a regional solution to improve the water supply reliability for the region. The Bay Area Regional Reliability (BARR) partners include ACWD, Bay Area Water Supply and Conservation Agency (BAWSCA), Contra Costa Water District, East Bay Municipal Utility District, Marin Municipal Water District, SFPUC, Santa Clara Valley Water District, and Zone 7 Water Agency. The BARR partners have joined forces to leverage existing facilities and, if needed, build new ones to bolster regional water supply reliability.

ACWD currently receives about 20 percent of their water supply from San Francisco's Regional Water System. ACWD could use more local supplies (Newark Desalination Facility [NDF] water

or direct potable reuse) and SFPUC could keep more of the Regional Water System flow for use by other wholesale (BAWSCA) customers.

Also, a 2017 BARR report identified the opportunity for an intertie between ACWD and SFPUC that would allow for direct water exchanges, specifically of brackish groundwater treated at ACWD's NDF, to the SFPUC Bay Division Pipeline (see Figure 1). In order to use NDF to supply SFPUC, additional recharge into the Niles Cone Groundwater Basin may be required to maintain balance between fresh and brackish groundwater zones.

The 2019 Joint ACWD, SFPUC, and USD Purified Water Feasibility Evaluation will build upon past studies by starting with the previous recommendations of reuse of advanced treated purified water for recharge of the Niles Cone Groundwater Basin to augment potable supplies as the lower limit of potential alternatives. This study will evaluate a broader range of alternatives to use locally controlled, purified water to augment water supply, including both direct and indirect potable reuse.

Cost-Sharing Agreement

Under the proposed cost-sharing agreement, ACWD will administer the contract with W&C and invoice the District and SFPUC for reimbursements. The District will contribute \$95,000 towards the study, and the remaining costs will be shared equally between ACWD and SFPUC. ACWD's and SFPUC's shares of the study cost will not exceed \$377,500 for each agency. Work will be performed on a time-and-expense basis and is anticipated to be completed by the end of March 2021.

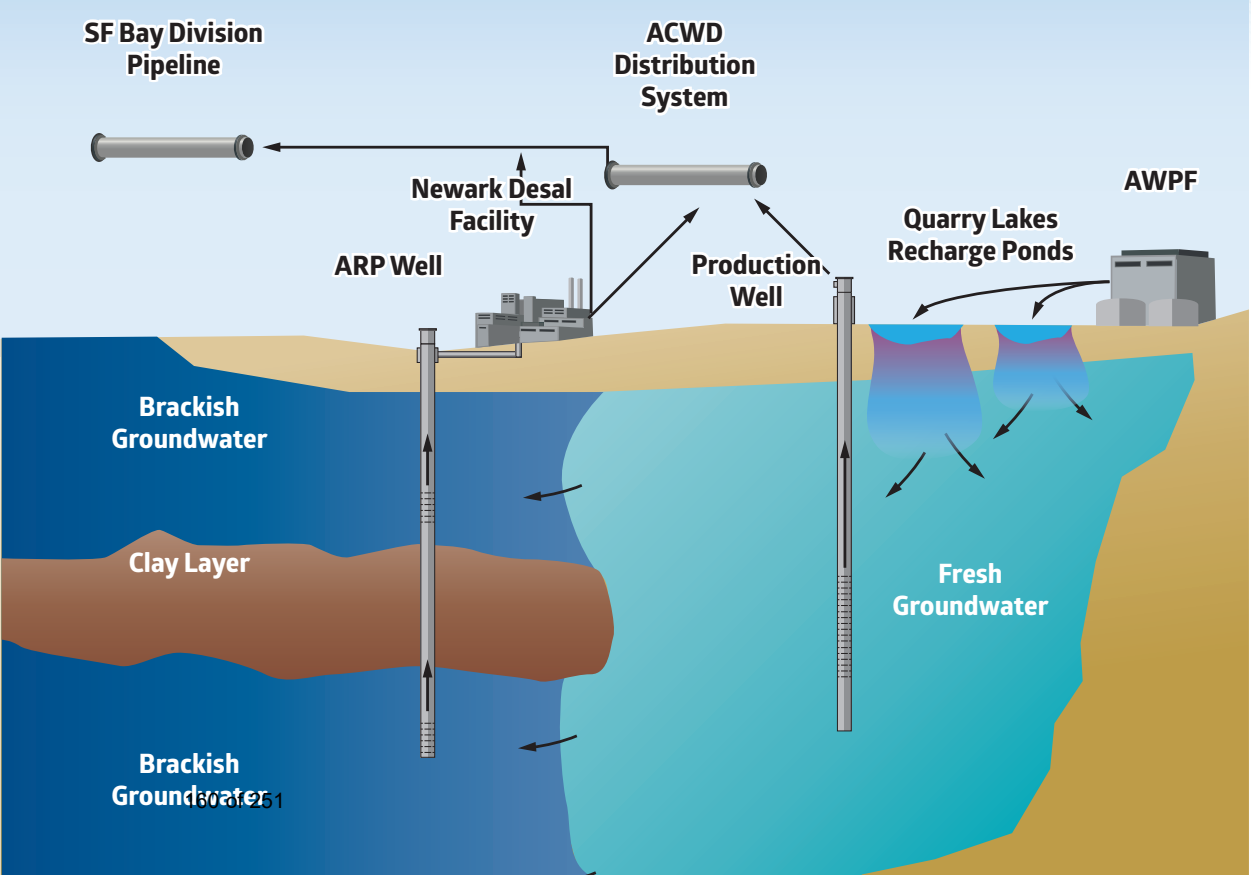
No grant funding has been identified for the study thus far, but the three agencies will work together to pursue any grant funds that may be available for the professional services. If grant funds are obtained, the funds will be applied as a credit to the total balance owed for the professional services and applied to each agency's costs proportionately to each agency's percentage of the total costs under the cost-sharing agreement. If grant funding is identified, staff will ask for the Board's authorization at a future meeting prior to entering into a grant agreement.

Staff recommends the Board authorize the General Manager to execute a cost-sharing agreement with the Alameda County Water District and the San Francisco Public Utilities Commission for the Purified Water Feasibility Evaluation.

PRE/SEG/RC;mb

Attachments: Figure 1 – Schematic of Groundwater Recharge with IPR and Extraction Facilities
Cost-Sharing Agreement

FIGURE 1: Schematic of Groundwater Recharge with IPR and Extraction Facilities



COST-SHARING AGREEMENT FOR CONSULTING SERVICES TO CONDUCT A JOINT ACWD-SFPUC-USD PURIFIED WATER FEASIBILITY EVALUATION

This Cost Sharing Agreement (“Agreement”) is made as of _____, 201_, by and between the Alameda County Water District (“ACWD”), San Francisco Public Utilities Commission (“SFPUC”), and Union Sanitary District (“USD”). Throughout this Agreement ACWD, SFPUC, and USD may be collectively referred to as the “Parties”, or individually as a “Party.”

RECITALS

WHEREAS, ACWD’s mission is to provide a reliable supply of high quality water at a reasonable price to its customers; and

WHEREAS, SFPUC’s mission is to provide its customers with high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to its care; and

WHEREAS, USD’s mission is to safely and responsibly collect and treat wastewater, and to recover resources from process waste streams, while protecting human health and improving the environment in a way that benefits the Tri-Cities and all USD stakeholders; and

WHEREAS, ACWD and SFPUC participate in the Bay Area Regional Reliability (BARR) consortium of Bay Area water providers, who together created a Drought Contingency Plan (DCP); and

WHEREAS, the BARR DCP includes a list of water supply reliability projects with identified regional benefits; and

WHEREAS, the BARR DCP specifically identifies potential potable reuse projects involving a partnership between ACWD, SFPUC, and USD; and

WHEREAS, ACWD and USD have partnered together in previous feasibility studies considering recycled water and water reuse projects; and

WHEREAS, the partnership of SFPUC with ACWD and USD presents the opportunity to explore new potable reuse concepts not contemplated under previous studies; and

WHEREAS, ACWD, SFPUC, and USD recognize that potable reuse may have more accessible water supply potential than is currently utilized; and

WHEREAS, ACWD owns and operates facilities that would be impacted by raising or lowering groundwater levels, and ACWD has exclusive authority to manage groundwater in the Niles Cone Basin under Water Code §10723(c)(1)(B); and

WHEREAS, the Parties agree to conduct a Joint ACWD, SFPUC, and USD Purified Water Feasibility Evaluation to study the potential for purified water supply concepts through a partnership between ACWD, SFPUC, and USD (the “Study”); and

WHEREAS, the Parties agree to pay for the costs of the consulting services to conduct the Study (the “Professional Services”).

NOW, THEREFORE, ACWD, SFPUC, and USD agree that the above recitals are hereby incorporated into and made a part of this Agreement, and further agree as follows:

1. SCOPE OF SERVICES

The scope of services for the Joint ACWD, SFPUC, and USD Purified Water Feasibility Evaluation is set forth in the contract for the Professional Services, which is attached as Exhibit A, and incorporated by this reference.

2. CONSULTANTS

ACWD will be responsible for entering into a contract and administering the contract with a consultant for the Professional Services. All Parties participated in the development of the Request for Proposals, the evaluation of proposals, and the selection of the consultant for the Professional Services. Based on the evaluation of proposals, all Parties approved the selection of Woodard & Curran, Inc. (the “Consultant”) as the consultant to provide the Professional Services for the Study.

3. CONSULTANT FEES

The Parties will share in the consultant fees to perform the Professional Services with an estimated cost not to exceed eight hundred and fifty thousand dollars (\$850,000) as follows: all three Parties will contribute equally towards the first two hundred and eighty-five thousand dollars (\$285,000), and the remaining five hundred and sixty-five thousand dollars (\$565,000) in costs will be split equally between ACWD and SFPUC. ACWD will not authorize Professional Services that exceed this amount without the written consent of both USD and SFPUC. In no event shall the amount of SFPUC’s payment to ACWD under this Agreement exceed \$377,500. In no event shall the amount of USD’s payment to ACWD under this Agreement exceed \$95,000.

The Parties will provide staff time as necessary to assist the consultant in its performance of the Professional Services. Such staff time is required for providing requested documents, attending meetings and interviews, reviewing consultant deliverables, and other associated work anticipated in the consultant proposal. Staff time contributed by each Party toward implementing this Agreement will be at each Party’s own expense.

4. PAYMENT OF CONSULTANT FEES

ACWD will be responsible for paying the Consultant for the services rendered. ACWD will provide USD and SFPUC with quarterly invoices that will reflect the Parties’ share, as set forth in Section 3 above, of the consultant invoice for that quarter, and ACWD will simultaneously provide

with each quarterly invoice the monthly invoices submitted by the Consultant for said services to support the costs reflected in each quarterly invoice from ACWD. The invoices shall set forth in detail the expenses incurred and the work performed by the Consultant during the invoice period. USD and SFPUC shall be given the opportunity to review the invoices and request any necessary corrections before payments are due. USD and SFPUC shall pay ACWD within thirty (30) days from the date of receipt of the invoice.

5. GRANT FUNDING

The Parties will work cooperatively together to pursue any grant funds that may be available for the Professional Services. If grant funds are obtained, the grant funds will be applied as a credit to the total balance owed for the Professional Services and applied to each Parties' costs proportionately to each Party's percentage of the total costs under this Agreement. The Parties will continue to be responsible for paying the balance of the remaining Professional Services fees in the proportions identified in Section 3 above.

6. AUDIT AND INSPECTION OF RECORDS

ACWD shall make available to SFPUC and USD, and their employees, and authorized representatives, during regular business hours, all of the files, records, books, invoices, documents, payrolls, and other data related to the Consultant's contract with ACWD to perform the Professional Services, and shall permit SFPUC and USD, and their employees, and authorized representatives, during regular business hours, to inspect, audit, examine, and make excerpts and transcripts from any of the foregoing. ACWD shall maintain such data and records in an accessible location and condition for a period of not fewer than five (5) years after final payment under this Agreement or until after final audit has been resolved, whichever is later.

7. FISCAL LIMITATIONS

THIS SECTION SUPERSEDES ANY CONFLICTING PROVISION OF THIS AGREEMENT. This Agreement is subject to the fiscal provisions of the San Francisco Charter and the budget decisions of its Mayor and Board of Supervisors. No SFPUC funds will be available hereunder until prior written authorization certified by the City's Controller. The Controller cannot authorize payments unless funds have been certified as available in the budget or in a supplemental appropriation. This Agreement shall automatically terminate, without liability to the City, if funds are not properly appropriated by the Mayor and Board of Supervisors or certified by the Controller. The SFPUC's obligations hereunder shall never exceed the amount certified by the Controller for the purpose and period stated in such certification. The SFPUC, its employees and officers are not authorized to request services, materials, equipment or supplies that are beyond the scope of those expressly described herein, unless this Agreement is amended in writing and approved as required by law. Without such an amendment or approval, the SFPUC shall not be required to pay ACWD for any of the consultant fees or expenses authorized by ACWD. The SFPUC, its employees and officers are not authorized to offer or promise any additional funding that would exceed the maximum amount specified in Section 3 of this Agreement. Such additional funding requires lawful approval and certification by the Controller. Without such lawful approval and certification, the SFPUC shall not be required to provide such additional funding

8. SCHEDULE

The Professional Services will be completed by July 1, 2021.

9. INSURANCE

ACWD's contract with the Consultant for the Professional Services shall require the Consultant to provide all necessary insurance and to name the SFPUC and USD, and their officers, agents, and employees as additional insureds.

10. INDEMNITY

ACWD's contract with the Consultant for the work performed that is reimbursed in whole or in part by SFPUC or USD funds shall contain language requiring the Consultant to indemnify, defend, and hold harmless the SFPUC and its officers, employees, and agents, or USD and its officers, employees and agents, as applicable, for any and all claims for bodily injury or property damage arising out of the performance of this Agreement.

11. TERM

This Agreement will be effective on the date all Parties have signed this Agreement and will remain in effect until December 31, 2021.

12. DISPUTE RESOLUTION

In the event of any dispute, the Parties will promptly meet and confer, first at a staff level and then elevated to a meeting of Executive Management, in a good faith attempt to resolve the dispute. If a dispute cannot be resolved by the Parties independently, they may agree to submit such dispute to non-binding mediation by a mutually agreed-upon neutral third party with offices in the San Francisco Bay Area. The cost of mediation will be shared equally.

13. LIABILITY OF SAN FRANCISCO AND USD

The SFPUC's and USD's obligations under this Agreement shall be limited to the payment of the compensation provided for in Section 3 of this Agreement. Notwithstanding any other provision of this Agreement, in no event shall the SFPUC or USD be liable, regardless of whether any claim is based on contract or tort, for any special, consequential, indirect or incidental damages, including, but not limited to, lost profits, arising out of or in connection with this Agreement or the services performed in connection with this Agreement.

14. NOTICE

Day-to-Day communications regarding the Professional Services will be among the following representatives:

	Name	Phone Number	Email
ACWD	Leonard Ash	510-668-4209	leonard.ash@acwd.com
SFPUC	Manisha Kothari	415-554-3256	mkothari@sfwater.org
USD	Raymond Chau	510-477-7606	raymond@unionsanitary.ca.

All other notices will be given in writing and deposited in the United States mail, registered and postage prepaid and addressed as follows:

If to ACWD: Alameda County Water District
43885 S. Grimmer Boulevard
P.O. Box 5110
Fremont, CA 94537-5110
Attention: Leonard Ash

If to SFPUC: San Francisco Public Utilities Commission
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
Attention: Manisha Kothari

If to USD: Union Sanitary District
5072 Benson Road
Union City, CA 94587
Attention: Raymond Chau

Notification of a change in the name of the contact person shall be in writing.

15. INTERPRETATION

Section headings of this Agreement are solely for convenience and are not intended to affect the interpretation of the Agreement. The Agreement will be interpreted reasonably, not in favor of or against any Party.

16. AMENDMENT

The Parties may agree to modify the terms of this Agreement by written agreement authorized by the governing boards, or the authorized designees, of all Parties.

17. TERMINATION

Any Party may terminate this Agreement, at any time during the term hereof, for convenience and without cause by giving the other two (2) Parties sixty (60) days' written notice of termination. Any such notice shall specify the date on which termination shall become effective. In the event of such termination, (1) SFPUC and USD will pay ACWD for services performed by Consultant pursuant to this Agreement to the satisfaction of the SFPUC and USD up to the date of termination, and (2) the Consultant will complete any work previously funded by SFPUC and USD to the satisfaction of SFPUC and USD. In no event will the SFPUC and USD be liable for costs incurred

by the Consultant after the date of termination. In the event of termination, ACWD shall request from the Consultant and transmit to the SFPUC and USD all work product prepared by the Consultant in performance of the Professional Services up to the date of termination.

18. SEVERABILITY

If any provision of this Agreement or any portion thereof is held to be invalid or unenforceable for any reason, that provision will be reformed and/or construed consistently with applicable law as nearly as possible to reflect the original intentions of this Agreement, and in any event such provision will be severable and will not affect the validity or enforceability of any other provision.

19. APPLICABLE LAW

This Agreement, its interpretation and all services performed under it will be governed by the laws of the State of California.

20. SAN FRANCISCO SUNSHINE ORDINANCE

The Parties understand and agree that the San Francisco Sunshine Ordinance (San Francisco Administrative Code Chapter 67) and the California Public Records Act, (California Government Code §6250 et. seq.) apply to this Agreement and any and all records, information, and materials may be subject to public disclosure in accordance with the terms of the ordinance and state law.

21. CONFLICT OF INTEREST

Through their execution of this Agreement, the Parties acknowledge that they are familiar with the provisions of Section 15.103 of the San Francisco Charter and Sections 87100 et seq. and Sections 1090 et seq. of the Government Code of the State of California, and certify that they do not know of any facts which constitute a violation of said provisions, and agrees that if any Party becomes aware of any such fact during the term of this Agreement, it shall immediately notify the other Parties.

22. NONDISCRIMINATION

In the performance of this Agreement, the Parties shall not discriminate against any employee, subcontractor, applicant for employment with such Party, or against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations, on the basis of the fact or perception of a person's race, color, creed, religion, national origin, ancestry, age, height, weight, sex, sexual orientation, gender identity, domestic partner status, marital status, disability or Acquired Immune Deficiency Syndrome or HIV status (AIDS/HIV status), or association with members of such protected classes, or in retaliation for opposition to discrimination against such classes.

23. ENTIRE AGREEMENT

This Agreement, including its exhibits, constitutes the complete agreement between the Parties and supersedes any prior agreements, promises, and understandings whether written or oral. This Agreement may be modified or amended only by written instrument signed by all Parties.

24. COUNTERPARTS

This Agreement may be signed in counterparts, which together constitute one Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement by their duly authorized officers as of the day and year first above written.

ALAMEDA COUNTY WATER DISTRICT

By: _____ Date: _____, 201__

Title: _____

SAN FRANCISCO PUBLIC UTILITIES COMMISSION

By: _____ Date: _____, 201__

Title: _____

APPROVED AS TO FORM

Dennis J. Herrera, City Attorney

By: _____
Deputy City Attorney

UNION SANITARY DISTRICT

By: _____ Date: _____, 201__

Title: _____

EXHIBIT A

PROFESSIONAL SERVICES AGREEMENT

Agreement No. 4336

CONTRACT FOR PROFESSIONAL SERVICES

THIS AGREEMENT is made as of JULY 2, 2019, by and between the ALAMEDA COUNTY WATER DISTRICT ("DISTRICT") and WOODARD & CURRAN, INC. ("CONSULTANT"), a Maine corporation.

WHEREAS, the DISTRICT desires to obtain professional services in connection with 2019 Joint ACWD, SFPUC, and USD Purified Water Feasibility Evaluation ("Project"), Job 10077, and has issued a Request for Proposals dated November 19, 2018, a copy of which is attached and incorporated as Exhibit A.

WHEREAS, the CONSULTANT is ready, willing and able to furnish such services and has submitted a proposal dated January 22, 2019 and updated May 13, 2019, a copy of which is attached and incorporated as Exhibits B, C, D, and E.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. RENDITION OF SERVICES

The CONSULTANT agrees to provide professional services to the DISTRICT in accordance with the terms and conditions of this Agreement. CONSULTANT represents that it has all applicable licenses and certifications to provide the services under this Agreement and that it will exercise the same degree of professional care, skill, efficiency, and judgment ordinarily used by consultants providing similar professional services. CONSULTANT at all times will comply with all federal, state, and local laws, regulations, and policies applicable to the services performed pursuant to this Agreement.

2. SCOPE OF SERVICES

The scope of the CONSULTANT's services shall consist of the services set forth in Exhibit A, as supplemented by Exhibit B and C. However, to the extent that Exhibits B and C are inconsistent with Exhibit A, Exhibit A will govern over Exhibits B and C.

3. SCHEDULE AND TIME OF COMPLETION

The term of this Agreement shall commence on the date the DISTRICT issues a written Notice to Proceed and shall terminate when the services described in Exhibit A, as supplemented by Exhibits B and C, have been satisfactorily completed, unless terminated sooner pursuant to Section 15. CONSULTANT shall complete all tasks as stated on Pages 4-9 of Exhibit A, as supplemented by Exhibits B and C, in accordance with the Project Schedule shown on Figure 5.1 of Exhibit D.

4. OWNERSHIP OF WORK

All reports, designs, drawings, plans, specifications, and other materials prepared, or in the process of being prepared, by CONSULTANT, its employees, subcontractors, or agents under this Agreement ("Work Product") shall be and are the property of the DISTRICT, San Francisco Public Utilities Commission (SFPUC) and Union Sanitary District (USD).

The DISTRICT, SFPUC, and USD shall be entitled to access and to copy the Work Product during the progress of the work. If requested by DISTRICT, CONSULTANT shall deliver one copy of the Work Product remaining in the hands of the CONSULTANT, or in the hands of any subcontractor, upon completion or termination of the work.

CONSULTANT assigns to DISTRICT all right, title, and interest in and to the Work Product, including ownership of copyright in the Work Product. The DISTRICT may utilize any material prepared or work performed by CONSULTANT pursuant to this Agreement, including computer software, in any manner which the DISTRICT deems proper without additional compensation to CONSULTANT. CONSULTANT shall have no responsibility or liability for any revisions, changes, or corrections to the Work Product made by the DISTRICT, nor for any use or reuse of the Work Product for any purpose other than the Project unless CONSULTANT accepts such responsibility in writing.

The CONSULTANT shall not disclose project related data or information without the prior written consent of the DISTRICT, SFPUC, and USD.

5. USE OF SUBCONTRACTORS

CONSULTANT shall not subcontract any services to be performed by it under this Agreement without the prior written approval of the DISTRICT, except for Trussel Technologies, Inc., LimnoTech, and Data Instincts. CONSULTANT may subcontract with service firms engaged in drawing, reproduction, typing and printing without the prior written consent of the DISTRICT. CONSULTANT shall be solely responsible for reimbursing any subcontractors and the DISTRICT shall have no obligation to them.

6. CHANGES

The DISTRICT may, at any time, by written order, make changes within the scope of work and services described in this Agreement. If such changes cause an increase or decrease in the budgeted cost of or the time required for performance of the

agreed upon work, an equitable adjustment as mutually agreed shall be made in the limit on compensation as set forth in Section 9 or in the time of required performance as set forth in Section 3, or both. In the event that CONSULTANT encounters any unanticipated conditions or contingencies that may affect the scope of work or services and result in an adjustment in the amount of compensation specified herein, CONSULTANT shall so advise the DISTRICT immediately upon notice of such condition or contingency. The written notice shall explain the circumstances giving rise to the unforeseen condition or contingency and shall set forth the proposed adjustment in compensation. This notice shall be given to the DISTRICT prior to the time that CONSULTANT performs work or services related to the proposed adjustment in compensation. The pertinent changes shall be expressed in a written supplement to this Agreement prior to implementation of such changes.

7. RESPONSIBILITY; INDEMNIFICATION

To the fullest extent permitted by law, CONSULTANT shall indemnify, keep and save harmless the DISTRICT, SFPUC, and USD and their board members, officers, agents, and employees (collectively, "Indemnified Parties") against any and all suits, claims, actions, damages, liabilities, costs, and expenses (collectively, "Liabilities") for any personal injury (including death, bodily injury, emotional or mental distress, and loss of consortium), property damage, intellectual property infringement, or financial or economic loss that arises out of, pertains to, or relates to the negligence, recklessness, or the willful misconduct of the CONSULTANT, its employees, subcontractors, or agents to the extent that such Liabilities arise out of the

performance (or non-performance) of this Agreement. This duty to indemnify includes any proceedings, actions, damages, or penalties due to the violation of any governmental law or regulation, the compliance with which is the responsibility of the CONSULTANT, its employees, subcontractors, or agents. CONSULTANT further agrees to defend any and all such actions, suits, or claims, and pay all charges of attorneys and all other incurred costs and expenses relating to the investigation, defense, negotiation, or settlement of any action, suit, or claim, and to reimburse the Indemnified Parties for any and all legal and other costs and expenses they incurred in connection with the defense of such actions, suits, or claims. If any judgment is rendered against the Indemnified Parties or any of the other individuals enumerated above in any such action, CONSULTANT shall, at its expense, satisfy and discharge the same to the extent that the judgment is based on the CONSULTANT's agreement to indemnify as set forth in this section. This indemnification obligation will survive the termination of this Agreement. CONSULTANT shall require its subcontractors to similarly indemnify, defend, and keep and save harmless, the Indemnified Parties.

8. INSURANCE

- A. Workers' Compensation. CONSULTANT shall maintain during the term of this Agreement Workers' Compensation Insurance in conformance with the laws of the State of California, and federal laws when applicable.
- B. Bodily Injury, Death and Property Damage Liability Insurance. CONSULTANT shall maintain during the term of this Agreement Commercial General Liability Insurance (including automobile operation) covering CONSULTANT for

liability arising out of the operations of CONSULTANT and any subcontractors. The policy(ies) shall include coverage for all vehicles, licensed or unlicensed, on or off DISTRICT's premises, used by or on behalf of CONSULTANT on the performance of work under this Agreement. The policy(ies) shall be subject to a limit for each occurrence of One Million Dollars (\$1,000,000) naming as additional insureds, in connection with CONSULTANT's activities, the DISTRICT, SFPUC, and USD and their board members, officers, employees, and agents. The policy(ies) will be primary insurance and the insurance companies providing the policy(ies) will be liable for the full amount of any loss or claim for which CONSULTANT is liable up to and including the total limit of liability, without right of contribution from any other insurance effected or which may be effected by the DISTRICT.

C. Professional Liability Insurance. CONSULTANT also shall maintain Professional Liability Insurance covering CONSULTANT's performance under this Agreement with a limit of liability of One Million Dollars (\$1,000,000) for any one claim.

D. Evidence of Insurance. Prior to the commencement of any work under this Agreement, CONSULTANT shall furnish to DISTRICT a satisfactory Certificate of Insurance indicating compliance with the requirements of this section. The Certificate shall stipulate that thirty (30) days advance written notice of a cancellation or non-renewal of the required policy shall be given to DISTRICT.

E. General Insurance Conditions. All policies will be issued by insurers acceptable to the DISTRICT. The insurance will be issued by an insurance company authorized to do business in the State of California with a minimum “Best’s” rating of A- VII, or equivalent, or as otherwise approved by the DISTRICT. Workers’ Compensation coverage requirements may be met with the California State Compensation Fund.

In the event a claim is made, the DISTRICT reserves the right to request certified duplicate copies of all insurance policies required under this Section.

9. COMPENSATION

The CONSULTANT agrees to perform all of the services included in Section 2, which services are further described as Tasks 1 through 12 on Pages 1-18 of Exhibit C on a time and materials basis, for a sum not to exceed Eight Hundred Forty-Nine Thousand Six Hundred Twenty-Nine Dollars (\$849,629.00), which sum shall include all labor, materials, taxes, profit, overhead, insurance, subcontractor costs, and other costs and expenses incurred by the CONSULTANT. Any additional services for additional compensation will be rendered only on the DISTRICT’s prior authorization and will be billed at the CONSULTANT’s and its approved subcontractors’ normal rate schedules, which are set forth in Section 10 of Exhibit B.

The CONSULTANT’s Federal Taxpayer Identification No. is 01-0363222.

10. MANNER OF PAYMENT

CONSULTANT shall submit monthly invoices, detailing the expenses incurred, the services performed during the billing period, the hours worked and billing rate of personnel performing these services, as well as the cumulative billings for the

Project. The DISTRICT shall make monthly payments to the CONSULTANT for satisfactory services performed and the costs of such services within forty-five (45) calendar days from the date the DISTRICT receives the CONSULTANT's invoice. All invoices shall be sent by mail and addressed to the DISTRICT's Project Manager.

11. CONSULTANT'S STATUS

Neither the CONSULTANT nor any party contracting with the CONSULTANT shall be deemed to be an agent or employee of the DISTRICT, SFPUC, and USD.

CONSULTANT is and shall be an independent contractor, and the legal relationship of any person performing services for the CONSULTANT shall be one solely between that person and the CONSULTANT.

12. ASSIGNMENT

CONSULTANT shall not assign any of its rights nor transfer any of its obligations under this Agreement without the prior written consent of DISTRICT.

13. DISTRICT WARRANTIES

The DISTRICT makes no warranties, representations or agreements, either expressed or implied, beyond such as are explicitly stated in this Agreement.

14. DISTRICT REPRESENTATIVE

Except when approval or other action is required to be given or taken by the Board of Directors of the DISTRICT, the General Manager of the DISTRICT, or such person or persons as the General Manager shall designate in writing from time to time, the Project Manager shall represent and act for the DISTRICT.

15. TERMINATION

The DISTRICT shall have the right to terminate this Agreement at any time by giving written notice to the CONSULTANT. Upon receipt of such notice, the CONSULTANT shall not commit itself to any further expenditure of time or resources.

If the Agreement is terminated for any reason other than a default by CONSULTANT, the DISTRICT shall pay to CONSULTANT in accordance with the provisions of Sections 9 and 10 all sums actually due and owing from DISTRICT for all services performed and all expenses incurred up to the day written notice of termination is given, plus any costs reasonably and necessarily incurred by CONSULTANT to effect such suspension or termination. If the Agreement is terminated for default, the DISTRICT shall remit final payment to CONSULTANT in an amount to cover only those services performed and expenses incurred in full accordance with the terms and conditions of this Agreement up to the effective date of termination.

16. MAINTENANCE, AUDIT, AND INSPECTION OF RECORDS

The CONSULTANT shall permit the authorized representatives of the DISTRICT to inspect, audit, make copies and transcriptions of books and all data and records of the CONSULTANT relating to its performance under the Agreement.

17. RELEASE OF INFORMATION

CONSULTANT shall not release any reports or other information prepared in connection with this Agreement without the approval of the General Manager. Non-Disclosure requirements are identified in Exhibit F.

18. KEY PERSONNEL

Carrie Del Boccio, Project Manager, shall serve as the primary staff person of CONSULTANT to oversee all of the services under this Agreement. The other principal participants shall be those individuals identified in Section 3 of Exhibit B.

19. NOTICES

All communications relating to the day to day activities of the project shall be exchanged between the DISTRICT's Project Manager and the CONSULTANT's Project Manager.

All other notices and communications deemed by either party to be necessary or desirable to be given to the other party shall be in writing and may be given by personal delivery to a representative of the parties or by mailing the same postage prepaid, addressed as follows:

If to the DISTRICT:	Alameda County Water District 43885 South Grimmer Boulevard PO Box 5110 Fremont, California 94537-5110
Attention:	Leonard Ash, Project Manager
If to the CONSULTANT:	Woodard & Curran 2175 North California Blvd., Suite 315 Walnut Creek, CA 94596
Attention:	Carrie Del Boccio, Project Manager

The address to which mailings may be made may be changed from time to time by notice mailed as described above. Any notice given by mail shall be deemed given on the day after that on which it is deposited in the United States Mail as provided above.

20. ATTORNEYS' FEES

If any legal proceeding should be instituted by either of the parties to enforce the terms of this Agreement or to determine the rights of the parties under this Agreement, the prevailing party in said proceeding shall recover, in addition to all court costs, reasonable attorneys' fees.

21. APPLICABLE LAW

This Agreement, its interpretation, and all work performed under it shall be governed by the laws of the State of California.

22. BINDING ON SUCCESSORS

All of the terms, provisions, and conditions of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors, assigns, and legal representatives.

23. SEVERABILITY

Should any provision, or portion of a provision, herein be found or deemed to be invalid, this Agreement shall be construed as not containing such provision, or portion of such provision, and all other provisions which are otherwise lawful shall remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable.

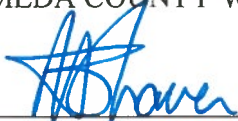
IN WITNESS WHEREOF, the parties hereto have executed this Agreement by their duly authorized officers as of the day and year first above written.

CONSULTANT:
WOODARD & CURRAN, INC.

By: 
Senior Vice President

Name: Thomas Richardson

DISTRICT:
ALAMEDA COUNTY WATER DISTRICT

By: 
General Manager

Name: Robert Shaver

ATTEST:

District Secretary

Detailed Scope of Work (FINAL)

Task 1 | Review and Evaluation of Partner Agencies' ATRW Interests and Constraints

The purpose of this task is for Consultant to understand, compile, and document the interests, constraints, obligations, interrelationships, and potential limitations of the Partner Agencies (ACWD, SFPUC, USD) relative to ATRW alternatives that can meet the Study objectives. The purpose of doing this investigation in Task 1 is to set the baseline analysis as a framework for future ATRW alternatives development (in Task 6). The 2015/16 IPR Study used a 4 MGD option for all analysis, facilities sizing, and costing. The 4 MGD option will be the lower end of alternative ATRW project sizes considered for the Study, including expanding the range of alternatives to include both groundwater recharge and more direct potable reuse options.

Subtask 1.1 | Kickoff Meeting and Initial Data Request

Consultant shall prepare for and attend kickoff meeting for the Study with a focus on summarizing known information about Partner Agencies' facilities to verify accuracy and applicability to the project setting and to confirm Study objectives. This will also serve as the overall project kickoff meeting to establish communication protocols, review project schedule and timing of deliverable reviews, and to facilitate knowledge transfer between the Partners and Consultant. Consultant shall prepare an initial data request for information that may be needed in the course of the project (e.g. GIS shapefiles, historical water quality data). Consultant shall prepare meeting notes summarizing the discussion.

Subtask 1.2 | Review of Existing Documents

Consultant shall review available existing documents and prepare a baseline summary of available facilities, available data, key terms and conditions within existing contracts, and other information learned from existing documents. Consultant will base water supply portfolios and water demands on the 2035 Long-Term Projections in the Bay Area Regional Reliability Report (2017). Documents to be reviewed will include:

- ▶ ACWD/USD IPR Study (2015/16)
- ▶ Bay Area Regional Reliability Report (2017)
- ▶ Characterizing Groundwater Recharge: A Comprehensive Isotopic Approach (2002)
- ▶ SFPUC and ACWD Urban Water Management Plans (2015)
- ▶ ACWD Reliability by Design: Integrated Resources Planning (2014)
- ▶ Individual Water Sales Contract between ACWD and San Francisco (2009; latest revision 2017)

Subtask 1.3 | One-on-One Follow Up Conference Calls

Consultant shall follow up from kickoff meeting and existing document review with one-on-one conference calls with each Partner agency to confirm information gathered to date, to discuss other interests or constraints, and to finalize Study objectives. Consultant shall prepare meeting notes summarizing the discussions.

Subtask 1.4 | Analysis of Opportunities and Constraints and Mitigating Actions

Consultant shall analyze existing facilities, interests related to project alternatives and ways to reconfigure water supply operations, and previous project experience and knowledge to identify up to 15 constraints or limitations that may impact the project goals. Examples of constraints include USD/EBDA NPDES permit limits impacting RO concentrate disposal, ACWD distribution system capacity, Quarry Lakes recharge capacity, and ACWD and SFPUC water supply contracts. Consultant shall identify up to two mitigations for each constraint that may be feasible and the relative complexity (e.g. financial, regulatory) needed to improve upon or overcome the constraint. Consultant shall use knowledge from previous projects in forming mitigation options and relative complexity with the goal of helping Partners during Task 6 determine project alternatives to bring into detailed technical investigations (Tasks 7-12). Consultant shall also outline a plan to investigate and address identified challenges within the scope of this Study.

Subtask 1.5 | Develop Draft Report Chapter Summarizing Interests and Constraints

Consultant shall develop a Draft report chapter summarizing baseline information, interests of Partner Agencies, Study objectives, and analysis of opportunities and constraints including potential mitigations.

Assumptions for Task 1:

- ▶ One in person meeting with Partner Agencies staff (Task 1.1) and three individual conference call meetings (Task 1.3).
- ▶ Water quality data will be provided in a Microsoft Excel or Access database format.
- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 1:

- ▶ Draft and Final Meeting Minutes from Kickoff Meeting in PDF and Microsoft Word formats
- ▶ Draft and Final Summary Notes from One-on-One Conference Calls in PDF and Microsoft Word formats
- ▶ Draft report chapter in Microsoft Word format summarizing findings of the evaluation; Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 2 | Regulatory Review

The purpose of the regulatory review is to understand established requirements for indirect potable reuse (groundwater recharge and surface water augmentation), to understand projected requirements for direct potable reuse (raw and treated water augmentation), to understand projected requirements impacting discharge of RO concentrate, and to identify risks to implementation of specific categories of potable reuse.

Subtask 2.1 | Update IPR Regulatory Assessment with New Regulations

Consultant shall update the regulatory evaluation presented in the 2015/16 Study for groundwater recharge projects. Consultant shall also update evaluation with information from Surface Water Augmentation regulations (adopted in October 2018) and the updates to the Recycled Water Policy (Proposed Final Amendment November 2018) as applicable.

Subtask 2.2 | Evaluation of Applicable Emerging Regulations for Direct Potable Reuse

Consultant shall prepare an evaluation of anticipated requirements for the future direct potable reuse regulations including expected differences between raw water augmentation (adding ATRW upstream of an existing surface water treatment plant) and treated water augmentation (adding ATRW directly into a water distribution system). The evaluation will also include a summary of on-going research efforts being undertaken to address critical knowledge gaps that will impact the development of the new raw water augmentation regulations. California state regulators are required to develop the regulations for raw water augmentation by December 31, 2023. There is no deadline for development of regulations for treated water augmentation but there is some information from the research efforts and the raw water augmentation regulations that can be extrapolated for treated water augmentation. The evaluation will conclude with identification of potential risks to implementation of both raw water augmentation and treatment water augmentation.

Subtask 2.3 | Evaluation Of Applicable Emerging Regulations For San Francisco Bay Discharges (RO Concentrate Disposal)

Consultant shall prepare an evaluation of anticipated requirements that could affect discharge of RO concentrate to San Francisco Bay (either through the existing EBDA outfall or through a new outfall), including the latest information from the Nutrient Management Strategy science program.

Subtask 2.4 | Develop Draft Report Chapter Summarizing Regulatory Review

Consultant shall develop a Draft report chapter summarizing regulatory review and updating regulatory opportunities and constraints.

Assumptions for Task 2:

- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 2:

- ▶ Draft report chapter in Microsoft Word format summarizing evaluation of regulatory review. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 3 | Stakeholder Meeting with Regional Board and Division of Drinking Water

The purpose for meeting with Regional Board and Division of Drinking Water staff is to brief them on the concept of adding ATRW to the Quarry Lakes system for the purpose of enhancing groundwater recharge for a water supply benefit. Because Quarry Lakes has other designated beneficial uses (e.g. public recreation, fishing, swimming, and aquatic ecosystems), in addition to recharging the groundwater basin with surface water, responsibility for permitting a groundwater recharge project with ATRW using the Quarry Lakes system will require oversight from multiple units at the Regional Board and Division of Drinking Water.

Subtask 3.1 | Prepare Meeting Materials and Hold Meeting with Regional Board and Division of Drinking Water Staff

Consultant shall coordinate meeting with Partner Agencies, Regional Board staff (NPDES, Recycled Water/Waste Discharge to Land, and Groundwater Protection units), and Division of Drinking Water staff. Consultant shall prepare a summary of proposed project concepts based on the information in the 2015/16 Study and assuming recharge to groundwater basin via Quarry Lakes for discussion with regulators. Partner Agencies will review summary information to be presented to regulators and Consultant shall revise briefing materials prior to meeting with regulators. Consultant shall attend one in person meeting with regulators.

Subtask 3.2 | Prepare Follow Up Information and Meeting Summary

Consultant shall prepare a summary of the meeting's discussion and provide follow up information, as requested, to Regional Board and Division of Drinking Water staff.

Assumptions for Task 3:

- ▶ Additional analysis requested by the Regional Board and Division of Drinking Water staff would be scoped and negotiated with the Partner Agencies.
- ▶ One in person meeting with Regional Board and Division of Drinking Water staff.

Deliverables for Task 3:

- ▶ Draft and final meeting presentation in PDF and Microsoft PowerPoint formats.
- ▶ Draft and final notes in PDF and Microsoft Word formats summarizing meeting with Regional Board and Division of Drinking Water staff.

Task 4 | Stakeholder Meeting with East Bay Regional Park District and Limnological Analysis of Quarry Lakes

The purpose of this task is to follow up on a number of issues identified by ACWD and USD in coordination with East Bay Regional Park District (EBRPD) staff and biologists regarding IPR implementation, specifically the effect of new source water on aquatic ecosystems at Quarry Lakes Regional Park, which is managed by EBRPD.

Subtask 4.1 | Meeting with EBRPD to Discuss Needs and Available Information and Present Constraints from the Regulatory Requirements

Consultant shall coordinate and attend a meeting with EBRPD and the Partner Agencies with the purpose of ensuring the understanding of water quality concerns and objectives, and availability of data to perform the water quality analysis. Consultant will attend in person or include staff via conference call or screen share. An outcome of the meeting will be to finalize the parameters to be considered in the limnological assessment. Other issues that may be of interest for analysis will be documented as part of this scope, with the intention that they could be subsequently addressed outside the scope of this project.

Subtask 4.2 | Compile and Review Available Data

Consultant will compile available data to support the limnological analysis. Data types to be compiled include:

- ▶ Water quality and flow data for existing Quarry Lakes water sources
 - Alameda Creek
 - State Water Project
 - Direct runoff
- ▶ Existing water quality of Quarry Lakes
 - Temperature profiles
 - Dissolved oxygen
 - Nutrients
 - Chlorophyll a
- ▶ Physical information on Quarry Lakes
 - Groundwater infiltration rates
 - Bathymetry and/or depth storage data for ponds

To the extent that relevant data do not exist to support the limnological analysis, we will work with the Partner Agencies and EBRPD to make reasonable assumptions and/or design data collection activities (data collection is outside the scope of this project).

Subtask 4.3 | Assess Water Quality Objectives

The Regional Board developed a Water Quality Control Plan (Basin Plan) that defines applicable water quality objectives for the Quarry Lakes. These objectives are stated as either absolute numeric values (minimum dissolved oxygen = 7 mg/l), relative numeric values (the temperature shall not be increased by more than 5°F above natural receiving water temperature), or narrative descriptions (waters shall not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses.) Consultant's activities under this sub-task will consist of:

- ▶ Determining the extent to which existing conditions comply with water quality objectives
- ▶ Establishing existing temperature stratification regimes
- ▶ Establishing numeric targets for nutrients and chlorophyll a

Subtask 4.4 | Develop Water Quality Model

Consultant shall apply the CE-QUAL-W2 lake water quality model, and plans to evaluate water quality impacts among the system of Quarry Lakes. CE-QUAL-W2 is a detailed time-variable model that mechanistically simulates thermal stratification and all important water quality processes of concern.

Consultant assumes that limited in-lake monitoring data is available to support a model calibration. For this reason, model results should be taken as a general indication of expected conditions. Consultant will use established literature values for model input parameters that cannot be established with existing monitoring or previous studies.

Subtask 4.5 | Evaluate On-Site Design Options

The water quality model developed in Task 4.4 will be used to evaluate a range of on-site design options and scenarios for adding ATRW to Quarry Lakes. Consultant shall identify the potential for management goals to be in conflict and will recommend solutions. Consultant shall work with the project team to prioritize water quality issues and/ or considerations to be addressed through in-reservoir actions. The results of initial model simulations will help define the nature of the design options considered, as different options will apply depending upon whether the water quality issues of concern turn out to be temperature, dissolved oxygen, and/or algal growth. Based on model results, Consultant shall then develop a list of alternatives for in-reservoir treatment options to maintain or improve water quality, including benefits, constraints, and planning-level cost information. Consultant shall also characterize types of public interaction/education needed at the Quarry Lakes site. Where feasible, Consultant will advise on the average return on investment for well-documented on-site design options to address management objectives.

Subtask 4.6 | Develop Draft and Final Technical Memorandum

Consultant shall document the information developed in Tasks 4.1-4.5 along with recommendations for further considerations to be included in Task 6 alternatives development. Documentation will include a draft and final TM.

Assumptions for Task 4:

- ▶ The fee proposal includes costs associated with attending one meeting in person and two conference calls.
- ▶ Should available data, study goals, or understanding of the system change throughout the course of the project, another model may be considered to better meet project goals, or the water quality model may be limited to specific Quarry Lakes ponds.
- ▶ ACWD, SFPUC, and USD staff will review Draft and Final TM. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 4:

- ▶ Draft and final notes in PDF and Microsoft Word formats summarizing meetings with EBRPD staff.
- ▶ Draft and Final TM in PDF and Microsoft Word formats for the Limnologic Study and Evaluation of On-Site Design Options.

Task 5 | Lessons Learned by Other Agencies

The purpose of this task is to survey other cities/agencies that are implementing (or have implemented) potable reuse projects and to focus on lessons learned that could be applied to the alternatives developed in this scope of work and to inform implementation recommendations for future scopes of work.

Subtask 5.1 | Develop List of Questions and Finalize List of Cities/Agencies

Consultant shall prepare questionnaire and a list of up to three cities/agencies to contact. Draft questionnaires and list will be provided to Partners for review with reasoning for each question and city/agency being contacted. Consultant shall build upon information gathered for Water Research Foundation, WRRF 13-02 Model Communication Plans for Increasing Awareness and Fostering Acceptance of Potable Reuse, and from other published case studies related to potable reuse project implementation. A suggested list of cities/agencies and reasoning include:

- ▶ Monterey OneWater/Cal Am/Marina Coast Water District (project in construction; multi agency, groundwater recharge, Northern California)
- ▶ City of San Diego (project in design; surface water augmentation, DPR considered, extensive public outreach campaign)
- ▶ City of Oceanside (project in design; groundwater recharge)
- ▶ Padre Dam/Helix Water District (project is in design; multi agency, surface water augmentation)
- ▶ Orange County Sanitary District/Orange County Water District (project is operational; multi agency, groundwater recharge, extensive public outreach campaign)

Subtask 5.2 | Perform Survey Via Conference Calls

Consultant shall perform survey based on the finalized questionnaire via conference call with selected cities/agencies. Due to the breadth of topics, consultant shall plan to contact two representatives for each city/agency.

Subtask 5.3 | Develop Draft Report Chapter

Consultant shall develop draft summarizing survey results, documenting lessons, and providing recommendations to apply lessons learned to next phases of work. Lessons learned and recommendations will include the following categories of issues, as applicable:

- ▶ Public outreach campaigns (timeline, cost, coordination between agencies)
- ▶ Cost/revenue allocations between agencies
- ▶ Operational considerations
- ▶ Insurance, liability and indemnifications between agencies considerations
- ▶ Regulatory and permitting approaches

Assumptions for Task 5:

- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.
- ▶ Consultant will contact and leave up to two messages per agency contact. Consultant shall try up to two alternative contacts if no response within two weeks. If no response, Consultant shall document published survey data.

Deliverables for Task 5:

- ▶ Draft report chapter in Microsoft Word format summarizing the survey of other agencies. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 6 | Meeting with Partner Agencies to Review and Update Work Outline and Project Schedule

The purpose of this task is to synthesize the information gathered in Task 1 through 5 and to use that information to help the Partners select a set of alternatives to move into the technical investigations phase (Tasks 7-10).

Subtask 6.1 | Synthesize Information and Strawman for 4 Alternatives

Consultant shall synthesize their understanding of the Partners needs and limitations, the regulatory environment, the feedback from discussions with Regional Board and EBRPD staff, and lessons learned from other agencies. Based on the synthesized information, Consultant shall develop a strawman proposal in PowerPoint format for four project alternatives that can meet the Study objectives. Each alternative would be one combination of ATRW treatment train, ATRW facility location, ATRW distribution pumping and pipeline route, groundwater modeling (if applicable), and ACWD potable water treatment and distribution systems integration (if applicable); resulting in a yield that could be used by ACWD for supplemental water supplies, facilitating transfer of other water supplies to SFPUC.

Subtask 6.2 | Workshop #1 to Discuss Results and Strawman Proposal

Consultant shall prepare for and attend a workshop with Partners to review results of information learned through the investigations undertaken in Tasks 1-5 and to discuss strawman proposal for four project alternatives.

Subtask 6.3 | Refine Alternatives

Based on the feedback from the Partners at Workshop #1, Consultant shall refine the strawman proposal for four project alternatives and provide a recommendation for the two alternatives to move into Tasks 7-10 technical investigations. Two alternatives fills the minimum requirements for USBR Title XVI program and California WRFPP.

Subtask 6.4 | Workshop #2 to Determine Alternatives for Further Investigation

Consultant shall prepare for and attend a workshop with Partners to discuss the refined strawman proposal for four project alternatives and to discuss the recommendation for which two alternatives to move into technical investigations.

Subtask 6.5 | Develop Workplan for Tasks 7-10

Based on the feedback from the Partners at Workshop #2 and the final selected alternatives for additional analysis, Consultant shall develop a summary of the synthesized information, reasoning for selecting two alternatives, an updated workplan and schedule to identify the technical investigations needed to assess feasibility, establish facility needs, and prepare estimates of probable costs for the two alternatives. New Project Tasks identified through the Stakeholder meetings that are not included in this RFP, if approved by the Partner Agencies, may be incorporated via agreement amendment.

Assumptions for Task 6:

- ▶ ▶ For the purposes of budgeting this proposal, Consultant assumes two alternatives are moved forward from Task 6 into Tasks 7-10.
- ▶ ▶ Two in person workshops with Partner Agencies staff.

Deliverables for Task 6:

- ▶ ▶ Meeting agenda including draft updated work outline and project schedule, Draft and Final meeting minutes in Microsoft Word format.

Task 7 | Treatment Process Design Review

The purpose of this task is to identify treatment processes needed to produce ATRW of a quality and quantity required for the selected alternatives in consideration from Task 6, including developing estimates of probable cost for treatment processes.

Subtask 7.1 | Evaluate Process Trains to Produce ATRW

Given the selected alternatives in consideration from Task 6 and the results of the meetings with Regional Board and EBRPD, Consultant shall reevaluate secondary process improvements to the current USD treatment process and reevaluate ATRW processes evaluated in the 2015/16 Study to select a treatment train to meet regulatory and stakeholder requirements. Additionally, modifications to the treatment train to meet DPR end use shall be considered and identified. Consultant will evaluate the anticipated flow ranges given the selected alternatives in consideration from Task 6 and size equalization and storage, as needed, to accommodate the flows.

Subtask 7.2 | Evaluate RO Concentrate

Consultant shall reevaluate the RO concentrate quantity evaluated in the 2015/16 Study, based upon input from Task 6 on project alternative sizes (flowrates). Consultant shall provide recommendations on additional steps or investigations to be undertaken to manage potential issues with increased RO concentrate; detailed work on RO concentrate management is assumed to be outside this scope of work.

Subtask 7.3 | Prepare Estimates of Probable Cost for Treatment Facilities Including Equalization Storage

Consultant shall prepare an estimate of probable costs for treatment trains needed to serve the selected alternatives in consideration from Task 6 including secondary process improvements and equalization storage, as required by selected sizes and end use. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 7.4 | Develop Draft Report Chapter

Consultant shall document the information developed in Task 7 in a Draft report chapter.

Assumptions for Task 7:

- ▶ For the purposes of developing a proposal budget, Consultant assumes two alternatives will be evaluated and that one alternative will be an IPR option with the second being a DPR option.
- ▶ Costs for ATRW storage (product water) and ATRW pump stations will be developed in Task 8.
- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 7:

- ▶ Draft report chapter in Microsoft Word format summarizing Treatment Processes Design Review. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 8 | Pipeline Alignment/Distribution Study

The purpose of this task is to identify distribution system facilities needed to move ATRW from the point of treatment to the point of use for the IPR selected alternative in consideration from Task 6, including developing estimates of probable cost for a pipeline.

Subtask 8.1 | Evaluate Delivery of ATRW to Recharge Facilities

The 2015/16 Study used the existing Alvarado-Niles Pipeline alignment for the 4 MGD IPR project. Consultant shall evaluate the suitability of the Alvarado-Niles Pipeline alignment assumption for one higher capacity IPR delivery alternative. Consultant shall layout ATRW storage and pumping facilities.

Subtask 8.2 | Prepare Estimate of Probable Cost for Distribution Facilities

Consultant shall prepare an estimate of probable costs for distribution facilities needed to serve one alternative in consideration from Task 6 including ATRW storage, pump stations, and pipelines, as required by selected sizes and end use. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 8.3 | Develop Draft Report Chapter

Consultant shall document the information developed in Task 8 in a draft report chapter. One conceptual pipeline layout will be included in the report chapter.

Assumptions for Task 8:

- ▶ For the purposes of developing a proposal budget, Consultant assumes one alternative will be evaluated and that one alternative will be an IPR option.
- ▶ ACWD will provide age, size and materials for ACWD transmission system pipelines.
- ▶ No field visits or utility investigations are included in this scope of work.
- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 8:

- ▶ Draft report chapter in Microsoft Word format summarizing Pipeline Alignment/Distribution Study. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 9 | Evaluation of ACWD Groundwater Production System

Adding the SFPUC intertie concept to the IPR system evaluated in the 2015/16 Study or a DPR approach would significantly increase pumping out of the Niles Cone. This will require additional groundwater modeling for IPR and DPR alternatives and may require additional tracer studies to confirm that the requisite minimum residence time (6 months) can still be achieved for IPR. Consultant shall coordinate groundwater modeling needs with ACWD staff, who will perform the groundwater modeling of the Niles Cone.

Subtask 9.1 | Assess Existing Groundwater Production Facilities

Consultant shall evaluate the capabilities of the existing groundwater production system (i.e. Mowry & Peralta Tyson Wellfield, and NDF) and identify necessary expansion of infrastructure and other improvements needed to maximize purified water production for the alternatives in considerations from Task 6. Consultant analysis shall consider the range of groundwater production demands, siting considerations for sources of groundwater (e.g., location of existing and new supply wells), conveyance capacity and routing (e.g., pipelines needed to deliver groundwater from supply wells to a new production facility or to provide DPR blend-around).

Subtask 9.2 | Assess Proposed Groundwater Recharge Volumes

Consultant shall evaluate the Quarry Lake discharge structure and/or new injection wells needed to recharge the quantities of ATRW identified during Task 6 alternatives development. Building upon the constraints identified in the Task 1 assessment and supplemented with information from Task 4, Consultant shall evaluate recharge at Quarry Lakes and/or new injection wells to meet the recharge volumes associated with the alternatives in consideration from Task 6.

Subtask 9.3 | Provide Support to ACWD Modeling Staff for Additional Groundwater Basin Travel Time Analysis

Building upon the modeling work conducted for the 2015/16 Study, Consultant shall coordinate groundwater modeling requirements with ACWD staff, who will perform the groundwater modeling of the Niles Cone, for the alternatives in consideration from Task 6. Groundwater modeling will be focused on verifying travel time requirements from the GRRP regulations can be met and on resulting increase in groundwater storage and availability that results from the additional recharge.

Subtask 9.4 | Prepare Estimate of Probable Cost for Groundwater Facilities

Consultant shall prepare an estimate of probable costs for additional or expanded groundwater production facilities identified in Task 9.1. Consultant shall also prepare an estimate of probable costs for additional groundwater recharge facilities identified in Task 9.2. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 9.5 | Develop Draft Report Chapter

Consultant shall document the information developed in Task 9 in a draft report chapter .

Assumptions for Task 9:

- ▶ A list of potential well sites will be provided by ACWD for use in a siting and routing evaluation. Consultant assumes up to five sites will be evaluated.
- ▶ ACWD staff will document results of groundwater modeling travel time assessments in a memorandum that can be included as an attachment to the Final Report.
- ▶ Consultant assumes no site visits to groundwater production facilities or well sites are included in this scope of work.
- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 9:

- ▶ Draft report chapter in Microsoft Word format summarizing the Evaluation of the ACWD Groundwater Production System. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 10 | Newark Desalination Facility Reliability Assessment

The purpose of this task is to assess reliability of the existing Newark Desalination Facility, and possible expanded facilities, given the potential change in use to be a production facility for water shared with SFPUC.

Subtask 10.1 | Analyze Reliability of Critical Components of Newark Desalination Facility

Consultant shall assess reliability, redundancy, and risk of existing Newark Desalination Facility (NDF), existing brackish water supply wells that feed NDF, and proposed additional production facilities that may be identified to serve the alternatives in consideration from Task 6. Consultant shall perform one site visit to the NDF and two meetings with ACWD staff to discuss operations, facility history, and past challenges. Consultant shall evaluate existing design, SCADA, power, water quality, and performance data. Consultant shall develop modifications to improve reliability of existing and proposed facilities, as needed.

Subtask 10.2 | Estimate of Probable Costs for Improving Reliability of Newark Desalination Facility

Consultant shall develop estimates of probable cost for the facilities sized under Task 11.1. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 10.3 | Develop Draft Report Chapter

Consultant shall document the information developed in Task 11 in a draft report chapter. One conceptual expansion layout will be included in the draft report chapter, if an NDF expansion is included in the alternatives.

Assumptions for Task 10:

- ▶ One in person site visit to NDF to tour facility and two in person meetings with ACWD staff to discuss operations
- ▶ Condition assessment of NDF is not included in this scope of work.
- ▶ ACWD, SFPUC, and USD staff will review Draft report chapter. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 10:

- ▶ Draft report chapter in Microsoft Word format summarizing the Newark Desalination Facility Reliability Assessment. Partner Agency comments on draft report chapter will be incorporated into the final report.

Task 11 | Preparation of Feasibility Study Report

The purpose of this task is to provide documentation of the work performed for the Study, to aid in selection of one alternative to serve as the Recommended Project, and to then develop the additional pieces of information necessary to establish feasibility of the Recommended Project under the USBR Title XVI program and SWRCB WRFPP criteria.

Subtask 11.1 | Develop Additional Information on Recommended Project for Feasibility Study

Additional information beyond what will have been prepared in Tasks 1-12 will need to be completed to prepare a USBR Title XVI and a SWRCB WRFPP compliant report. This includes selection of one project or one suite of complimentary projects as the Recommended Project and then providing specific implementation-related information for the Recommended Project. Consultant shall host a workshop with Partner Agencies staff to select the Recommended Project from the alternatives investigated in Task 7-10. Once selected, the additional analysis needed to meet the requirements of USBR and CA WRFPP include:

- ▶ **Selection of Recommended Project** write-up including justifications for why the proposed project is the selected alternative in terms of meeting objectives, demands, needs, cost-effectiveness, and other criteria important to the decision.
- ▶ **Environmental** write-up for Recommended Project including discussion of potential impacts on endangered species and culture resources, discussion of affect on water supply and quality, and description of potential effects on historic properties.
- ▶ **Definition of the No Project Alternative** to the Recommended Project to provide a comparison of conditions with and without the Recommended Project.
- ▶ **Legal and Institutional** write-up for Recommended Project including list of potential permits required, institutional agreements needed, interagency agreements needed, change of wastewater disposal location, and other water rights.
- ▶ **Implementation** plan and schedule for Recommended Project including steps for implementation with timing, funding sources, potential grants and low interest loans, and construction financing.

Subtask 11.2 | Develop Draft Final and Final Feasibility Study Report for USBR Title XVI Review and for Future Submittal to WRFP

Draft report chapters, previously reviewed by the Partner Agencies under the individual tasks, will be compiled with the comments received from the Partner Agencies addressed along with the additional sections developed under Task 11.1 to generate a Draft Final Feasibility Study Report with a brief executive summary (5 pages maximum) that summarizes the findings of Tasks 1-12, specifically technical findings, proposed facilities and sizes, and estimates of probable costs. Consultant shall include, as appropriate, all meeting minutes prepared for Tasks 1-10 as appendices to the summary report. The Feasibility Study Report will comply with the USBR Directives and Standards WTR 11-01 and the SWRCB WRFP Report Appendix B. Consultant shall include a Crosswalk Table as appendix to the Feasibility Study Report (see Table 2.4) to aid USBR and SWRCB in their reviews.

Consultant shall submit the Draft Final Feasibility Study Report and related attachments to USBR for review. Consultant shall address comments from USBR and produce a Final Feasibility Study Report, at which time USBR will respond with a letter stating the “Recommended Project” has been determined to be feasible. Upon acceptance of the Final Feasibility Study Report by USBR, Consultant shall produce 10 hard copies of the final report including appendices.

Note that the SWRCB WRFP will only review the report when it is submitted to the Clean Water State Revolving Fund Loan program as the Technical Report required for the loan application, which is assumed to be beyond the scope of this Study.

Table 2.4 Crosswalk between USBR requirements, SWRCB requirements, and this Scope of Work

USBR Title XVI Chapter Outline	WRFP Technical Report Chapter Outline	Where in this scope of work this information is prepared
Introductory Information (study area) (USBR Ch 1)	Maps & Diagrams (WRFP Ch 1) Study Area Characteristics (hydrologic features, groundwater basin description, water quality, population projections) (WRFP Ch 2)	Task 1 – Interests and Constraints
Statement of Problems and Needs (potable water demands, wastewater flows) (USBR Ch 2)	Water Supply Characteristics and Facilities (potable water demands) (WRFP Ch 3) Wastewater Characteristics and Facilities (wastewater flows, WWTP facilities) (WRFP Ch 4)	Task 1 – Interests and Constraints
Water Reclamation and Reuse Opportunities (types of reuse, market for recycled water, WWTP facility descriptions, treatment technologies) (USBR Ch 3)	Treatment Requirements for Discharge and Reuse (WRFP Ch 5) Recycled Water Market (WRFP Ch 6)	Task 1 – Interests and Constraints Task 7 – Treatment Process Design Review

USBR Title XVI Chapter Outline	WRFP Technical Report Chapter Outline	Where in this scope of work this information is prepared
Description of Alternatives (minimum of two alternatives; facilities, costs, benefits, waste stream disposal) (USBR Ch 4)	Project Alternatives Analysis (WRFP Ch 7)	Task 6 – Develop Alternative Concepts Task 7 – Treatment Process Design Review Task 8 – Pipeline Alignment/Distribution Study Task 9 – Evaluation of ACWD Groundwater Production System Task 10 – Newark Desalination Facility Reliability Assessment
Economic Analysis (with and without project conditions; quantified benefits where possible, qualitative benefit description allowed) (USBR Ch 5)	Included with Project Alternatives Analysis (WRFP Ch 7)	Task 11.1 – Define no project alternative
Selection of the Proposed Title XVI Project (USBR Ch 6)	Recommended Project (WRFP Ch 8)	Task 11.1 – Define Recommended Project
Environmental Consideration and Potential Effects (USBR Ch 7)	Not Required (Separate State Revolving Fund Loan Environmental Submittal)	Task 11.1 – Develop environmental write-up
Legal and Institutional Requirements (water rights, institutional agreements) (USBR Ch 8)	Recommended Project (WRFP Ch 8)	Task 11.1 – Develop legal and institutional write-up
Financial Capability of Project Sponsor (implementation schedule, plan for funding construction and operation) (USBR Ch 9)	Construction Financing Plan and Revenue Program (WRFP Ch 9)	Task 11.1 – Develop implementation plan
Research Needs (use of proven technologies, basic research needs, if any) (USBR Ch 10)	Not Required	Task 4 – EBRPD/Quarry Lakes Limnologic Investigation Task 7 – Treatment Process Design Review (if any)

Assumptions for Task 11:

- ▶ One in person workshop with Partner Agencies to determine Recommended Project
- ▶ ACWD, SFPUC, and USD staff will review Draft Final and Final Feasibility Study Reports. Comments from the Partner agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 11:

- ▶ Draft Final and Final Feasibility Study Reports in PDF and Microsoft Word formats. Provide ten (10) hard copies of the Final Feasibility Study Report, including appendices.

Task 12 | Project Management, Quality Control, Communication, and Coordination

Subtask 12.1 | Quality Assurance/Quality Control Measures

Consultant shall confirm specific quality assurance and quality control (QA/QC) measures are followed, strictly monitoring the quality of each deliverable and ensuring engineering calculations, cost estimates, TMs and reports are reviewed by senior resources at the firm.

Subtask 12.2 | Monthly Progress Reporting, Schedule Updates, and Invoices

Consultant shall prepare monthly project invoices, regular progress reports, and a detailed schedule of work showing each task and subtask, identifying milestones for critical meetings, workshops, progress calls, deliverables and Partner Agencies reviews. The detailed schedule shall be submitted electronically in Microsoft Project and in PDF file format. Schedule updates shall be submitted monthly, no later than the Friday of the first week of the month.

Subtask 12.3 | Communications with Partners' Project Managers

Consultant's project manager shall coordinate and participate in regular coordination conference calls with the Partners' project manager(s) to coordinate deliverable reviews, to coordinate timing of larger group meetings/ workshops, to discuss current project activities, and to gain input and feedback on project decisions. Coordination calls shall occur on a monthly basis.

Subtask 12.4 | Meetings with Partner Agencies

In addition to the meetings specified in specific tasks, Consultant shall organize in close coordination with the Partners' project manager(s) and attend up to 5 in person meetings with the Partner Agencies to present results of analysis and deliverables, to discuss review comments from Partner Agencies, and to generally provide updates on project developments. The Consultant shall prepare the meeting agenda, handouts, and record, prepare and distribute meeting minutes.

Assumptions for Task 12:

- ▶ Duration of project is 24 months; during the 5 months while USBR reviews draft Feasibility Report, project is dormant (no invoicing, progress reporting, or coordination calls)
- ▶ 5 in person meetings to update progress, review deliverable comments, etc.

Deliverables for Task 12:

- ▶ Project invoices, progress reports, and schedule updates on a monthly basis.
- ▶ Meeting agendas, handouts, and meeting minutes for 5 meetings/workshops.

Optional Services Tasks

Task 1 | Pipeline Alignment/Distribution Study (Partial)

The purpose of this task is to identify distribution system facilities needed to move ATRW from the point of treatment to the point of use for the selected alternatives in consideration from Task 6, including developing estimates of probable cost for pipelines.

Subtask 1.2 | Evaluate Delivery of ATRW to ACWD Distribution System Including Materials Assessment

Consultant shall also evaluate one alternative for delivery of DPR flows into the ACWD water distribution system. The evaluation shall include consideration of transmission pipeline alignment alternatives, treatment plant locations, and considerations or requirements related to treated water blending (pre or post distribution system injection) with other waters such as groundwater. In addition, Consultant shall supplement the 2015/16 Study by evaluating ATRW effluent compatibility with current ACWD water distribution system materials using a desktop modeling of corrosion potential and changes in water quality. Consultant shall layout ATRW storage and pumping facilities.

Subtask 1.3 | Prepare Estimate of Probable Cost for Distribution Facilities (Partial)

Consultant shall prepare an estimate of probable costs for distribution facilities needed to serve the selected alternatives in consideration from Task 6 including ATRW storage, pump stations, and pipelines, as required by selected sizes and end use. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 1.4 | Develop Draft and Final Technical Memorandum

Consultant shall document the information developed in Task 8 in a draft and final TM. One conceptual pipeline layout will be included for each alternative in the memorandum.

Assumptions for Task 1:

- ▶ For the purposes of developing a proposal budget, Consultant assumes two alternatives will be evaluated and that one alternative will be an IPR option with the second being a DPR option.
- ▶ ACWD will provide age, size and materials for ACWD transmission system pipelines.
- ▶ No sample collection or bench testing is assumed to be needed to perform desktop modeling of corrosion potential.
- ▶ No field visits or utility investigations are included in this scope of work.
- ▶ ACWD, SFPUC, and USD staff will review Draft and Final TM. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 1:

- ▶ Draft and Final TM in PDF and Microsoft Word formats summarizing Pipeline Alignment/Distribution Study.

Task 2 | ACWD Distribution System Modeling to Connect ACWD to

SFPUC

The purpose of this task is to assess capacity of the existing ACWD distribution system to convey potable water to an intertie with SFPUC BDPL including booster pumping and interim storage at NDF.

Subtask 2.1 | Hydraulic Model Development

Using ACWD's H2O Map model of its transmission mains, Consultant shall construct a series of model scenarios to represent the potential alternatives identified in Task 6. Model development will include a review of the BDPL and definition of appropriate boundary conditions at the BDPL connection.

Subtask 2.2 | Hydraulic Assessment and Facility Sizing

Consultant shall perform distribution system modeling to determine the adequacy and/or needs of the distribution system facilities for the potential alternatives identified in Task 6. The modeling will include a review of pipeline sizing and needs as well as an assessment of booster station requirements at the NDF (or other production facility) and at the BDPL connection. Further, this task shall consider the need for storage at the NDF or other facility in order to better meet the timing of the demands of the SFPUC system.

Subtask 2.3 | Estimates of Probable Cost for Intertie Facilities

Consultant shall develop estimates of probable cost for the facilities sized under Task 10.2. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 2.4 | Develop Draft and Final Technical Memorandum

Consultant shall prepare a draft and final TM summarizing the methodology and evaluation of the ACWD Distribution System Modeling.

Assumptions for Task 2:

- ▶ ACWD will provide a basic hydraulic model (H2O Map) of ACWD's transmission pipelines and larger diameter distribution pipelines. It is assumed that all modeling under this task (except the optional task if elected) shall be conducted using the H2O Map model and all model deliverable files will be in H2O Map. It is assumed that the existing H2O Map model captures all current conditions and any relevant future conditions in the ACWD system and will not require any updates aside from those necessary to simulate a connection to the SFPUC BDPL.
- ▶ Model simulations will be steady state and assume maximum day demand conditions.
- ▶ SFPUC will provide the BPDPL boundary conditions (HGL), expected seasonally and diurnally, if applicable.
- ▶ ACWD, SFPUC, and USD staff will review Draft and Final TM. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 2:

- ▶ Draft and Final TM in PDF and Microsoft Word formats summarizing the methodology and evaluation of the ACWD Distribution System Modeling.
- ▶ Electronic modeling files.

Task 3 | Evaluation of Water Quality and Operational Considerations for an ACWD/SFPUC Intertie

The purpose of this task is to assess water quality and operational timing considerations for a physical intertie between the ACWD NDF and SFPUC transmission system.

Subtask 3.1 | Evaluate Operational Constraints of a Physical Intertie

Consultant shall evaluate the operational constraints (e.g. capacity, HGL, controls) of a physical intertie between ACWD NDF and SFPUC BDPL in Newark (separate from the connection between the ACWD distribution system and the BDPL considered in Task 10).

Subtask 3.2 | Evaluate Water Quality Compatibility Between Two Water Sources

Consultant shall consider the compatibility of water quality between the NDF and SFPUC BDPL for blending and distribution. Consultant shall consider the possible range of water quality conditions within the two transmission systems, including variations due to seasonal changes, source water changes, routine operational changes, and the impacts of facility outages. Consultant shall conduct desktop modeling of corrosion potential of each water, considering seasonal variability, routine operational changes, and the impacts of facility outages. The corrosion assessment will consider the proposed pipeline materials of the new Intertie and the existing materials for the BDPL. Consultant shall recommend options for managing water quality conditions.

Subtask 3.3 | Estimate of Probable Cost for Direct Connection of NDF To SFPUC BDPL

Consultant shall develop estimates of probable cost for the intertie facilities identified in Task 12.1 and facilities identified in Task 12.2 to manage water quality blending. Estimates of probable cost assume a project development level of 1% to 15% corresponding to an Estimate Class of 4 with an expected accuracy range of -20% to +30% (AACE Practice No. 56R-08 Cost Estimate Classification System as Applied to the Building and General Construction Industries revised December 2012).

Subtask 3.4 | Develop Draft and Final Technical Memoranda

Consultant shall document the information developed in Task 12 in a draft and final technical memorandum

Assumptions for Task 3:

- ▶ Water quality information for the existing NDF supplies will be provided by ACWD. The water quality information may need to be projected to reflect the addition of ATRW to the groundwater supplies.
- ▶ Water quality, flow rate, and operational information for the existing BDPL will be provided by SFPUC.
- ▶ ACWD, SFPUC, and USD staff will review Draft and Final TM. Comments from the Partner Agencies will be combined by the ACWD project manager into one comment file and conflicting comments between Partner Agencies will be resolved into a consensus comment. Project schedule assumes three weeks for Partner Agency review time and one additional week to consolidate comments into one file.

Deliverables for Task 3:

Draft and Final TM in PDF and Microsoft Word formats summarizing the evaluation of Water Quality and Operational Considerations.

Miscellaneous Optional Additions to Scope Tasks

Task 4 | Additional Meetings with Regional Board and Division of Drinking Water (Optional Task for Task 3)

Optional: Consultant shall prepare for and attend additional meetings with Regional Board staff and Division of Drinking Water staff after completion of additional technical investigations in Tasks 4, 7 and 9, to provide updated information on proposed project concept.

Task 5 | Additional Water Quality Model Runs (Optional Task for Task 4)

Optional: Consultant shall rerun water quality model for Quarry Lakes at different flow rates to match alternatives selected under Task 6.

Task 6 | Treatment Facility Siting Assessment (Optional Task for Task 7)

Optional: 2015/16 Study assumed space would be available at a property north of the USD Alvarado WWTP. Based on updated information, that property may not be available for acquisition such that the treatment facilities to produce ATRW may need to be located offsite from the Alvarado WWTP and waste streams (e.g. membrane backwash water, RO concentrate) piped back to the Alvarado WWTP for treatment/disposal. Consultant shall investigate up to 4 properties of a size suitable for the treatment facilities needed for the selected alternatives along a corridor between the Alvarado WWTP and point of use (e.g. Quarry Lakes, WTP #2, new injection wells). Properties will be evaluated for overall available space considering setbacks and grading, additional pumping requirements to boost influent feed and to convey waste and product water flows, routing for pipes to and from the property to convey influent, waste product water flows, and environmental and permitting considerations.

Task 7 | Public Outreach Strategy (Optional Task for Task 5 and 11)

Subtask Optional 7.1: Working with the Partners Agencies, Consultant shall develop a list of key community leaders and stakeholders, including civic, community, business and other leaders. Depending on the alternatives, the list of stakeholders may be focused on customers of ACWD/USD or SFPUC – or both. Develop a discussion guide to use during a series of up to 12 one-on-one meetings or listening sessions to gather information that will inform the outreach approach. Develop a briefing for ACWD and USD board members on potable reuse concepts, regulatory considerations, typical public concerns, and the planned approach for gathering information from the local community; assume two in-person meetings with District board members (1-2 board members at each meeting). Assume the 12 one-on-one meetings or sessions are held over up to 4 individual dates in the ACWD/ USD or SFPUC service areas (Fremont, Newark, Union City, and San Francisco). Prepare a brief summary report. Assumes two rounds of review of both discussion guide and summary report before finalization. Assumes ACWD/SFPUC assistance in setting up stakeholder meetings. Assumes one report out session with ACWD/ USD/SFPUC staff.

Subtask Optional 7.2: Following the community one-on-one meetings and using information from the meetings, lessons learned by other agencies, and Data Instinct's own experiences and research, develop a white paper "Garnering Public Support" with a stakeholder and public outreach strategy for near-term planning effort, and longer term for project implementation. Present outreach strategy to

ACWD/USD/SFPUC staff meeting. Assumes two rounds of reviews before finalization.

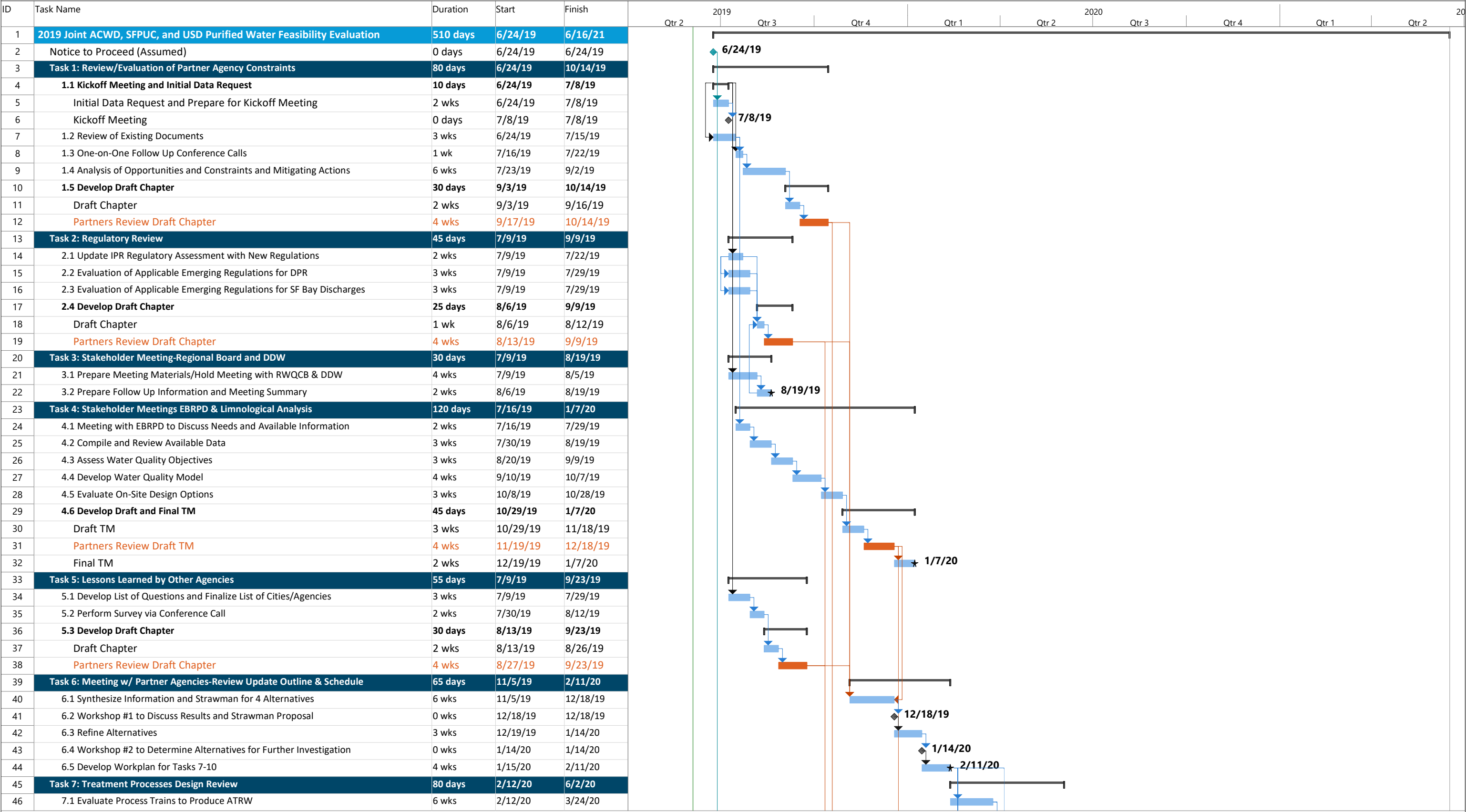
Task 8 | InfoWater Modeling (Optional Task for Optional Task 2)

Optional: The full distribution system model (InfoWater) will be used to conduct an assessment of the distribution of the new IPR or DPR water source into the ACWD distribution system. This analysis will include a review of the range of capacities identified under previous tasks and will be used to determine the extent that the new water source reaches/blends within the ACWD distribution system. Results of this task would be incorporated into the Optional Task 2 TM.

EXHIBIT D

UPDATED SCHEDULE

Figure 5.1: Project Schedule



Project: ACWD Schedule

Task

Meeting/Workshop

Summary

Figure 5.1: Project Schedule

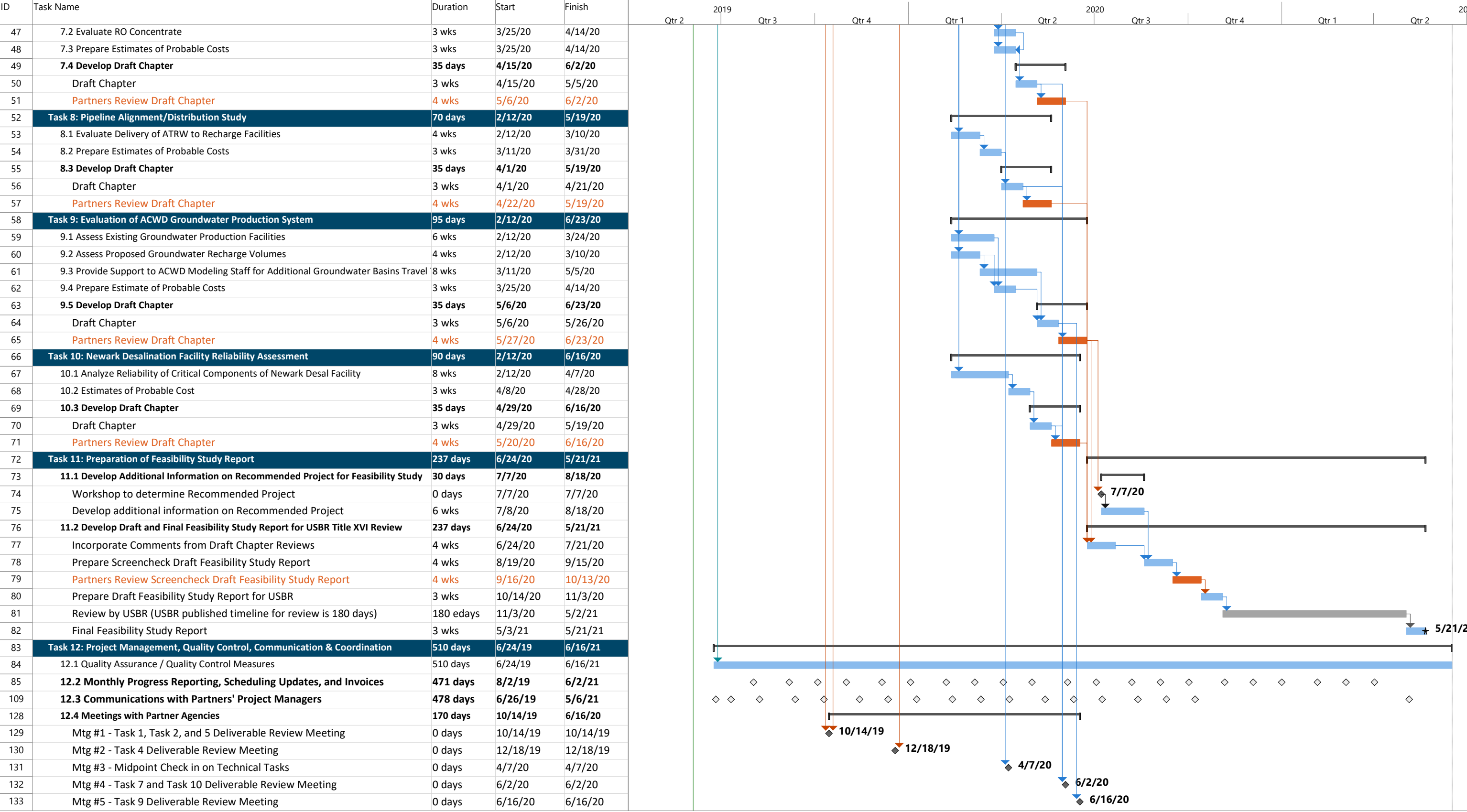


EXHIBIT E

UPDATED RATE SCHEDULE

Table 10.1: Cost Estimate by Task/Subtask FINAL



Alameda County Water District
2019 Joint ACWD, SFPUC and USD Purified Water Feasibility Evaluation

Cost Estimate FINAL

[illegible]

Table 10.1: Cost Estimate by Task/Subtask FINAL



Alameda County Water District
2019 Joint ACWD, SFPUC and USD Purified Water Feasibility Evaluation

Cost Estimate FINAL

Tasks	Woodard & Curran Labor															Trussell Technologies Labor										LimnoTech Labor					Data Instincts Labor					ODCs			Total					
	Randy Raines	Carrie Del Boccio	Tom Richardson	Ali Taghavi	Mike Matson	Christy Kennedy	Katie Cole	Mary Cousins	Erica Wolski	Leslie Dumas	Ian Jaffe	Mark Takemoto	Sunny Huang	Engineer/Planner 1	Admin	W&C Hours	Total W&C Labor Costs (1)	Rhodes Trussell	Brian Pecson	Keel Robinson	Elsine Howe	Aleks Pisarenko	John Kenny	Anya Kaufman	Junior Staff Engineer	Trussell Hours	Total Trussell Labor Costs (1)	David Dilks	Steve Skripnik	Dendy Lofton	LimnoTech Hours	Total LimnoTech Labor Costs (1)	Mark Millan	Data Instincts Hours	Total Data Instincts Labor Costs	Subconsultant	Sub Consultant Total Cost (2)	ODCs	Total ODCs (3)	Total Hours	Total Fee			
	PIC	Project Manager	Senior QA/QC	Groundwater Modeling	Pipeline Alignments	Groundwater Production	Lessons Learned	RWQCB Mtgs.	Regulatory Review	Groundwater Evaluation	Distribution System Modeling	Secondary Treatment Process	Desal Facility Reliability	Technical Support	Support			Sr. Technical Review	Regulatory Review	AOP Process	Intertie WQ/ Operations	Membrane Process	Treatment Process Design Review	Potable Reuse Permitting	Technical Support			Lake Water Quality / Senior QA/QC	Lake Water Quality	Limnology Studies			Lessons Learned											
	\$320	\$266	\$320	\$310	\$310	\$282	\$212	\$251	\$251	\$282	\$212	\$282	\$282	\$162	\$110			\$300	\$270	\$245	\$245	\$235	\$200	\$155	\$145			\$210	\$165	\$150			\$200											
Task 11: Preparation of Summary Report & Feasibility Study Report																																												
11.1 Develop Additional Information on Recommended Project for Feasibility Study	2	44	8	0	0	0	16	0	0	0	2	0	0	80	0	152	\$31,680	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	\$100	\$110	152	\$31,790		
11.2 Develop Draft Final & Final Feasibility Study Report for USBR Title XVI Review and for SWRCB WRRFP	5	48	12	0	2	2	8	2	0	0	8	0	0	92	8	187	\$39,070	4	12	8	8	0	12	12	0	56	\$12,620	0	0	0	0	\$0	0	0	\$0	\$12,620	\$13,882	\$500	\$550	243	\$53,502			
Subtotal Task 11:	7	92	20	0	2	2	24	2	0	0	10	0	0	172	8	339	\$70,750	4	12	8	8	0	12	12	0	56	\$12,620	0	0	0	0	\$0	0	0	\$0	\$12,620	\$13,882	\$600	\$660	395	\$85,292			
Task 12: Project Management, Quality Control, Communication & Coordination																																												
12.1 Quality Assurance / Quality Control Measures (Note 6)	2	4	32	0	0	0	0	0	0	0	0	0	0	0	0	38	\$11,944	32	4	0	0	0	0	0	0	36	\$10,680	0	0	0	0	\$0	0	0	\$0	\$10,680	\$11,748	\$0	\$0	74	\$23,692			
12.2 Monthly Progress Reporting, Schedule Updates, and Invoices (Note 5)	2	19	6	0	0	0	0	0	0	0	0	0	0	38	57	122	\$20,040	0	19	0	0	0	0	0	0	19	\$5,130	0	4	0	4	\$660	0	0	\$0	\$5,790	\$6,369	\$0	\$0	145	\$26,409			
12.3 Communications with Partners' Project Managers (Note 5)	0	38	12	0	0	0	0	0	0	0	0	0	0	57	0	107	\$23,182	0	10	0	0	0	0	10	0	20	\$4,700	0	0	0	0	\$0	0	0	\$0	\$4,700	\$5,170	\$0	\$0	127	\$28,352			
12.4 Meetings with Partner Agencies (assumes 5 meetings)	1	40	15	0	0	4	4	4	0	0	0	0	0	40	0	108	\$25,220	0	8	0	0	0	12	0	0	20	\$4,560	0	0	0	0	\$0	0	0	\$0	\$4,560	\$5,016	\$1,000	\$1,100	128	\$31,336			
Subtotal Task 12:	5	101	65	0	0	4	4	4	0	0	0	0	0	135	57	375	\$80,386	32	41	0	0	0	22	0	0	95	\$25,070	0	4	0	4	\$660	0	0	\$0	\$25,730	\$28,303	\$1,000	\$1,100	474	\$109,789			
TOTAL	26	460	172	14	76	97	126	122	24	50	50	17	34	847	65	2180	\$487,778	46	243	22	30	74	238	383	66	1102	\$226,075	108	200	274	582	\$96,780	12	12	\$2,400	\$325,255	\$357,781	\$3,700	\$4,070	3876	\$849,629			
OPTIONAL TASKS																																												
Optional Task 1: Pipeline Alignment/Distribution Study (DPR Option)																																												
1.1 Evaluate Delivery of ATRW to ACWD Distribution System	0	2	4	0	24	0	0	0	0	0	2	0	0	40	0	72	\$16,156	4	0	0	44	0	0	40	68	156	\$28,040	0	0	0	0	\$0	0	0	\$0	\$28,040	\$30,844	\$0	\$0	228	\$47,000			
1.2 Prepare Estimates of Probable Costs (Partial)	0	1	2	0	6	0	0	0	0	0	4	0	0	16	0	29	\$6,206	0	0	0	0	0	0	16	0	16	\$2,480	0	0	0	0	\$0	0	0	\$0	\$2,480	\$2,728	\$0	\$0	45	\$8,934			
1.3 Develop Draft and Final TM (Partial)	0	1	2	0	12	0	0	0	0	0	8	0	0	16	0	39	\$8,914	4	0	0	16	0	0	12	16	48	\$9,300	0	0	0	0	\$0	0	0	\$0	\$9,300	\$10,230	\$0	\$0	87	\$19,144			
Subtotal Optional Task 1:	0	4	8	0	42	0	0	0	0	0	14	0	0	72	0	140	\$31,276	8	0	0	60	0	0	68	84	220	\$39,820	0	0	0	0	\$0	0	0	\$0	\$39,820	\$43,802	\$0	\$0	360	\$75,078			
Optional Task 2: ACWD Distribution System Modeling to Connect ACWD to SFPUC																																												
2.1 Hydraulic Model Development	0	1	2	0	8	0	0	0	0	0	16	0	0	32	0	59	\$11,962	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	59	\$11,962				
2.2 Hydraulic Assessment and Facility Sizing	0	1	4	0	4	0	0	0	0	0	12	0	0	24	0	45	\$9,218	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	45	\$9,218				
2.3 Estimates of Probable Cost	0	1	2	0	2	0	0	0	0	0	16	0	0	32	0	53	\$10,102	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	53	\$10,102				
2.4 Develop Draft and Final TM	1	1	4	0	2	0	0	0	0	0	16	0	0	32	0	56	\$11,062	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	56	\$11,062				
Subtotal Optional Task 2:	1	4	12	0	16	0	0	0	0	0	60	0	0	120	0	213	\$42,344	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	213	\$42,344				
Optional Task 3: Evaluation of Water Quality & Operational Considerations for an ACWD/SFPUC Intertie																																												
3.1 Evaluate Operational Constraints of a Physical Intertie	0	2	1	0	12	0	0	0	0	0	4	0	0	12	0	31	\$7,364	0	0	0	6	0	0	0	32	38	\$6,110	0	0	0	0	\$0	0	0	\$0	\$6,110	\$6,721	\$0	\$0	69	\$14,085			
3.2 Evaluate Water Quality Compatibility Between Two Water Sources	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	2	\$586	4	0	0	22	0	0	80	32	138	\$23,630	0	0	0	0	\$0	0	0	\$0	\$23,630	\$25,993	\$0	\$0	140	\$26,579			
3.3 Estimates of Probable Cost	0	2	2	0	6	0	0	0	0	0	0	0	0	24	0	34	\$6,920	0	0	0	0	0	0	0	0	0	\$0	0	0	0	0	\$0	0	0	\$0	\$0	\$0	\$0	34	\$6,920				
3.4 Develop Draft and Final TM	1	2	2	0	4	0	0	0	0	0	2	0	0	4	0	15	\$3,804	2	0	0	16	0	0	40	24	82	\$14,200	0	0	0	0	\$0	0	0	\$0	\$14,200	\$15,620	\$0	\$0	97	\$19,424			
Subtotal Optional Task 3:	1	7	6	0	22	0	0	0	0	0	6	0	0	40	0	82	\$18,674	6	0	0	44	0	0	120	88	258	\$43,940	0	0	0	0	\$0	0	0	\$0	\$43,940	\$48,334	\$0	\$0	340	\$67,008			
Optional Task 4: Add'l Mtgs with RWQCB & DDW (per meeting)	0	2	2	0	0	0	0	8	4	0	0	0	0	4	0	20	\$4,832	0	4	0	0	0	0	0	0	4	1080	0	0	0	0	0	0	0	0	1,080	1,188	\$100	\$110	24	\$6,130			
Optional Task 5: Add'l Water Quality Model Runs (per run)	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	\$532	0	0	0	0	0	0	0	0	0	0	8	8	15	31	\$250	0	0	0	5,250	5,775	\$0	\$0	33	\$6,307			
Optional Task 6: Treatment Facility Siting Assessment	0	4	8	0	4	0	0	0	0	0	30	0	50	100	0	196	\$41,524	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$400	\$440	196	\$41,964					
Optional Task 7: Public Outreach Strategy	1	4	2	0	0	0	2	0	0	0	0	0	0	0	0	9	\$2,448	0	0	0	0	0	0	0	0	0	0	0	0	0	0	250	250	50000	50,000	55,000	\$450	\$495	259	\$57,943				
Optional Task 8: InfoWater Modeling	0	2	4	0	0	0	0	0	0	0	16	0	0	32	0	54	\$10,388	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	\$0	54	\$10,388				
Subtotal Optional Tasks 4-8	1	14	16	0	4	0	2	8	4	0	46	0	50	136	0	281	\$59,724	0	4	0	0	0</																						

1. The individual hourly rates include salary, overhead and profit.
2. Subconsultants will be billed at actual cost plus 10%.
3. Other direct costs (ODCs) such as reproduction, delivery, mileage (rates will be those allowed by current IRS guidelines), and travel expenses, will be billed at actual cost plus 10%.

4. W&C reserves the right to adjust its hourly rate structure and ODC markup at the beginning of the calendar year for all ongoing contracts.
5. Project Management assumes the project duration is 24 months; but there are 5 months during which USBR reviews Feas Study and project is dormant
6. QAQC is included under each task

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 9**

TITLE: Review and Consider Approval of Policy No. 5334, Equal Employment Opportunity (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Gene Boucher, Human Resources Manager

Recommendation

Consider and approve revisions to District Policy #5334 Equal Employment Opportunity

Previous Board Action

The Board last reviewed and approved this Policy at the January 14, 2013, Board meeting.

Background

Policy #5334 – Equal Employment Opportunity provides guidelines to staff on State and Federal laws regarding protected categories and status when considering a person for employment. This policy is scheduled for review every five (5) years. Staff has reviewed the policy, along with updates to State and Federal laws, and recommends minor changes to the policy. Attached is the policy with updated information.

Attachments

Policy No. 5334, Equal Employment Opportunity – redline
Policy No. 5334, Equal Employment Opportunity – changes accepted

Union Sanitary District
Policy and Procedure Manual

	Equal Employment Opportunity	Policy Number 5334
Effective: 1/14/2013 7/2019		Page 1 of 2

Policy

Union Sanitary District will provide equal opportunity for all persons in all protected categories as defined by state or federal law. Consistent with this policy, the District is committed to recruit, hire, train, and promote the most qualified applicants or employees and carry out all other employment actions without regard to their protected status as defined by the State or Federal law.

All personnel decisions, including those related to compensation; benefits; transfers; discharges; layoffs; and all other terms, conditions, and privileges of employment will be administered without regard to their protected status as defined by state or federal law. This policy prohibits treating individuals differently because of the individual's protected classification as defined in this policy.

Definition

Protected Categories/Status: State or federal law protects individuals based on race, religion, color, sex (including gender, ~~and~~ pregnancy, childbirth and related medical conditions), gender expression and gender identity, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, age (40 or over), medical conditions, AIDS/HIV, genetic information, physical or mental disability, political affiliations or activities, status as a victim of domestic violence, assault, or stalking. Opposition to unlawful harassment, association with a person that has any of the protected characteristics, and perception that a person has any of the protected characteristics.

Commented [GB1]: This section has been updated to reflect changes in California law regarding protected classes, and is current as of 1/1/2018

Procedure

Reporting: If any employee believes that equal employment opportunity has not been afforded him/her consistent with this policy, the employee shall immediately inform his/her Coach, or alternatively, the Human Resources ~~Administrator~~Manager, verbally or in writing. The Human Resources ~~Manager~~ Administrator will receive the verbal or written report of any applicant for employment who believes that equal employment opportunity has not been provided.

Investigation: Union Sanitary District will investigate any such report and will take corrective action as deemed necessary.

Management Responsibility

Management will implement, maintain, and enforce this policy, as well as make employment decisions consistent with this policy.

Employee Responsibility

Employees are responsible for complying with this policy.

Supersedes Policy Dated: 03/22/99, 10/07

Approved by: Board of Directors
Author/Owner: Human Resources Manager
Reviewers: Executive team
Notify Person: Human Resources Manager
Review Frequency: 5 years
Next review Date: ~~1/14/2018~~ [7/2024](#)

Union Sanitary District
Policy and Procedure Manual

	Equal Employment Opportunity	Policy Number 5334
Effective: 7/2019		Page 1 of 2

Policy

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Definition

Protected Categories/Status: State or federal law protects individuals based on race, religion, color, sex (including gender, pregnancy, childbirth and related medical conditions), gender expression and gender identity, sexual orientation, national origin, ancestry, citizenship status, uniformed service member status, marital status, age (40 or over), medical conditions, AIDS/HIV, genetic information, physical or mental disability, political affiliations or activities, status as a victim of domestic violence, assault, or stalking. Opposition to unlawful harassment, association with a person that has any of the protected characteristics, and perception that a person has any of the protected characteristics.

Procedure

Reporting: If any employee believes that equal employment opportunity has not been afforded him/her consistent with this policy, the employee shall immediately inform his/her Coach, or alternatively, the Human Resources Manager, verbally or in writing. The Human Resources Manager will receive the verbal or written report of any applicant for employment who believes that equal employment opportunity has not been provided.

Investigation: Union Sanitary District will investigate any such report and will take corrective action as deemed necessary.

Management Responsibility

Management will implement, maintain, and enforce this policy, as well as make employment decisions consistent with this policy.

Employee Responsibility

Employees are responsible for complying with this policy.

Supersedes Policy Dated: 03/22/99, 10/07

Approved by: Board of Directors
Author/Owner: Human Resources Manager
Reviewers: Executive team
Notify Person: Human Resources Manager
Review Frequency: 5 years
Next review Date: 7/2024

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 10**

TITLE: **Board of Directors Internal Committee Assignments for Fiscal Year 2020 (*This is an Information Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
 Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

Recommendation

Although this is typically presented as an information only item, the option to review and discuss is at the discretion of the Board President.

Previous Board Action

The Board receives this Information Item on an annual basis.

Background

Directors provided their preferences for internal committee assignments following the July 22, 2019, Board of Directors meeting. Pursuant to Policy 3070, Board Officers and Committee Membership, the following are attached: Policy 3070, internal committee assignments 2009 – present, and committee preferences and assignments for Fiscal Year 2020. Per Board Policy 3070, the President of the Board of Directors is responsible for assigning members and alternates for internal committees, and the determination of the Board President on committee assignments shall be considered final. The assignments received from President Toy are as follows:

Committee	Board Members	Alternate #1	Alternate #2	Alternate #3
Audit	Director Toy Director Fernandez	Director Lathi	Director Handley	Director Kite
Budget & Finance	Director Kite Director Lathi	Director Toy	Director Fernandez	Director Handley
Engineering & Information Technology	Director Toy Director Fernandez	Director Handley	Director Kite	Director Lathi
Legal/Community Affairs	Director Handley Director Fernandez	Director Kite	Director Toy	Director Lathi
Legislative	Director Kite Director Handley	Director Fernandez	Director Lathi	Director Toy
Personnel	Director Toy Director Lathi	Director Handley	Director Kite	Director Fernandez

Attachments: Policy 3070, Board Officers and Committee Membership
 Internal Committee Assignments 2009-Present
 Committee Preferences and Fiscal Year 2020 Assignments

Union Sanitary District
Policy and Procedure Manual

Effective: 12/12/16	Boardmember Officers and Committee Membership	Policy Number 3070 Page 1 of 3
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Policy

Selection of Board Officers will be held annually at the first regular meeting in the month of July of each year. Internal Board committee memberships shall be established no later than the second regularly scheduled meeting in July of each year, following the selection of the Board Officers. External commissions/committees representatives shall be established no later than the first regularly scheduled meeting in May of each year.

Purpose

To provide a written record of the procedure approved by the Board for electing its Officers and establishing its committee memberships.

Procedure

Board Officers

1. The Officers are President, Vice President, and Secretary and the term of office shall be for one year. The Board may, by motion, amend the titles of President and Vice President to Chair and Vice Chair, respectively, provided that the Chair, regardless of title, shall act as the “president” pursuant to California Health & Safety Code Section 6486. Throughout this Policy, the titles President and Vice President shall be used interchangeably with Chair and Vice Chair.
2. The President shall preside over the meetings of the Board of Directors and be responsible for the following:
 - a. maintaining order and following the published agenda
 - b. ensuring Boardmembers are allowed to participate in discussions
 - c. allowing the public to speak on agenda items
 - d. facilitating dialog among the public, staff, and Boardmembers
 - e. appointment of members of the Board of Directors to Internal Committee assignments
 - f. signing resolutions, ordinances, and construction contracts on behalf of the District
 - g. representing the Board of Directors on issues or at events as designated by the full Board

The Vice President shall fulfill the duties of the President when the President is absent or otherwise unavailable.

The Secretary shall ensure the recording of the minutes of the Board of Directors meetings and sign the adopted Minutes, shall sign all Resolutions and Ordinances passed by the District, and shall serve as Vice President when the Vice President is absent or otherwise unavailable. If the President and Vice President are both absent, and a quorum is present, the Secretary shall preside over the meetings of the Board of Directors as the Board President.

3. At the first regularly scheduled Board meeting in July, or as soon thereafter as the item can be agendaized at a regular Board meeting, the Board shall appoint its Board Officers. During election years, the newly elected Boardmembers shall be sworn in as the first item of business on the agenda followed immediately by the selection of the Board Officers. During non-election years, the selection of the Board Officers shall be considered after the last motion item on the agenda. The Board shall elect the President, Vice-President and Secretary for one year terms. The election or removal of the President, Vice-President, or Secretary shall require a majority vote of the Board. The Board may choose to follow a rotation of officers.

The Board officers in office at the beginning of the meeting shall retain their positions until the adjournment of the meeting and the newly selected Board Officers shall assume their duties immediately following this meeting.

Internal Board Committee Memberships

1. Internal committees are: Budget and Finance; Engineering and Information Technology; Legal/Community Affairs; Legislative; Personnel; and Audit Committee. There is no fixed schedule for meetings set by this policy and appointments are made by the President, as set forth below. Notwithstanding the above, meetings are noticed and open to the public.
2. Annually, following the election of Board officers, and at the same meeting as the election of the officers, Directors shall be provided a list of the internal committees along with an internal committee interest form. The internal committee interest form shall be completed in order of preference and provided to the General Manager, or designee, no later than 11 calendar days in advance of the next Board meeting.
3. The President is delegated the authority to appoint Directors to the internal committees. The President shall make every effort to rotate committee assignments and ensure a similar number of committee assignments for each Board member. Notice of internal committee membership appointments will be contained in an information item to the Board at the next regularly scheduled meeting following the selection of the Board Officers. The determination of the Board President on committee assignments shall be considered final.
4. Ad Hoc committees are called as needed by a majority vote of the Board of Directors.

External Commissions / Committee Representatives (CCR)

1. External commissions/committees include: the EBDA Commission; the Joint Powers Authority for Geographic Information Systems; the Alameda County Water District Finance Authority (ACWDFA); and the Alameda County Chapter of the California Special Districts Association.
2. Membership on the EBDA Commission shall be a maximum of two consecutive years, with a possible three years in exceptional circumstances if approved by the Board.
3. The Board of Directors will elect the representatives for External Committees no later than the first regularly scheduled Board meeting in May of each year in order to ensure the representatives may be seated for the first meeting of the new committee or commission. At the prior meeting, Directors shall be provided a list of external committees along with an external committee interest form. The external committee interest form shall be completed in order of preference and provided to the General Manager, or designee, no later than 11 calendar days in advance of the meeting. The committee interests shall be compiled in a staff report by the General Manager, or designee, and provided to the Board for consideration. The Board shall elect the CCRs for one year terms or as otherwise decided by the Board majority. The election or removal of CCRs shall require a majority vote of the Board.

Management Responsibility

The General Manager will be responsible for scheduling on the Board agenda, the election or appointment of Board officers and external commissions, pursuant to the schedule shown above. The General Manager, or designee, will provide the following to the new President, with copies to the Board: (1) a list of the last ten years and current committee memberships; (2) a copy of this policy; and (3) a list of internal committee interests. In consultation with the Board President, the General Manager will also be responsible for scheduling on the Board agenda the announcement of committee appointments.

Supersedes Policy Dated: July 2004, September 2005, January 2008, September 2010, October 2013

Approved by:	Board of Directors December 12, 2016
Reviewers:	General Manager, Board of Directors, District's attorney
Notify Person:	General Manager
Review frequency:	Every 3 years
Next Review:	December 2019

Union Sanitary District

BOARDMEMBER INTERNAL COMMITTEE ASSIGNMENTS 2009 - Present

Date	Budget & Finance	Engineering & Information Technology (formerly Construction)	Legal/Community Affairs	Legislative	Personnel	Audit Committee
8/18-7/19	Pat Kite Jennifer Toy	Tom Handley Anjali Lathi	Manny Fernandez Tom Handley	Manny Fernandez Anjali Lathi	Manny Fernandez Pat Kite	Pat Kite Jennifer Toy
7/17-8/18	Tom Handley Jennifer Toy	Manny Fernandez Pat Kite	Tom Handley Anjali Lathi	Anjali Lathi Jennifer Toy	Pat Kite Jennifer Toy	Manny Fernandez Anjali Lathi
7/16-7/17	Tom Handley Anjali Lathi	Pat Kite Jennifer Toy	Tom Handley Anjali Lathi	Manny Fernandez Pat Kite	Manny Fernandez Jennifer Toy	Manny Fernandez Jennifer Toy
7/15-7/16	Manny Fernandez Pat Kite	Tom Handley Jennifer Toy	Pat Kite Anjali Lathi	Manny Fernandez Tom Handley	Manny Fernandez Jennifer Toy	Anjali Lathi Jennifer Toy
7/14-7/15	Anjali Lathi Tom Handley	Pat Kite Jennifer Toy	Pat Kite Tom Handley	Manny Fernandez Jennifer Toy	Manny Fernandez Anjali Lathi	Manny Fernandez Tom Handley
7/13-7/14	Jennifer Toy Pat Kite	Tom Handley Manny Fernandez	Anjali Lathi Tom Handley	Pat Kite Anjali Lathi	Jennifer Toy Manny Fernandez	Jennifer Toy Tom Handley
7/12-7/13	Anjali Lathi Jennifer Toy	Manny Fernandez Tom Handley	Anjali Lathi Pat Kite	Pat Kite Tom Handley	Jennifer Toy Manny Fernandez	Jennifer Toy Tom Handley
7/11-7/12	Anjali Lathi Jennifer Toy	Manny Fernandez Tom Handley	Anjali Lathi Pat Kite	Pat Kite Tom Handley	Jennifer Toy Manny Fernandez	Jennifer Toy Tom Handley
7/10-7/11	Tom Handley Anjali Lathi	Pat Gacoscas* Manny Fernandez Jennifer Toy	Pat Kite Tom Handley	Pat Kite Anjali Lathi	Pat Gacoscas* Manny Fernandez Jennifer Toy	Pat Gacoscas* Jennifer Toy
7/09-7/10	Pat Gacoscas Anjali Lathi	Tom Handley Jennifer Toy	Pat Kite Tom Handley	Pat Kite Anjali Lathi	Pat Gacoscas Jennifer Toy	Pat Kite Jennifer Toy
7/08-7/09	Jennifer Toy Anjali Lathi	Pat Kite Tom Handley	Pat Gacoscas Anjali Lathi	Pat Kite Tom Handley	Pat Gacoscas Jennifer Toy	

*Pat Gacoscas resigned from her position, and Manny Fernandez was appointed as her replacement during FY11

Preferences						
Board Member	Budget & Finance	Engineering & IT	Legal & Community Affairs	Legislative	Personnel	Audit
Anjali	3	1	2	4	5	6
Jennifer	2	1	4	6	3	5
Manny	5	1	2	3	4	6
Pat	2	1	3	5	4	6
Tom	3	1	2	4	5	6

Committee Assignments						
Board Member	Budget & Finance	Engineering & IT	Legal & Community Affairs	Legislative	Personnel	Audit
Member	Pat	Jenn	Tom	Pat	Jenn	Jenn
Member	Anjali	Manny	Manny	Tom	Anjali	Manny
Alternate #1	Jenn	Tom	Pat	Manny	Tom	Anjali
Alternate #2	Manny	Pat	Jenn	Anjali	Pat	Tom
Alternate #3	Tom	Anjali	Anjali	Jenn	Manny	Pat

**Directors**

Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers

Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 11**

TITLE: **Solar and Cogeneration Facilities Operational Update (*This is an Information Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
 Sami E. Ghossain, Technical Services Work Group Manager
 Raymond Chau, CIP Team Coach
 Curtis Bosick, Senior Engineer

Recommendation

Information only.

Previous Board Action

None.

Background**Alvarado Wastewater Treatment Plant Solar Carport**

The District completed construction of the solar carport facility located at the Alvarado Wastewater Treatment Plant at a cost of \$884,000 and began operation in September 2011. The system consists of 637 solar panels and is rated at 125 kilowatt (kW). The system rating is based on the California Energy Commission's calculation that takes into account the number of panels, the rating of each panel and the inverter efficiency.

The District applied for the California Solar Initiative (CSI) incentive that would rebate \$0.2568 per kilowatt-hour (kWh) of power generated by the system for a period of five years from September 2011 through August 2016. PG&E, the administrator of the CSI program, approved

an estimated incentive amount of \$252,850. In September 2016, the District received its final CSI incentive disbursement.

Through June 30, 2019, the Solar Carport facility has generated a total of 1,815,303 kWh of power, which equates to \$328,431 in energy savings at the Plant. Additionally, the District has received \$276,030 or approximately 109% of the estimated CSI incentive rebate from PG&E. The total benefit of the Solar Carport is \$604,461, which represents 67.9% of simple payback for the initial construction and maintenance costs of the facility.

Irvington Pump Station Solar Facility

The District completed construction of the solar facility located at the Irvington Pump Station at a cost of \$2.85 million and began operation in April 2012. The system consists of 1,680 solar panels and is rated at 408 kW.

The District applied for the CSI incentive that would rebate \$0.15 per kWh of power generated by the system for a period of five years from June 2012 through May 2017. PG&E approved an estimated incentive amount of \$623,370. In February 2017, the District received its final CSI incentive disbursement.

Through June 30, 2019, the solar facility has generated a total of 6,193,472 kWh of power, which equates to \$2,024,070 in energy savings at the Irvington Pump Station. Additionally, the District has received \$680,632 or 109% of the estimated CSI incentive rebate from PG&E. The total benefit of the solar facility is \$2,704,702, which represents 94.6% of simple payback for the initial construction and maintenance costs of the facility.

Cogeneration Facility

The District completed construction of the Cogeneration Facility located at the Alvarado Wastewater Treatment Plant at a construction cost of \$11.8 million and the facility was fully operational in late November 2014. The facility consists of two 850-kW biogas-fueled engine generators and a packaged biogas conditioning system.

The District applied for the Self-Generation Incentive Program (SGIP) that provides financial incentives for the installation of new, qualifying self-generation equipment installed to meet all or a portion of the electric energy needs of a facility. PG&E, the administrator of the SGIP in Northern California, approved the District's application for a maximum rebate of \$3.38 million. The District received half of the total rebate from PG&E in 2015 upon successful operational testing of the facility. The other half will be paid to the District annually over the next five years and will depend on the actual electric energy generated by the facility and the actual amount of engine and exhaust heat recovered and utilized to heat the biosolids in the primary digesters.

Through June 30, 2019, the facility has generated a total of 50,712,894 kWh of power, which equates to approximately \$4,889,161 in energy savings at the plant. Additionally, the District has received \$2,869,608 or 85% of the SGIP incentive rebate from PG&E. The total benefit of the cogeneration facility is \$7,758,769, which represents 60.6% of simple payback for the initial construction and maintenance costs of the facility.

USD labor and equipment costs have not been factored into the maintenance costs of these facilities. The rationale is that no personnel or equipment has been acquired specifically for the maintenance and the work has been accommodated to date with existing resources.

Staff will provide the Board with an operational update of the solar and cogeneration facilities on a semi-annual basis. The attached Table 1 summarizes the operational data that was discussed in this update.

PRE/SEG/RC/CB/mb

Attachment: Table 1 – Solar and Cogeneration Facilities Operational Data

Union Sanitary District
Table 1 - Solar and Cogeneration Facilities Operational Data

Facility	System Rating ¹ (kW)	Energy Generated This Period ² (kWh)	Total Energy Generated To Date (kWh)	Value of Energy Generated To Date (\$)	Rebates Received To Date (\$)	Total Received or Generated (\$)	Construction Cost (\$)	Maintenance Costs To Date ⁴ (\$)	Total Costs Incurred To Date (\$)	Simple Payback To Date (%)	Simple Payback Term (Years)	Original Payback Term ⁵ (Years)	Comments
Alvarado WWTP Solar Carport	125	108,053	1,815,303	328,431	276,030	604,461	884,000	6,150	890,150	67.9%	14.8		System began operation in September 2011. Values are current through June 30, 2019.
Irvington Pump Station Solar Facility	408	430,224	6,193,472	2,024,070	680,632	2,704,702	2,850,000	7,650	2,857,650	94.6%	8.1	10.0	System began operation in April 2012. Values are current through June 30, 2019.
Cogeneration Facility ³	1,700	4,370,433	50,712,894	4,889,161	2,869,608	7,758,769	11,800,000	1,002,823	12,802,823	60.6%	10.6	8.9	System began operation in late November 2014. Values are current through June 30, 2019.

1) System Rating for the solar facilities is based on the number of panels, the rating of each panel, and the inverter efficiency.

2) Period is from January 2019 through June 2019.

3) The cogeneration equipment consists of two 850-kW engine generators.

4) Maintenance costs do not include USD labor or equipment costs.

5) Original payback terms for the Irvington Pump Station Solar Facility and Cogeneration Facility were calculated during the design phase. A payback period was not calculated for the Alvarado WWTP Solar Carport at the time the project was designed.



Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**AUGUST 12, 2019
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 12**

TITLE: Board Expenses for 4th Quarter of Fiscal Year 2019 (*This is an Information Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Laurie Brenner, FAST Team Coach

Recommendation

Information only.

Previous Board Action

None

Background

Please see attached the Board of Directors Quarterly Travel and Training Expenditure Report for the 4th quarter of Fiscal Year 2019.

BOARD OF DIRECTORS
QUARTERLY TRAVEL AND TRAINING EXPENDITURE REPORT
3RD QTR, FISCAL YEAR 2019

Board Members	Description	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Beginning Balance	Y-T-D Expense	Balance Available
FERNANDEZ, MANNY	Lodging - Annual CASA Conference	646.80						
	Mileage - Annual CASA Conference	100.93						
	Meals - Annual CASA Conference	189.00						
	Registraion - Annual CASA Conference	575.00						
	Union City State of the City Luncheon		30.00					
	Newark State of the City Luncheon				50.00			
	Online Sexual Harassment Prevention Training				55.00			
	TOTAL	1,511.73	30.00	0.00	105.00	5000.00	1,646.73	3353.27
HANDLEY, TOM	25% of Ipad and accessories purchase costs	310.67						
	Lodging - Annual CASA Conference	646.80						
	Mileage - Annual CASA Conference	97.28						
	Meals - Annual CASA Conference	189.00						
	Registraion - Annual CASA Conference	575.00						
	Newark State of the City Luncheon				50.00			
	Online Sexual Harassment Prevention Training				55.00			
	Fremont State of the City Luncheon				50.00			
	TOTAL	1,818.75	0.00	0.00	155.00	5000.00	1,973.75	3026.25
HARRISON, JENNIFER	Union City State of the City Luncheon		30.00					
	Online Sexual Harassment Prevention Training			55.00				
	Newark State of the City Luncheon				50.00			
	Fremont State of the City Luncheon				50.00			
	TOTAL	0.00	30.00	55.00	100.00	5000.00	185.00	4815.00
KITE, PAT	Lorman All Access Education Pass		537.01					
	Newark Chamber of Commerce Holiday Luncheon			48.00				
	Online Sexual Harassment Prevention Training			55.00				
	TOTAL	0.00	537.01	103.00	0.00	5000.00	640.01	4359.99
LATHI, ANJALI	Lorman Education Services Membership	383.58						
	Lorman All Access Education Pass			329.25				
	CWEA Membership			188.00				
	Online Sexual Harassment Prevention Training				100.00			
	Fremont State of the City Luncheon				50.00			
	TOTAL	383.58	0.00	517.25	150.00	5000.00	1,050.83	3949.17
GRAND TOTAL		3,714.06	597.01	675.25	510.00	25000.00	5,496.32	19503.68

The Board of Directors' Quarterly Expenditure Report is attached as part of the check register in accordance with Board Member Business Expense policy adopted September 5, 1991



Summary of the EBDA Commission Meeting

Thursday, July 18, 2019, at 9:30 a.m.

Prepared by: P. Eldredge

- Commissioners Mendall, Cutter, Lathi, Young, and Johnson were present.
- Commissioner Mendall moved to approve the Commission Meeting Minutes of June 20, 2019, and the Preliminary Treasurer's Report. The motion was seconded by Commissioner Johnson and carried 4-1 (Cutter, Young, Johnson, Mendall; ayes) (Lathi; abstention).
- Commissioner Lathi requested a review of the List of Disbursements for June 2019. The List of Disbursements was reviewed with the item in question being payment remitted to PFM Asset Management, LLC for Investment Consulting. The General Manager reported that PFM reviewed the Authority's current Investment Policy and Strategy, which were subsequently recommended by the Finance Committee and approved by the Commission. Commissioner Lathi moved to approve Item 6. The motion was seconded by Commissioner Mendall and carried unanimously 5-0 (Mendall, Young, Lathi, Johnson, Cutter; ayes).
- The Commission unanimously approved the reports from the Managers Advisory, Financial Management, Regulatory Affairs, Operations & Maintenance, and Personnel committees. The following items were discussed:
 - **General Managers Report** - The General Manager thanked the Commission for their patience regarding revisions to the Agenda, noting improvements in months to follow. The GM reported attending a workshop by the Water Research Foundation on innovation in water and wastewater utilities. The GM will continue to bring EBDA's involvement in the project to the Commission and MAC.
 - **Manager's Advisory Committee** met with the General Manager on July 11, 2019. The MAC primarily discussed JPA language, and issues that arose were brought to the Ad Hoc Committee meeting.
 - **Financial Management Committee** met with the General Manager on July 17, 2019, and reviewed the June List of Disbursements, Preliminary Treasurer's Report, Financial Policies progression, and two Resolutions. The General Manager reported that, on topics where Financial Policies intersect with the JPA, progress on writing policies is slowing until the JPA renewal progresses further. The GM noted that staff will be bringing forward concepts for the Purchasing Policy next month based on Committee direction, and will also be developing a new Pension Policy. Commissioner Johnson moved to approve the report from the Financial Management Committee. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0 (Mendall, Young, Lathi, Johnson, Cutter; ayes).

- **Ad Hoc Committee** met with the General Manager on July 17, 2019. The General Manager reported the JPA is roughly on schedule with a target of late summer to finish development of a complete draft document. One topic noted was inclusion of termination details for the conclusion of the next JPA renewal term. Commissioner Mendall suggested if no agreement could be made in a timely fashion, the JPA should remain silent on the issue.
- **Regulatory Affairs Committee** met with the General Manager on July 16, 2019. The GM reviewed the NPDES Status Report referencing tables showing our compliance for CBOD, TSS and bacteria limits. The GM noted one high reading on June 05, 2019, which is common in summer months. The GM stated we are still within compliance for the month thanks to close monitoring and increased addition of chlorine. The GM thanked EBDA Operations & Maintenance Manager, Howard Cin, and Member Agency staff for their attentiveness to this issue. EBDA will continue to closely monitor effluent to ensure compliance in the remaining summer months. GM reported on EBDA's involvement in a microplastic research study. Discussion will continue on cost-effective ways to reduce microplastics in wastewater and other sources to the Bay such as stormwater. Chair Cutter noted that grants can be utilized to help offset costs, when and if, future mandated regulations are implemented. The GM updated Commission on status of First Mile Horizontal Levee Project. The EPA grant has been officially awarded to the San Francisco Estuary Partnership (SFEP), and staff will bring a subcontract with SFEP to the Commission for approval in the coming months. Staff will continue to consider alternative sites and community engagement elements.
- **Operations and Maintenance (O&M) Committee** – The Operations and Maintenance Committee met on July 15, 2019 and discussed the status of EBDA facilities. The Operations and Maintenance Manager provided an update on the Cavitation Study at AEPS; a draft report is expected shortly. The HEPS MCC project is progressing and is nearing completion. The O&M Manager provided updates to the Actuator Replacement Project at OLEPS, and a new starter for the generator has been installed at SLEPS, due to a generator failure. The O&M Manager gave updates on the SCADA system and cyber security. The O&M Manager reported that Underground Service Alerts are improving in accuracy and saving the Authority time and money. The Commission received an update on special projects including the Transport System Reliability Plan and the Facilities Electrical Evaluation. Final reports are forthcoming. The GM reported that updates to the Disaster Recovery Plan and the Asset Management Plan are moving forward. The GM gave an update on the AQPI Project, noting that discussions are taking place regarding long-term funding of the project beyond the current grant.
- **Committee Appointments and Calendar for FY 2019/2020** – The GM discussed the Committee Appointments and Calendar for FY 2019/2020 noting that the Ad Hoc meetings should cease when the JPA negotiations come to a close. Commissioner Lathi moved to accept the Committee Appointments and Calendar for FY 2019/2020. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
 Noes: None
 Absent: None
 Abstain: None

- **Resolution Authorizing the General Manager to Enter into a Professional Services Agreement with Computer Courage, Inc. in the Amount of \$18,615 for Website Development Services**

Commissioner Mendall moved to adopt the resolution authorizing the General Manager to enter into a contract with Computer Courage. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
 Noes: None
 Absent: None
 Abstain: None

- **Resolution Authorizing the General Manager to Issue a Purchase Order to Aerotek, Inc. for Temporary Administrative Assistant Services in the Amount of \$17,600**

Commissioner Lathi moved to adopt the resolution authorizing the General Manager to issue a Purchase Order to Aerotek, Inc. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
 Noes: None
 Absent: None
 Abstain: None

- **Resolution Authorizing the General Manager to Issue Amendment No. 1 to the Professional Services Agreement with Currie Engineers, Inc. for Project Management and Construction Management Services in the Amount of \$25,000 for a Total not to Exceed the Amount of \$85,000**

Commissioner Young moved to adopt the resolution authorizing the GM to issue Amendment No. 1 to Currie Engineers. The motion was seconded by Commissioner Mendall and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
 Noes: None
 Absent: None
 Abstain: None

- **Resolution Amending the Commission's Policy for Committee Alternates**

The General Manager explained the previous Commission-approved approach to alternates, whereby Committee alternates were named. The proposal is to change the policy so that member agency alternates would now serve as Committee alternates. The GM also noted that as part of the JPA renewal process, functions of the Commission, including things like processes for alternates, will be moved into Commission Policy and Bylaws. Commissioner Mendall moved to adopt the Resolution Amending Policy for Committee Alternates. The motion was seconded by Commissioner Lathi and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
Noes: None
Absent: None
Abstain: None

- **Resolution Commending Castro Valley Sanitary District on its 80th Anniversary**

The GM noted this resolution will be presented at a celebration ceremony for Castro Valley Sanitary District. Commissioner Lathi moved to adopt the Resolution Commending Castro Valley Sanitary District on its 80th Anniversary. The motion was seconded by Commissioner Johnson and carried unanimously, 5-0.

Ayes: Commissioners Mendall, Young, Lathi, Johnson, and Chair Cutter
Noes: None
Absent: None
Abstain: None

- **Items from the Commission and Staff**
No items from Commission and Staff.

**UNION SANITARY DISTRICT
CHECK REGISTER
07/13/2019-08/02/2019**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Amt
171799	7/25/2019		6524	CAL SANITATION RISK MNGT AUTH	7/1/19 - 7/1/20 WC PROGRAM	\$395,340.00	\$511,421.00
	7/25/2019		6481		07/1/19 - 07/1/20 PROPERTY INSURANCE RENEWAL	\$116,081.00	
171812	7/25/2019	110	3156	EAST BAY DISCHARGERS AUTHORITY	RNWL & REPL FUND ASSES FY20	\$56,925.00	\$446,194.18
	7/25/2019		3163		O&M ASSESSMENT, JUL-SEP 2019	\$389,269.18	
171871	8/1/2019	143	11348102	BROWN & CALDWELL CONSULTANTS	EMERGENCY OUTFALL OUTLET IMPROVEMENTS	\$809.63	\$155,092.62
	8/1/2019	143	11347948		PRIMARY DIGESTER NO. 7	\$93,475.61	
	8/1/2019	143	11347617		EMERGENCY OUTFALL OUTLET IMPROVEMENTS	\$5,785.87	
	8/1/2019	143	11346847		STANDBY POWER SYSTEM UPGRADE	\$38,159.28	
	8/1/2019	143	11347927		STANDBY POWER SYSTEM UPGRADE	\$16,862.23	
171773	7/18/2019	110	30105218	SYNAGRO WEST LLC	MAY 2019 BIOSOLIDS DISPOSAL	\$84,362.56	\$84,362.56
171872	8/1/2019		162917339	CANON SOLUTIONS AMERICA INC	5 COPIERS	\$70,289.12	\$70,289.12
171907	8/1/2019		3494	PIER2 MARKETING LLC	DISTRICT BRANDING INITIATIVE	\$52,250.00	\$52,250.00
171784	7/18/2019		533620190624	US BANK CORP PAYMENT SYSTEM	MONTHLY CAL-CARD STMT - JUNE 2019	\$41,797.04	\$41,797.04
171789	7/18/2019	143	163851	WOODARD & CURRAN INC	HEADWORKS SCREEN NO. 3	\$30,079.38	\$39,734.72
	7/18/2019	143	164313		OLD ALAMEDA CREEK ROWB	\$9,655.34	
171849	7/25/2019	121	3589	SCHWALM USA LLC	SCHWALM SYSTEM RENTAL AGREEMENT	\$30,500.00	\$30,500.00
171804	7/25/2019	143	178126	CAROLLO ENGINEERS	PRIMARY DIGESTER NO. 2 REHABILITATION	\$22,480.45	\$30,439.20
	7/25/2019	143	178178		CHERRY ST. PS	\$7,958.75	

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171798	7/25/2019	110	4FT15	BAY AREA AIR QUALITY MGMT DIST	ANNUAL PERMIT RNWL-PLANT A1209	\$23,835.00	\$23,835.00
171916	8/1/2019	143	27171	RMC WATER AND ENVIRONMENT	USD PLANT MASTER PLAN	\$23,778.98	\$23,778.98
171763	7/18/2019	170	761520190626	PACIFIC GAS AND ELECTRIC	SERV TO 06/25/19 NEWARK PS	\$22,314.98	\$23,031.37
	7/18/2019	170	666720190709		SERV TO 07/01/19 PASEO PADRE PS	\$344.32	
	7/18/2019	110	892820190709		SERV TO 07/01/19 HAYWARD MARSH	\$56.67	
	7/18/2019	110	224720190702		SERV TO 06/23/19 CS TRAINING TRAILER	\$27.75	
	7/18/2019	170	898220190709		SERV TO 07/01/19 FREMONT PS	\$287.65	
171883	8/1/2019	110	904074555	EVOQUA WATER TECHNOLOGIES	4593 GALS HYDROGEN PEROXIDE	\$22,633.27	\$22,633.27
171770	7/18/2019	122	3959836	SC FUELS	5,956 GALS UNLEADED REGULAR GASOLINE	\$18,967.41	\$18,967.41
171752	7/18/2019	110	904054980	EVOQUA WATER TECHNOLOGIES	3841 GALS HYDROGEN PEROXIDE	\$18,927.59	\$18,927.59
171931	8/1/2019	121	43722	WECO INDUSTRIES LLC	CAMERA REPAIRS AND PARTS	\$537.07	\$17,611.66
	8/1/2019	121	43721		240 GALS SANAFOAM VAPOROOTER II	\$16,872.13	
	8/1/2019	121	43726		FREIGHT ON LOANER EQUIPMENT	\$202.46	
171795	7/25/2019		1111713	ALLIANT INSURANCE SERVICES INC	PHYSICAL DAMAGE ANNUAL PREMIUM RENEWAL 7/19-7/20	\$15,897.00	\$15,897.00
171757	7/18/2019	120	43798	LMK TECHNOLOGIES LLC	16 ASTD LMK TRAILER PIPE KITS	\$15,491.33	\$15,491.33
171777	7/18/2019	170	7579987	THE NEW YORK BLOWER COMPANY	PLANT TEMPORARY FAN FOR ODOR SCRUBBERS	\$14,683.00	\$14,683.00
171874	8/1/2019	143	W8X99300001	CH2M HILL INC	PUMP STATIONS ODOR CONTROL STUDY	\$14,405.20	\$14,405.20

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171738	7/18/2019	150	242136	BURKE, WILLIAMS & SORENSON LLP	GENERAL LEGAL - MAY 2019	\$8,951.80	\$14,193.40
	7/18/2019	143	242133		CIP - MAY 2019	\$2,489.76	
	7/18/2019	150	242134		FORCE MAIN RELOCAITON - MAY 2019	\$1,441.44	
	7/18/2019	150	242135		EBDA - MAY 2019	\$1,310.40	
171927	8/1/2019	110	949540	UNIVAR SOLUTIONS	4799.6 GALS SODIUM HYPOCHLORITE	\$3,467.11	\$13,951.21
	8/1/2019	110	950271		4800.7 GALS SODIUM HYPOCHLORITE	\$3,467.90	
	8/1/2019	110	950011		4911.2 GALS SODIUM HYPOCHLORITE	\$3,547.72	
	8/1/2019	110	949704		4801.5 GALS SODIUM HYPOCHLORITE	\$3,468.48	
171782	7/18/2019	110	947942	UNIVAR SOLUTIONS	4798.2 GALS SODIUM HYPOCHLORITE	\$3,443.45	\$13,921.58
	7/18/2019	110	947209		4900.3 GALS SODIUM HYPOCHLORITE	\$3,516.73	
	7/18/2019	110	947766		4898 GALS SODIUM HYPOCHLORITE	\$3,515.07	
	7/18/2019	110	946894		4802.2 GALS SODIUM HYPOCHLORITE	\$3,446.33	
171787	7/18/2019	173	188618	W BRADLEY ELECTRIC INC	PROVIDE AND INSTALL FIBER AND CAT6	\$13,852.00	\$13,852.00
171856	7/25/2019	143	164689	WOODARD & CURRAN INC	CONTROL BOX NO. 1 IMPROVEMENTS	\$11,516.28	\$11,516.28
171739	7/18/2019	110	35510	CALIFORNIA WATER TECHNOLOGIES	43,180 LBS FERROUS CHLORIDE	\$5,468.81	\$10,788.00
	7/18/2019	110	35527		42,760 LBS FERROUS CHLORIDE	\$5,319.19	
171854	7/25/2019	110	948618	UNIVAR SOLUTIONS	4797.1 GALS SODIUM HYPOCHLORITE	\$3,465.30	\$10,472.84
	7/25/2019	110	948948		4899.3 GALS SODIUM HYPOCHLORITE	\$3,539.13	
	7/25/2019	110	948538		4801.4 GALS SODIUM HYPOCHLORITE	\$3,468.41	

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171736	7/18/2019	143	11346033	BROWN & CALDWELL CONSULTANTS	EMERGENCY OUTFALL OUTLET IMPROVEMENTS	\$9,093.04	\$9,093.04
171855	7/25/2019	121	10391	VON EUW TRUCKING	40.09 HRS DUMP FEES & 46.72 TONS 3/4 CLASS II	\$8,788.53	\$8,788.53
171729	7/18/2019	170	4017420220190705	ALAMEDA COUNTY WATER DISTRICT	SERV TO: 07/03/19 - FREMONT BLVD	\$58.85	\$8,349.32
	7/18/2019	170	4017275220190705		SERV TO: 07/05/19 - FREMONT BLVD	\$157.66	
	7/18/2019	120	4107393020190708		SERV TO: 07/05/19-MTR HYD 15141193	\$311.45	
	7/18/2019	120	4108253920190710		SERV TO: 07/10/19-MTR HYD 32896061	\$744.24	
	7/18/2019	120	4107393420190709		SERV TO: 07/05/19-MTR HYD 15952331	\$377.73	
	7/18/2019	170	4017274120190705		SERV TO: 07/05/19 - FREMONT BLVD	\$4,952.40	
	7/18/2019	120	4107361320190709		SERV TO: 07/05/19-MTR HYD 16320037	\$307.03	
	7/18/2019	120	4107393220190710		SERV TO: 07/09/19-MTR HYD 16435270	\$368.62	
	7/18/2019	120	4107393120190708		SERV TO: 07/05/19-MTR HYD 16435270	\$435.18	
	7/18/2019	120	4107361120190708		SERV TO: 07/05/19-MTR HYD 15001101	\$311.45	
	7/18/2019	120	4107393520190709		SERV TO: 07/05/19-MTR HYD 16435269	\$324.71	
171914	8/1/2019	170	1849502001	R&B COMPANY	ASTD PARTS & MATERIALS	\$8,302.04	\$8,302.04
171922	8/1/2019	121	5023546	STATEWIDE TRAFFIC SAFETY& SIGN	2 RADAR SPEED SIGN	\$7,586.78	\$7,586.78
171743	7/18/2019		SSV1392	CDW GOVERNMENT LLC	GM LAPTOP	\$3,494.35	\$6,979.76
	7/18/2019	173	STQ6402		PATCH MANAGEMENT MAINT RENEW	\$2,400.00	
	7/18/2019		STG3556		GM LAPTOP	\$246.41	
	7/18/2019	173	SKD7942		FY19 SWITCHES R AND R	\$839.00	

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171725	7/18/2019	143	20921800	ABC IMAGING, INC	PRIMARY DIGESTER NO. 7	\$5,608.05	\$6,744.01
	7/18/2019	143	20921799		HEADWORKS 3RD BAR SCREEN	\$1,135.96	
171778	7/18/2019	170	6528	THORNTON ENVIRONMENTAL CONST	TLS 350 ANNUAL CERTIFICATION 2019	\$6,717.15	\$6,717.15
171929	8/1/2019	171	907960	VINCENT ELECTRIC MOTOR CO	COGEN 2 GENERATOR BEARING, DIODES AND CLEANING	\$6,539.94	\$6,539.94
171817	7/25/2019		2019162	FARALLON GEOGRAPHICS INC	PLANT GIS ENHANCEMENTS TO GEOCORTEX	\$6,367.50	\$6,367.50
171824	7/25/2019		20190724	GOVERNMENT EMPLOYEES INSUR CO	THIRD PARTY CLAIM REIMBURSEMENT	\$6,106.98	\$6,106.98
171910	8/1/2019	110	1369958	POLYDYNE INC	42,240 LBS CLARIFLOC WE-539	\$5,757.72	\$5,757.72
171800	7/25/2019	110	35548	CALIFORNIA WATER TECHNOLOGIES	41,680 LBS FERROUS CHLORIDE	\$5,231.84	\$5,231.84
171792	7/25/2019	143	2000232849	AECOM TECHNICAL SERVICES INC	CENTRIFUGE BUILDING IMPROVEMENTS	\$5,089.22	\$5,089.22
171733	7/18/2019	171	5592372	BELL ELECTRICAL SUPPLY INC	1 EATON PXG900 GATEWAY	\$4,924.25	\$4,924.25
171936	8/1/2019	143	164916	WOODARD & CURRAN INC	OLD ALAMEDA CREEK ROWB	\$4,489.00	\$4,489.00
171806	7/25/2019	121	7756	CHRISP COMPANY	CHRISP COMPANY REINSTALLATION OF SURVEY MONUMENT	\$4,245.00	\$4,245.00
171742	7/18/2019	134	99079799	CALTROL INC	ASTD GAUGES	\$2,302.14	\$4,235.94
	7/18/2019		99079794		ASTD GAUGES	\$1,933.80	
171919	8/1/2019	110	19071206	S&S TRUCKING	GRIT HAULING 07/01, 07/05, 07/08/2019	\$2,543.54	\$4,220.17
	8/1/2019	110	19070806		GRIT HAULING 06/24 & 06/28/2019	\$1,676.63	
171841	7/25/2019	130	61911615	PFM ASSET MANAGEMENT LLC	INVESTMENT MANAGEMENT / ADVISORY SERVICES	\$4,149.66	\$4,149.66
171728	7/18/2019	121	190602569	AIRTECH MECHANICAL INC	CHILLER REPAIRS FOR BUILDING 70	\$3,938.50	\$3,938.50

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171749	7/18/2019	113	1171982	ENTHALPY ANALYTICAL LLC	95 LAB SAMPLE ANALYSIS	\$1,535.00	\$3,700.00
	7/18/2019	113	1170903		19 LAB SAMPLE ANALYSIS	\$1,905.00	
	7/18/2019	113	1171170		7 LAB SAMPLE ANALYSIS	\$260.00	
171755	7/18/2019	170	369836	KAMAN INDUSTRIAL TECHNOLOGIES	MIX PUMP 6 A, B, 3, 4 AND 5 SPARE MOTORS	\$3,675.16	\$3,675.16
171764	7/18/2019	111	104463	PIIAN SYSTEMS LLC	6 5-GAL ODOR NEUTRALIZERS	\$3,670.67	\$3,670.67
171882	8/1/2019	113	1173692	ENTHALPY ANALYTICAL LLC	4 LAB SAMPLE ANALYSIS	\$435.00	\$3,665.00
	8/1/2019	113	1173407		3 LAB SAMPLE ANALYSIS	\$375.00	
	8/1/2019	113	1173686		23 LAB SAMPLE ANALYSIS	\$2,855.00	
171766	7/18/2019	120	916003895844	REPUBLIC SERVICES #916	RECYCLE & ROLL OFF - JULY 2019	\$3,511.17	\$3,511.17
171735	7/18/2019	170	19001	BLUE SKY ENVIRONMENTAL INC	COGEN SOURCE TESTING FOR 2018	\$3,490.00	\$3,490.00
171873	8/1/2019	113	TBM9395	CDW GOVERNMENT LLC	2 SURFACE PRO FOR LAB	\$3,436.20	\$3,436.20
171726	7/18/2019		10192	AGI GENERAL CONTRACTING	REFUND # 22133 & 22134	\$3,300.00	\$3,300.00
171776	7/18/2019		9995	TESLA MOTORS	REFUND # 22150	\$3,300.00	\$3,300.00
171839	7/25/2019	141	619000094	NBS	SEWER SERVICE CHARGE DATA SERV JUL - SEPT 2019	\$3,149.55	\$3,149.55
171833	7/25/2019	113	24014285	KELLY SERVICES INC	TEMP LABOR-THACH, P. WK ENDING 06/16/19	\$1,036.20	\$3,108.60
	7/25/2019	113	26013908		TEMP LABOR-THACH, P. WK ENDING 06/30/19	\$1,036.20	
	7/25/2019	113	25014477		TEMP LABOR-THACH, P. WK ENDING 06/23/19	\$1,036.20	
171781	7/18/2019	123	168463376001	UNITED RENTALS NORTHWEST INC	1 CHIPPER 4 WEEK RENTAL 4/23-5/21/19	\$3,076.82	\$3,076.82

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171768	7/18/2019	110	19062424	S&S TRUCKING	GRIT BIN RENTAL 06/01/2019	\$750.00	\$3,002.65
	7/18/2019	110	19062426		GRIT HAULING 06/06, 06/10, 06/13/2019	\$2,252.65	
171886	8/1/2019	173	17001100009356	GE DIGITAL LLC	IFIX ICLIENT V6.0 THICK RUNTIME ENGLISH	\$2,990.48	\$2,990.48
171724	7/18/2019	121	68655	3T EQUIPMENT COMPANY INC	1 PIRANHA HOSE AND WOOD REEL	\$2,853.82	\$2,853.82
171821	7/25/2019	173	190765	GEOSPAGO INC	CUSTOMER SERVICE GIS NEEDS ASSESSMENT	\$2,775.00	\$2,775.00
171853	7/25/2019	123	168463376003	UNITED RENTALS NORTHWEST INC	1 CHIPPER 4 WEEK RENTAL 6/18-7/16/19	\$2,758.84	\$2,758.84
171878	8/1/2019	143	3266849	DAILY JOURNAL CORPORATION	PRIMARY DIGESTER NO. 7	\$1,516.32	\$2,680.08
	8/1/2019	143	3266163		HEADWORKS 3RD BAR SCREEN	\$1,163.76	
171769	7/18/2019		10192	SANTA FE PLUMBING	REFUND # 22134	\$2,500.00	\$2,500.00
171905	8/1/2019		10018	PARSONS	REFUND # 22189	\$2,500.00	\$2,500.00
171913	8/1/2019		7830	PROVEN MANAGEMENT INC	REFUND # 22208	\$2,500.00	\$2,500.00
171847	7/25/2019	110	19070219	S&S TRUCKING	GRIT BIN RENTAL 07/01/2019	\$750.00	\$2,278.41
	7/25/2019	110	19070136		GRIT HAULING 06/18 & 06/20/2019	\$1,528.41	
171822	7/25/2019	143	20190723	MOHAMMAD GHOURY	EXP REIMB: ESRI CONF EXPS - AIRFARE, LODGING, PER DIEM	\$2,254.47	\$2,254.47
171857	8/1/2019	143	20932995	ABC IMAGING, INC	ALVARADO INFLUENT PS PUMPS AND VFDS	\$2,103.24	\$2,103.24
171925	8/1/2019	113	CS98ZD9D7142499	THERMO ELECTRON NORTH AMERICA	REGIS FEE - D. JACKSON - ICAP OES OPERATIONS FOR OTEGF	\$2,070.00	\$2,070.00
171809	7/25/2019		84747319	COLORADO WASHINGTON INC COMCAS	FIBER INTERNET BACKUP - JUL 2019	\$2,004.87	\$2,004.87
171862	8/1/2019		13299953	AT&T	SERV 06/10/19 - 07/09/19	\$1,995.12	\$1,995.12

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171797	7/25/2019		1102194703	AMERIPRIDE SERVICES INC	UNIFORM LAUNDERING & RUGS	\$249.57	\$1,791.35
	7/25/2019		1102201449		UNIFORM LAUNDERING & RUGS	\$244.44	
	7/25/2019		1102194710		UNIFORM LAUNDERING SERVICE	\$348.09	
	7/25/2019		1102198167		UNIFORM LAUNDERING SERVICE	\$353.59	
	7/25/2019		1102198153		UNIFORM LAUNDERING & RUGS	\$248.32	
	7/25/2019		1102201468		UNIFORM LAUNDERING SERVICE	\$347.34	
171827	7/25/2019	170	94579624	H & E EQUIPMENT SERVICES INC	REACH RENTAL 06/24/2019 - 06/27/2019	\$1,771.62	\$1,771.62
171747	7/18/2019		20190625	DALE HARDWARE INC	06/19 - ASTD PARTS & MATERIALS	\$1,758.65	\$1,758.65
171859	8/1/2019	110	4071038120190722	ALAMEDA COUNTY WATER DISTRICT	SERV TO: 07/19/19-BENSON ROAD	\$131.46	\$1,650.27
	8/1/2019	110	4071037120190722		SERV TO: 07/19/19-BENSON ROAD	\$1,518.81	
171796	7/25/2019	121	12416	AMERICAN DISCOUNT SECURITY	06/03/19 - 06/28/19 GUARD AT DISTRICT GATE	\$1,560.00	\$1,560.00
171889	8/1/2019	170	9212454871	GRAINGER INC	1 MOTOR/PUMP CONTROL BOX	\$775.46	\$1,546.32
	8/1/2019	122	9216765884		1 AIR DRILL	\$150.42	
	8/1/2019	170	9212454889		1 PUMP SWITCH	\$161.66	
	8/1/2019	110	9216184508		ASTD PARTS & MATERIALS	\$94.41	
	8/1/2019		9212309935		ASTD PARTS & MATERIALS	\$364.37	
171904	8/1/2019	173	6368	OJO TECHNOLOGY INC	MILESTONE SUPPORT RENEWAL	\$1,535.60	\$1,535.60

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171767	7/18/2019		10099	ROOTER HERO	REFUND # 22153	\$500.00	\$1,500.00
	7/18/2019		10078		REFUND # 22157	\$500.00	
	7/18/2019		10173		REFUND # 22152	\$500.00	
171750	7/18/2019	113	899521	ENVIRONMENTAL RESOURCE ASSOC	PT STUDY	\$1,372.81	\$1,372.81
171759	7/18/2019	170	99983208	MCMaster SUPPLY INC	6 PACKS U-BOLTS	\$38.38	\$1,370.99
	7/18/2019	170	99688566		2 PISTOL-GRIP GREASE GUNS	\$66.26	
	7/18/2019		10325921		ASTD PARTS & MATERIALS	\$555.50	
	7/18/2019	170	99819485		ASTD PARTS & MATERIALS	\$658.97	
	7/18/2019	170	10237804		ASTD PARTS & MATERIALS	\$36.96	
	7/18/2019	170	10205215		1 STAINLESS STEEL PIPE NIPPLE	\$14.92	
171831	7/25/2019	132	200613529	IEDA INC	LABOR RELATIONS CONSULTING JULY 2019	\$1,334.00	\$1,334.00
171894	8/1/2019	141	BTJY156	IRON MOUNTAIN	OFF-SITE STORAGE AND SERVICE - JULY 2019	\$365.51	\$1,317.11
	8/1/2019	141	BTNX266		OFF-SITE STORAGE AND SERVICE - JULY 2019	\$951.60	
171902	8/1/2019		24063363	MOTION INDUSTRIES INC	20 EA MESH VESTS	\$359.78	\$1,285.27
	8/1/2019	170	24063556		ASTD SHEAVES & BUSHINGS	\$501.34	
	8/1/2019	170	24063650		ASTD NUTS & BOLTS	\$424.15	
171892	8/1/2019	120	30870588001	HERC RENTALS INC	DUMP TRUCK RENTAL 7/9/19 - 7/12/19	\$1,284.72	\$1,284.72
171830	7/25/2019	143	2011800011	HAZEN AND SAWYER	SECONDARY TREATMENT CAP. IMPROV - DESIGN	\$1,263.29	\$1,263.29
171760	7/18/2019	171	1959060	MOBILE MODULAR MANAGEMENT CORP	FMC TRAILER RENTAL - JULY 2019	\$1,245.43	\$1,245.43

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171834	7/25/2019	173	18565	LOOKINGPOINT INC	ANNUAL PHONE AND NETWORK SUPPORT - JULY 2019	\$1,225.00	\$1,225.00
171935	8/1/2019	171	4040383	WESTERN ENERGY SYSTEMS	COGEN POWER FACTOR TROUBLESHOOTING	\$1,199.35	\$1,199.35
171730	7/18/2019	171	5210337	ALL INDUSTRIAL ELECTRIC SUPPLY	24 LED LIGHTS - 25W MED BASE	\$1,168.42	\$1,168.42
171740	7/18/2019		20190630	STATE OF CALIFORNIA	SALES & USE TAX 04/01/19 - 06/30/19	\$1,134.28	\$1,134.28
171818	7/25/2019	113	7665756	FISHER SCIENTIFIC	ELECTRODE ROSS ULTRA TRIODE	\$1,068.02	\$1,068.02
171745	7/18/2019	170	20190628	COMMUNICATION & CONTROL INC	UTILITY FEE/ANTENNA RENTAL	\$1,052.73	\$1,052.73
171860	8/1/2019	170	5210835	ALL INDUSTRIAL ELECTRIC SUPPLY	1 BALDOR .5HP	\$466.44	\$1,018.50
	8/1/2019	170	5210241		2 BW FLOAT SWITCH 7010	\$388.42	
	8/1/2019	170	5210940		1 BLINE2 AW3630P PANEL	\$163.64	
171790	7/25/2019		10312	ABOVE ALL PLUMBING, INC.	REFUND # 22180	\$500.00	\$1,000.00
	7/25/2019		10227		REFUND # 22183	\$500.00	
171846	7/25/2019		10303	ROOTER HERO	REFUND # 22187	\$500.00	\$1,000.00
	7/25/2019		10297		REFUND # 22182	\$500.00	
171912	8/1/2019		10314	PRO ROOTER	REFUND # 22200	\$1,000.00	\$1,000.00
171917	8/1/2019		10305	ROOTER HERO	REFUND # 22191	\$500.00	\$1,000.00
	8/1/2019		10215		REFUND # 22193	\$500.00	
171923	8/1/2019		10318.1	STREAMLINE PLUMBING & DRAIN	REFUND # 22198	\$500.00	\$1,000.00
	8/1/2019		10318		REFUND # 22199	\$500.00	
171876	8/1/2019	144	89591	COPYMAT NEW BAY	215 SETS SLUG DISCHAREG AND SPILL PREVENTION POSTING	\$999.64	\$999.64

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171765	7/18/2019	123	18637666	QUIKRETE NORTHERN CALIFORNIA	112 BGS 60# BLACKTOP PATCH	\$972.74	\$972.74
171868	8/1/2019	170	13830690	BLAISDELL'S	ASTD OFFICE SUPPLIES	\$30.08	\$940.02
	8/1/2019	170	13833520		1 PK MAIL LABELS	\$15.57	
	8/1/2019	113	13839340		ASTD OFFICE SUPPLIES	\$194.22	
	8/1/2019	130	13848580		1 SIT/STAND STATION	\$625.52	
	8/1/2019		13848581		SIT/STAND TALL USER EXTENSION	\$74.63	
171899	8/1/2019	170	11124964	MCMaster SUPPLY INC	1 EA EXHAUST FAN AND BASE	\$190.42	\$902.39
	8/1/2019	170	11094857		2 LONG-LIFE BATTERIES	\$114.37	
	8/1/2019	120	10977321		ASTD PARTS & MATERIALS	\$597.60	
171863	8/1/2019		8058118403	AT&T	SERV: 6/11/19 - 7/10/19	\$882.85	\$882.85
171865	8/1/2019	136	2522211552	BANK OF NEW YORK	JUN 2019 SERVICE FEES	\$873.57	\$873.57
171810	7/25/2019	143	3266850	DAILY JOURNAL CORPORATION	PRIMARY DIGESTER NO. 7	\$475.00	\$865.00
	7/25/2019	143	3266164		HEADWORKS 3RD BAR SCREEN	\$390.00	
171754	7/18/2019	123	2020555	HANSON AGGREGATES INC	10.4 TONS 1/2 MED TYPE A AC-R	\$860.34	\$860.34
171793	7/25/2019	170	9963309407	AIRGAS NCN	CYLINDER RENTAL	\$856.45	\$856.45
171788	7/18/2019	110	20190717	WASTEWATER TECHNOLOGY TRAINER:	GR IV/V OP CERT REV-FARSAI, M	\$850.00	\$850.00
171828	7/25/2019	120	2025610	HANSON AGGREGATES INC	10.02 TONS 1/2" MAX HMA TYPE A-R	\$829.21	\$829.21
171895	8/1/2019	113	27010568	KELLY SERVICES INC	TEMP LABOR-THACH, P. WK ENDING 07/07/19	\$828.96	\$828.96
171774	7/18/2019	173	395593	TABLETMEDIA INC	ANNUAL TABLET MEDIA SUPPORT	\$810.00	\$810.00

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171785	7/18/2019		9833118310	VERIZON WIRELESS	WIRELESS SERV 06/02/19-07/01/19 & (6) IPADS	\$789.02	\$789.02
171845	7/25/2019	144	820164669	RED WING BUS ADVANTAGE ACCT	SAFETY SHOES: V. PADILLA	\$205.90	\$785.29
	7/25/2019	122	820164727		CREDIT: SAFETY SHOES: M. LUBINA	\$-29.52	
	7/25/2019	121	820163432		SAFETY SHOES: W. ROLLINS	\$208.00	
	7/25/2019	123	820163716		SAFETY SHOES: J. SALDANA	\$204.27	
	7/25/2019	122	820164374		SAFETY SHOES: M. LUBINA	\$196.64	
171826	7/25/2019	120	1616744	GRANITE CONSTRUCTION COMPANY	8.2 TONS 1/2"HMA64-10R15 E	\$732.92	\$732.92
171748	7/18/2019	173	435430	DLT SOLUTIONS, LLC	AWS CLOUD STORAGE - MAY 2019	\$684.06	\$684.06
171840	7/25/2019	173	6324	OJO TECHNOLOGY INC	TIE IN EMERGENCY KEY BOX TO LENEL	\$683.20	\$683.20
171808	7/25/2019	132	190714687	CLAREMONT BEHAVIORAL SERVICES	JUL 2019 EAP PREMIUMS	\$657.80	\$657.80
171921	8/1/2019	134	1921404002	SAN LEANDRO ELECTRIC SUPPLY	ASTD ELECTRICAL SUPPLIES	\$37.79	\$653.55
	8/1/2019	134	1921404001		ASTD ELECTRICAL SUPPLIES	\$526.54	
	8/1/2019	134	1921404003		ASTD ELECTRICAL SUPPLIES	\$89.22	
171844	7/25/2019	120	09G0036018380	NESTLE WATERS NO. AMERICA READY!	WATER SERVICE 06/07/19 - 07/06/19	\$651.86	\$651.86
171861	8/1/2019		1102204715	AMERIPRIDE SERVICES INC	UNIFORM LAUNDERING & RUGS	\$253.07	\$648.04
	8/1/2019	122	1102204754		ASTD DUST MOPS, WET MOPS & TERRY TOWEL	\$47.58	
	8/1/2019		1102204731		UNIFORM LAUNDERING SERVICE	\$347.39	
171805	7/25/2019	143	20190722	RAYMOND CHAU	EXP REIMB: CIP TEAM QTLY SAFETY STRATEGY RECOGNITION	\$637.37	\$637.37
171880	8/1/2019	110	072919	DEPARTMENT OF GENERAL SERVICES	SERV: JUN 2019 PLANT	\$635.61	\$635.61

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171836	7/25/2019	170	10492634	MCMaster Supply Inc	1 DEEP IMPACT SOCKET	\$40.43	\$634.52
	7/25/2019	170	10618945		ASTD PARTS & MATERIALS	\$93.52	
	7/25/2019	170	10385101		4 LARGE-CELL BATTERIES	\$221.64	
	7/25/2019		10816446		ASTD PARTS & MATERIALS	\$278.93	
171915	8/1/2019	170	379951	RKI INSTRUMENTS INC	GAS DETECTOR REPAIRS AND PARTS	\$625.05	\$625.05
171814	7/25/2019	113	1172198	ENTHALPY ANALYTICAL LLC	39 LAB SAMPLE ANALYSIS	\$625.00	\$625.00
171837	7/25/2019	170	190756	METROMOBILE COMMUNICATIONS INC	RADIO SERVICE - JULY 2019	\$599.08	\$599.08
171893	8/1/2019		603497694	HILLYARD/SAN FRANCISCO	ASTD JANITORIAL SUPPLIES & PAPER GOODS	\$598.49	\$598.49
171761	7/18/2019	170	24062835	MOTION INDUSTRIES INC	ASTD PARTS & MATERIALS	\$176.09	\$530.64
	7/18/2019		24062898		7 FILTERS	\$207.90	
	7/18/2019		24062742		2 PRESSURE GAUGES	\$146.65	
171779	7/18/2019		1186446570	TPX COMMUNICATIONS	WIRELESS INTERNET BACKUP - JULY	\$528.30	\$528.30
171864	8/1/2019	170	78614	BAILEY FENCE CO INC	REPAIR RAZOR WIRE RIBBON	\$515.00	\$515.00
171772	7/18/2019		10068	STREAMLINE PLUMBING & DRAIN	REFUND # 22158	\$500.00	\$500.00
171791	7/25/2019		10195	ADVANCED REPIPE SPECIALIST INC	REFUND # 22179	\$500.00	\$500.00
171867	8/1/2019		10316	BENJAMIN FRANKLIN PLUMBING	REFUND # 22196	\$500.00	\$500.00
171875	8/1/2019		9248.1	CHOU PROPERTY MANAGEMENT	REFUND # 22188	\$500.00	\$500.00
171896	8/1/2019		10311	LARRIETA SANITATION CONST	REFUND # 22195	\$500.00	\$500.00
171934	8/1/2019		10307	WESTCOAST PLUMBING SERVICE INC	REFUND # 22197	\$500.00	\$500.00

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171758	7/18/2019		4677951	MALLORY SAFETY AND SUPPLY LLC	ASTD CAL GAS	\$482.63	\$482.63
171775	7/18/2019		19062603	TELOG INSTRUMENTS INC	4 BATTERY PACK, ALKALINE, 6V, 80AH, ASSY	\$472.49	\$472.49
171807	7/25/2019	150	76793	CITYLEAF INC	PLANT MAINTENANCE - JUL 2019	\$431.86	\$431.86
171813	7/25/2019	170	90115819872	ENTERPRISE GOV 43-1514861	RENTAL: A. SHONG, SANTA ANA, CA	\$134.13	\$405.33
	7/25/2019	120	90116530956		RENTAL: S. NESGIS, PORTLAND, OR	\$137.07	
	7/25/2019	170	90116061004		RENTAL: A. SHONG, SANTA ANA, CA	\$134.13	
171906	8/1/2019		20190730	PETTY CASH	PETTY CASH REPLENISHMENT	\$368.05	\$368.05
171924	8/1/2019	110	20190718	SWRCB - STATE WATER RESOURCES	GRADE V OPERATOR CERTIFICATE - M. FARSAI	\$365.00	\$365.00
171815	7/25/2019	113	904068867	EVOQUA WATER TECHNOLOGIES	DI WATER SYSTEM	\$360.00	\$360.00
171744	7/18/2019	121	54145407	CINTAS CORPORATION	3 SUMMER SAFETY JACKETS CS EMPLOYEE	\$352.33	\$352.33
171803	7/25/2019	170	21675216	CARBOLINE COMPANY	PAINT & RELATED PAINT SUPPLIES	\$351.45	\$351.45
171926	8/1/2019	121	11056	TURNER SAFETY	FALL PROTECTION-COMPETENT PERSON TRAINING-A. MARTIN	\$350.00	\$350.00
171888	8/1/2019	122	1841087791	GOODYEAR COMM TIRE & SERV CTRS	4 TIRES	\$349.21	\$349.21
171838	7/25/2019	170	24062640	MOTION INDUSTRIES INC	ASTD NUTS & BOLTS	\$466.58	\$339.87
	7/25/2019	170	24062765		CREDIT FOR BUSHINGS ON INV 24057313	\$-126.71	
171881	8/1/2019		6034	ENERGY CHOICE INC	ASTD COGEN PARTS	\$317.64	\$317.64
171890	8/1/2019	170	3N6911	HARRINGTON INDUSTRIAL PLASTICS	5 ASTD PVC FITTINGS	\$164.21	\$304.25
	8/1/2019	170	3N6912		1 PVC ADAPTER	\$9.13	
	8/1/2019	170	3N6910		ASTD PVC PIPE & FITTINGS	\$130.91	

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171823	7/25/2019	122	1841087764	GOODYEAR COMM TIRE & SERV CTRS	4 TIRES	\$302.76	\$302.76
171832	7/25/2019	173	201925870	IRON MOUNTAIN	DATA/MEDIA OFF-SITE STORAGE - JUNE 2019	\$300.00	\$300.00
171933	8/2/2019		20190730	SHARON WEST	4TH QTR FY19 ALT COMP SPECIAL RECOGNITION	\$300.00	\$300.00
171911	8/1/2019		148536	PREFERRED ALLIANCE INC	JUNE 2019 SERVICE FEE	\$299.52	\$299.52
171848	7/25/2019	134	1917468002	SAN LEANDRO ELECTRIC SUPPLY	ASTD ELECTRICAL SUPPLIES	\$297.22	\$297.22
171920	8/1/2019	170	85340220190722	SAN FRANCISCO WATER DEPT	SERVICE 06/20/2019 - 07/22/2019	\$296.44	\$296.44
171762	7/18/2019	122	205205	NAYLOR STEEL INC	ASTD METAL, STEEL, STAINLESS & ALUMINUM	\$286.84	\$286.84
171898	8/1/2019	121	26856	MAR-LEN SUPPLY INC	SERVICE REPAIR	\$281.93	\$281.93
171842	7/25/2019	171	38822	R & S ERECTION OF S ALAMEDA	SERVICE: ROLL UP DOOR REPAIR FOR BLDG 81	\$265.00	\$265.00
171802	7/25/2019	136	20190718	JOSE CALVO	EXP REIMB: PER DIEM - PRIMA CONFERENCE	\$262.00	\$262.00
171932	8/1/2019	173	6029093	WEST SAFETY SERVICES INC	E911 CLOUD SERVICE	\$250.00	\$250.00
171903	8/1/2019	122	205613	NAYLOR STEEL INC	ASTD METAL, STEEL, STAINLESS & ALUMINUM	\$249.08	\$249.08
171727	7/18/2019		9089308605	AIRGAS NCN	2 CYL NITROGEN	\$236.15	\$236.15
171783	7/18/2019	170	29962857	UPS - UNITED PARCEL SERVICE	FREIGHT CHARGES	\$232.80	\$232.80
171756	7/18/2019	113	20190715	CONGNA LI	TUITION REIMB: LEADERSHIP SCHL, SPRING SEMESTER 2019	\$219.09	\$219.09
171908	8/1/2019	171	104487	PIIAN SYSTEMS LLC	ASTD PARTS AND MATERIALS	\$212.47	\$212.47
171732	7/18/2019	122	22534700	BECK'S SHOES	SAFETY SHOES: P. NELSON	\$208.00	\$208.00
171866	8/1/2019	121	22576200	BECK'S SHOES	SAFETY SHOES: J. ARROYO	\$208.00	\$208.00
171885	8/1/2019	113	144658	FISHER SCIENTIFIC	4 NITRITE VACU-VIALS KITS	\$195.13	\$195.13

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171879	8/1/2019	144	23006	DANOC MANUFACTURING	JACKETS FOR EDDA M. AND MIKE L.	\$180.53	\$180.53
171741	7/18/2019	113	599776	CALTEST ANALYTICAL LABORATORY	3 LAB SAMPLE ANALYSIS	\$141.75	\$141.75
171851	7/25/2019	123	130936	TRI-SIGNAL INTEGRATION INC	FIRE PROTECTION SERVICE - MONTHLY CHARGE MONITORING	\$133.33	\$133.33
171751	7/18/2019	136	20190716	MARIELA ESPINOSA	EXP REIMB: FAST TEAM RECOG SNACKS & AIRPORT PARKING	\$125.58	\$125.58
171850	7/25/2019	141	20190630	SPOK INC	JULY 2019 PAGER SERVICE	\$124.60	\$124.60
171819	7/25/2019	120	22357	FREMONT RECYCLING & TRANSFER	1.13 TONS MSW COMMERCIAL	\$123.66	\$123.66
171887	8/1/2019	120	2810919302	GLACIER ICE COMPANY INC	72 7-LB BAGS OF ICE	\$123.27	\$123.27
171918	8/1/2019	134	7800241602	RS HUGHES CO INC	7 SAFETY GOGGLES	\$56.86	\$116.83
	8/1/2019	134	7800241600		ASTD SAFETY SUPPLIES	\$59.97	
171786	7/18/2019	134	8086725313	VWR INTERNATIONAL LLC	LAB SUPPLIES	\$116.35	\$116.35
171753	7/18/2019		160771	FITGUARD INC	PREVENTATIVE MAINTENANCE - EXERCISE CLUB EQUIPMENT	\$106.46	\$106.46
171930	8/1/2019	113	8086889125	VWR INTERNATIONAL LLC	LAB SUPPLIES	\$40.28	\$99.19
	8/1/2019	113	8086872353		LAB SUPPLIES	\$58.91	
171877	8/1/2019	113	20190730	CWEA	MEMBERSHIP RENEWAL - CALANOG, MG	\$99.00	\$99.00
171900	8/1/2019	120	10851751	MCMASTER SUPPLY INC	12 EA CANS SPRAY PAINT	\$98.34	\$98.34
171746	7/18/2019	144	3261970	DAILY JOURNAL CORPORATION	AD: NOTICE OF PUBLIC HEARING - ORD 34.08	\$90.00	\$90.00
171835	7/25/2019	170	77937534	MATHESON TRI-GAS INC	MONTHLY CYLINDER RENTAL - JUNE 2019	\$89.22	\$89.22
171869	8/1/2019	130	20190731	LAURIE BRENNER	EXP REIMB: FAST TEAM RECOGNITION/TOLL/MILEAGE	\$85.13	\$85.13

**UNION SANITARY DISTRICT
CHECK REGISTER
07/13/2019-08/02/2019**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Amt
171734	7/18/2019	130	13791890	BLAISDELL'S	2 PK POST-IT	\$9.77	\$81.20
	7/18/2019	130	13786380		5 BINDERS	\$17.46	
	7/18/2019	130	13792180		1 BX FILES	\$14.73	
	7/18/2019	130	13792290		1 BX FILES	\$39.24	
171820	7/25/2019	170	20190719	CHRISTOPHER GABRIEL	EXP REIMB: CLASS B LICENSE RENEWAL	\$78.00	\$78.00
171816	7/25/2019	132	265706	EXAMINETICS	1 HEARING TEST	\$24.75	\$74.50
	7/25/2019	132	257618		1 RESPIRATOR TEST	\$25.00	
	7/25/2019	132	264048		4 HEARING TESTS	\$24.75	
171829	7/25/2019	110	1573314	HAYWARD WATER SYSTEM	WATER SERV 05/09/19 - 07/10/19	\$70.28	\$70.28
171870	8/1/2019	144	34933	BRITECH ELECTROPOLISHING	CLEANING & PASSIVATION OF SAMPLING EQUIP	\$70.00	\$70.00
171794	7/25/2019		1569	ALAMEDA COUNTY TREASURER	22 ASSESSOR MAPS	\$66.00	\$66.00
171811	7/25/2019		615320190720	DISH NETWORK	AUG 2019 - SERVICE FEE	\$65.91	\$65.91
171884	8/1/2019	132	269573	EXAMINETICS	2 RESPIRATOR TESTS	\$50.00	\$50.00
171731	7/18/2019	122	1102198188	AMERIPRIDE SERVICES INC	ASTD DUST MOPS, WET MOPS & TERRY TOWEL	\$47.58	\$47.58
171928	8/1/2019	136	98XW53279	UPS - UNITED PARCEL SERVICE	SHIPPING CHARGES W/E 07/06/19	\$20.22	\$43.76
	8/1/2019	136	98XW53289		SHIPPING CHARGES W/E 07/13/19	\$23.54	
171780	7/18/2019	141	417172	ULTRAEX LLC	COURIER SVCS: 1 BOARDMEMBER DELIVERY - 06/05/19	\$42.00	\$42.00
171852	7/25/2019	141	417406	ULTRAEX LLC	COURIER SVCS: 1 BOARDMEMBER DELIVERY - 06/19/19	\$42.00	\$42.00
171771	7/18/2019	123	39414	SCHAA'S LAWNMOWER SALES & SERV	2 MICRO SAW CHAIN	\$38.46	\$38.46

**UNION SANITARY DISTRICT
CHECK REGISTER
07/13/2019-08/02/2019**

Check No.	Date	Dept	Invoice No.	Vendor	Description	Invoice Amt	Check Amt
171801	7/25/2019	132	390892	STATE OF CALIFORNIA	1 NEW HIRE FINGERPRINTS	\$32.00	\$32.00
171897	8/1/2019	132	20190729	ELIZABETH LEDOAN	EXP REIMB: LIVESCAN FEE	\$30.00	\$30.00
171891	8/1/2019	170	31978	HAYWARD PIPE AND SUPPLY	ASTD PARTS & MATERIALS	\$26.94	\$26.94
171843	7/25/2019	132	20190722	JACQUELINE RAMACCIOTTI	EXP REIMB: LIVESCAN FEE PRE-EMPLOYMENT	\$25.00	\$25.00
171909	8/1/2019	132	20190730	DIANA PINO	EXP REIMB: LIVESCAN FEE PRE-EMPLOYMENT	\$25.00	\$25.00
171737	7/18/2019	170	1781923	BUREAU VERITAS/ANALYSTS INC	1 LAB SAMPLE ANALYSIS	\$24.15	\$24.15
171858	8/1/2019		1576	ALAMEDA COUNTY TREASURER	8 ASSESSOR MAPS	\$24.00	\$24.00
171825	7/25/2019	110	9209632919	GRAINGER INC	2 GRADUATED CYLINDERS	\$18.98	\$18.98
171901	8/1/2019	170	10851752	MCMASTER SUPPLY INC	1 PACK HEX HEAD SCREWS	\$13.67	\$13.67

Invoices:

Credit Memos :	2	-156.23
\$0 - \$1,000 :	202	64,116.29
\$1,000 - \$10,000 :	92	307,373.89
\$10,000 - \$100,000 :	24	770,354.84
Over \$100,000 :	3	900,690.18
Total:	323	2,042,378.97

Checks:

\$0 - \$1,000 :	114	44,681.18
\$1,000 - \$10,000 :	71	237,660.23
\$10,000 - \$100,000 :	25	647,329.76
Over \$100,000 :	3	1,112,707.80
Total:	213	2,042,378.97