

**NOTICE AND AGENDA
Special Board Meeting
at Sanitary District No. 5 of Marin County
Tuesday, October 4th, 2022**

11:00 A.M. SPECIAL BOARD MEETING

COVID-19 ADVISORY NOTICE

Consistent with Assembly Bill 361 revising Government Code section 54953, and Resolution No. 2021-07 of this Board enacted in accordance therewith, the Meeting will not be physically open to the public and all Board Members and Staff will be teleconferencing into the meeting.

How to Submit Public Comments:

Comments submitted prior to the commencement of the meeting will be presented to the Board and included in the public record for the meeting.

Public Comments are to be submitted via email to rdohrmann@sani5.org.

In addition, members of the public who are calling in, will have the opportunity to provide public comments by following the steps below:

How to Participate in the Meeting:

Join Zoom Meeting by clicking on the following link:

<https://us02web.zoom.us/j/6230620778>

Meeting ID: 623 062 0778 or join by phone:

Call in number: (669) 900-9128 Participant Code: 623 062 0778

ROLL CALL

PUBLIC COMMENTS: The public is invited to address the Board on items that do not appear on the agenda and are within the subject matter jurisdiction of the Board. The Brown Act does not allow the Board to take action on any public comment. Please limit public comments to no more than three minutes.

DIRECTORS' COMMENTS AND/OR AGENDA REQUESTS:

CONSENT CALENDAR:

1. Motion to review and reaffirm Resolution No. 2021-08: A Resolution proclaiming the continuing need to meet by teleconference in accordance with Government Code Section 54953 – Action

NEW BUSINESS:

2. Approval of a professional services contract with LWA (Larry Walker & Associates) for assistance in the District Main Plant NPDES renewal.

UNFINISHED BUSINESS:

ADJOURNMENT

The Board will be asked to adjourn the meeting to a Regular Board Meeting on October 20th, 2022, at 5:00 P.M.

At its discretion, the Board of Directors may consider the above-agenda items out of the order in which they appear currently. Accessible public meetings: Upon request, the District will provide written agenda materials in appropriate alternate formats, or disability-related modification or accommodation, including auxiliary aids or services to enable individual with disabilities to participate in public meetings. Please submit written requests to the District at P.O. Box 227, Tiburon, CA 94920 or rdohrmann@sani5.org at least two days prior to the meeting.

RESOLUTION 2021-08

SANITARY DISTRICT NO. 5 OF MARIN COUNTY

A RESOLUTION PROCLAIMING THE CONTINUING NEED TO MEET BY TELECONFERENCE IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953

WHEREAS, on January 30, 2020, the World Health Organization declared the COVID-19 outbreak a public health emergency of international concern; and

WHEREAS, on March 4, 2020, the Governor of the State of California declared a state of emergency in order to address the COVID-19 pandemic; and

WHEREAS, on March 3, 2020, Marin County declared a local emergency due to the COVID-19; and

WHEREAS, to allow local government bodies to safely conduct public meetings during the COVID-19 pandemic as well as to ensure public access to governmental meetings, the Governor of the State of California issued Executive Orders N-25-20 and N-29-20, which streamlined notice requirements for teleconference meetings under the Ralph M. Brown Act; and

WHEREAS, the Sanitary District No. 5 (“District”) has been conducting meetings of the District Board as well as its Committees pursuant to the provisions of these executive orders since their issuance; and

WHEREAS, the California State Legislature approved and the Governor signed AB 361 into law, which amended the Ralph M. Brown Act to allow local legislative bodies to continue meeting by teleconference during a gubernatorial proclaimed state of emergency if the local legislative body determines, by majority vote, that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees (California Government Code section 54953(e)(1)(B)); and

WHEREAS, the State of Emergency remains in effect; and

WHEREAS, COVID-19 continues to threaten the health and lives of District residents; and

WHEREAS, there is scientific consensus that variants of COVID-19, such as the Delta variant, are highly transmissible in indoor settings; and

WHEREAS, in individuals that are vaccinated, breakthrough cases of COVID-19 are becoming increasingly common; and

WHEREAS, AB 361 requires the District to reconsider the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Sanitary District No. 5 does hereby resolve, declare, determine, and order as follows:

SECTION 1. The above recitals are correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

SECTION 2. Pursuant to the requirements of Government Code Section 54953 (e)(3), the District Board makes the following findings:

- A) The District Board has considered the circumstances of the continuing state of emergency;
- B) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person;
- C) Due to COVID-19, holding meetings in person will present imminent risks to the health and safety to attendees; and
- D) The District Board will continue to meet by teleconference in accordance with Government Code section 54953(e).

SECTION 3. The aforementioned findings apply to all Commissions, Committees, or advisory bodies of the District, which are classified as legislative bodies per Government Code Section 54952.

SECTION 4. The District Board will reconsider, not more than every 30 days, the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person.

SECTION 5. All portions of this resolution are severable. If an individual component of this resolution is adjudged by a court to be invalid and unenforceable, then the remaining portions will continue in effect.

* * * * *

I hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly passed and adopted by the Board of Directors of Sanitary District No. 5 of Marin County, California, at a meeting thereof duly held on the 21st day of October 2021, by the following vote:

AYES, and in favor thereof, Directors: *RICHARD SNYDER, JOHN CARAPIET, TOM MOODY, CATHERINE BENEDIKTSSON*

NOES, Directors: *NONE*

ABSENT, Directors: *OMAR AQUAS MONTEZ*

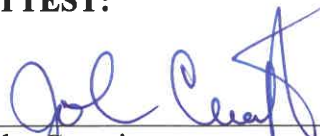
ABSTAIN, Directors: *NONE*

APPROVED:



Richard Snyder
President, Board of Directors

ATTEST:



John Carapiet
Vice President, Board of Directors



August 15, 2022

Mr. Tony Rubio
District Manager
Sanitary District No.5 of Marin County
2001 Paradise Drive
Tiburon, CA 94920

**Subject: Scope of Work and Cost Estimate – Tiburon Wastewater Treatment Plant
NPDES Permit Reissuance (October 1, 2022 to September 30, 2023)**

Dear Tony:

Larry Walker Associates (LWA) is pleased to offer the following proposal to Sanitary District No.5 of Marin County (District). LWA has provided NPDES permit assistance and water quality regulatory support for operation of the District's two wastewater treatment plants (WWTPs) for the past 15 years. LWA assisted the District with the Tiburon WWTP NPDES permit reissuance for the past three permit cycles and with the Paradise Cove WWTP NPDES permit reissuance for the past two permit cycles.

The District is requesting technical support during the 2023 reissuance of the Tiburon WWTP NPDES permit. The specific tasks that will be implemented by LWA are described in detail below. The permit application (Report of Waste Discharge or ROWD) and chronic toxicity screening approach will be prepared during the first part of the contracting period. Development and adoption of the new NPDES permit are projected to occur during the Spring and Fall 2023.

Scope of Work

Task 1 – Prepare NPDES Permit Application Package

The NPDES permit application package will include a cover letter and the ROWD packet consisting of: California Form 200, EPA Forms 2A, EPA Form 2S, effluent characterization report, annual average selenium load mixing zone study (completed in 2020), and outfall inspection reports. LWA will assemble, review and edit available materials; complete the required forms; and prepare supporting documentation as needed. The cover letter will summarize activities underway to improve Tiburon WWTP performance, identify desired changes for the reissued permit, discuss results of the preliminary Reasonable Potential Analysis, address data invalidation and potential effluent compliance problems, and propose strategies to resolve compliance issues. LWA will prepare the permit application package in consultation with District staff and a draft will be submitted to the District for review and approval prior to submittal to the Regional Water Board. The permit application must be submitted by January 2, 2023.

Task 2 – Conduct Preliminary Reasonable Potential Analysis and Calculate Effluent Limitations

The Reasonable Potential Analysis (RPA) is performed by Regional Water Board staff to determine if effluent limits are needed in the reissued NPDES permit. LWA will conduct a preliminary RPA and calculate effluent limitations before the permit application is submitted to identify and address potential compliance problems. The results will also be used to check calculations undertaken independently by Regional Water Board staff during permit reissuance.

LWA will assess effluent data (collected since October 1, 2018) and receiving water data (collected to-date) to conduct an RPA for each regulated constituent. Other pertinent data will be reviewed to evaluate pollutant sources, performance trends, and determine data sufficiency. Applicable datasets include influent, effluent and receiving water results; whole effluent toxicity test results; biosolids results; and water supply results. Outliers will be evaluated to determine if it is appropriate for the District to request their removal from datasets. LWA will assess compliance with projected effluent limits and develop a compliance strategy for any constituent limit deemed infeasible to comply.

Task 3 – Assist with Implementation of New Toxicity Statewide Provisions

In the past, chronic toxicity species screening for the District has been conducted in conjunction with the Sausalito-Marín City Sanitary District (SMCSD) and the Sewerage Agency of Southern Marin (SASM). The last screening was done in 2012 on the SMCSD effluent, which is beyond the 10-year period for using previous results as specified in the new State Policy for Water Quality Control: Toxicity Provisions, known as the Statewide Provisions. While the Statewide Provisions are not in full effect yet, it is possible that the Regional Water Board will require screening for the Tiburon effluent (either on its own or combined with SASM effluent) this time around. Potential assistance under this task includes reviewing current toxicity data for reasonable potential and/or reduced monitoring under the Statewide Provisions, discussing the screening process with the Regional Water Board, and preparing a screening proposal and reviewing test results, if the screening is required.

Task 4 – Communicate with Regional Water Board Staff

At the direction of the District, LWA will arrange or conduct meetings, phone, and email conversations with Regional Water Board staff. It is important to communicate with Regional Water Board staff on a regular basis during the permit reissuance process. This communication typically involves clarifying results provided in technical study reports, discussing operational procedures, identifying potential compliance issues, and negotiating alternate NPDES permit approaches.

Task 5 – Review and Prepare Comments on Draft Permits

Regional Water Board staff typically provides an Administrative Draft version of the NPDES permit to the Permittee to verify language and identify operational considerations. Working with the District, LWA will prepare written comments on the Administrative Draft permit using “Track Changes” to indicate proposed modifications and “inserted comments” to provide a rationale for the changes. The edited version of the Administrative Draft will be submitted to Regional Water Board staff for consideration.

After addressing the District’s comments on the Administrative Draft, the Regional Water Board will issue a Tentative Order permit for a public 30-day comment period. LWA will review the Tentative

Order in consultation with the District, identify necessary changes, and prepare written comments to explain and support revisions to address District concerns. Comments on the Tentative Order are more detailed and comprehensive, because the comments are submitted for the public record and can be used in an appeal or for other actions on the permit. The Tentative Order comments will address any revisions identified by the District and lay groundwork for an appeal if the requested revisions are not made by the Regional Water Board. LWA will prepare a draft comment letter for District review and approval prior to submittal to the Regional Water Board.

Task 6 – Attend Permit Adoption Hearing

A presentation at the permit adoption hearing is recommended to either (1) express support for the permit as-is and compliment assistance from Regional Water Board staff; (2) express objection to specific and significant permit provisions (possibly reaching an agreement with Regional Water Board staff and Board members that was not possible without the pressure of a public forum); or (3) counter comments from other public entities that may be introduced during the public hearing. As needed, LWA will assist the District develop a presentation for the permit adoption hearing and attend the hearing for technical support. An adoption hearing for the Tiburon WWTP NPDES permit has not been scheduled yet, but it is estimated to take place in August 2023.

Task 7 – Proof Final Order and Develop Compliance Plan

It is advisable to proof the post-Regional Water Board Hearing version of the NPDES permit to ensure that agreed upon changes were made. LWA will review the final adopted order for any mistakes that could render the content of a particular condition different than intended. The Regional Water Board routinely includes requirements for status reports and special studies in the NPDES permit. Each of these tasks is assigned a compliance date. LWA will develop an overall schedule and plan for the District to track and comply with these activities during the 5-year permit term.

Task 8 – Project Coordination and Management

LWA will ensure contract requirements are implemented, budgets and schedules are managed, and documentation is provided with each invoice to detail activities undertaken during the billing period. The LWA project manager will communicate regularly with District staff to keep them apprised of progress and solicit input on project direction.

Schedule and Cost Estimate

The projected schedule outlined below is based on NPDES permit adoption in August 2023. The final schedule will be determined by the Regional Water Board's 2023 calendar and the assigned date for the permit adoption hearing. This Scope of Work includes LWA activities that will occur through the effective date of the new permit, anticipated as October 1, 2023, unless the adoption schedule is delayed and the current permit is administratively extended by the Regional Water Board.

- ROWD Preparation – October to December 2022
- ROWD Submittal – January 2, 2023, or sooner to avoid end-of-the-year holidays
- Administrative Draft Permit Review and Comment – anticipated April 2023
- Tentative Order Review and Comment – anticipated May 2023
- Regional Water Board Adoption hearing – anticipated August 2023
- New NPDES Permit Effective – anticipated October 1, 2023

The estimated cost for assistance during the 2023 permit reissuance is \$39,500, as shown by task in the following table. The costs are based on the attached LWA Rate Schedule (July 1, 2022 to June 30, 2023) and predicted rates for 2023-2024. LWA typically modifies hourly rates on July 1 of each year.

Task No.	Description	Cost
1	Prepare NPDES Permit Application Package	\$8,400
2	Conduct Preliminary RPA and Calculate Effluent Limitations	\$5,800
3	Assist with Implementation of New Toxicity Statewide Provisions	\$5,000
4	Communicate with Regional Water Board Staff	\$3,000
5	Review and Prepare Comments on Draft Permits	\$8,000
6	Attend Permit Adoption Hearing	\$2,700
7	Proof Final Order and Develop Compliance Plan	\$3,100
8	Project Coordination and Management	\$3,500
Total		\$39,500

LWA is ready to provide assistance immediately and is looking forward to continuing its work with the District. Feel free to contact me at (510) 883-9873 or alinac@lwa.com if you have any questions.

Sincerely,



Alina Constantinescu, P.E.
Project Engineer

Attachments:

LWA Rate Schedule Effective July 1, 2022, to June 30, 2023



TITLE	RATE (\$/Hour)
Administrative	\$ 96
Contract Coordinator	\$138
AR/AP Manager	\$138
Graphic Designer	\$128
Senior Graphic Designer	\$166
Project Staff I-C	\$133
Project Staff I-B	\$161
Project Staff I-A	\$187
Project Staff II-B	\$198
Project Staff II-A	\$224
Senior Staff I	\$241
Senior Staff II	\$259
Associate I	\$275
Associate II	\$290
Vice President	\$310
Executive Vice President	\$325
Senior Executive	\$340
President	\$340

REIMBURSABLE COSTS	
Travel	
Local Mileage	Current IRS Rate
Transportation	Actual Expense
Auto Rental	Actual Expense
Fares	Actual Expense
Room	Actual Expense
Subsistence And Per Diem Meals ⁽¹⁾	Current GSA Rate
Report Reproduction And Copying:	
Per Color Copy, In-House	\$0.89
Per Black And White Copy, In-House	\$0.08
Per Binding, In-House	\$1.95
Special Postage And Express Mail:	Actual Expense
Third-Party Material Preparation	Actual Expense
Other Direct Costs:	Actual Expense
Daily Equipment Rental Rates:	
Single Parameter Meters & Equipment	\$30.00
Digital Flow Meter	\$60.00
Multi-Parameter Field Meters & Sondes	\$100.00
Dye/Tracer Mapping Or Residence Time	\$200.00
Multi-Parameter Continuous Remote Sensing	\$40.00
Field Rig (Field Vehicle And All Equipment)	\$200.00
Subcontractors:	Actual Expense Plus 10% Fee

Note: (1) Charged when overnight lodging is required. U.S. General Services Administration rates specified by location of work at gsa.gov