

AGENDA

NOTICE OF REGULAR MEETING

TIME: 6 p.m.

DATE: Tuesday, November 3, 2020

PLACE: Teleconference

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, the Board meeting will be held via Teams Teleconference.

The District Boardroom will be closed to the public.

The public may observe and comment by electronic means as described on Page 3.

See Page 3 of the Agenda Packet for Teams Teleconference Access Information

Our mission is to protect public health and the environment by providing reliable and sustainable water, recycled water, and wastewater services in a safe, efficient, and fiscally responsible manner.

1. CALL TO ORDER

2. PLEDGE TO THE FLAG

3. ROLL CALL – Members: Duarte, Halket, Howard, Johnson, Vonheeder-Leopold

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC)

At this time those on the teleconference call are encouraged to address the Board on any item of interest that is within the subject matter jurisdiction of the Board and not already included on tonight’s agenda. Comments should not exceed five minutes. The President of the Board will recognize each speaker, at which time the speaker should introduce him/herself, and then proceed with his/her comment. Written comments of five minutes or less and received by 5 p.m. on the day of the meeting will be read into the meeting record.

6. REPORTS

6.A. Reports by Staff

- Event Calendar
- Correspondence to and from the Board

6.B. Joint Powers Authority and Committee Reports

6.C. Agenda Management (consider order of items)

7. CONSENT CALENDAR

Matters listed under this item are considered routine and will be enacted by one Motion, in the form listed below. There will be no separate discussion of these items unless requested by a Member of the Board or the public prior to the time the Board votes on the Motion to adopt.

7.A. Approve Regular Meeting Minutes of October 20, 2020

Recommended Action: Approve by Motion

- 7.B. Approve Amendment to the Capital Improvement Program Ten-Year Plan for Fiscal Years 2020 through 2029 and Two-Year Budget for Fiscal Years 2020 and 2021 to Combine Water Lines Replacement - Wineberry Area (CIP 16-W017) and Water Lines Replacement - Canterbury Area (CIP 21-W001) Projects and Approve Master Agreement for Consulting Services with BKF Engineers and Authorize Execution of Task Order No. 1
Recommended Action: Approve by Resolutions (2) and Authorize by Motion

8. BOARD BUSINESS

- 8.A. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists
Recommended Action: Approve by Motion
- 8.B. Second Reading: Adopt Ordinance Revising District Code Chapter 7.40 Acquisition of Real Property, Supplies, and Equipment; and Rescind Purchasing Policy and Resolution No. 18-18
Recommended Action: Waive Reading by Motion; Adopt Ordinance and Rescind Policy by Resolution
- 8.C. First Reading: Introduction of Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations
Recommended Action: Introduce Ordinance and Waive Reading by Motion
- 8.D. Receive Presentation on Upgraded Power Monitoring System
Recommended Action: Receive Presentation
- 8.E. Receive Update on Primary Sedimentation and Improvements Project (CIP 17-P004)
Recommended Action: Receive Presentation

9. BOARD MEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors
- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

10. CLOSED SESSION

The Board will convene its closed session on a separate teleconference line and return to the open teleconference call for Item 11 when the closed session is completed.

- 10.A. Conference with Legal Counsel – Anticipated Litigation
Consideration of Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4): One Potential Case
- 10.B. Conference with Legal Counsel – Anticipated Litigation
Significant Exposure to Litigation Pursuant to Government Code Section 54956.9(d)(2): One Potential Case

11. REPORT FROM CLOSED SESSION

12. ADJOURNMENT

All materials made available or distributed in open session at Board or Board Committee meetings are public information and are available for inspection during business hours by calling the District Secretary at (925) 828-0515. A fee may be charged for copies. District facilities and meetings comply with the Americans with Disabilities Act. If special accommodations are needed, please contact the District Secretary as soon as possible, but at least two days prior to the meeting.

Teams Teleconference Access Information

Dublin San Ramon Services District Regular Board Meeting Tuesday, November 3, 2020

If the public wishes to provide comments during Agenda Item 5 – Public Comment, or on any of the agenda items, please join the meeting using the teleconference instructions below, or email written comments to the Board of Directors at board@dsrcsd.com by 5 p.m. Tuesday, November 3, 2020. Written comments, of five minutes or less, will be read into the meeting record during the public comment portion of the agenda or during discussion of the subject of the comment.

To Join by Computer or Device:

1. Click [Join Meeting](#).
2. Select how you want to join the Teams meeting.
3. Click **“Join now.”** You can personalize your video and audio preferences before or after joining.
4. Public participants would wait for the meeting host to admit you.
5. You must unmute yourself when you wish to speak by clicking the microphone icon, which is also used to mute yourself when you finish speaking.

To Join by Phone Only:

1. Dial **(831) 256-7773** USA Toll from any telephone.
2. Enter Conference ID **690 219 547#** when prompted. DO NOT PRESS *.
3. Wait for the meeting host to admit you. If you are unsuccessful in joining, hang up and dial in again.
4. You must unmute yourself when you wish to speak by pressing *6, which is also used to mute yourself when you finish speaking.

Video Teleconference Meeting Instructions and Information:

- Stay muted unless speaking.
- Listen for prompts to know when public comments are solicited.
- You must unmute yourself when you wish to speak during Public Comment or during discussion of a particular agenda item. The meeting host can mute but cannot unmute participants.
- Announce yourself and speak slowly and clearly when commenting.
- Call (925) 875-2224 if you experience any technical difficulties.

Boardmembers and staff will be attending the meeting via teleconference. The Board will convene any Closed Sessions on a separate teleconference line and return to the open teleconference meeting for the next agenda item when the Closed Session is completed. The open teleconference meeting will be muted during this time and will resume for the Closed Session report and meeting adjournment.

The Boardroom is closed to the public.

All votes during the meeting will be taken by roll call vote.

**DUBLIN SAN RAMON SERVICES DISTRICT
MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS**

October 20, 2020

Pursuant to Governor Newsom’s Executive Orders N-25-20, N-29-20, and N-33-20, and local county health orders issued to address the COVID-19 pandemic, this Board meeting was held via Teams teleconference. The District Boardroom is closed to the public; however, the public may observe and comment by calling in to the teleconference meeting per the instructions provided on page 3 of the agenda. As required by the Brown Act, all votes were taken by roll call vote due to the attending Directors participating via teleconference.

1. CALL TO ORDER

A regular meeting of the Board of Directors was called to order at 6 p.m. by President Duarte.

2. PLEDGE TO THE FLAG

3. ROLL CALL

Boardmembers present at start of meeting:

President Edward R. Duarte, Vice President Ann Marie Johnson, Director Richard M. Halket, Director Georgean M. Vonheeder-Leopold, and Director Dwight L. (Pat) Howard.

District staff present: Dan McIntyre, General Manager; Jan Lee, Assistant General Manager; Carol Atwood, Administrative Services Manager/Treasurer; Judy Zavadil, Engineering Services Manager/District Engineer; Jeff Carson, Operations Manager; Douglas E. Coty, General Counsel; and Vivian Chiu, Administrative Analyst I.

4. SPECIAL ANNOUNCEMENTS/ACTIVITIES

General Manager McIntyre requested the Board to move New Employee Introductions to a later part of this meeting. The Board consented. The item was received following Item 8.B.

New Employee Introduction:

Ron Pajela – Senior Utility Billing and Customer Services Representative

5. PUBLIC COMMENT (MEETING OPEN TO THE PUBLIC) – 6:02 p.m. No public comment was received.

6. REPORTS

6.A. Reports by Staff

- Event Calendar – General Manager McIntyre had nothing to report.
- Correspondence to and from the Board on an Item not on the Agenda – None

6.B. Joint Powers Authority and Committee Reports – None

6.C. Agenda Management (consider order of items) – No changes were made.

7. CONSENT CALENDAR

Director Vonheeder-Leopold MOVED for approval of the items on the Consent Calendar.
Director Howard SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

7.A. Approve Regular Meeting Minutes of October 6, 2020 – Approved

7.B. Accept Regular and Recurring Report: Warrant – Approved

7.C. Authorize Execution of Settlement Agreement and Release with Pacific Gas and Electric Company for the DERWA (Dublin San Ramon Services District – East Bay Municipal Utility District Recycled Water Agency) Supplemental Supply Project (CIP No. 16-R018) – Approved

7.D. Authorize the General Manager to Approve a Purchase Order for Pipes and Fittings Repair Parts Supply and Delivery – Approved

8. BOARD BUSINESS

8.A. Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

Assistant General Manager Lee reviewed the item for the Board. She reported Alameda County has moved to Tier 3 (orange tier) indicating moderate risk while Contra Costa County remains in Tier 2 (red tier) indicating substantial risk under the state's system for reopening the economy. Alameda County has not allowed any orange tier activities. It is slowly reopening businesses permitted in the red tier, continuing to prioritize reopening schools for in-person learning, and taking a measured approach to reopening during the winter. The District's COVID-19 Exposure Control Plan has been fully implemented, and the District's operations under COVID-19 continues to be stable.

Director Howard MOVED to Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

8.B. First Reading: Introduction of Ordinance Revising District Code Chapter 7.40 Acquisition of Real Property, Supplies, and Equipment

President Duarte read the title of the Ordinance: An Ordinance of Dublin San Ramon Services District Amending Chapter 7.40 of the District Code to Include Procurement Authority and Standards for District Purchasing.

Administrative Services Manager Atwood reviewed the item for the Board and introduced Administrative Analysts II Gemma Lathi and Corinne Ferreyra who explained the purpose of the Ordinance, the key revisions, and the resulting benefits. A workgroup composed of representatives from each of the three departments was formed to review the procurement process and applicable regulations, and to develop the

recommendation. Staff engaged Management Partners to conduct a thorough review of the District's procurement process, provide professional advice, and ensure conformance with industry best practices. Consolidation of the procurement information, authority, and standards into the District Code would allow greater transparency and clarity for the Board, the public, vendors, suppliers, and staff.

The Board and staff discussed the flexibility of making future changes to the purchasing provisions in the District Code. General Counsel Coty commented it would require at least a month's time to make amendments to the District Code given the two readings, but he does not anticipate frequent changes. The Board complimented Ms. Lathi and Ms. Ferreyra on their presentation.

Director Halket MOVED to Waive Reading of the Ordinance. Director Howard SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

There was no public comment received. The Board had no additional comments.

Director Howard MOVED to Schedule Adoption of the Ordinance for November 3. Director Vonheeder-Leopold SECONDED the MOTION, which CARRIED with FIVE AYES per roll call vote.

9. BOARDMEMBER ITEMS

- Submittal of Written Reports for Day of Service Events Attended by Directors

Director Vonheeder-Leopold submitted written reports to Administrative Analyst I Chiu. She reported that she attended the California Association of Sanitation Agencies Board of Directors virtual meeting on October 15 and the Alameda County Special Districts Association Executive Committee virtual meeting on October 14. She summarized the activities and discussions at the meetings.

- Request New Agenda Item(s) Be Placed on a Future Board or Committee Agenda

Director Halket requested a detailed briefing on the project to replace the District's Enterprise Resource Planning system, including project plan, expected gains and losses, risks, and timelines.

10. CLOSED SESSION

At 6:32 p.m. the Board went into Closed Session.

- 10.A. Public Employee Performance Evaluation Pursuant to Government Code Section 54957
Title: General Manager

11. REPORT FROM CLOSED SESSION

At 6:56 p.m. the Board came out of Closed Session. President Duarte announced that there was no reportable action.

12. ADJOURNMENT

President Duarte adjourned the meeting at 6:56 p.m.

Submitted by,

Vivian Chiu, MMC
Administrative Analyst I

FOR: Nicole Genzale, CMC
Executive Services Supervisor/District Secretary



TITLE: Approve Amendment to the Capital Improvement Program Ten-Year Plan for Fiscal Years 2020 through 2029 and Two-Year Budget for Fiscal Years 2020 and 2021 to Combine Water Lines Replacement - Wineberry Area (CIP 16-W017) and Water Lines Replacement - Canterbury Area (CIP 21-W001) Projects and Approve Master Agreement for Consulting Services with BKF Engineers and Authorize Execution of Task Order No. 1

RECOMMENDATION:

Staff recommends the Board of Directors approve, by three separate actions, the following:

1. Approve, by Resolution, an amendment to the Capital Improvement Program (CIP) Ten-Year Plan for Fiscal Years 2020 through 2029 and Two-Year Budget for Fiscal Years Ending 2020 and 2021 to:
 - a. Delete the Water Lines Replacement – Canterbury Area Project (CIP 21-W001).
 - b. Increase the Water Lines Replacement – Wineberry Area Project (CIP 16-W017) budget by \$2,398,770.
 - c. Retitle the Water Lines Replacement – Wineberry Area Project (CIP 16-W017) to Water Lines Replacement – Wineberry and Canterbury Area Project (16-W017).
2. Approve, by Resolution, a Master Agreement for Consulting Services with BKF Engineers.
3. Authorize, by Motion, the General Manager to execute Task Order No. 1 to the Master Agreement for Consulting Services with BKF Engineers in an amount not to exceed \$458,127.

DISCUSSION:

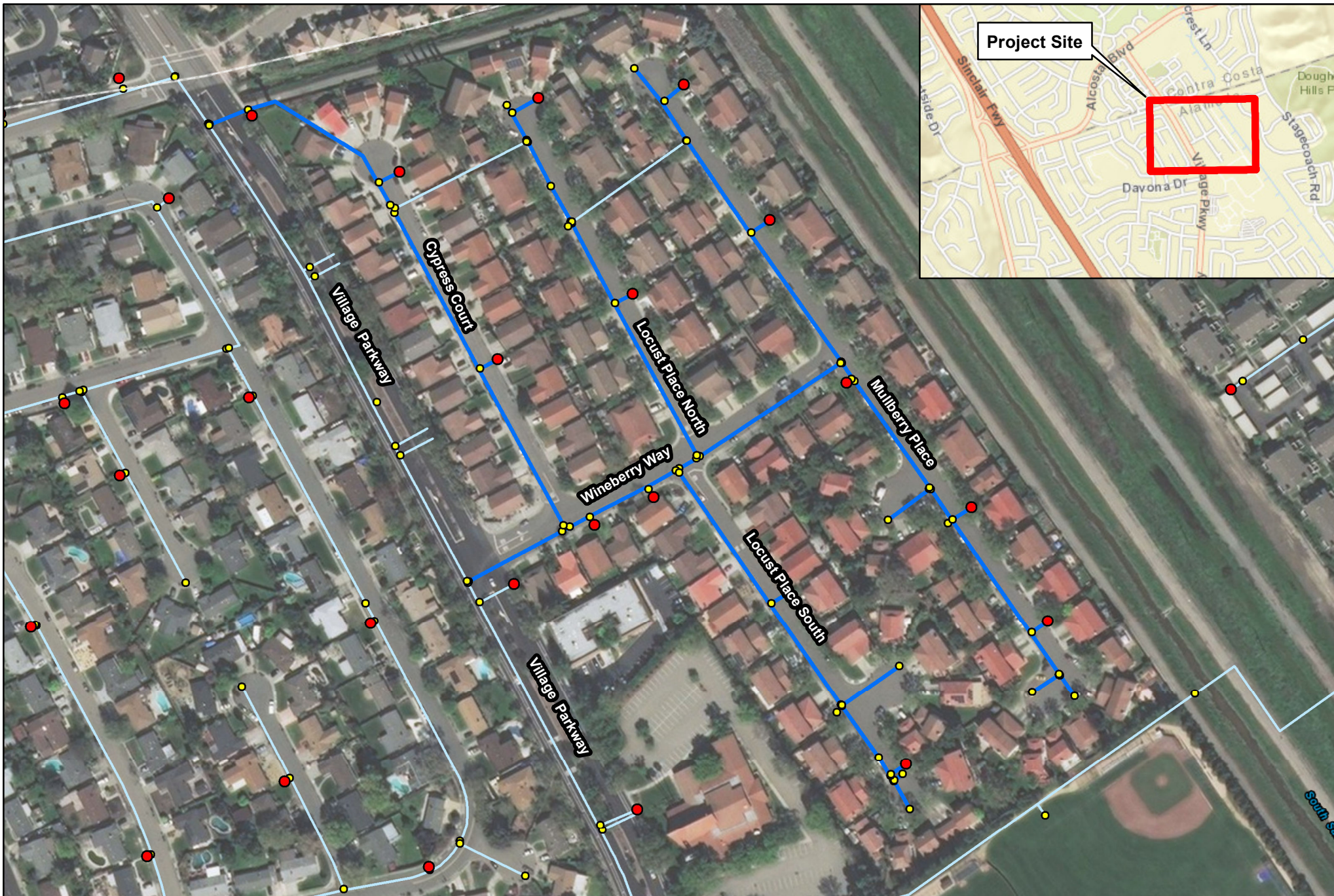
The CIP includes two water line replacement projects in central Dublin. The Wineberry Area Project (CIP 16-W017) will replace approximately 4,400 feet of existing 8-inch asbestos cement pipe (ACP) potable water mains, services, and appurtenances (Attachment 1). The Canterbury Area Project will replace approximately 6,500 feet of existing 4-inch, 6-inch, and 8-inch ACP potable water mains, services, and appurtenances (Attachment 2).

For ease of project administration, staff recommends combining the Wineberry Area project and the Canterbury Area project to be constructed and awarded as one project. This request includes deleting the Water Lines Replacement – Canterbury Area Project (CIP 21-W001), increasing the Water Lines Replacement – Wineberry Area Project (CIP 16-W017) budget, from \$2,207,200 to \$4,605,970, and retitling the project to Water Lines Replacement – Wineberry and Canterbury Area Project (CIP 16-W017). Combining these projects will result in no net change in total project budget.

On August 26, 2020, staff sent out two Request for Proposals (RFP) to 12 prospective consulting firms to provide engineering design services for both projects. On September 29, 2020, proposals were received for both projects from the same three firms: BKF Engineers, HydroScience Engineers, and MacKay and Soms. The proposals were evaluated based upon established criteria including project understanding, project approach and proposed scope of work, company and personnel qualifications, project schedule, and level of effort. Based upon these criteria, BKF Engineers was determined to have the combination of qualifications, staff, and proposed approach that best meets the District needs.

BKF Engineers’ proposed scope of work includes preliminary planning and engineering, including permit acquisition and interagency coordination; design engineering, including the preparation of design drawings, temporary outage plans, technical specifications and cost estimates; and engineering services in support of the project bidding phase. The combined project is 100 percent funded by the Water Replacement (Fund 610).

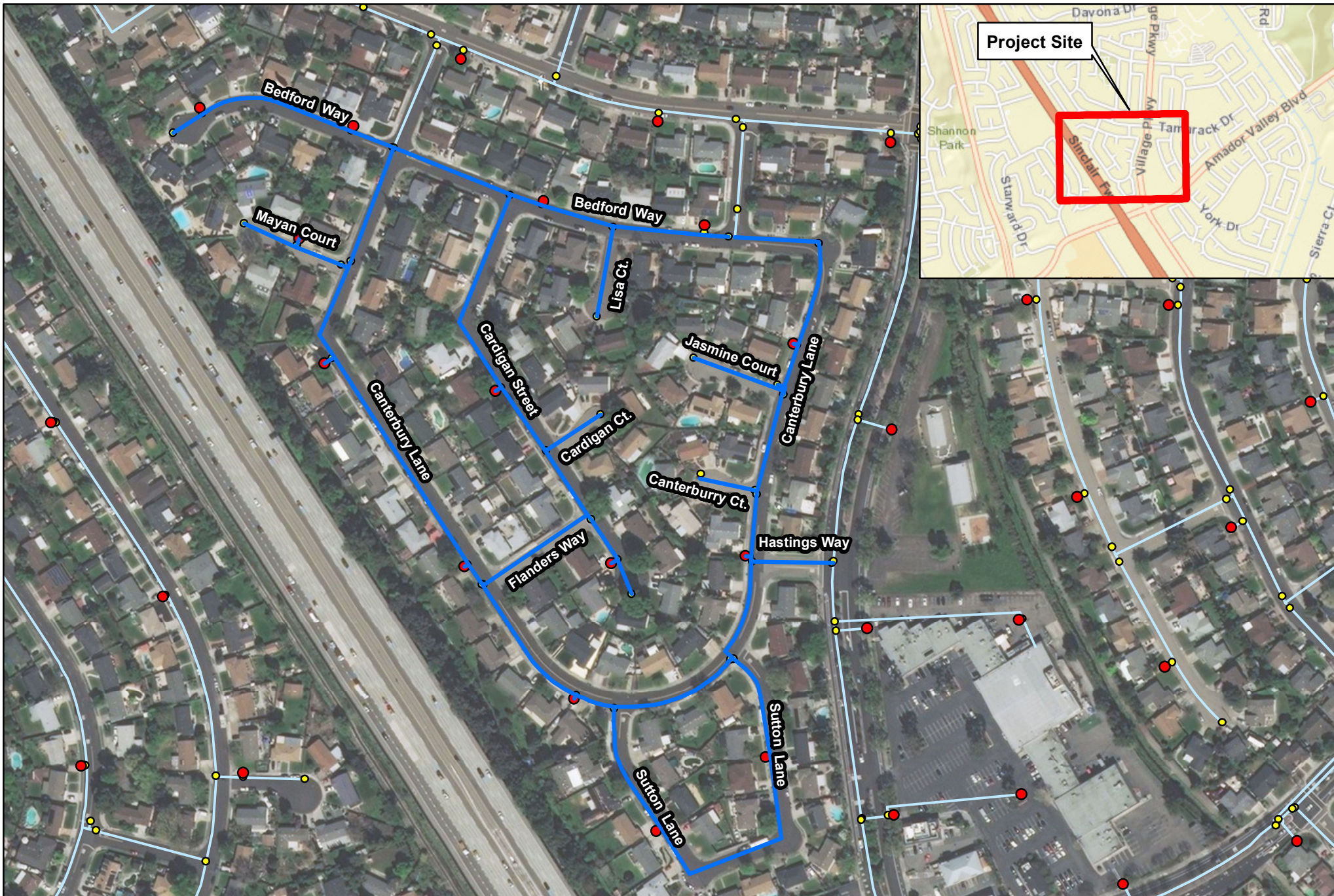
Originating Department: Engineering Services	Contact: J. Oropeza	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$458,127 from Water Replacement (Fund 610)	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input checked="" type="checkbox"/> Resolutions (2) <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Map of Wineberry Area Attachment 2 – Map of Canterbury Area	



Legend

- Project Pipeline
- Water Pipeline
- Fire Hydrant
- Valve

Attachment 1 - Wineberry Area



Legend

- Project Pipeline
- Water Pipeline
- Fire Hydrant
- Valve

Attachment 2 - Canterbury Area

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING AN AMENDMENT TO THE CAPITAL IMPROVEMENT PROGRAM (CIP) TEN-YEAR PLAN FOR FISCAL YEARS 2020 THROUGH 2029 AND TWO-YEAR BUDGET FOR FISCAL YEARS 2020 AND 2021 TO DELETE THE WATER LINES REPLACEMENT – CANTERBURY AREA PROJECT (CIP 21-W001), INCREASE THE WATER LINES REPLACEMENT – WINEBERRY AREA PROJECT (CIP 16-W017) BUDGET, AND RETITLE TO THE WATER LINES REPLACEMENT – WINEBERRY AND CANTERBURY AREA PROJECT (CIP 16-W017)

WHEREAS, the Board of Directors approved the District’s Capital Improvement Program (“CIP”) Ten-Year Plan for Fiscal Years Ending (FYE) 2020 through 2029 (“CIP Plan”) on July 2, 2019 to serve as a budgetary planning document providing direction and guidance, in accordance with District policies, for the replacement and improvement of existing District facilities and the construction of new facilities; and

WHEREAS, the Board of Directors adopted the current CIP Two-Year Budget for Fiscal Years Ending 2020 and 2021 (“CIP Budget”) on July 2, 2019 authorizing fund budgets for FYE 2020 and FYE 2021 to meet the District’s capital infrastructure needs; and

WHEREAS, the CIP Plan included the Water Lines Replacement – Wineberry Area Project (CIP 16-W017) with a budget of \$2,207,200; and

WHEREAS, the CIP Plan included the Water Lines Replacement – Canterbury Area Project (CIP 21-W001) with a budget of \$2,398,770; and

WHEREAS, staff recommends to delete the Water Lines Replacement – Canterbury Area Project (CIP 21-W001); and

WHEREAS, staff recommends to retitle the Water Lines Replacement – Wineberry Area Project (CIP 16-W017) to Water Lines Replacement – Wineberry and Canterbury Area Project (CIP 16-W017); and

WHEREAS, staff recommends an increase to the Water Lines Replacement – Wineberry and Canterbury Area Project (CIP 16-W017) by \$2,398,770 from \$2,207,200 to \$4,605,970.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

1. The Water Lines Replacement – Canterbury Area Project (CIP 21-W001) is hereby deleted from the CIP Two-Year Budget for Fiscal Years 2020 and 2021.

Res. No. _____

2. The Water Lines Replacement – Wineberry Area Project (CIP 16-W017) is hereby increased to a total budget of \$4,605,970 in the CIP Two-Year Budget for Fiscal Years Ending 2020 and 2021, in accordance with the project description sheet attached as Exhibit “A,” and retitled to Water Lines Replacement – Wineberry and Canterbury Area Project (CIP 16-W017).

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 3rd day of November, 2020, and passed by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary

DSRSD CIP 10-Year Plan for FYEs 2020 through 2029**CATEGORY: WATER SYSTEM****Water Replacement (Fund 610)****CIP No. 16-W017 Water Lines Replacement - Wineberry and Canterbury Area****Funding Allocation:** 100% 610**Project Manager:** Jose Oropeza**Status:** New Project**Project Summary:**

This project will replace approximately 4400 feet of 8-inch asbestos concrete pipe (ACP) potable water lines, services, and appurtenances on Wineberry Way, Cypress Court, Locust Place - South and North, and Mulberry Place. This area has a history of leaks and water service repairs. The project will also replace approximately 6,500 feet of existing 4-inch, 6-inch and 8-inch asbestos cement pipe (ACP) potable water lines in Canterbury Lane from Bedford Way to Flanders Way, Cardigan Street, Mayan Court, Flanders Way, and Cardigan Court, Canterbury Lane from Flanders Way to Bedford Way, Bedford Way from Canterbury Lane to Alene Street, Hastings Way, Sutton Lane, Jasmine Court, and Canterbury Court, along with valves, hydrants, and services. The lines were installed in 1961. Staff reviewed the pipe repair history, corrosion information and the acoustic evaluation and have concluded that they are near the end of their useful lives and therefore should be replaced.

CEQA: Statutory Exemption [CEQA Guideline 15282]**Reference:** Maintenance service history and Asset Management Replacement Model**Fund Allocation Basis:** Project is required to replace existing water fund assets.**10-Year Cash Flow and Estimated Project Cost:**

Prior	FYE 20	FYE 21	FYE 22	FYE 23	FYE 24	FYE 25	FYE 26	FYE 27	FYE 28	FYE 29	Future
117	0	763,723	3,842,130	0	0	0	0	0	0	0	0

Total Estimated Project Cost **\$4,605,970**

Current Adopted Budget \$2,207,200

Increase/(Decrease) \$2,398,770

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT APPROVING MASTER AGREEMENT FOR CONSULTING SERVICES WITH BKF ENGINEERS, FOR ENGINEERING DESIGN SERVICES OF THE WATER LINES REPLACEMENT – WINEBERRY AND CANTERBURY AREA PROJECT (CIP 16-W017)

WHEREAS, the District desires to obtain professional consulting services for engineering design of the Water Lines Replacement – Wineberry and Canterbury Area Project (CIP 16-W017) (Project) and solicited a Request for Proposals in accordance with the District purchasing procedures; and

WHEREAS, on August 26, 2020, the District sent out twelve requests for proposal to consulting firms to provide engineering design services; and

WHEREAS, on September 29, 2020, the District received proposals from BKF Engineers, HydroScience Engineers, and MacKay and Soms; and

WHEREAS, District staff has evaluated the three professional consulting services proposals and recommends the selection of BKF Engineers to provide engineering design services related to the Project; and

WHEREAS, BKF Engineers was selected based on the company’s qualifications, depth and breadth of design team members, and proposed design approach.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

That certain “Master Agreement for Consulting Services” (Exhibit “A”) by and between the Dublin San Ramon Services District and BKF Engineers, is hereby approved, and the General Manager and District Secretary are hereby authorized and directed to execute, and to attest thereto, respectively, said agreement for and on behalf of Dublin San Ramon Services District.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 3rd day of November, 2020, and passed by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary

MASTER AGREEMENT for CONSULTING SERVICES
WITH
BKF Engineers

THIS AGREEMENT, made and entered into this ____ day of _____, 20__ by and between DUBLIN SAN RAMON SERVICES DISTRICT, a public agency in the counties of Alameda and Contra Costa, California (“District”) and BKF Engineers (“Consultant”), 4670 Willow Road, Suite 250, Pleasanton, CA 94588, (650) 482-6313

WHEREAS, District requires professional Engineering consulting services; and

WHEREAS, Consultant’s principals are duly licensed Professional Engineers in the State of California and Consultant represents that it is experienced in performing, and uniquely qualified to perform, the professional Engineering consulting services; and

WHEREAS, District desires to engage Consultant for such services; and

NOW, THEREFORE, the parties hereto agree as follows:

1. SERVICES. Consultant shall perform assignments in accordance with the terms and conditions of this Agreement and written Task Orders issued from time to time by District to Consultant and accepted by Consultant. Each such Task Order shall include, but not be limited to: (i) a description of the services to be performed by Consultant, and the key personnel to be assigned by Consultant to the performance of the specific Task (who shall not be replaced without the prior written approval of the District, which shall not be unreasonably withheld); (ii) the time of performance for providing such services; (iii) maximum compensation payable for providing such services, provided that such compensation shall be payable pursuant to Paragraph 2 hereof unless otherwise expressly provided in the Task Order; (iv) District’s source of funding; and (v) such other provisions as the parties deem appropriate or necessary to accomplish the purpose of the Task Order. To the extent not expressly modified by Task Order, all other terms and conditions of this Agreement shall be deemed incorporated in each Task Order.

2. COMPENSATION. District shall compensate Consultant for all services performed by Consultant pursuant to Paragraph 1 in an amount equal to Consultant’s hourly rates of charge for Consultant’s personnel times the number of hours, or portions thereof, of services correspondingly performed by said personnel. Said rates of charge are set forth in Exhibit “A” hereof, attached hereto, and by reference incorporated herein. Said rates may be adjusted, from time to time, upon written approval of the District.

District shall reimburse Consultant for other expenses directly incurred in performing services hereunder, if any, described in Exhibit “A.”

Compensation and reimbursement of expenses shall be payable by District within thirty (30) days upon receipt of billing by Consultant. Billing by Consultant to District shall not be more often than monthly for services corresponding to each Task Order. The billing shall include

an itemized statement briefly describing the services rendered and costs incurred and the authorized amount remaining.

3. RECORDS. Consultant shall keep and maintain accurate records of all time expended and costs and expenses incurred relating to services to be performed by Consultant hereunder. Said records shall be available to District for review and copying during regular business hours at Consultant's place of business, or as otherwise agreed upon by the parties.

4. NON-ASSIGNABILITY. Consultant shall not subcontract, assign, sell, mortgage, hypothecate or otherwise transfer its interest or obligations in this agreement or any Task Order issued hereunder in any manner, without the express prior written consent of District, which consent shall not be unreasonably withheld. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Consultant, upon District's written consent, from employing such independent consultants, associates, and subcontractors as may be necessary to assist in the performance of the services hereunder. Nothing herein shall be construed to give any rights or benefits to anyone other than District and Consultant.

5. STATUS. In the performance of services hereunder, Consultant shall be, and is, an independent contractor, and shall not be deemed to be an employee or agent of District. All services provided pursuant to this Agreement shall be authorized by Task Order issued by the District's General Manager or his or her designated representative and signed by the Consultant.

6. PERIOD OF SERVICE. Unless extended by Task Order, this Master Agreement shall expire on June 30, 2023 .

7. PERFORMANCE STANDARDS. In performing services hereunder, Consultant shall adhere to the standards generally prevailing for the performance of expert technical and consulting services similar to those to be performed by Consultant hereunder, shall exercise the same degree of care, skill, and diligence in the performance of the Services as is ordinarily provided by a professional under similar circumstances, and shall, at no cost to District, re-perform services which fail to satisfy the foregoing standard of care. All drawings and specifications requiring certification by a Professional Engineer shall bear the stamp and signature of a registered engineer in the State of California.

Any costs incurred by the District (including but not limited to additional design costs, construction costs, and construction management costs, to the extent that any such costs are recoverable under California law) and used to correct deficiencies caused by Consultant's negligent errors and omissions or willful misconduct shall be borne solely by the Consultant. The District is relying upon the Consultant's qualifications concerning the services furnished hereunder and, therefore, the fact that the District has accepted or approved the Consultant's work shall in no way relieve the Consultant of these responsibilities.

8. TERMINATION. Either party may terminate this Agreement without cause by giving the other party written notice thereof not less than sixty (60) days in advance of the effective date of termination, which date shall be included in said notice.

In the event of such termination, District shall compensate Consultant for services rendered to the date of termination, as the case may be, calculated in accordance with the provisions of Paragraph 2. In ascertaining services actually rendered to the date of termination, consideration shall be given both to work completed and work in process of completion. Nothing herein contained shall be deemed a limitation upon the exercise of the right of District to terminate this Agreement for cause, or otherwise to exercise such legal or equitable rights, and to seek such remedies as may accrue to District, or to authorize Consultant to terminate this Agreement for cause.

9. TITLE TO, POSSESSION OF, AND RELIANCE UPON DOCUMENTS. All documents, work products, plans, specifications, negatives, drawings, computer disks, electronic tapes, renderings, data reports, files, estimates and other such papers, information and materials (collectively, "materials"), or copies thereof (except proprietary computer software purchased or developed by Consultant) obtained or prepared by Consultant pursuant to the terms of this Agreement, shall become the property of District. District and Consultant shall, from time to time pursuant to Task Orders, specify which materials Consultant shall deliver to District ("Deliverables"). Deliverables are intended to, and may, be relied upon by District, or others designated by District, where appropriate, for those purposes for which District requested their preparation, or for use in connection with planning-level activities including, without limitation, the preparation of environmental documentation pursuant to the California Environmental Quality Act ("CEQA") or the National Environmental Policy Act ("NEPA") or similar statutes. Consultant will not be responsible for use of Deliverables, or portions thereof, for any purpose other than those specified in the preceding sentence.

Materials not delivered to District ("Non-Deliverables") shall be retained by Consultant, but Consultant shall provide District access to such Non-Deliverables at all reasonable times upon District's request. District may make and retain copies of all Non-Deliverables, at District's expense, for information and reference. Unless otherwise specified in writing by Consultant, use thereof for any purpose other than the purpose for which the Non-Deliverables were prepared, or for use in connection with planning-level activities including, without limitation, the preparation of environmental documentation pursuant to CEQA or NEPA or similar statutes, shall be at the user's sole risk.

10. COMPLIANCE WITH LAWS. In performance of this Agreement, Consultant shall exercise due professional care in compliance with all applicable federal, state and local laws, rules, regulations, orders, codes, criteria and standards. Consultant shall procure all permits, certificates, and licenses necessary to allow Consultant to perform the Services specified herein. Consultant shall not be responsible for procuring permits, certificates, and licenses required for any construction unless such responsibilities are specifically assigned to Consultant under a Task Order.

Consultant shall comply at all times with California Occupational Safety and Health Act (“OSHA”) regulations regarding necessary safety equipment or procedures and shall take all necessary precautions for safe operation of its work, and the protection of its personnel and the public from injury and damage from such work.

11. NON-DISCLOSURE OF PROPRIETARY INFORMATION. Consultant shall consider and treat all drawings, reports, studies, design calculations, specifications, and other documents and information provided to Consultant by District in furtherance of this Agreement to be the District’s proprietary information, unless said information is available from public sources other than District. Consultant shall not publish or disclose District’s proprietary information for any purpose other than in the performance of services hereunder without the prior written authorization of District or in response to legal process. Nothing herein contained shall be deemed to abrogate compliance with the California Public Records Act (Government Code Section 6250, et seq.); provided that District shall determine and advise Consultant which documents, if any, are required to be disclosed under said Act.

12. INSURANCE. Consultant shall procure and maintain for the duration of this Agreement, and any Task Orders issued hereunder, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, its agents, representatives, or employees.

Minimum Scope and Limit of Insurance. Coverage shall be at least as broad as:

A. Commercial General Liability (CGL): Insurance Services Office Form CG 00 01 covering CGL on an “occurrence” basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than \$1,000,000 per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.

B. Automobile Liability: Insurance Services Office Form Number CA 0001 covering, Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$1,000,000 per accident for bodily injury and property damage.

C. Workers’ Compensation insurance as required by the State of California, with Statutory Limits, and Employer’s Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. *(Not required if consultant provides written verification it has no employees.)*

D. Professional Liability (Errors and Omissions) Insurance appropriate to the Consultant’s profession, with limit no less than \$2,000,000 per occurrence or claim, \$2,000,000 aggregate.

If the Consultant maintains broader coverage and/or higher limits than the minimums shown above, the District requires and shall be entitled to broader coverage and/or the higher limits maintained by the Consultant. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the District.

Other Insurance Provisions. The insurance policies are to contain, or be endorsed to contain, the following provisions:

A. **Additional Insured Status:** The District, its officers, officials, employees, and volunteers are to be covered as additional insureds on the CGL policy with respect to liability arising out of work or operations performed by or on behalf of the Consultant including materials, parts, or equipment furnished in connection with such work or operations. General liability coverage can be provided in the form of an endorsement to the Consultant's insurance (at least as broad as ISO Form CG 20 10 11 85 or both CG 20 10, CG 20 26, CG 20 33, or CG 20 38; and CG 20 37 forms if later revisions used).

B. **Primary Coverage:** For any claims related to this contract, the Consultant's insurance coverage shall be primary insurance primary coverage at least as broad as ISO CG 20 01 04 13 as respects the District, its officers, officials, employees, and volunteers. Any insurance or self-insurance maintained by the District, its officers, officials, employees, or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.

C. **Notice of Cancellation:** Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the District.

D. **Waiver of Subrogation:** Consultant hereby grants to District a waiver of any right to subrogation which any insurer of said Consultant may acquire against the District by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation, but this provision applies regardless of whether or not the District has received a waiver of subrogation endorsement from the insurer.

E. **Self-Insured Retentions:** Self-insured retentions must be declared to and approved by the District. The District may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or District.

F. **Acceptability of Insurers:** Insurance is to be placed with insurers authorized to conduct business in the state with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the District.

G. **Claims Made Policies:** If any of the required policies provide coverage on a claims-made basis:

i. The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.

ii. Insurance must be maintained and evidence of insurance must be provided *for at least five (5) years after completion of the contract of work.*

iii. If coverage is canceled or non-renewed, and not *replaced with another claims-made policy form with a Retroactive Date* prior to the contract effective date, the Consultant must purchase “extended reporting” coverage for a minimum of *five (5) years* after completion of contract work.

H. Verification of Coverage: Consultant shall furnish the District with original Certificates of Insurance including all required and amendatory endorsements (or copies of the applicable policy language effecting coverage required by this clause) and a copy of the Declarations and Endorsement Page of the CGL policy listing all policy endorsements to District before work begins. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant’s obligation to provide them. The District reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.

I. Subcontractors: Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein, and Consultant shall ensure that District is an additional insured on insurance required from subcontractors.

J. Special Risks or Circumstances: District reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

13. INDEMNIFICATION. Consultant shall hold harmless, indemnify and defend District, its governing Board of Directors, other boards, commissions, committees, officers, officials, employees, volunteers, and agents (collectively, “Indemnities”) from and against all claims for liability, losses, damages, expenses, costs (including, without limitation, costs and fees of litigation) of every nature, kind and description, which may be brought against or suffered or sustained by Indemnities, to the extent caused in whole or in part by the negligence, intentional tortuous acts or omissions, or willful misconduct of Consultant, its officers, employees or agents, in the performance of any services or work pursuant to this Agreement or any Task Order issued hereunder. Consultant’s duty to indemnify and save harmless shall include the duty to defend as set forth in California Civil Code Section 2778; provided, that nothing herein contained shall be construed to require Consultant to indemnify Indemnities against any responsibility or liability in contravention of California Civil Code Section 2782.

A. In the event Consultant provides a defense pursuant to this Paragraph and such action or other claim is resolved by a final judicial determination, which includes a finding that there was no negligence on the part of Consultant, its officers, employees or agents, District shall refund to Consultant all defense costs, judgments and/or amounts paid by Consultant on behalf of Indemnities.

B. In the event Consultant provides a defense pursuant to this Paragraph and such action or other claim is resolved by a final judicial determination which includes a finding as to the respective negligence of Consultant, its officers, employees or agents and any Indemnities(s), then District shall be responsible to pay that portion of the judgment attributed to Indemnities(s), and shall refund to Consultant a pro rata share of any defense costs expended on behalf of Indemnities.

C. In the event Consultant provides a defense pursuant to this Paragraph and such action or other claim is finally resolved by any other means than those stated in Paragraphs 13(a) and 13(b), or in the event Consultant fails to provide a defense to Indemnities, Consultant and District shall meet and confer in an attempt to reach a mutual agreement regarding the apportionment of costs (including attorneys' fees), judgments and/or amounts paid by Consultant and/or Indemnities. In the event Consultant and District are unable to reach agreement regarding such an apportionment, said dispute shall be submitted to arbitration in accordance with the Construction Industry Arbitration Rules of the American Arbitration Association in effect on the date a demand for arbitration is submitted. The arbitration panel shall award the prevailing party its costs (including attorneys' fees) incurred in the arbitration.

14. COVENANT AGAINST CONTINGENCY FEES. Consultant hereby warrants that Consultant has not employed or retained any company or person, other than a *bona fide* employee working for Consultant, to solicit or secure this Agreement, and Consultant has not paid or agreed to pay any company or person, other than a *bona fide* employee, any fee, commission, percentage, brokerage fees, gifts or any other consideration, contingent upon or resulting from the award or formation of this Agreement. For breach or violation of this warranty, District shall have the right to annul this Agreement without liability or at District's discretion, to deduct from the Agreement price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fees, gifts or contingent fee.

15. ECONOMIC DISCLOSURE. Upon District's determination that the services provided through this Agreement involve making, or participation in making, decisions which may foreseeably have a material effect on a financial interest, Consultant and/or any of its employees identified by District shall prepare and file an Economic Disclosure Statement(s) consistent with District's local conflict of interest code and the Political Reform Act.

16. PARAGRAPH HEADINGS. Paragraph headings as used herein are for convenience only and shall not be deemed to be a part of any such paragraph and shall not be construed to change the meaning thereof.

17. WAIVER. A waiver by either District or Consultant of any breach of this Agreement shall not be binding upon the waiving party unless such waiver is in writing. In the event of a written waiver, such a waiver shall not affect the waiving party's rights with respect to any other or further breach.

18. SURVIVABILITY. The invalidity, illegality, or unenforceability of any provision of this Agreement, or the occurrence of any event rendering any portion or provision of this Agreement void, shall in no way affect the validity or enforceability of any other portion or provision of this Agreement. Any void provision shall be deemed severed from this Agreement and the balance of this Agreement shall be construed and enforced as if this Agreement did not contain the particular portion or provision held to be void.

19. INTEGRATION AND MODIFICATION. This Agreement, together with the Compensation Schedule setting forth Consultant's rates and charges and compensable expenses, attached hereto as Exhibit "A," is adopted by District and Consultant as a complete and exclusive statement of the terms of this Agreement between District and Consultant, except to the extent revised and/or implemented through issuance of Task Orders hereunder. This Agreement supersedes all prior agreements, contracts, proposals, representations, negotiations, letters, or other communications between the District and Consultant, whether written or oral.

20. AMENDMENTS. This Agreement may be amended or supplemented by the parties by written agreement approved and executed in the same manner as this Agreement.

21. SUCCESSORS AND ASSIGNS. This agreement shall be binding upon the respective successors, executors, administrators, assigns, and legal representatives to the parties.

22. GOVERNING LAW. This Agreement shall be governed by, and construed in accordance with, the laws of the State of California.

23. DISPUTE RESOLUTION. The parties agree to first submit any dispute arising out of or in connection with this Agreement to a mutually acceptable professional mediator and to negotiate in good faith toward an agreement with respect to the dispute. Either party within 30 days of providing written notice may initiate mediation. Either party within 60 days of having participated in the first mediation session may provide notice of termination of mediation and thereafter proceed with whatever remedies it may choose in law or in equity.

24. NOTICES. All notices to be given hereunder shall be written, and shall be sent by certified or registered mail, postage prepaid, addressed as follows:

To District: General Manager
Dublin San Ramon Services District
7051 Dublin Boulevard
Dublin, CA 94568

To Consultant: Brian Scott, PE
BKF Engineers
4670 Willow Road, Suite 250
Pleasanton, CA 94588

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the date and year first written.

DUBLIN SAN RAMON SERVICES DISTRICT, a public agency

By _____
Daniel McIntyre, General Manager

Attest:

Nicole Genzale, District Secretary

Consultant BKF Engineers

Brian Scott, Vice President

Exhibit A
to Master Agreement for Consulting Services
Consultant Billing Rates

BKF ENGINEERS

Task Order No. 1 to Agreement No. A___ - ___ dated _____

Agreement Expiry Date: 6/30/2023

Issue Date: _____

Project Name and Number: 16-W017 Water Lines Replacement - Wineberry & Canterbury Area

Task Title: Engineering Design Services

Project Manager Name and Signature: Jose Oropeza _____

Source of Funds: Water Replacement (Fund 610)

Account Number: 16-W017.cip.design

Authorization Amount: \$458,127.00

Original PO Amount: \$0.00

Increase PO Amount: \$0.00

New PO Amount: \$0.00

Purchase Order Number: TBD

Return Purchase Order to:

Compensation Method: Time and materials as per Agreement

Completion Date: 3/1/2021

Insurance Requirements: As per Agreement; no special requirements

Work Product: See Attachment "A"

Digital Drawings, if applicable: Digital files shall be in AutoCAD 2010 or higher drawing format. Drawing units shall be decimal with a precision of 0.00. Angles shall be in decimal degrees with a precision of 0. All objects and entities in layers shall be colored by layer. All layers shall be named in English. Abbreviations are acceptable. All submitted map drawings shall use the Global Coordinate system of USA, California, NAD 83 California State Planes, Zone III, U. S. foot.

Scope of Work: See Attachment "A"

Economic Disclosure: Not Required

Recommended by: Judy Zavadil (_____)

Accepted by: _____ **Date** _____
Brian Scott, Vice President
BKF ENGINEERS

Authorized by: _____ **Date** _____
Daniel McIntyre, General Manager
Dublin San Ramon Services District

Task 1: Project Administration and Coordination

Project Management. This task will include, a) overseeing specific quality assurance and quality control (QA/QC) measures; b) prepare monthly project invoices; c) prepare regular progress reports for the DSRSD staff each month; d) communicate and correspond as necessary with the DSRSD's project manager on project issues (administrative, design, and construction/field-related); and e) prepare detailed schedule of work showing each task and subtask, identifying milestones for critical meetings, workshops, progress calls, deliverables and DSRSD reviews. The detailed schedule will be submitted electronically in Microsoft Project and in PDF file format. Schedule updates will be submitted monthly, no later than the Friday of the first week of the month.

Project Meetings and Communication with the DSRSD. BKF will organize and attend a kickoff meeting with the DSRSD to review the scope of the project, develop a project schedule, and confirm deliverables. This meeting will include the design consultant and key DSRSD staff. BKF will schedule and conduct a minimum of three (3) design-related meetings/workshops (Preliminary Design Workshop, 60% Design Review Meeting, 90% Design Review Meeting) and bi-weekly progress calls with DSRSD staff will be conducted for the duration of the project. BKF will prepare the meeting agenda, handouts, and record, and prepare and distribute meeting minutes. BKF will also keep an action items list at each meeting and conference call.

Entity Coordination and Permitting. The project is in public streets owned by the City of Dublin. There are existing public utilities in these streets. It is very important to coordinate with City before survey, potholing, geotechnical exploration, and construction can be started. Communication with affected property owners will be coordinated through the DSRSD, and BKF will assist as needed.

BKF will lead the effort in the coordination of the approval of permit applications, project plans, agreements, contracts, and other related documents necessary to meet the project objectives. This may include, but is not limited to, right-of-entry permits, encroachment permits, interagency agreements, and permits required to facilitate field investigations (i.e., potholing, geotechnical explorations). It is anticipated that BKF will need to coordinate, acquire permits, and/or negotiate interagency agreements with the following entities: City of Dublin, State Water Resources Control Board - Division of Drinking Water, and private property owners/residents.

For the purpose of this proposal, it is assumed there will be one meeting with each agency for a total of three (3) meetings.

Public Outreach During Design Phase. BKF will participate in public outreach activities during the design phase, including but not limited to notifying nearby residents of potholing activities (send out notification cards) and will plan on attending one "after-hours" outreach event prior to construction. If needed, our subconsultant, Circlepoint, as an optional service, can assist the project team with planning and implementing one public meeting. This will include:

- Preparing and updating a logistics plan with action items, timeline, and roles and responsibilities
- Coordinating venue logistics and rentals (or if physical meeting is still prohibited, coordinating virtual meeting logistics)
- Participating in a meeting dry run
- Developing up to 10 exhibit boards
- Preparing a meeting summary

Deliverables:

- » *Monthly progress reports*
- » *Project schedules*
- » *Meeting agendas and minutes*
- » *Action items list*
- » *Permit Applications*
- » *Notifications and Exhibits for Public Outreach*
- » *Public Meeting Summary*

PHASE 1 - PRELIMINARY ENGINEERING & ENVIRONMENTAL PLANNING

Task 2: Utility Documentation, Right-of-Way, Property, and Utility Research

Limited information is available on the existing pipelines selected for this project. As a result, BKF will conduct thorough research to obtain all available utility information within the project area. BKF will be responsible for researching all applicable agency and utility company records. BKF will conduct field research to collect visible information of project sites and provide field verification of utilities, (e.g., manhole inverts, catch basin inverts, etc.) and acquisition of utility record drawings and/or utility data from various agencies will be performed. The depth of selected critical utilities will be field verified (under Task 5) if record drawings of the utilities are not available or if there are perceived utility conflicts.

Property information and utility record drawings will be acquired and incorporated into the plans. BKF will use available subdivision maps and roadway plans to establish right-of-way limits. Task includes due diligence on preparation of access agreements or easements necessary to meet the project objectives, if needed.

Deliverables:

- » *Compiled Record Drawings*
- » *Basemap Showing Data Gaps in PDF format*

Task 3: Geotechnical and Corrosion Investigations

Our subconsultant, BSK, will be responsible for geotechnical investigations, which will consist of drilling 8 borings (4 at Canterbury and 4 at Wineberry) to a depth of about 15 feet BGS. Prior to drilling, BSK will clear our boring locations of detectable underground utilities using a private utility locator, obtain a City of Dublin encroachment permit, and obtain a Zone 7 Water Agency drilling permit, and arrange for the necessary traffic control. BSK assumes that the encroachment permits will require traffic control plans and that the encroachment permit fees will be no more than \$600 per boring location (including markup). BSK will remove their cuttings offsite for disposal at a landfill facility. It is assumed that the cutting are “non-hazardous”. After their investigation, they will perform limited laboratory testing to assist in formulating their geotechnical recommendations.

BSK will evaluate the information obtained from the geotechnical investigation and develop geotechnical recommendations for the project as summarized below. The geotechnical report will include the following items:

- A description of the project including a vicinity map and site plan showing the waterline alignment and the locations of our borings;
- A description of our laboratory test results;
- A description of subsurface conditions encountered in our borings, including groundwater depth (if applicable);
- A description of the site geologic setting and discussion of potential geologic hazards which could affect the project, including liquefaction potential within the depth of our borings;
- General recommendations related to the geotechnical aspects of:
 - Suitability of subsurface conditions for trenchless pipeline construction;
 - Construction considerations and limitations, including excavation, temporary shoring systems and sloping of trench walls, caving and excavation stability, dewatering, and reuse of excavated soils;
 - Provision of 2019 mapped CBC seismic design parameters; and
 - General recommendations for site preparation, earthwork, and backfill compaction requirements

Our subconsultant, JDH Corrosion Engineers, will conduct in-situ soil resistivity, laboratory testing, and prepare an engineering site corrosivity report.

Deliverables:

- » *Geotechnical Investigation Report in PDF format*
- » *Engineering Site Corrosivity Report in PDF format*

Task 4: Topographic Mapping and Survey Control

BKF will perform aerial topographic survey to capture all physical features, including, but not limited to, curb, gutter, sidewalk, ramps, driveways, median strip, edge of pavement, fences along property line, signs, trees (including diameter), shrubs, bushes, guard/wood post rails, traffic signals, traffic loops, utility poles, pavement markings, property lines, utility structures, meter boxes, and electrical facilities.

The aerial survey will be supplemented with conventional ground survey to cover obscured areas. Prior to scheduling field survey, BKF will contact USA North (811) to mark all dry and wet utilities for survey to capture the paint marks. Since the proposed improvements will be mostly in public ROW, boundary survey is not anticipated and is not included. We will use readily available GIS or roadway and/or subdivision maps to approximately locate the right-of-way and property lines relative to the sidewalk on the topographic map.

For Wineberry project site, if it is determined during the design that a new or replacement loop connection through the residential lots is required, an easement must be acquired, if one does not exist. BKF can provide limited boundary survey to prepare one plat and legal to obtain permanent easement for one loop connection. It is assumed that DSRSD will request and provide to us Preliminary Title Reports to aid in preparing plat and legal.

Horizontal and vertical control for the pipeline will be based on California State Plane Coordinates and established City benchmark datum, e.g., street monuments. BKF will establish centerline control for new pipeline. The face of curb will not be used for the horizontal control of the pipeline shown on the final plan and profile drawings. The locations of potholed utilities will also be field surveyed upon completion of Task 5.

Deliverables:

- » *Electronic copy of survey files (AutoCAD)*

Task 5: Field Verification of Existing Utilities

As part of Task 4, BKF would have confirmed the horizontal alignment of all existing utilities. So, as part of this task, we will confirm vertical profile of existing utilities. BKF will dip gravity systems (i.e., sewer and storm) and GPR/ pothole pressure line (water, gas) and dry utilities (electrical, TV/communication). Using the information gathered during site investigations, utility research, and topographic survey, we will select utilities that need field verification. The selected critical utilities may include utilities not shown on record drawings or if conflicts with proposed work are perceived.

BKF will initially perform GPR survey to reduce number of potholes required to confirm the depth of selected critical utility. We will GPR up to 2,000-ft of selected critical utilities at various locations. Based on GPR survey, BKF will develop a potholing plan for locating and profiling existing underground utilities, and once approved by the DSRSD, will be responsible for conducting the required potholing and site restoration. BKF will submit potholing table summary report describing all findings in Excel format electronically. For the purpose of providing a fee for this scope, BKF assumed that there will be 20 pothole locations to a depth of 5-10 feet.

BKF will be responsible for acquiring all permits, paying all related fees, and obtaining all traffic control approvals for potholing.

Deliverables:

- » *GPR and pothole plan*
- » *Electronic copy of utility research and pothole field data files*
- » *Electronic copy of pothole table summary report showing pothole identification, utility, depth of cover, material, pavement information and other pertinent information*

Task 6: Preliminary Design Report

Upon completing our review of record document and field survey data, BKF will compile all gathered information and prepare a Preliminary Design Report (PDR).

The PDR will provide documentation on design objectives, design criteria, design codes, and decisions made on major issues related to the project. The PDR will include the preliminary design of the project, which will be used

as the basis for producing final construction bid documents without the need for further engineering studies or re-evaluation of basic design decisions. The PDR will also establish budget and schedule requirements. The design memo will be used as a tool to explain the project's intent to regulatory agencies, the public, and DSRSD policy makers, as appropriate.

The findings of the PDR will be presented to DSRSD stakeholders at a Preliminary Design Workshop. At the Preliminary Design Workshop, BKF will present the conceptual design options and cost estimates for review by DSRSD staff. Utilities connections and any potential code/permit or other challenging aspects of the project will be presented as part of this meeting. Upon completion of this workshop BKF will prepare draft meeting minutes and transmit within seven calendar days following the meeting. The project schedule will allow for a minimum three-week review period following the Preliminary Design Workshop for DSRSD staff to review conceptual designs, finalize/ approve meeting minutes, and select the preferred design alternative(s) for environmental analysis and detailed design.

The PDR will include as a minimum the following elements:

1. Introduction
 - a. Background and purpose of project
 - b. Project scope
2. Review and evaluation of the pipeline alignments. Evaluation criteria will include pipeline costs; tie-in connections; permits; and impacts on traffic and the public.
3. Pipeline Design and Construction
 - a. Pipeline design criteria including but not limited to pipe material size, proposed points of connection to DSRSD water distribution system, method/design for crossing existing utilities
 - b. List of project specification sections (technical sections only)
 - c. List of drawings
 - d. List of required permits
 - e. Discussion/recommendation for the cathodic protection system
 - f. Identification of potential project challenges for each proposed design alternative
4. Special Construction Considerations
 - a. Perform a constructability review including major temporary works and access—these items will also be identified and included in cost estimates in the preliminary engineering phase for all alternatives
 - b. Provide construction execution recommendations, e.g. mandatory work sequence, construction restriction/constraints, testing requirements, atypical submittal requirements, work hours, traffic control requirements, etc.
 - c. Other potential project challenges
 - d. Provide recommended construction duration in calendar days.
 - e. Identify impacts on water system operations (e.g., planned outages, water shutdowns, and durations)
 - f. Proposed project laydown areas
 - g. Identify and secure of encroachment permits, right-of-entry permits, interagency agreements, and/or any other permits required to facilitate construction and/or the long-term operation and maintenance of the new infrastructure
5. Engineer's opinion of probable construction cost itemized to correspond to payment item schedule
6. Project Schedule (Design Phase and Construction Phase) for each proposed alternative
7. 30% Design Drawings of the Preferred Alternative
 - a. At the conclusion of the alternatives analysis, the preferred alternative(s) site plan and cost estimate should be developed to a 30% design level and conclude on the structure type, size and location of the new water mains. Cost estimates of competing alternatives will provide a cost range and be used for budgeting by DSRSD.
 - b. Plan view of the proposed pipeline alignment showing the horizontal alignment in relation to the existing topographic features, property lines, public right of way, existing utilities, and private easements (existing or future)
 - c. Preliminary determination of major utility crossings
 - d. Profile view of the proposed pipeline alignment showing the preliminary pipeline invert elevations, ground profile above the centerline of the pipeline alignment, and major utility crossings (i.e., sewer mains, storm drains, gas)

Deliverables:

- » *Draft and Final copy of PDF including 30% Design Drawing of Preferred Alternative*

PHASE 2 - DETAILED DESIGN PHASE

BKF will provide a complete set of documents which will allow for public bidding and construction of the proposed project at the 100% design submittal by preparing Final Design/Bid Documents including drawings, technical specifications, and final contract documents. Design drawings will be prepared under the supervision of, and stamped and signed by, a California Registered Professional Engineer of the applicable discipline(s). BKF will respond to all permit-related reviews/comments and revise construction documents accordingly. If the project is being bid during this period, BKF will assist the District in issuing required addenda to all bidders reflecting any construction document changes.

At a minimum, the Design Phase will include the following tasks:

Task 7: Permitting and Interagency Agreements

BKF will lead the effort in the coordination of the approval of permit applications, project plans, agreements, contracts, and other related documents necessary to meet the project objectives. It is anticipated that BKF will need to interface with the following entities: City of Dublin, State Water Resources Control Board - Division of Drinking Water, and private property owners/residents.

Deliverables:

- » *Permit Application*
- » *Right of Entry*

Task 8: 60% Design Submittal

BKF will prepare and submit the 60% submittal to the DSRSD for review. Present the 60% to DSRSD stakeholders at a design review meeting. The schedule will allow for a three-week review period by DSRSD staff following each meeting and submission of draft meeting minutes within three working days following the meeting. Submit one full-size hard copy (22" x 34"), and one electronic (PDF) copy of the 60% submittal for DSRSD review.

At a minimum, the 60% submittal will include:

- Written response to DSRSD review comments to the 30% design submittal
- Plan view of the proposed pipeline alignment showing the horizontal alignment in relation to the existing topographic features, property lines, public right-of-way, private easements and existing utilities and private easement (existing or future)
- Profile view of the proposed pipeline alignment showing the pipeline invert elevation's ground profile above the centerline of the pipeline alignment, and existing utilities (i.e., sewer mains, storm drains, gas) with top of pipe and/or invert elevations confirmed through potholing
- Temporary construction plan to maintain uninterrupted service during construction
- Preliminary determination of major utility crossings
- Details for points of connection, pipeline off-sets, trench details, cathodic protection, valves and other appurtenances (ex. fire hydrants, meters, blow offs, etc.)
- Technical specifications
- Payment item schedule for contract bid documents
- Update of the construction cost estimate based on 60% design submittal
- "Red-lined" version of DSRSD's Standard Front Ends. BKF will be provided DSRSD's Standard Front Ends in PDF format. BKF will "red-line", as required. DSRSD will incorporate edits, as required, for incorporation into the final bid documents.

Deliverables:

- » *One full-size hardcopy (22" x 34"), and one electronic (PDF) copy of the 60% submittal Plans*
- » *On a USB flash drive: AutoCAD (version 2010 or higher) files for all design drawings, technical specifications in MS Word and PDF formats, and cost estimates in MS Excel and PDF formats*

Task 9: 90% and 95% Design Submittal

BKF will prepare and submit the 90% submittal for review by DSRSD. The 90% submittal will incorporate the pertinent DSRSD review comments to 60% submittal. The schedule will allow for a two-week review period by DSRSD staff following the submission of the 90% design submittal. Submit one full-size hard copy (22" x 34"), and one electronic (PDF) copy of the 90% submittal for DSRSD review. In addition, submit the following on a USB flash drive: AutoCAD (version 2010 or higher) files for all design drawings, technical specifications in MS Word and PDF formats, and cost estimates in MS Excel and PDF formats.

The 90% submittal will include:

- Written response to DSRSD review comments to the 60% submittal
- Detailed drawings and technical specifications to be included in the contract documents
- Final draft bid schedule
- Update of the construction cost estimate

BKF will incorporate any changes to the 90% design submittal no later than five working days upon receipt of DSRSD's comments. The revised version, herein referred to as the 95% design submittal, will be the version of the design drawings to be made available to permitting agencies for review for the issuance of any construction permits. BKF will submit documents to respective permitting agencies in accordance with their specific requirements (i.e., number of copies, full-size vs. half-size format, hard vs. electronic copies, etc.).

Deliverables:

- » *One full-size hardcopy (22" x 34"), and one electronic (PDF) copy of the 90% submittal Plans*
- » *On a USB flash drive: AutoCAD (version 2010 or higher) files for all design drawings, technical specifications in MS Word and PDF formats, and cost estimates in MS Excel and PDF formats.*
- » *95% submittal Plans and Specifications to Permitting Agencies*

Task 10: 100% Design Submittal

BKF will prepare and submit the Bid Document submittal to DSRSD. The 100% submittal will represent that final bid- ready contract documents and incorporate the pertinent DSRSD and/or Permitting Agency review comments from the 95% design submittal. All 100% design documents will be signed by a California Registered Professional Engineer. Submit one full-size hard copy (22" x 34"), and electronic (PDF) copy formatted in both half-size and full-size, of the 100% submittal. The PDF version of the design drawings will include BKF's professional engineering stamp and signature. In addition, submit the following on a USB flash drive: AutoCAD (version 2010 or higher) files for all design drawings; technical specifications in MS Word and PDF formats, with Consultant's professional engineering stamp and signature in the PDF file; cost estimates in MS Excel and PDF formats; and the construction schedule in MS Project. The Bid Document submittal will include:

- Written response to each DSRSD and/or Permitting Agency comment to the 95% design submittal
- Final, detailed drawings and technical specification to be included in the contract documents
- Final payment item schedule for incorporation into the final contract bid documents
- Revised/updated cost estimate based on the 100% design submittal

Deliverables:

- » *One (1) set of 100% drawings on 22"x34" bond paper*
- » *One full-size hard copy (22" x 34"), and electronic (PDF) copy formatted in both half-size and full-size, of the 100% submittal plans The PDF version of the design drawings will include BKF's professional engineering stamp and signature*
- » *On a USB flash drive: AutoCAD (version 2010 or higher) files for all design drawings; technical specifications in MS Word and PDF formats, with Consultant's professional engineering stamp and signature in the PDF file; cost estimates in MS Excel and PDF formats; and the construction schedule in MS Project*

PHASE 3 - BID/AWARD PHASE

Task 11: Engineering Services in Support of Bid/Award Phase

BKF will provide engineering support and assist DSRSD, as required, during the bid phase of the project. Bid phase services may include:

- Attendance at a pre-bid meeting and site walk-through with potential contractors
- Preparation of any addenda (reproduction and distribution will be provided by the DSRSD). Up to 2 addenda is assumed for budgeting purposes.
- Assistance with and preparation of responses to questions or clarification of aspects of the design and/or specifications
- Evaluation of bids received, as needed
- Preparation of conformed drawings with any addenda issued during the bid period

Deliverables:

- » *Review and comment on pre-bid meeting minutes*
- » *Respond to questions during the pre-bid meeting if requested by the DSRSD (no consultant-prospective bidder communication)*
- » *Formal response to inquiries to the DSRSD, either in email or memo written format*
- » *One set of conformed plans and specifications stamped and signed, labeled "Issued for Construction"*


PHASE 4 - CONSTRUCTION PHASE

DSRSD will request a detailed scope and fee estimate associated with Phase 4 tasks, as the project nears completion of the design phase.

Task 12: Engineering Services in Support of Construction Phase

BKF will assist DSRSD, as required, during the construction phase of the project. Construction phase services will include:

- Coordination with the construction manager
- Attendance at pre-construction meeting and project coordination meetings, as needed
- Field observations, as needed
- Review/approval of contractor submittals, as needed
- Review and response to requests for information (RFIs)
- Review of change order requests, as needed
- Preparation of electronically searchable record drawings and specifications

DSRSD WATERLINES REPLACEMENT CANTERBURY & WINEBERRY AREA  10.22.2020		BKF Engineers									Total BKF Hours	BKF Fee	JDH Corrosion Engineering					BSK Geotechnical Engineering					Circlepoint Public Outreach					Subtronic Potholing	Sub-Consultants Total Fee (Including 10% Markup)	Total Labor	Reimbursables	Total Fee	
		Principal Brian Scott	Project Manager Sravan Paladugu	QA/QC Manager Y. Tilden/B. Scott	Tech Manager Ramon Alvarez- Muro	Project Engineer Varies	Traffic Engineer Jason Mansfield	Survey PM Walter Stemberga	Project Surveyor Vary	Survey Crew Varies			Principal Engineer	Sr. Corrosion Engr	Design Specialist	Project Supervisor	Project Engineer	Corrosion Tech.	Staff Prof II	Core drilling Tech	Drafting	Senior Professional	Project Proff II	Principal	Sr. Associate	Associate	Art Director	Sr. Graphic					Utility Potholing Crew
		\$251	\$209	\$251	\$168	\$179	\$219	\$219	\$157	\$270	Hours	\$	\$230.0	\$215.0	\$185.0	\$180.0	\$175.0	\$145.0	\$147.0	\$200.0	\$82.0	\$210.0	\$163.0	\$250.0	\$135.0	\$110.0	\$155.0	\$135.0	\$554.0	\$	Hours	\$	\$
Task 1 Project Administration and Coordination																																	
Project Management		6	100								106	\$22,406																	\$0	106		\$22,406	
Project Meetings (Up to 4 Mtgs & Bi-weekly calls)			60		24	10					94	\$18,362	2		4		2												\$1,705	102	\$400	\$20,467	
Public Entity Coordination (Up to 3 Mtgs)			15		18	20					53	\$9,739																\$0	53		\$9,739		
Public Outreach during Design Phase			24		30	10	4				68	\$12,722																\$0	68		\$12,722		
Community Meetings (Optional Task not including in Total)											0	\$0																\$21,230	144	\$100	\$21,330		
Task 1 Project Administration and Coordination Subtotal:		6	199	0	72	40	4	0	0	0	321	\$63,229	2	0	4	0	2	0	0	0	0	0	0	0	0	0	0	0	0	\$1,705	329	\$400	\$65,334
Phase 1 Preliminary Engineering and Environmental Planning																																	
2 Utility Doc, ROW, Property and Utility Research			16		16	32					64	\$11,760																\$0	64		\$11,760		
3 Geotechnical and Corrosion Investigations			6		10						16	\$2,934	12			8	4	32	60	16	40	30	40						\$41,426	258	\$14,600	\$58,960	
4 Topographic Mapping and Survey Control			4		8	16		28	56	32	144	\$28,608															\$0	144	\$23,000	\$51,608			
5 Field Verifications of Existing Utilities			4		8	16		8		64	100	\$24,076														40	\$24,376	140		\$48,452			
6 Preliminary Design Report			40	8	80	160	8				296	\$54,200															\$0	296	\$200	\$54,400			
Phase 1 Preliminary Engineering and Environmental Planning Subtotal:		0	70	8	122	224	8	36	56	96	620	\$121,578	12	0	0	8	4	32	60	16	40	30	40	0	0	0	0	0	40	\$65,802	902	\$37,800	\$225,180
Phase 2 Detailed Design Phase																																	
7 Permitting and Interagency Agreements			24		32						56	\$10,392															\$0	56		\$10,392			
8 60% Design Submittal			40	12	100	130	16				298	\$54,946	6	4	30	8	10										\$12,078	356	\$200	\$67,224			
9 90% and 95% Design Submittal			36	8	64	100	8				216	\$39,936	4	2	20	6	8										\$8,283	256	\$400	\$48,619			
10 100% Design Submittal			24	8	40	60	4				136	\$25,360	2	2	16	2	2										\$5,016	160	\$600	\$30,976			
Phase 2 Detailed Design Phase Subtotal:		0	124	28	236	290	28	0	0	0	706	\$130,634	12	8	66	16	20	0	0	0	0	0	0	0	0	0	0	0	0	\$25,377	828	\$1,200	\$157,211
Phase 3 Bid/Award Phase																																	
11 Engr Services in Support of Bid/Award Phase			16		16	30					62	\$11,402															\$0	62	\$200	\$11,602			
Phase 3 Bid/Award Phase Subtotal:		0	16	0	16	30	0	0	0	0	62	\$11,402	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	\$0	62	\$200	\$11,602
Phase 4 Construction Phase Services (will be provided at a later time)																																	
Totals		6	409	36	446	584	40	36	56	96	1709	\$326,843	26	8	70	24	26	32	60	16	40	30	40	0	0	0	0	0	40	\$92,884	2121	\$38,400	\$458,127

DSRSD Waterlines Replacement - Canterbury & Wineberry Area Design Schedule

ID	Task Name	Duration	Start	Finish	er																														
					Novembe	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	Ma														
1	NTP	0 days	Mon 11/30/20	Mon 11/30/20	11/30																														
2	Task 1 - Project Administration and Coordination	209 days	Mon 11/30/20	Thu 9/16/21	11/30 9/16																														
3	Kickoff Mtg	1 day	Mon 12/7/20	Mon 12/7/20	12/7 12/7																														
4	Phase 1 Preliminary Engineering	126 days	Tue 12/8/20	Tue 6/1/21	12/8 6/1																														
5	Task 2 - Utility Doc, ROW, Property and Utility Research	2 wks	Tue 12/8/20	Mon 12/21/20	12/8 12/21																														
6	Task 3 - Geotechnical and Corrosion Investigations	8 wks	Tue 12/22/20	Mon 2/15/21	12/22 2/15																														
7	Task 4 - Topographic Mapping and Survey Control	6 wks	Tue 12/22/20	Mon 2/1/21	12/22 2/1																														
8	Task 5 - Field Verifications of Existing Utilities	6 wks	Tue 2/2/21	Mon 3/15/21	2/2 3/15																														
9	Task 6 - Preliminary Design Report	8 wks	Tue 3/16/21	Mon 5/10/21	3/16 5/10																														
10	Preliminary Design Workshop	1 day	Tue 5/11/21	Tue 5/11/21	5/11 5/11																														
11	DSRSD Review of PDR	3 wks	Wed 5/12/21	Tue 6/1/21	5/12 6/1																														
12	Phase 2 Detailed Design Phase	142 days	Wed 6/2/21	Thu 12/16/21	6/2 12/16																														
13	Task 7 - Permitting and Interagency Agreements	12 wks	Wed 6/2/21	Tue 8/24/21	6/2 8/24																														
14	Task 8 - 60% Design Submittal	8 wks	Wed 6/2/21	Tue 7/27/21	6/2 7/27																														
15	60% Design Review Meeting	1 day	Wed 7/28/21	Wed 7/28/21	7/28 7/28																														
16	DSRSD Review of 60% Submittal	3 wks	Thu 7/29/21	Wed 8/18/21	7/29 8/18																														
17	Task 9 - 90% and 95% Design Submittal	5 wks	Thu 8/19/21	Wed 9/22/21	8/19 9/22																														
18	90% Design Review Meeting	1 day	Thu 9/23/21	Thu 9/23/21	9/23 9/23																														
19	DSRSD Review of 90% Submittal	3 wks	Fri 9/24/21	Thu 10/14/21	9/24 10/14																														
20	95% Design Submittal	2 wks	Fri 10/15/21	Thu 10/28/21	10/15 10/28																														
21	Permitting Agencies and DSRSD Review	3 wks	Fri 10/29/21	Thu 11/18/21	10/29 11/18																														
22	Task 10 - 100% Design Submittal	4 wks	Fri 11/19/21	Thu 12/16/21	11/19 12/16																														
23	Phase 3 Bid/Award Phase	20 days	Fri 1/7/22	Thu 2/3/22	1/7 2/3																														
24	Task 11 - Eng Services in Support of Bid/Award Phase	4 wks	Fri 1/7/22	Thu 2/3/22	1/7 2/3																														

Project: DSRSD Combined Ssche
Date: Thu 10/22/20

Task		Inactive Task		Manual Summary Rollup		External Milestone		Manual Progress	
Split		Inactive Milestone		Manual Summary		Deadline			
Milestone		Inactive Summary		Start-only		Critical			
Summary		Manual Task		Finish-only		Critical Split			
Project Summary		Duration-only		External Tasks		Progress			



TITLE: Approve Continuation of District's State of Emergency in Response to COVID-19 Pandemic by General Manager and Find that the Need for the District's State of Emergency Still Exists

RECOMMENDATION:

Staff recommends the Board of Directors receive a verbal update on the COVID-19 emergency and approve, by Motion, a continuation of the State of Emergency response to the COVID-19 pandemic, as declared by the General Manager and confirmed and ratified by Resolution No. 26-20, and find that there exists a need for continuing the District's COVID-19 emergency which the Board last confirmed on October 20, 2020.

SUMMARY:

On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the District's State of Emergency in response to the COVID-19 pandemic and directed the General Manager to provide regular progress reports to the Board until the State of Emergency is terminated. There have been no substantial changes to the District's COVID-19 response since the Board was last updated. The District continues to operate under COVID-19 emergency restrictions and comply with all state and local public health orders. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the State of Emergency.

BACKGROUND:

On March 4, 2020, Governor Gavin Newsom of California proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19, a coronavirus. On March 13, 2020, President Donald Trump declared a National Emergency as a result of the threat of COVID-19.

On March 16, 2020, the public health officers of Alameda and Contra Costa Counties issued a legal order directing their respective residents to shelter in place (SIP) and limiting activity, travel, and business functions to the most essential needs. The SIP order provided an exception for the operations and maintenance of "Essential Infrastructure," which includes, but is not limited to, water, wastewater, and recycled water service. Since most District facilities are located within Alameda County, emergency response plans have been based on the Alameda County SIP order. The Alameda County public health officer has issued updated SIP orders on March 31, April 29, May 18, June 5, June 18, July 15, August 21, September 2, October 1, and October 21 in response to changing conditions. The Alameda County SIP order requires employers to implement physical distancing and other safety measures to limit the spread of COVID-19 in the workplace. The latest SIP order has no specified termination date and will continue to be updated periodically.

On March 16, 2020, the General Manager, as the District's Emergency Manager per the Emergency Response Plan policy (P300-16-2), declared a District State of Emergency to allow for essential operations to continue, and to ensure operational flexibility in meeting the challenges of COVID-19, while providing vital water and sewer services that are needed to protect public health and the environment.

On March 19, 2020, the State public health officer issued an order requiring most Californians to stay at home, with certain exceptions for critical services and other essential needs. This stay-at-home order has no specified termination date.

On March 25, 2020, the Board of Directors approved Resolution No. 26-20, which confirmed the continuation of the District State of Emergency, and directed the General Manager to report on progress at least at every regularly scheduled meeting until the State of Emergency is terminated.

Originating Department: Office of the General Manager	Contact: J. Lee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$0	
Attachments: <input checked="" type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	35 of 164	

On May 4, 2020, Governor Newsom issued Executive Order N-60-20, allowing for the gradual relaxing of the stay-at-home order and reopening of industry sectors under a four-stage roadmap. However, due to a surge in positive COVID-19 cases during the summer, the State began putting counties on a state watch list and requiring them to scale back reopenings.

On August 28, 2020, the State announced a new color-coded, four-tier “Blueprint for a Safer Economy” which loosens and tightens restrictions on activities based on risk level. This new color-coded system (Purple, Red, Orange, and Yellow) replaces the earlier roadmap and outlines a more gradual process for reopening the economy than the first attempt. The State assesses each county weekly and assigns them a tier based on the rate of positive cases and percentage of positive tests. These metrics will be used to determine how quickly a county can move through the tiers or whether a county needs to take a step back if COVID-19 cases surge again. At a minimum, counties must remain in a tier for at least three weeks and meet the next tier’s criteria for two consecutive weeks before moving forward. Both Alameda and Contra Costa Counties were initially assigned to the Purple Tier (Tier 1), which represents widespread community transmission.

On September 30, 2020, the State announced a new health equity metric which will be used (along with the other metrics) to determine a county’s tier. This metric requires the test positivity rates in the most disadvantaged neighborhoods to fall within the same range as the county’s overall test positivity rates. The equity metric took effect on October 6, 2020.

DISCUSSION:

As of October 27, 2020, Alameda County and Contra Costa County are in the Orange Tier (Tier 3) under the State’s Blueprint for a Safer Economy. The Orange Tier is the second-lowest tier in the State’s color-coded risk system and indicates a moderate risk of COVID-19 transmission in the community. Alameda County continues to take a more conservative approach than the State towards reopening activities and businesses. Under the State’s new color-coded system, a local jurisdiction can adopt more restrictive, but not less restrictive, measures to slow the spread of the virus. Alameda County is continuing to gradually open or expand activities permitted under the Red Tier (Tier 2) and some activities permitted under the Orange Tier. These activities do not currently include loosening restrictions on office settings.

District emergency planning has been aggressively implemented. In compliance with state and local public health orders, half of the District’s staff are fully or partially working from home and the remaining staff are reporting to District facilities, with staggered schedules and other measures implemented to comply with social distancing requirements. A few operational activities are still suspended or delayed while the District’s Environmental Health and Safety Team evaluates how to resume these activities in a manner that complies with the District’s COVID-19 safety protocols. Significant changes to the District’s COVID-19 response plans are unlikely to occur until Alameda County reaches the Yellow Tier (Tier 4) under the State’s color-coded system and the Alameda County SIP order restrictions for office settings are relaxed. Recent changes to Alameda County’s SIP order have had no effect on the District’s COVID response protocols and procedures.

The COVID-19 emergency continues in the District’s service area. To assure proper staffing and support of critical operational functions, staff is requesting the Board find that there still exists a need to continue the State of Emergency reflected by Resolution No. 26-20.



TITLE: Second Reading: Adopt Ordinance Revising District Code Chapter 7.40 Acquisition of Real Property, Supplies, and Equipment; and Rescind Purchasing Policy (P500-18-1) and Resolution No. 18-18

RECOMMENDATION:

Staff recommends the Board of Directors waive, by Motion, the second reading of an Ordinance that will revise provisions of the District Code Chapter 7.40, that govern acquisition of real property, supplies, and equipment, and adopt the Ordinance; and rescind, by Resolution, the Purchasing policy (P500-18-1) and Resolution No. 18-18.

DISCUSSION:

This is the second of two readings for proposed revisions to the District Code Chapter 7.40, which governs acquisition of real property, supplies, and equipment. The Board reviewed the details of the recommended revisions to the code at the first reading on October 20, 2020. If adopted, the Ordinance will become effective in 30 days, on December 3, 2020.

Proposed revisions to Chapter 7.40 of the District Code are recommended to consolidate comprehensive procurement authority and standards in one place, and refine language to ensure transparency, ease of understanding, and compliance with applicable regulations. Establishing a complete set of procurement regulations within the code will not only benefit the public, from a transparency standpoint, but also District staff responsible for administering the regulations, and vendors responsible for adhering to them. These efforts align with the District’s Strategic Goal #3 to update the District’s business practices and procedures.

A marked-up version of Chapter 7.40 showing proposed changes is included as Attachment 1. A clean version of the proposed modified Chapter 7.40 is shown in Exhibit 1 to the ordinance. A summary of the proposed changes was provided in the staff report and in a presentation at the October 20, 2020 Board meeting. As described in the October 20, 2020 report, the revisions include the designation and authority of the Purchasing Agent in the code, as opposed to the Purchasing policy (Policy). The revisions do not, however, expand or change Purchasing Agent authority, from how it is currently established in the Policy. The revised code also states specific competitive procurement thresholds, based on the good or service type, as well as specific provisions when competitive procurement would not be required. There are also slight modifications to language regarding public works projects requirements, including the elimination of the requirement to maintain a “contractor list” and the election to instead utilize advertisement in specified trade journals for bid invitation and posting requirements.

Concurrent with adoption of the ordinance approving the District Code revisions, staff recommends the Board rescind the Purchasing policy (P500-18-1) and approving Resolution No 18-18. The District’s practice is that policies are put in place: (1) if a policy is mandated to be in place by the law, the District Code, its regulations or contracts into which the District has entered, or (2) at the sole prerogative of the Board. Though reordered to fit the formatting and organization of the code, the contents of the Purchasing policy have been integrated as part of the recommended revisions to the code. Retaining the Policy as is, would be duplicative, and would not be in keeping with District’s practice on Board policies.

District General Counsel has reviewed the proposed revisions to the code. General Counsel also determined a public hearing is not required to revise this chapter of the District Code. Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The first summary was published on the District’s website and in the newspaper on October 27, 2020. The second summary will be published on November 10, 2020.

Originating Department: Administrative Services	Contact: H. Chen	Legal Review: Yes
Financial Review: Yes	Cost and Funding Source: \$ 0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input checked="" type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input type="checkbox"/> Other (see list on right)	Attachment 1: Marked-up District Code Chapter 7.40	

ATTACHMENT 1 TO STAFF REPORT
MARKED-UP DISTRICT CODE CHAPTER 7.40

Chapter 7.40

ACQUISITION OF REAL PROPERTY, SERVICES, SUPPLIES, AND EQUIPMENT, AND PUBLIC WORKS BIDDING
REQUIREMENTS

Sections:

7.40.010 Purpose.

7.40.020 Real property acquisition Procedures.

7.40.030 Relocation assistance.

7.40.040 Information concerning real property.

7.40.050 Purchasing Agent.

~~Informal bidding procedures under the Uniform Public Construction Cost Accounting Act.~~

7.40.060 ~~Policies and procedures for purchasing supplies and equipment~~Purchasing Agent authority.

7.40.070 Board of Directors authority.

7.40.080 Competitive procurement thresholds.

7.40.090 Emergency purchasing.

7.40.100 Bid splitting prohibition.

7.40.110 Informal bidding procedures under the California Uniform Public Construction Cost Accounting Act.

7.40.010 Purpose.

The purpose of this chapter is to comply with the provisions of California Government Code Sections 7267, 7267.8, 54202, and 65402. [Ord. 327, 2010.] This chapter also establishes the authorities of the Board of Directors and General Manager for the procurement and purchase of required goods, services and public works construction.

7.40.020 Real property acquisition Procedures.

The acquisition of real property by the District shall be conducted in accordance with the provisions of Sections 7267.1 through 7267.7 (a portion of Chapter 16 of Division 7 of Title 1) of the California Government Code. [Ord. 327, 2010.]

7.40.030 Relocation assistance.

Relocation assistance and payments under the provisions of Sections 7260 through 7266 (a portion of Chapter 16 of Division 7 of Title 1) of the California Government Code shall be administered and implemented in conformity with the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development. [Ord. 327, 2010.]

7.40.040 Information concerning real property.

Prior to the acquisition or disposition of real property, the District shall submit, to the county or city having planning jurisdiction, the location, purpose and extent thereof as required by Section 65402 of the California Government Code. [Ord. 327, 2010.]

7.40.050 Purchasing Agent.

The General Manager is designated as the Purchasing Agent for the District.

ATTACHMENT 1 TO STAFF REPORT
MARKED-UP DISTRICT CODE CHAPTER 7.40

7.40.060 Purchasing Agent authority.

The Purchasing Agent shall:

- A. Establish and periodically update written guidelines necessary to implement the requirements of this chapter and establish procurement guidelines that include procedures, codes of conduct, and standards not enumerated herein.
- B. Establish and periodically update written guidelines in conformance with the California Uniform Construction Cost Accounting Act, as may be necessary.
- C. Purchase or contract for supplies, services and equipment required by the District.
- D. Ensure that purchases involving federal grant funding/assistance are conducted in accordance with applicable laws and regulations, with appropriate procedures incorporated in the purchasing guidelines.
- E. Negotiate, execute, and adjust purchase contracts up to a total contract value of \$175,000, including the authority to:
 - 1. Delegate purchasing authorities and procurement requirements within the \$175,000 threshold;
 - 2. Determine which bid, of two or more tied bids, shall be accepted by the District;
 - 3. Reject any or all bids received in conjunction with a competitive procurement, consistent with procedures and guidelines adopted per this chapter;
 - 4. Require and determine the amount of bid bonds where appropriate;
 - 5. Determine whether to waive minor irregularities in bid and proposals, consistent with procedures and guidelines adopted per this chapter;
 - 6. Determine whether to accept or reject bid protests, consistent with procedures and guidelines adopted per this chapter; and
 - 7. Consent to the substitution of a subcontractor pursuant to the conditions and procedures set for in Section 4107.5 of the California Public Contract Code.
- F. Approve or delegate the authority to approve competitive procurement exemption requests including:
 - 1. Sole source purchases that may only be obtained from one source because of their proprietary nature, specialized skills required, compatibility requirements, or other unique characteristics;
 - 2. Single source purchases where the good or service may be available from more than one source but there is a compelling reason to select one vendor, such as specialized skills, acknowledged expertise or authority in a field, extensive knowledge obtained from successfully completing earlier phases of a project, or similar determination as documented;
 - 3. Cooperative purchases where the competitive procurement process has already occurred through the federal, state, or regional agreement.

All competitive exemption requests shall be approved in writing and shall justify with particularity why the exemption is in the best interest of the District.
- G. Make adjustments to Board-approved contracts up to a cumulative \$175,000 unless additional authority is delegated in an approving Board resolution.
- H. Extend the timeframe of a Board-approved contract up to one year in order to complete a procurement process of purchase.

ATTACHMENT 1 TO STAFF REPORT
MARKED-UP DISTRICT CODE CHAPTER 7.40

7.40.070 Board of Directors authority.

The Board of Directors must approve all purchase contracts over \$175,000, inclusive of adjustments, unless otherwise delegated by an Ordinance or Resolution approved by the Board.

7.40.080 Competitive procurement thresholds.

- A. A competitive solicitation process shall be used for the following purchase types and dollar thresholds:
 - 1. Goods and Technical Services over \$45,000
 - 2. Public Works Contracts over \$60,000
 - 3. Professional Services over \$175,000
- B. Purchases approved under DSRSDC 7.40.060(F) are not subject to competitive procurement as described therein.
- C. Purchasing standards for purchases below the thresholds listed in DSRSDC 7.40.080(A) shall be established by the Purchasing Agent in the purchasing guidelines.
- D. Purchases of goods or services obtained through agreements with other governmental agencies (including wholesale water purchases, and, retiree obligations), or for trials or testing purposes are not subject to competitive procurement.
- E. Purchases of utility services, insurance, permits, membership costs, travel, conferences, professional development, certification, and tuition reimbursements, advertisements, newspapers, trade journals, and similar purchases are not subject to competitive procurement.

7.40.090 Emergency purchasing.

Under an Emergency Proclamation executed by the General Manager pursuant to the Board of Directors Emergency Response Plan Policy, the Purchasing Agent, and designees, may let contracts for any amount without giving notice for bids for repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes in accordance with the provisions of Section 22050 of the California Public Contract Code.

Any emergency action taken by the Purchasing Agent, or designees, shall be reviewed by the Board of Directors at its next regularly scheduled meeting but in no event later than fourteen days after the action.

7.40.100 Bid splitting prohibition.

Under no circumstances can a purchase be artificially divided into smaller components for the purpose of avoiding the competitive procurement requirements established herein and in associated purchasing or procurement guideline.

7.40.050110 Informal bidding procedures under the California Uniform Public Construction Cost Accounting Act.

A. Informal Bid Procedures. Public projects, as defined by the Act and in accordance with the monetary limits listed in Section 22032 of the California Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032 et seq. of the California Public Contract Code. In accordance with the monetary limits listed in Section 22032 of the California Public Contract Code, some public projects may be performed by the employees of the District by force account, by negotiated contract or by purchase order.

~~B. Contractors List. The District shall develop and maintain a list of contractors ("list") in accordance with the provisions of Section 22034 of the Public Contract Code and criteria promulgated from time to time by the California Uniform Construction Cost Accounting Commission.~~

~~B.~~

~~C.~~ Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of the California Uniform Construction Cost Accounting Act, not less than 10 calendar days before bids are due, a notice inviting informal bids may be mailed or sent by electronic means, to all construction trade journals, as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the California Public Contract Code. ~~all contractors for the category of work to be bid, as shown on the contractors list; and/or to all construction trade journals, as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the Public Contract Code~~ Additional contractors and/or construction trade journals may be notified at the discretion of the department/~~division/unit~~ section soliciting bids; provided, however, that i:

~~1. If there is no list of qualified contractors maintained by the District for the particular category of work to be performed, the notice inviting bids shall be sent to the construction trade journals specified by the Commission.~~

~~2. If the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors.~~

The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time, place and manner for the submission of bids.

~~D.C.~~ Award of Contracts. The General Manager is authorized to award informal contracts pursuant to the respective monetary limits set forth by Section 22032 of the California Public Contract Code and in the policies and procedures developed pursuant to DSRSDC 7.40.060(A).

~~E.D.~~ Bids Exceeding Informal Bid Limit. Pursuant to subdivision (d) of Section 22034 of the California Public Contract Code, if all bids are in excess of the informal bid monetary limit as set forth by the Act, as it may be modified from time to time, the Board of Directors may, if it determines that the District's cost estimate was reasonable, by 4/5 vote award the contract to the lowest responsible bidder submitting a responsive bid.

~~E.~~ Adjustment of Amounts. Pursuant to the terms of the Act, the maximum dollar amounts authorized therein for informal bidding of public projects are subject to change by the State of California from time to time. When effective, such adjusted monetary limits shall apply to the District's contracts awarded thereafter without any need to amend this chapter or any of the sections contained therein. [Ord. 343, 2018.]

ATTACHMENT 1 TO STAFF REPORT
MARKED-UP DISTRICT CODE CHAPTER 7.40

F. Formal Bid Procedures. Public projects anticipated to be more than the monetary limit for informal bidding established pursuant to Section 22032 of the Act shall be let by formal bidding procedures consistent with Section 22037 et seq. of the Act.

~~7.40.060 Policies and procedures for purchasing supplies and equipment.~~

~~The procedures described in DSRSDC 7.40.050 and the referenced statutory provisions shall also apply to the purchase of goods and supplies in accordance with the monetary limits specified in Section 22032 of the Public Contract Code. In addition, the Board or, where delegated, the General Manager shall from time to time establish more detailed policies and procedures governing purchases of supplies and equipment by the District as specified in Section 54202 of the California Government Code. Purchases of supplies and equipment by the District shall be in accordance with said policies and in accordance with all provisions of law applicable thereto. No such policy or procedure shall be adopted which is inconsistent or in conflict with the Community Services District Law, the provisions of the Uniform Public Construction Cost Accounting Act within the Public Contract Code, or any other statute applicable to community services districts. [Ord. 343, 2018; Ord. 327, 2010. Formerly 7.40.050.]~~

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING CHAPTER 7.40 OF THE DISTRICT CODE TO INCLUDE PROCUREMENT AUTHORITY AND STANDARDS FOR DISTRICT PURCHASING

WHEREAS, District Code Chapter 7.40, Acquisition of Real Property, Supplies and Equipment was established to comply with the provisions of the California Government Code Sections 7267, 7267.8, 54202, and 65402; and

WHEREAS, the District's Purchasing policy establishes the General Manager as the Purchasing Agent, and procurement authority of the Purchasing Agent; and

WHEREAS, the Board wishes to update the District Code to include comprehensive procurement authority and standards; and

WHEREAS, pursuant to Sections 25128 and 61060 of the California Government Code, three copies of the proposed revised Chapter 7.40 of the District Code have been on file in the office of the District Secretary since October 14, 2020 and available for use and examination by the public during regular business hours.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Chapter 7.40 of the District Code, entitled "Acquisition of Real Property, Supplies, and Equipment," is hereby repealed and replaced by the new Chapter 7.40 entitled "Acquisition of Real Property, Services, Supplies, Equipment, and Public Works Bidding Requirements" in the form in which it appears in Exhibit "1." Notwithstanding the preceding sentence, wherever a provision of the new Chapter 7.40 is substantially the same as the previous version of Chapter 7.40, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. The General Manager, or the person or persons to whom such task may from time to time be delegated, is further authorized and directed to make further non-substantive administrative changes, as approved by District General Counsel, to Chapter 7.40, as respectively set forth in Exhibit "1" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

3. This Ordinance shall become effective thirty (30) days after its adoption.

Ord. No. _____

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 3rd day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 7.40
ACQUISITION OF REAL PROPERTY, SERVICES, SUPPLIES, EQUIPMENT, AND PUBLIC WORKS BIDDING
REQUIREMENTS

Sections:

- 7.40.010 Purpose.
- 7.40.020 Real property acquisition procedures.
- 7.40.030 Relocation assistance.
- 7.40.040 Information concerning real property.
- 7.40.050 Purchasing Agent.
- 7.40.060 Purchasing Agent authority.
- 7.40.070 Board of Directors authority.
- 7.40.080 Competitive procurement thresholds.
- 7.40.090 Emergency purchasing.
- 7.40.100 Bid splitting prohibition.
- 7.40.110 Informal bidding procedures under the California Uniform Public Construction Cost Accounting Act.

7.40.010 Purpose.

The purpose of this chapter is to comply with the provisions of California Government Code Sections 7267, 7267.8, 54202, and 65402. [Ord. 327, 2010.] This chapter also establishes the authorities of the Board of Directors and General Manager for the procurement and purchase of required goods, services and public works construction.

7.40.020 Real property acquisition procedures.

The acquisition of real property by the District shall be conducted in accordance with the provisions of Sections 7267.1 through 7267.7 (a portion of Chapter 16 of Division 7 of Title 1) of the California Government Code. [Ord. 327, 2010.]

7.40.030 Relocation assistance.

Relocation assistance and payments under the provisions of Sections 7260 through 7266 (a portion of Chapter 16 of Division 7 of Title 1) of the California Government Code shall be administered and implemented in conformity with the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development. [Ord. 327, 2010.]

7.40.040 Information concerning real property.

Prior to the acquisition or disposition of real property, the District shall submit, to the county or city having planning jurisdiction, the location, purpose and extent thereof as required by Section 65402 of the California Government Code. [Ord. 327, 2010.]

7.40.050 Purchasing Agent.

The General Manager is designated as the Purchasing Agent for the District.

7.40.060 Purchasing Agent authority.

The Purchasing Agent shall:

- A. Establish and periodically update written guidelines necessary to implement the requirements of this chapter and establish procurement guidelines that include procedures, codes of conduct, and standards not enumerated herein.
- B. Establish and periodically update written guidelines in conformance with the California Uniform Construction Cost Accounting Act, as may be necessary.
- C. Purchase or contract for supplies, services and equipment required by the District.
- D. Ensure that purchases involving federal grant funding/assistance are conducted in accordance with applicable laws and regulations, with appropriate procedures incorporated in the purchasing guidelines.
- E. Negotiate, execute, and adjust purchase contracts up to a total contract value of \$175,000, including the authority to;
 - 1. Delegate purchasing authorities and procurement requirements within the \$175,000 threshold;
 - 2. Determine which bid, of two or more tied bids, shall be accepted by the District;
 - 3. Reject any or all bids received in conjunction with a competitive procurement, consistent with procedures and guidelines adopted per this chapter;
 - 4. Require and determine the amount of bid bonds where appropriate;
 - 5. Determine whether to waive minor irregularities in bid and proposals, consistent with procedures and guidelines adopted per this chapter;
 - 6. Determine whether to accept or reject bid protests, consistent with procedures and guidelines adopted per this chapter; and
 - 7. Consent to the substitution of a subcontractor pursuant to the conditions and procedures set for in Section 4107.5 of the California Public Contract Code.
- F. Approve or delegate the authority to approve competitive procurement exemption requests including:
 - 1. Sole source purchases that may only be obtained from one source because of their proprietary nature, specialized skills required, compatibility requirements, or other unique characteristics;
 - 2. Single source purchases where the good or service may be available from more than one source but there is a compelling reason to select one vendor, such as specialized skills, acknowledged expertise or authority in a field, extensive knowledge obtained from successfully completing earlier phases of a project, or similar determination as documented;
 - 3. Cooperative purchases where the competitive procurement process has already occurred through the federal, state, or regional agreement.

All competitive exemption requests shall be approved in writing and shall justify with particularity why the exemption is in the best interest of the District.
- G. Make adjustments to Board-approved contracts up to a cumulative \$175,000 unless additional authority is delegated in an approving Board resolution.
- H. Extend the timeframe of a Board-approved contract up to one year in order to complete a procurement process of purchase.

7.40.070 Board of Directors authority.

The Board of Directors must approve all purchase contracts over \$175,000, inclusive of adjustments, unless otherwise delegated by an Ordinance or Resolution approved by the Board.

7.40.080 Competitive procurement thresholds.

- A. A competitive solicitation process shall be used for the following purchase types and dollar thresholds:
 - 1. Goods and Technical Services over \$45,000
 - 2. Public Works Contracts over \$60,000
 - 3. Professional Services over \$175,000
- B. Purchases approved under DSRSDC 7.40.060(F) are not subject to competitive procurement as described therein.
- C. Purchasing standards for purchases below the thresholds listed in DSRSDC 7.40.080(A) shall be established by the Purchasing Agent in the purchasing guidelines.
- D. Purchases of goods or services obtained through agreements with other governmental agencies (including wholesale water purchases, and, retiree obligations), or for trials or testing purposes are not subject to competitive procurement.
- E. Purchases of utility services, insurance, permits, membership costs, travel, conferences, professional development, certification, and tuition reimbursements, advertisements, newspapers, trade journals, and similar purchases are not subject to competitive procurement.

7.40.090 Emergency purchasing.

Under an Emergency Proclamation executed by the General Manager pursuant to the Board of Directors Emergency Response Plan Policy, the Purchasing Agent, and designees, may let contracts for any amount without giving notice for bids for repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes in accordance with the provisions of Section 22050 of the California Public Contract Code.

Any emergency action taken by the Purchasing Agent, or designees, shall be reviewed by the Board of Directors at its next regularly scheduled meeting but in no event later than fourteen days after the action.

7.40.100 Bid splitting prohibition.

Under no circumstances can a purchase be artificially divided into smaller components for the purpose of avoiding the competitive procurement requirements established herein and in associated purchasing or procurement guideline.

7.40.110 Informal bidding procedures under the California Uniform Public Construction Cost Accounting Act.

- A. Informal Bid Procedures. Public projects, as defined by the Act and in accordance with the monetary limits listed in Section 22032 of the California Public Contract Code, may be let to contract by informal procedures as set forth in Section 22032 et seq. of the California Public Contract Code. In accordance with the monetary limits listed in Section 22032 of the California Public Contract Code, some public projects may be performed by the employees of the District by force account, by negotiated contract or by purchase order.
- B. Notice Inviting Informal Bids. Where a public project is to be performed which is subject to the provisions of the California Uniform Construction Cost Accounting Act, not less than 10 calendar days before bids are due, a notice inviting informal bids may be mailed or sent by electronic means, to all construction trade journals, as specified by the California Uniform Construction Cost Accounting Commission in accordance with Section 22036 of the California Public Contract Code. Additional contractors and/or construction trade journals may be notified at the discretion of the department/division/unit soliciting bids; provided, however, that if the product or service is proprietary in nature such that it can be obtained only from a certain contractor or contractors, the notice inviting informal bids may be sent exclusively to such contractor or contractors. The notice inviting informal bids shall describe the project in general terms and how to obtain more detailed information about the project, and state the time, place and manner for the submission of bids.
- C. Award of Contracts. The General Manager is authorized to award informal contracts pursuant to the respective monetary limits set forth by Section 22032 of the California Public Contract Code and in the policies and procedures developed pursuant to DSRSDC 7.40.060(A).
- D. Bids Exceeding Informal Bid Limit. Pursuant to subdivision (d) of Section 22034 of the California Public Contract Code, if all bids are in excess of the informal bid monetary limit as set forth by the Act, as it may be modified from time to time, the Board of Directors may, if it determines that the District's cost estimate was reasonable, by 4/5 vote award the contract to the lowest responsible bidder submitting a responsive bid.
- E. Adjustment of Amounts. Pursuant to the terms of the Act, the maximum dollar amounts authorized therein for informal bidding of public projects are subject to change by the State of California from time to time. When effective, such adjusted monetary limits shall apply to the District's contracts awarded thereafter without any need to amend this chapter or any of the sections contained therein. [Ord. 343, 2018.]
- F. Formal Bid Procedures. Public projects anticipated to be more than the monetary limit for informal bidding established pursuant to Section 22032 of the Act shall be let by formal bidding procedures consistent with Section 22037 et seq. of the Act.

RESOLUTION NO. _____

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT RESCINDING THE PURCHASING POLICY AND RESCINDING RESOLUTION NO. 18-18

WHEREAS, on November 3, 2020, the Board of Directors adopted revisions to the District Code Chapter 7.40, which governs acquisition of real property, supplies, and equipment; and

WHEREAS, the revisions incorporated the contents of the Purchasing policy (Policy); and

WHEREAS, the Policy is redundant given the incorporation of the contents into the District Code; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California, as follows:

The Board of Directors hereby rescinds the Purchasing policy, attached as Exhibit "A," and rescinds Resolution No. 18-18, attached as Exhibit "B," effective December 3, 2020 to coincide with the effective date of the revised Chapter 7.40.

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 3rd day of November, 2020, and passed by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary



Policy

Policy No.: P500-18-1	Type of Policy: Purchasing
Policy Title: Purchasing	
Policy Description: Purchasing of Materials, Supplies, Services and Equipment	
Approval Date: 3/20/2018	Last Review Date: 2018
Approval Resolution No.: 18-18	Next Review Date: 2022
Rescinded Resolution No.: 13-17	Rescinded Resolution Date: 3/21/2017

It is the policy of the Board of Directors of Dublin San Ramon Services District that the District:

- Perform purchasing activities with the highest ethical standards.
- Purchase materials, supplies, non-professional services, technical services and equipment using processes to ensure the appropriate quality is received for a reasonable price.
- Secure professional services using an equitable, quality-based selection process.
- Incorporate environmental sustainability into purchasing decisions as a Green Business practice.
- Provide fair and open competition.
- Define authority for the purchasing function.

Purchasing Agent

The General Manager is designated as Purchasing Agent. The Purchasing Agent shall:

1. Establish written purchasing guidelines and update them as needed, in conformance with the California Uniform Construction Cost Accounting Act (the Act), District Code Chapter 7.40, this policy, and applicable laws.
2. Negotiate and execute contracts, including purchase orders, work orders, task orders and agreements, within the authority outlined in the Act, District Code Chapter 7.40, and this policy.
3. Purchase or contract for supplies, services and equipment required by the District, in accordance with the Act, District Code Chapter 7.40, and this policy.

Purchasing Authority

1. The Purchasing Agent, or designee is authorized to negotiate and execute all contracts including purchase orders, work orders, task orders and agreements, made in conformance with the purchasing guidelines up to \$175,000.
2. The Purchasing Agent or designee is authorized to negotiate and execute contracts in any amount for recurring, operational purchases such as:
 - Utility payments
 - Scheduled debt payments and related debt administration services
 - Chemical purchases
 - Payments to a District Joint Powers Agency within contractual agreements
 - Water purchase
 - Insurance payments
 - Retirement contributions
 - Payroll
 - Dougherty Valley Standby Charge District
3. In case of an emergency:
 - a. In accordance with Public Contract Code 22050 the General Manager may let contracts for any amount without giving notice for bids for repair or replacement of a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes.
 - b. Any emergency action taken by the General Manager shall be reviewed by the Board of Directors no later than seven days after the action or at its next regularly scheduled meeting if that meeting will occur no later than fourteen day after the action.

Credit Cards

The General Manager is authorized on behalf of the District to enter into credit card agreements, designate who may receive and use credit cards issued on behalf of the District, execute security agreements with respect to the District's credit card accounts and otherwise bind the District with respect to its credit card accounts.

Adjustment of Contracts

For those contracts in excess of \$175,000 that were originally approved by the Board, the General Manager has the authority to make adjustments of up to \$175,000, unless additional authority is delegated in an approving resolution.

Public Works Contracts

The General Manager is authorized to award, and make associated decisions relating to, Public Works Contracts up to his purchasing authority of \$175,000 in accordance with the California Uniform

Construction Cost Accounting Act, District Code Chapter 7.40, and this policy. In addition, the General Manager is authorized to adjust Public Works Contracts in excess of \$175,000 that were originally approved by the Board, by a maximum adjustment of \$175,000, unless additional authority is delegated in an approving resolution. This delegation expressly encompasses related discretionary decisions such as the responsibility to accept one of two or more tied bids, to reject all bids, to require bid bonds, to utilize emergency procedure set forth in the Code, sole source findings, post award determinations regarding subcontractor substitutions, determining whether to waive irregularities, determining whether to accept or reject a bid protest, and making determinations regarding the substitution of a subcontractor claimed to have been inadvertently listed under the procedures set forth in Public Contract Code section 4107.5. However, in the case where a bid protest is filed, the General Manager shall refer approval of the Public Works contract to the Board of Directors.

RESOLUTION NO. 18-18

RESOLUTION OF THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT REVISING THE PURCHASING POLICY AND RESCINDING RESOLUTION NO. 13-17

WHEREAS, the District elected to become subject to the California Uniform Public Construction Cost Accounting Act (the Act) (Section 22000, et seq. of the Public Contract Code), by Resolution No. 7-18 approved by the Board of Directors at a regular Board meeting held February 6, 2018; and

WHEREAS, the District revised the District Code to establish an informal bid procedure, by Ordinance No. 343 approved by the Board of Directors at a regular Board meeting held March 6, 2018; and

WHEREAS, on March 21, 2017, the Board adopted a Purchasing policy to ensure the District conduct its purchasing activities with the highest ethical standards, to provide fair and open competition and compliance with all applicable laws; and

WHEREAS, the District reviews and updates policies to ensure they support the District’s mission; and

WHEREAS, the policy is revised to reference the Act and is revised to clarify that the General Manager is authorized to approve contracts up to his purchasing authority of \$175,000 and to adjust contracts in excess of \$175,000 that were originally approved by the Board, by a maximum adjustment of \$175,000.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF DUBLIN SAN RAMON SERVICES DISTRICT, a public agency located in the Counties of Alameda and Contra Costa, California that the revised Purchasing policy, attached as Exhibit “A” be adopted; and Resolution No. 13-17, attached as Exhibit “B,” is hereby rescinded.

BE IT FURTHER RESOLVED that this Resolution shall be effective on April 6, 2018, the date that Ordinance No. 343 is effective.

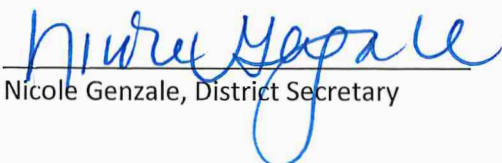
ADOPTED by the Board of Directors of the Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its Special meeting held on the 20th day of March, 2018.

AYES: 4 - Directors Madelyne A. Misheloff, D.L. (Pat) Howard, Edward R. Duarte, Georgan M. Vonheeder-Leopold

NOES: 0

ABSENT: 1 - Director Richard M. Halket


Georgan M. Vonheeder-Leopold, President

ATTEST: 
Nicole Genzale, District Secretary



TITLE: First Reading: Introduction of Ordinance Revising District Code Chapter 5.20 Regarding Wastewater Discharge and Pretreatment Regulations

RECOMMENDATION:

Staff recommends the Board of Directors waive, by Motion, the first reading of an Ordinance that, if adopted, will revise provisions of the District Code Section 5.20 that govern wastewater discharge and pretreatment regulations and schedule the Ordinance for a second reading and adoption at the November 17, 2020 Board meeting.

DISCUSSION:

This is the first of two readings for the proposed revisions to District Code Chapter 5.20.

The proposed revisions to these sections of the District Code are shown in redline format showing edits to the existing text in Attachment 1.

Most of these revisions stem from the Pretreatment Compliance Audit (PCA) from 2017 as performed by Environmental Protection Agency (EPA) contractors, Tetra Tech, Inc., on behalf of the Regional Water Quality Control Board. The PCA resulted in four required and three recommended changes to the District Code. These proposed changes are enacted to better align the District Code with EPA requirements, referenced in Title 40 of the Code of Federal Regulations Part 403 (40 CFR 403), as determined by the results of the audit.

Other revisions included amending sections of the District Code that deal with control measures on Fats, Oils and Grease (FOG) both in the collection system, and at the pending FOG receiving station at the wastewater treatment plant. The revisions are meant to allow permitted discharges of truck-hauled FOG at the wastewater treatment plant while at the same time prohibiting the unauthorized discharge of chemical degreasing agents to the collection system.

Lastly, staff recommends two administrative revisions to address the District’s business needs: (1) a transfer of duties from the District Engineer to the Legally Responsible Official, and (2) an outright prohibition of wastewater associated with alkaline hydrolysis, sometimes referred to as “water cremation.”

District General Counsel has reviewed the proposed revisions to the code. General Counsel also determined a public hearing is not required to revise this chapter of the District Code. Public notification requirements include the publishing of an ordinance summary after both the first and second readings. The summary is to be published on the District’s website and in a newspaper of general circulation. Staff will fully comply with notification requirements and will report of the first reading summary at the November 17, 2020 Board meeting.

Originating Department: Operations	Contact: A. Perez	Legal Review: Yes
Financial Review: Not Required	Cost and Funding Source: \$ 0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 –Marked-up District Code Chapter 5.20	
		54 of 164

Chapter 5.20

WASTEWATER DISCHARGE AND PRETREATMENT REGULATIONS

Sections:

- 5.20.010 Purpose and policy.
- 5.20.020 Abbreviations.
- 5.20.030 Definitions.
- 5.20.040 Prohibited discharge standards.
- 5.20.050 National Categorical Pretreatment Standards.
- 5.20.060 Local limits.
- 5.20.070 State and federal requirements and standards.
- 5.20.080 District's right of revision.
- 5.20.090 Dilution prohibition.
- 5.20.100 Bypass.
- 5.20.110 Affirmative defense to prohibited discharge violations.
- 5.20.120 Discharge from self-regulating water softeners.
- 5.20.130 Pretreatment facilities.
- 5.20.140 Additional pretreatment measures.
- 5.20.150 Spill prevention and control plans.
- 5.20.160 Hauled wastewater.
- 5.20.170 Wastewater analysis.
- 5.20.180 Wastewater discharge permit requirements.
- 5.20.190 Wastewater discharge permits – Existing connections.
- 5.20.200 Wastewater discharge permits – New connections.
- 5.20.210 Wastewater discharge permit application.
- 5.20.220 Signatory and certification requirement.
- 5.20.230 Wastewater discharge permit decisions.
- 5.20.240 Wastewater discharge permit term.

- 5.20.250 Wastewater discharge permit contents/conditions.
- 5.20.260 Wastewater discharge permit modification.
- 5.20.270 Wastewater discharge permit transfers prohibited.
- 5.20.280 Wastewater discharge permit revocation.
- 5.20.290 Wastewater discharge permit reissuance.
- 5.20.300 Baseline monitoring reports.
- 5.20.310 Compliance schedule progress reports.
- 5.20.320 Reports on compliance deadline.
- 5.20.330 Periodic compliance reports.
- 5.20.340 Reports of changed conditions.
- 5.20.350 Reports of potential problems.
- 5.20.360 Reports from unpermitted users.
- 5.20.370 Violation – Repeat sampling and reporting.
- 5.20.380 Analytical requirements.
- 5.20.390 Sample collection.
- 5.20.400 Reports deemed submitted upon receipt.
- 5.20.410 Record retention.
- 5.20.420 Right of entry – Inspection and sampling.
- 5.20.430 Inspection/search warrants.
- 5.20.440 Confidential information.
- 5.20.450 Publication of users in significant noncompliance.
- 5.20.460 Notice of violation.
- 5.20.470 Order to show cause.
- 5.20.480 Compliance orders.
- 5.20.490 Cease and desist orders.
- 5.20.500 Consent orders.
- 5.20.510 Appeals.
- 5.20.520 Civil liability, administrative complaint, penalties and costs.
- 5.20.530 Emergency suspensions.

- 5.20.540 Termination of discharge.
- 5.20.550 Legal and equitable remedies.
- 5.20.560 Violation a misdemeanor.
- 5.20.570 Remedies nonexclusive.
- 5.20.580 Performance bonds.
- 5.20.590 Liability insurance.
- 5.20.600 Water service termination.
- 5.20.610 Public nuisance.
- 5.20.620 Paramount provisions.
- 5.20.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the District's wastewater treatment facility and collection system and enables the District to comply with all applicable state of California and federal laws, including the Clean Water Act (33 United States Code Sections 1251 et seq.; "the Act") and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the District's wastewater collection system which would cause interference with the system, the District's treatment works, or other District operations.
- B. Prevent the introduction of pollutants into the District's wastewater collection system which cannot sufficiently be treated and pass through the District's treatment works or which will have a deleterious effect on the District's treatment works, or which otherwise are incompatible with the District's treatment operations.
- C. Protect both the District's treatment works personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public.
- D. Promote recycling of wastewater effluent and sludge from the District's wastewater treatment works.
- E. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District's pretreatment program and/or its treatment works.
- F. Enable the District to comply with its National Pollutant Discharge Elimination System permit (NPDES) conditions, sludge use and disposal requirements, and any other applicable federal or state of California laws.
- G. Prevent the introduction of wastes into the system which may affect the District's ability to dispose of its grit, sludge or other residuals.

H. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety arising from the collection, treatment and disposal of wastes through the District's treatment works.

This chapter shall apply to all users discharging to the District's wastewater treatment works. This chapter 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 District's pretreatment program. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.020 Abbreviations.

The following abbreviations used in this chapter shall have the meanings respectively ascribed thereto:

BOD – biochemical oxygen demand.

BTEX – benzene, toluene, ethyl benzene and xylenes.

CCR – State of California Code of Regulations.

CFR – Code of Federal Regulations.

COD – chemical oxygen demand.

EPA – United States Environmental Protection Agency.

GPD – gallons per day.

LEL – lower explosive limit.

mg/L – milligrams per liter.

MGD – million gallons per day.

NPDES – National Pollutant Discharge Elimination System.

PCBs – polychlorinated biphenyl compounds.

RCRA – Resource Conservation and Recovery Act of 1976 (42 USC Section 6901 et seq.).

SIC – Standard Industrial Classification.

TICH – total identifiable chlorinated hydrocarbons.

TTO – total toxic organics.

TPH – total petroleum hydrocarbons, both gasoline and diesel.

TSS – total suspended solids.

USC – United States Code. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.030 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words and terms used in this chapter shall have the meanings respectively ascribed thereto; provided, that the definitions specified in Chapter 5.10 DSRSDC, Wastewater Facilities Use Regulation and Protective Measures, also pertain to this chapter except to the extent of any conflict, in which case the definitions in this chapter shall govern.

“Act” or “the Act” or “PL 92-500” refers to the Federal Water Pollution Control Act Amendments of 1972, as amended (33 USC Section 1251 et seq.), commonly referred to as the Clean Water Act (the Act).

“Authorized representative of the user” means any official described in DSRSDC 5.20.220, Signatory and certification requirement.

“Best available technology” means the best control and treatment measures that are available and economically achievable.

“Best Management Practices or BMPs” means 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 or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Categorical industrial user” means any industrial user who is subject to categorical pretreatment standards, as provided in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) that applies to a specific category of users, and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Collection system” means the District’s pipelines, pump stations, manholes and other related facilities which transport wastewater to the District’s treatment works.

“Commercial user” means any nonresidential user, including a business activity that is not otherwise classified as an industrial user, and that introduces wastewater that is determined by the District Engineer/Wastewater Treatment Plant Legally Responsible Official to consist primarily of sewage into the District’s wastewater facilities.

“Discharger” means any person, firm, association, corporation, governmental agency or other entity who or which disposes of wastewater into a sanitary sewer system that is connected to, or part of, the District’s treatment works.

“Domestic wastewater” means that portion of wastewater attributed to normal residential discharges derived from ordinary living processes of human beings and not wastes generated and/or discharged from commercial, institutional, or industrial activities.

“Existing source” means any source of wastewater discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if a standard is thereafter promulgated in accordance with Section 307 of the Act.

“Flow” means the volume of wastewater measured during a period of time (e.g., gallons per minute, MGD, etc.).

“Garbage” means solid wastes from the preparation, cooking and dispensing of food; from the handling, storage and sale of produce; and paper and plastic wastes.

“Grab sample” means a sample of wastewater which is taken over a period of time not exceeding 15 minutes without regard to the flow of the waste stream.

“Hydrolysate” means the resultant liquid from the hydrolysis of human or animal remains.

“Hydrolysis” means the process by which the body of a deceased person or animal is chemically reduced to its essential organic components and bone fragments in a hydrolysis chamber.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

“Industrial user” means any user whose operations generate and/or produce discharges of industrial wastes and wastewater derived from any production, manufacturing, processing, institutional, commercial, agricultural, or other activity or operation, and whose activity or operations are identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as said manual now exists or is hereafter amended or supplemented.

“Industrial wastewater zero-discharge permit” means a wastewater discharge permit issued to a user that does not discharge any processed industrial wastewater, but stores and uses chemicals or other pollutants in such manner that they have the potential of entering a sanitary sewer.

“Instantaneous maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected by or for the District, irrespective of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which by itself or in conjunction with another discharge or other discharges inhibits or disrupts the District’s treatment facilities, its treatment processes or operations, or its sludge processes, including sludge use or disposal, that causes a violation of any condition or requirement of the District’s NPDES permit or that adversely affects the quality of processed sludge thereby preventing disposal thereof by land application or other recycling means.

“Intermediate industrial user” means an industrial user who is not a significant industrial user but whose operations produce, or are likely to produce, priority pollutant(s) or pollutant(s) that are otherwise prohibited or pollutant(s) that are restricted by the District, including and without limitation, DRSDC 5.20.060, Local limits.

“ISO 11143” means the International Organization for Standardization’s standard for amalgam separators.

“Limited discharge permit” means a wastewater discharge permit that authorizes an industrial user to discharge wastewater into a sanitary sewer for no longer than nine months; including, but not limited to, any discharge from construction-related activities.

“Mechanical garbage grinder” means a mechanical device for pulverizing quantities of garbage.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“National pretreatment standard” or “pretreatment standard” or “standard” means pollutant discharge limits in any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibited discharge limits established pursuant to 40 CFR Section 403.5.

“New source” means any building, structure, facility or installation (collectively in this definition, “facility”) 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 307(c) of the Act and which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

1. The facility is constructed at a site at which no other source is located; or
2. The facility completely replaces the process or production equipment that generates the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes associated with the facility are substantially independent of an existing source at the same site. In determining whether such sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

Modification of a facility on a site at which an existing source is located that does not meet the criteria of subsection (1) or (2) of this definition, but that otherwise alters, replaces, or adds to existing processes or production equipment does not constitute a new source.

Construction of a new source under this definition is deemed to have commenced if the owner or operator thereof has either:

- a. Commenced, as part of a continuous on-site construction program: (i) any placement, assembly, or installation of facilities or equipment; (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- b. Entered into an agreement or other binding obligation to purchase facilities or equipment which is intended to be used in the operation of the new source within a reasonably foreseeable time period. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute an agreement or other binding obligation under this definition.

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“NPDES permit” or “the District’s NPDES permit” means the National Pollutant Discharge Elimination System permit issued to the District pursuant to the Act and regulations promulgated thereunder.

“Oil and grease” means any material or like matter that is soluble in freon or any solvent that is approved for oil and grease analysis under 40 CFR Section 136 classification method 413.1.

“PAHs (polynuclear aromatic hydrocarbon compounds)” means those compounds analyzed by EPA Method 610 listed below:

Acenaphthene

Benzo(a)pyrene

Fluoranthene

Acenaphthylene

Benzo(b)fluoranthene

Fluorene

Anthracene

Benzo(ghi)perylene

Naphthalene

Benzo(a)anthracene

Benzo(k)fluoranthene

Pyrene

Dibenzo(a,h)anthracene

Chrysene

Phenanthrene

Indeno(1,2,3-cd)pyrene

“Pass-through” means a discharge which, by itself or in conjunction with other discharge(s), exits the District’s treatment facilities at a concentration or quantity that causes a violation of any condition or requirement of the District’s NPDES permit (including an increase in the magnitude or duration of violation).

“PCBs (polychlorinated biphenyl compounds)” means those compounds analyzed by EPA method 608 listed below:

PCB-1016

PCB-1248

PCB-1221

PCB-1254

PCB-1232

PCB-1260

PCB-1242

“pH” means the negative logarithm of the concentration of active hydrogen ions, expressed in moles per liter of solution.

“Pollutant” means dredged soil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the treatment works. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants, unless the dilution is permitted by an applicable pretreatment standard.

“Pretreatment standard(s)” or “pretreatment requirement(s)” means any substantive or procedural requirement governing a user’s activities or operations that is related to pretreatment, other than a national pretreatment standard, categorical pretreatment standard or pretreatment standard.

“Priority pollutant” means any toxic pollutant designated as such in 40 CFR Section 401.15, including amendments thereto.

“Septage tank waste” means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, recreational vehicles (“RVs”), and septic tanks.

“Significant industrial user” means a significant industrial user defined in 40 CFR Section 403.3(v) as:

1. Any categorical industrial user; or
2. Any other industrial user that:
 - a. Discharges 25,000 gallons or more per day of process wastewater to the District’s treatment works (excluding sanitary, noncontact cooling and boiler blow-down water);

- b. Contributes a process waste stream which comprises five percent or more of the average dry weather hydraulic or organic capacity of the District's treatment plant; or
- c. Is designated as such by the District based on a finding that the industrial user's activities or operations have a reasonable potential for adversely affecting the operation of the District's treatment works or for violating any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement (in accordance with 40 CFR Section 403.8(f)(6)).

"Significant noncompliance" means noncompliance of an industrial user with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements that constitutes one or more of the criteria defined in DSRSDC 5.20.450, Publication of users in significant noncompliance.

"Slug load" or "slug" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge.

"Standard Industrial Classification code" or "SIC code" means a classification established under the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"TICH (total identifiable chlorinated hydrocarbons)" means those organochlorine pesticides analyzed by EPA method 608 listed below:

α -BHC

4,4'-DDD

Endosulfan I

Endrin Aldehyde

β -BHC

4,4'-DDE

Endosulfan II

Heptachlor

δ -BHC

4,4'-DDT

Endosulfan Sulfate

Heptachlor Epoxide

γ -BHC

Dieldrin

Endrin

Toxaphene

Chlordane

“Treatment facility” means that portion of the treatment works that is designed to provide treatment of wastewater.

“TTO (total toxic organics)” means the summation of all quantifiable values greater than 0.01 milligrams per liter of the organic toxic pollutants included in 40 CFR Part 433.11 listed in Appendix 1 to Chapter 5.

“Waste hauler discharge permit” means the wastewater discharge permit which gives authorization to a waste or septage hauler to discharge domestic wastes, chemical toilet wastes or other permissible wastewater into a designated discharge point in the District’s treatment works.

“Wastewater discharge permit” means a permit that authorizes a user to discharge nondomestic wastewater into a sanitary sewer; provided, that wastewater discharge permit includes industrial wastewater discharge permit, pollution prevention wastewater discharge permit, or industrial wastewater zero-discharge permit (hereinafter defined), except that the latter does not authorize a discharge.

“Water softener” means a unit installed to remove minerals (hardness) from potable water. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.040 Prohibited discharge standards.

A. General Prohibitions. A user shall not introduce into the District’s treatment works any pollutant or combination of pollutants which causes or will cause pass-through or interference. These general prohibitions apply to every user of the District’s treatment works irrespective of whether the user is subject to national pretreatment standards, categorical pretreatment standards, pretreatment standards or requirements, or any other federal, state of California or any District requirement.

B. Specific Prohibitions. A user shall not introduce into the District’s treatment works any waste or waste stream that has the following characteristics or substances:

1. Pollutants which alone or by reaction with other pollutants have the potential to create a fire hazard or explosion hazard in the District’s treatment works, or to be injurious to human health and safety or to the operations of the District’s treatment works. In no case shall a user discharge a waste or waste stream that has a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR Section 261.21. Additionally, in no case shall a user discharge a waste or waste stream that exceeds 10 percent of the LEL of an approved gas detector meter. The materials which may be prohibited hereunder based upon their potential to cause a fire or explosion hazard include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substance that constitutes a fire or explosion hazard.

2. Wastewater which will cause corrosive structural damage to the District's treatment works and collection system; provided, that in no case shall a user discharge wastewater with pH less than 6.0 or greater than 11.0.
3. Solid or viscous substances in amounts which will cause or threaten to cause obstruction to the flow in a sanitary sewer or cause or threaten to cause pass-through or interference including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, woods, paunch manure, garbage with particles greater than 1/2 inch in any dimensions, animal guts or tissues, bones, hair, hides or flesh, entrails or whole blood.
4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) discharged to a sanitary sewer at a flow rate and/or pollutant concentration alone or by interaction with other pollutants which will cause interference.
5. Wastewater having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104 degrees Fahrenheit (40 degrees centigrade).
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 District's treatment facility and collection system in a quantity that may cause acute worker health and safety hazards.
8. Any trucked or hauled septic tank wastes, holding tank wastes or chemical toilet wastes, unless a permit has been issued to the waste hauler by the District in accordance with the regulations specified in DSRSDC 5.20.160, Hauled wastewater.
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which either alone, or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry of personnel into sewers for maintenance or repair.
10. Any waste or wastewater which imparts color that cannot be removed by the District's treatment facility, including, without limitation, dye wastes and vegetable tanning solutions, consequently causing a violation of the District's NPDES permit.
11. Any wastewater containing any radioactive wastes or isotopes exceeding any limits specified in 17 CCR Section 30287 or 10 CFR Section 20, whichever is more stringent.
12. Any storm water, ground water, rainwater, street drainage, subsurface drainage, yard drainage, except pursuant to a specific permit issued by the District; provided, further, that no person shall construct or install any drain or other connection which will allow such discharges into a sanitary sewer. The District may approve such discharges only upon a determination by the District that no reasonable alternative is available, or that such water constitutes a pollution hazard if not discharged to the sanitary sewer.
13. Any restaurant grease.

14. Any sludge, screening, or other residues from the pretreatment of industrial wastes.
15. Any medical wastes, such as isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
16. Any detergents, surface active agents, or other substances which may cause excessive foaming in the District's treatment works.
17. Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels specified in DSRSDC 5.20.060, Local limits.
18. Any waste defined as hazardous in federal and/or state statutes.
19. Any substance, waste, wastewater or constituent thereof which may by itself or in combination with other discharges cause the District to violate any permit condition related to effluent toxicity, or otherwise cause or contribute to the potential release of toxic substances from the District's treatment facility or collection system into the environment in toxic amounts.
20. Any wastewater containing perchloroethylene.
21. Any wastewater having a BOD greater than 400 mg/L, except pursuant to a contract with the District providing for corresponding processing, treatment and, if applicable, treatment facility expansion costs.
22. Any waters or wastes that have emulsifiers or any other compounds that would allow oils, grease and fats to enter a sanitary sewer in excess of the local limits for oil and grease specified in DSRSDC 5.20.060, Local limits.
23. Any wastewater containing hazardous pollutants in sufficient quantity, either alone or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the state, or to exceed the limitations of a categorical pretreatment standard, national pretreatment standard or a pretreatment standard or requirement.
24. Pollutants, substances, or wastewater prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to a sanitary sewer.
25. Any wastewater containing mercury such as from the removal and/or placement of dental amalgam fillings.
26. All prescription and nonprescription (over the counter) pharmaceutical drugs or medications.
27. No person shall discharge hydrolysate, wastes, or wastewater resulting from hydrolysis either directly or indirectly to the sewer system.

C. Discharge Location Prohibition. A user shall not discharge any wastewater directly into a manhole or other opening in the District's collection system, other than through sanitary sewer laterals or other sanitary sewer connections approved by the District, except pursuant to a permit issued by the District for such discharge. Such permit shall only be issued if the discharge is otherwise in compliance with the

provisions of this chapter and no other discharge alternative is reasonably available as determined by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

D. Development of Limits. The District will develop and effectively enforce local limits to restrict discharge prohibitions. The District will provide notice of limits through issuance of permits, through District Code, and as requested. The District may develop Best Management Practices (BMPs) to implement discharge prohibitions.

5.20.050 National Categorical Pretreatment Standards.

The National Categorical Pretreatment Standards, set forth in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as said standards may from time to time be amended, supplemented, superseded, and new categorical pretreatment standards promulgated, are incorporated herein by this reference. The General Manager shall notify all affected users of the applicable reporting requirements specified in DSRSDC 5.20.300, Baseline monitoring reports, through DSRSDC 5.20.330, Periodic compliance reports. However, if the standards otherwise imposed under this chapter are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.060 Local limits.

No person shall discharge, or cause to be discharged, any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant

Discharge Limit (mg/L)

Arsenic

0.50

Cadmium

1.00

Total chromium

1.00

Copper

1.00

Lead

2.00

Mercury

0.010

Nickel

1.50

Selenium

1.30

Silver

1.50

Zinc

4.00

Cyanide

0.50

Phenols

20.00

PCBs

0.01

T.I.C.H.

0.02

TTO

5.00

PAH

6.50

Oil and grease (animal and vegetable)

200

Oil and grease (hydrocarbon)

150

Total dissolved solids

1000

Total sulfides

2.0

BTEX

1.00

TPH (gas and diesel)

15.0

[Ord. 298, 2003; Ord. 327, 2010.]

5.20.070 State and federal requirements and standards.

If either state or federal limitations, standards and requirements applicable to discharges to the District's treatment works are more stringent than the limitations, requirements, and standards set forth in this chapter, the most stringent limitation, standard or requirement shall apply. Modifications of federal or state limitations, standards and requirements which are more stringent than the limitations, standards and requirements set forth in this chapter and that are promulgated subsequent to the adoption of the ordinance or resolution enacting this chapter shall be applied to discharges to the District's treatment works at such time and in such manner as is specified in DSRSDC 5.20.260, Wastewater discharge permit modification. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.080 District's right of revision.

The District retains the right to establish more stringent limitations, standards or requirements for discharges to the District's treatment works to achieve the objectives of this chapter. No user shall acquire any vested or other right to a particular limitation, standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.090 Dilution prohibition.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The District may impose mass limitations on the discharges of users who use dilution to meet applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, or in other cases when the imposition of mass limitations is necessary to achieve the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.100 Bypass.

A. For the purpose of this section the following definitions apply:

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

B. Bypass is prohibited, and a violation of this chapter, unless all of the following criteria are met:

1. The 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

criterion is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under ~~subsections (C-D) & (E)~~ ~~subsection (C)~~ of this section.

C. The District may approve an anticipated bypass after considering its adverse effects if the District determines that it will meet the three conditions listed in subsection (B)(1) of this section.

D. If a user knows in advance of the need for a bypass, the user shall submit written notice thereof to the District at least 10 days before the date of the anticipated bypass, if reasonably possible.

E. A user shall provide oral notice to the District of an unanticipated bypass that exceeds any applicable national pretreatment standard or categorical pretreatment standard or any applicable pretreatment standard or requirement within 24 hours of time of the user's knowledge of the bypass. ~~Refer to the user permit for contact phone number(s).~~ -Written notice shall also be given to the District within five days from the time of the user's knowledge of the bypass. The written notice shall include: (1) a description of the bypass and its cause; (2) 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 (3) steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the occurrence of the bypass.

F. A user may allow a bypass to occur that does not violate any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, but only for essential maintenance of the user's pretreatment facilities to assure efficient operation thereof. Such bypasses are not subject to the provision of subsection (B) of this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.110 Affirmative defense to prohibited discharge violations.

A user shall have an affirmative defense to an alleged violation of the general prohibitions of DSRSDC 5.20.040(A), General Prohibitions, or any specific prohibition of DSRSDC 5.20.040(B), Specific Prohibitions, that would cause a pass-through or an interference upon proof that the user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause a pass-through or an interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or

B. No local limit exists, but the discharge was not substantially different in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit and with applicable sludge use or disposal requirements. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.120 Discharge from self-regulating water softeners.

Waste discharged into a sanitary sewer from the regeneration of a residential water softener of any kind or description is prohibited, except that from a water softener that conforms to the requirements of Health and Safety Code Section 116785. [Ord. 298, 2003; Ord. 327, 2010; Ord. 344, 2018.]

5.20.130 Pretreatment facilities.

Users shall provide wastewater pretreatment as necessary to comply with this chapter and shall comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, local limits, and the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards, within the time limitations specified by the EPA, the state of California, or the District, whichever limitation is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans and specifications describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are installed or constructed. Approval of plans and specifications does not constitute an assurance of pretreatment performance. Plans and specifications shall be prepared by a registered professional engineer. Neither the District's review of such plans, specifications and operating procedures, nor approval thereof, shall relieve or release the user from the responsibility of modifying or replacing such facilities as necessary to produce a discharge acceptable to the District in compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.140 Additional pretreatment measures.

A. The District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sanitary sewers, re-locate and/or consolidate points of discharge, separate nonindustrial waste streams from industrial waste streams, and impose such other conditions, including without limitation the installation of pretreatment facilities in addition to those previously provided in accordance with DSRSDC 5.20.130, Pretreatment facilities, as may be determined by the District's General Manager to be necessary to protect the treatment works and to prevent exceedances of discharge limits, or otherwise to assure the user's compliance with the requirements of this chapter.

B. The District may require users discharging into the District's treatment facility to install and maintain, on their property and at their expense, a suitable storage and flow-control facility that ensures equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Appropriate grease, oil, and sand interceptors shall be installed by a user when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; provided, that such interceptors shall not be required for residential users. All interceptors shall be accessible for cleaning. Interceptors shall be inspected, cleaned, and repaired routinely by the user and at the user's expense.

D. Chemicals or treatments intended to prevent local clogging or to prolong grease trap or interceptor service (e.g., bacteria, enzymes, additives, agents, degreasers, solvents, bioremediation, dosing systems, emulsifiers [including hot water], and slow-dissolve blocks) are strictly prohibited.

ED. The District may require users whose discharge has the potential to include flammable substances to install and maintain an approved combustible gas detection meter at the user's expense.

FE. All users shall give written notice to the District, the EPA Regional Waste Management Division Director and state of California hazardous waste authorities of any discharge to the District's treatment works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or as otherwise defined by state of California statute or regulation.

Such notification shall include the identity of the hazardous waste by chemical constituency or other designation that readily describes the waste as a hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the District's treatment works, the notification shall also contain the following information: (1) the hazardous waste constituents contained in the waste; (2) an estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimate of the mass constituents in the waste stream expected to be discharged during the following 12 months.

All notifications of hazardous waste discharge must take place no later than 180 days after the discharge commences, consistent with 40 CFR 403.12 (pP) (1).

GF. All owners and operators of dental vacuum systems, except as set forth in this section, shall install an ISO 11143 certified amalgam separator device for each dental vacuum system on or before December 1, 2011. All dental offices that come into operation on or after November 10, 2009, 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 noncertified 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 November 10, 2009, that are not ISO-certified, the non-ISO-certified system may remain in place; provided, that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the General Manager for approval.

The following types of dental practices are exempt from this section; provided, that the District receive written assurance that removal or placement of amalgam fillings occurs at the facility no more than three days per year:

1. Orthodontics;
2. Periodontics;
3. Oral and maxillofacial surgery;
4. Radiology; oral pathology or oral medicine;
5. Endodontics and prosthodontics.

For users who or which are discharging into the treatment works as of the date the ordinance adding this chapter to the Dublin San Ramon Services District Code becomes effective, the foregoing notice shall be given within 30 days of said effective date; provided, that such notice shall be given sooner if a similar such notice is so required by federal regulations. Users who commence discharging after said effective date shall include such notice in their application for a discharge permit.

In providing the notice under this section, the user shall certify that the user has a program in operation to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practicable.

Nothing contained in this section modifies the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.150 Spill prevention and control plans.

All significant industrial users shall submit a spill prevention and control plan. The District may require other users, as the District deems necessary, to submit for approval and implement such a plan. The spill prevention and control plan shall be updated biennially. The spill prevention and control plan shall contain, as a minimum, the following elements:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of stored chemicals;
- C. The procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under DSRSDC 5.20.040, Prohibited discharge standards, with procedures for follow-up written notification within five days; and
- D. If required by the District, 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 runoff, worker training, construction of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.160 Hauled wastewater.

No septic tank, holding tank, cesspool or chemical toilet shall connect directly to the District's wastewater collection system. Such wastes shall be discharged only during the District's regular business hours and only at a designated discharge point at the District's treatment works pursuant to a waste hauler discharge permit. Only wastes which are compatible with the operation of the District's treatment works shall be disposed at said site. Wastes that contain any hazardous waste, as defined by federal or state of California statutes and regulations, whichever is most stringent, or any wastes which are prohibited under DSRSDC 5.20.040, Prohibited discharge standards, or any other regulation enacted by the District shall not be discharged to the District's treatment works.

- A. Insurance and Indemnification. Waste hauler discharge permittees shall hold harmless, indemnify and defend the District, its Board of Directors, other boards, commissions, committees, officers, employees and agents (collectively "indemnitees") from and against all claims for liability, losses, damages, expenses, costs (including, without limitation, all costs and fees, whether for attorneys, experts or others, incurred in anticipation of, or during, administrative proceedings, arbitration, mediation, or litigation) of every nature, kind and description, which may be brought against or suffered or sustained by indemnitees, caused in whole or in part by the negligence, intentional tortious acts or omissions, or willful misconduct of the waste hauler, its officers, employees or agents, in its operations under its waste hauler permit. Waste hauler discharge permittees shall provide, and maintain at all times during the term of its waste hauler permit, liability insurance conforming to requirements adopted by Board policies or determined by the General Manager to be commensurate with the risks, the evaluation of which considers, at a minimum, the financial ratings of the companies providing the insurance, the coverages provided and exclusions therefrom, monetary limits and deductibles, and

additional insured endorsements. Waste hauler discharge permittees shall either provide all indemnitees with a full and complete defense against each and every claim, or shall provide a cash deposit or a surety bond acceptable to the District in the amount of 150 percent of the amount claimed, or \$50,000, whichever is more.

B. Registration and Public Health License. The waste hauler shall provide proof of registration with the Alameda County and/or Contra Costa County health departments, and possession of a public health license from said department(s).

C. Discharge Restrictions. ~~Only S~~septage and chemical toilet wastes are permitted to be discharged by a licensed waste hauler. Grease from restaurant grease traps and/or grease interceptors shall only be discharged by District authorized waste haulers under a separate Fats, Oil and Grease (FOG) discharge permit. ~~not be discharged in any fashion by a waste hauler.~~

D. Hours of Discharge. Discharge of septage waste at the District's treatment works shall be allowed daily between ~~7:00~~6:00 a.m. and ~~5:10~~10:00 p.m. unless the General Manager grants specific authorization to the waste hauler to discharge at other times.

E. Reporting Requirements.

1. Septage Load Manifest. The operator of the waste-hauling vehicle shall accurately document each load of septage waste discharged at the District's treatment works by completing a septage load manifest that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage discharge at the District's treatment works.
- c. The identification number of the sample bottle used to take the septage sample.
- d. The total capacity, in gallons, of the vehicle's waste holding tank.
- e. The name and complete address of each source contributing to the septage load.
- f. The date the load was obtained at the source.
- g. The gallons pumped from each source.
- h. The signature of the operator of the waste hauling vehicle.

2. Septage Hauler's Log. The operator of the waste hauling vehicle shall accurately log in each load of septage waste discharged at the District's treatment works by completing a septage hauler's log that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage load discharge at the District's treatment works.
- c. The time that the operator of the waste hauling vehicle arrives at and departs from the District's treatment works.
- d. The identification number of the sample bottle used to take the septage sample.

- e. The total capacity, in gallons, of the vehicle's waste holding tank.
- f. The signature of the operator of the waste hauling vehicle. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.170 Wastewater analysis.

Upon request of the District, a user shall submit information regarding the nature and characteristics of its wastewater within 45 days of the request. The District may prepare a form for this purpose and may periodically require users to update such information. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.180 Wastewater discharge permit requirements.

A. Every significant industrial user or intermediate industrial user proposing to connect its facilities to the District's treatment works or proposing to discharge wastewater to the District's treatment works shall obtain an industrial wastewater discharge permit prior to the proposed connection or discharge. All significant industrial users or intermediate industrial users connected to, or discharging wastewater into, the District's treatment works on or before the effective date of the ordinance enacting this chapter shall obtain an industrial wastewater discharge permit within 90 days from said effective date. If a user's wastewater discharge, including one whose discharge is such that it is not classified as a significant industrial user or an intermediate industrial user, poses potential risk to the District's wastewater system as determined by the General Manager, the user shall obtain an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit prior to connecting or discharging into the sanitary sewer system. The user shall be subject to source control monitoring as determined by the District.

B. It shall be unlawful to discharge wastewater into a sanitary sewer, the treatment works or the treatment facility except pursuant to an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit issued in accordance with the provisions of this chapter.

C. A violation of the terms and conditions of an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be deemed a violation of this chapter enforceable and punishable pursuant to the provisions of DSRSDC 5.20.460, Notice of violation, through DSRSDC 5.20.610, Public nuisance, inclusive. Possession of an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, or with any other requirements of federal, state of California and local law. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.190 Wastewater discharge permits – Existing connections.

Any user required by this chapter to obtain a wastewater discharge permit that was discharging wastewater into the District's treatment works prior to November 10, 2009, and proposes to continue such discharge shall, within 30 days after said date, apply to the District for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, and shall not cause or allow discharges to the District's treatment works to continue after 90 days from said effective date except pursuant to a wastewater discharge permit issued by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.200 Wastewater discharge permits – New connections.

Every user that is required to obtain a wastewater discharge permit and that proposes to begin or recommence discharging into the District's treatment works shall obtain such permit prior to the commencement or recommencement of such discharge. An application for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be filed in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, at least 90 days prior to the date upon which any discharge will begin or recommence. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.210 Wastewater discharge permit application.

Users applying for a wastewater discharge permit, either an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit, shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees.

A. Users classified as listed below shall obtain a pollution prevention wastewater discharge permit, unless exempted by the General Manager.

1. Dry cleaners;
2. Dental facilities;
3. Other dischargers determined by the General Manager to require special regulations or source control.

Users applying for a pollution prevention wastewater discharge permit shall complete and submit the appropriate application. The format of the application is specific to the type of business.

B. Users applying for an industrial wastewater discharge permit shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees. The application shall include the following information (in units and terms appropriate for evaluation) pertaining to the premises from which the discharge is proposed to emanate:

1. All information required by DSRSDC 5.20.300, Baseline monitoring reports.
2. A description of the activities, operations, plant processes, facilities and materials carried out or present on the applicant's premises, including a list of raw materials and chemicals used or stored on or at the premises which, in the original or processed form, are proposed to be, or either intentionally or accidentally could be, discharged to the District's treatment works.
3. The number and job descriptions of the persons employed at, or in connection with, the activities and operations conducted at or on the premises and the proposed or actual hours of operation.
4. The description, by type, amount, process or processes, of each product manufactured or fabricated at the premises and the rate of production for each.
5. The type and amount (average and maximum per day) of raw materials processed.
6. Site plans, floor plans, mechanical and plumbing plans, and structural details showing all sanitary sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.

7. The time of day and duration of all process discharges, treated and untreated, related to the products manufactured or fabricated at the premises or otherwise related to the activities or operations conducted at or on the premises.
8. The average daily and 15-minute peak wastewater flow rates generated at the premises, including daily, monthly and seasonal variations, if any. Flow rates shall be provided for each regulated wastewater stream.
9. The measured average daily and maximum daily volume of wastewater discharged to a sanitary sewer from the premises.
10. Wastewater constituents and characteristics including, but not limited to, those specified in DSRSDC 5.20.040, Prohibited discharge standards.
11. A list of any environmental control permits issued to or for the facility.
12. The type(s) and quantity or quantities of hazardous substances stored or placed on the premises with a description of the method(s) of storage and/or containment device(s) for each such substance; provided, that such substances are present in quantities sufficient to be deleterious to the operations of the treatment works or harmful to the environment if released.
13. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
14. Such other information that is deemed necessary by the District to evaluate the application. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.220 Signatory and certification requirement.

All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and include a certification statement in the then-current form required by the Clean Water Act and the regulations promulgated thereunder. In case there is doubt about which certification statement is applicable, the following certification statement shall be used until it is superseded by amendments to the regulations promulgated under the Clean Water Act unless the District determines otherwise:

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.

The authorized representative may be any of the following:

- A. If the user is a corporation:

1. The president, secretary, treasurer or a 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
 2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state of California, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals holding the positions described in subsections (A) through (C) of this section may designate another authorized representative by name or position who has the responsibility for overall operation of the facility from which the discharge originates, or has overall responsibility for environmental matters for the user; provided, that such authorization shall be submitted to the District in writing. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.230 Wastewater discharge permit decisions.

The District shall evaluate the information and data furnished by the user and such additional information and data as the District may require to complete the application. The District shall complete its evaluation of the application within 60 days of receipt of a completed application. The District may grant the application and issue a wastewater discharge permit subject to the requirements, terms and conditions of this chapter and such other terms and conditions as the District deems appropriate, or the District may deny the application. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.240 Wastewater discharge permit term.

Wastewater discharge permits shall be issued for a specified term, not to exceed three years. A permit may be issued for a term less than one year or for a specified expiration date. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.250 Wastewater discharge permit contents/conditions.

Wastewater discharge permits shall include such terms and conditions that are deemed reasonably necessary by the District to prevent pass-through or interference or otherwise to protect against damage to the District's treatment works, to provide for worker health and safety, to facilitate sludge management and disposal and to protect the quality of the receiving waters of the treatment works' effluent.

A. Wastewater discharge permits shall include:

1. The term of the permit, which in no event shall exceed three years.
2. A prohibition against assignment or other transfers of the permit or any interest therein.

3. Effluent limits based on applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state of California, or local law.
5. A statement of applicable civil and criminal penalties for violation of categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements or other terms and conditions of the permit and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable federal, state of California or local law.
6. Requirements to control discharges of slug loads or slugs, if determined by the District to be necessary.

B. Wastewater discharge permits shall be subject expressly to the provisions of this chapter, the Act, all applicable state of California, federal and local regulations and payment of the District's applicable fees and charges. Wastewater discharge permits shall be enforced uniformly by the District in accordance with this chapter and applicable federal and state regulations. Permits may include, without limitation, the following:

1. Requirements for separation of industrial wastewater from domestic wastewater prior to discharge to a sanitary sewer.
2. Limits on average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions against discharge of said pollutants.
3. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge.
4. Limits on average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and/or equalization.
5. Requirements for installation and maintenance of monitoring and sampling facilities and equipment.
6. Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, the number, types and standards for tests and a reporting schedule. Monitoring shall be provided by the user at its expense, performed by a state-certified laboratory; provided, that a user's laboratory, if available, may conduct monitoring upon approval of the District.
7. Requirement for notification of the District of the discharge of any new pollutants or any changes in facility processes or in the volume or character of wastewater constituents being discharged into the District's treatment works.
8. Requirement for the installation of pretreatment technological equipment or devices, pollution control, or construction of appropriate containment devices to reduce, eliminate, or prevent the discharge of pollutants into the District's treatment works.

9. Requirement for submittal of design and construction plans and specifications of any existing or proposed wastewater pretreatment facility.
10. Prohibition against bypass of the user's wastewater pretreatment system, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage.
11. Requirement for notifying the District of any planned alteration of a proposed or existing wastewater pretreatment system.
12. Prohibition against dilution as a partial or complete substitute for adequate treatment to achieve compliance with the user's wastewater discharge permit.
13. Provision for access by District personnel to the user's premises at all reasonable times to conduct sampling and/or inspection of any and all processes which may contribute to the user's wastewater discharge, including the actual wastewater discharge.
14. Requirement for the development and implementation of a spill prevention and control plan, a copy of which shall be filed with the District.
15. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the user's pretreatment facilities.
16. Requirements for notifying the District of planned alterations of the user's facility processes, which could result in an alteration of the process discharge or the potential for an accidental spill or slug discharge.
17. Requirements for providing the District with operation and maintenance records for the user's wastewater pretreatment system, including relevant periodic updates.
18. Requirements for submission of technical reports, progress reports or discharge reports.
19. Compliance schedules or requirements pertaining thereto.
20. Requirement for specifying the user's responsible officer for permit compliance and for signatory purposes.
21. The unit charge or schedule of user charges and fees pertaining to the user's use of the District's treatment works.
22. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's treatment works.
23. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, including those which become effective during the term of the permit.
24. Such other requirements or conditions that are deemed appropriate by the District to ensure compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.260 Wastewater discharge permit modification.

The District may modify a wastewater discharge permit for good cause, including, but not limited to:

- A. Incorporation of any new or revised categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
- B. Addressing significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.
- C. A change in the District's treatment works that requires either a temporary or permanent reduction or elimination of an authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the District's treatment works, personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- G. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR Section 403.13.
- H. Correction of typographical or other errors.
- I. Change in ownership or the operator of the facility subject to the permit.

The terms and conditions of the wastewater discharge permit may be subject to modification or revision by the District during the term of the permit based upon amendments or revisions to limitations or requirements of these regulations or applicable state of California or federal regulations. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.270 Wastewater discharge permit transfers prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation and premises. A wastewater discharge permit or any interest therein shall not be assigned, leased, sold or otherwise transferred to a new owner or user, or relied upon for different premises, or for a new, different or revised operation. Notwithstanding the invalidity of a purported assignment, lease, sale, or other transfer of a wastewater discharge permit, or the purported reliance upon such permit for a different premises or for a new, different or revised operation, nothing in this chapter shall be construed to prohibit the applicability or enforcement of the terms and conditions of such permit or of the provisions of this chapter with respect to a purported assignee, lessee, purchaser, or other transferee, or with respect to a different premises or new, different or revised operation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.280 Wastewater discharge permit revocation.

A wastewater discharge permit may be revoked for the following causes:

- A. Failure factually and completely to report the wastewater constituents and characteristics of a discharge.

- B. Failure to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal to provide the District reasonable access to the user's premises for inspection or monitoring.
- D. Violations of the permit requirements or conditions.
- E. Nonpayment of fees and charges.
- F. Failure to provide prior notification to the District of changed conditions pursuant to DSRSDC 5.20.340, Reports of changed conditions.
- G. Misrepresentation of any material fact, or failure to fully disclose all relevant facts, in the wastewater discharge permit application.
- H. Falsifying self-monitoring reports, records or other documents and/or knowingly giving or providing a false statement.
- I. Tampering with monitoring equipment.
- J. Failure to meet effluent limitations.
- K. Failure to meet compliance schedules.
- L. Failure to complete a wastewater survey or the wastewater discharge permit application.
- M. Violation of any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or any condition or term of the wastewater discharge permit or any provision of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.290 Wastewater discharge permit reissuance.

The District will endeavor to notify the user/permittee of a wastewater discharge permit of the expiration of the term of its permit not less than two months prior to the date of expiration. Notwithstanding the expiration of the term of a permit, it shall remain in full force and effect pending renewal or reissuance thereof. A permit may be reissued; provided, that:

- A. The user has submitted a complete permit application at least 30 days prior to the expiration date of its existing permit.
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

The applicability of a reporting requirement to a given industrial user, the contents of the report and the time for filing the report are governed by Title 40, Code of Federal Regulations, Section 403.12, and amendments thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.300 Baseline monitoring reports.

Existing categorical industrial users currently discharging or scheduled to discharge to the District's treatment works whose operations become subject to a categorical pretreatment standard shall submit a report to the District that contains the information listed in subsection (B) of this section, Environmental Permits, within 180 days after the effective date of such standard or within 180 of the

final administrative decision regarding a category determination under 40 CFR Section 403.6(a)(4), whichever is later. At least 90 days prior to commencement of their discharge, all new categorical industrial users, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit such report to the District as part of their application for a wastewater discharge permit (see DSRSDC 5.20.190, Wastewater discharge permits – Existing connections, through DSRSDC 5.20.210, Wastewater discharge permit application). The owner or operator of a new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards, estimates of its anticipated flow volume and quantity of pollutants.

The aforesaid users shall submit the following information:

- A. Identifying Information. The name and address of the user's facility, including the name of the operator and owner of the premises that is the site of the facility.
- B. Environmental Permits. A list of any environmental control permits and hazardous substance release response (spill) plans held by or for the facility.
- C. Description of Operations. A description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user at its facility. The description shall include a schematic process diagram that indicates points of discharge to the District's treatment works from the industrial processes subject to regulation, times of discharge, plumbing and mechanical plans.
- D. Flow Measurement. The measured average daily and maximum daily wastewater flows, in gallons per day, including any seasonal variation, discharged to the District's treatment works from the industrial process streams subject to regulation and such other streams, as necessary, to provide for use of the combined waste stream formula specified in 40 CFR Section 403.6(e).
- E. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each industrial process subject to regulation.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement or by the District, of pollutants in the discharge from each industrial process subject to regulation. Additionally, instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Samples shall be representative of daily operations and shall be analyzed in accordance with procedures specified in DSRSDC 5.20.380, Analytical requirements.
 - 3. Sampling shall be performed in accordance with procedures specified in DSRSDC 5.20.390, Sample collection.
- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the applicable pretreatment standards or pretreatment standards or requirements.

G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, the schedule by which the user shall provide such additional pretreatment and/or O&M within the shortest reasonable time. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or standard or requirement. A compliance schedule pursuant to this section shall conform to the requirements of DSRSDC 5.20.310, Compliance schedule progress reports.

H. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.310 Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by DSRSDC 5.20.300(G), Compliance Schedule:

A. The schedule shall contain progress dates for the commencement and completion of major events for the construction and operation of additional facilities for pretreatment including, but not limited to, retention of engineering services, completion of preliminary and final plans and drawings, execution of a contract for construction of major pretreatment components, commencement and completion of construction, and commencement of pretreatment operations;

B. No time increment referenced in subsection (A) of this section shall exceed nine months;

C. The user shall submit a progress report to the District no later than 14 days following each scheduled progress date and the commencement date of pretreatment operations including, as a minimum, the user's status of compliance with the schedule, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the approved schedule; and

D. In no event shall the period between successive progress reports exceed nine months. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.320 Reports on compliance deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, national pretreatment standards or standards or requirements or, in the case of a new source, within 90 days following commencement of discharge of wastewater into the District's treatment works, a user subject to such pretreatment standards shall submit to the District a report containing the information described in DSRSDC 5.20.300(D), Flow Measurement, through DSRSDC 5.20.300(F), Certification. For users whose discharge is subject to equivalent mass or concentration limits established in accordance with the procedures contained in 40 CFR Section 403.6(c), the report shall include a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.330 Periodic compliance reports.

A. All significant industrial users that are not monitored by the District shall, at a frequency determined by the District, but in no case less than semiannually, submit a report describing the nature and concentration of pollutants in its discharge subject to categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, together with the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be operated efficiently and accurately, and maintained in a clean condition and in good working order at all times; provided, that failure to do so shall not be grounds for a user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the District, the results of such monitoring, using the procedures prescribed in DSRSDC 5.20.380, Analytical requirements, and DSRSDC 5.20.390, Sample collection, shall be included in the report. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.340 Reports of changed conditions.

A. Each user shall notify the District of any planned significant changes to its operations or system that might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

B. The District may require the user to submit such information as the District may deem necessary to evaluate the changed condition, including the submittal of a wastewater discharge permit application pursuant to DSRSDC 5.20.210, Wastewater discharge permit application.

C. The District may issue a wastewater discharge permit pursuant to DSRSDC 5.20.260, Wastewater discharge permit modification, or modify an existing wastewater discharge permit pursuant to DSRSDC 5.20.290, Wastewater discharge permit reissuance, in response to changed conditions or anticipated changed conditions. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.350 Reports of potential problems.

A. All users shall immediately telephone the District in the case of any discharge that may have an adverse effect upon the District's treatment works. Such discharges shall include, but not be limited to, accidental discharges, discharges of a nonroutine or episodic nature, noncustomary batch discharges, or any slug load. The notification shall include the business name, contact person and telephone number of the user, the location and time of the discharge, the type of waste or wastewater discharged, including hazardous properties, concentration and volume of the discharge, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall submit a detailed written report to the District describing the cause(s) of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notification and report made pursuant to subsections (A) and (B) of this section shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's treatment works, damages to or destruction of natural resources, or any other damage to person or property; nor shall such notification or report release the

user from liability for violation of the requirements of the user's wastewater discharge permit, this chapter, the Act or other applicable law or regulation.

C. A notice shall be permanently posted on the user's bulletin board or in or on some other prominent place advising employees who to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all employees responsible for operations or activities that result in discharges, or that may result in a discharge described in subsection (A) of this section, are advised of the emergency notification procedure. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.360 Reports from unpermitted users.

The District may require any user not subject to the requirements for a wastewater discharge permit to provide appropriate reports to the District regarding the user's operations and discharge in furtherance of the purposes of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.370 Violation – Repeat sampling and reporting.

If the results of analysis of the wastewater of a user indicate that a violation of the user's permit has occurred, or that a violation of any provision of this chapter, the Act or any applicable federal or state of California law or regulation has occurred, the user shall:

- A. Inform the District of the violation within 24 hours after becoming aware of the violation; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days from the date the user first became aware of the violation.

If the District performs the sampling or monitoring, the District will notify the user of the violation and repeat the sampling. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.380 Analytical requirements.

All pollutant analyses, including sampling techniques, submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques specified in 40 CFR Part 136, or amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by the EPA or the state of California. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.390 Sample collection.

- A. All users required to perform compliance sampling shall collect wastewater samples using flow proportional composite collection techniques, except for those samples described in subsection (B) of this section. If flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that either of those techniques will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.

C. Users may request modifications to the above sample collection protocols for their particular facility. It shall be the user's responsibility to demonstrate to the satisfaction of the District that any proposed modifications will comply with 40 CFR Part 403, and that all samples will be representative of the discharge. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.400 Reports deemed submitted upon receipt.

Written reports shall be deemed to have been submitted on the date received by the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.410 Record retention.

Consistent with 40 CFR 403.12 (o), aAll records relating to compliance with categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements shall be made available to representatives of the EPA, state of California and the District authorized by those entities to receive or inspect such records. Such records shall include for all samples;

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The date(s) analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical methods used; and
- (v) The results of such analyses.

Such reports shall be retained for a minimum of three years from the date thereof; provided, that records pertaining to, or prepared for, any investigation or enforcement action shall be retained for a minimum of three years from the date that such investigation or enforcement action has concluded as evidenced by a final decision (including exhaustion of administrative appeals) of the agency or entity that conducted the investigation or enforcement action or by final decision of a court of competent jurisdiction (including final appellate review). Notwithstanding the foregoing, the General Manager may require retention of certain records specified by him or her for a longer period. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.420 Right of entry – Inspection and sampling.

The District and its officers, employees and agents are hereby authorized, at its or their discretion, to inspect the facilities of any user to ascertain whether the user's operations and activities comply with the requirements of this chapter and/or of the user's wastewater discharge permit including, without limitation, compliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements. Users and persons occupying or in possession of premises where wastewater is generated or discharged, or where hazardous substances or wastes are present, shall allow the District or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination and copying, or the performance of any other of their duties. The District or its authorized representatives, individually or accompanied by representatives of such other public agencies as the District deems appropriate, are hereby authorized to assemble or install on the user's premises such devices and equipment that are necessary or appropriate to conduct sampling, inspection, compliance monitoring and/or metering operations. If a user has security measures that require identification and approval before entry onto its

premises, the user shall provide appropriate authorization for District representatives and other persons authorized by the District to enter the premises without delay for the above-described purposes. The user shall inform the District of its safety procedures and requirements, provide instruction regarding such matters, and, where appropriate, provide personal protective clothing or equipment. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.430 Inspection/search warrants.

Pursuant to state of California law, the District may obtain inspection and search warrants to enforce the provisions of this chapter, categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, permits issued pursuant to this chapter, the Act and federal and state of California regulations implementive thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.440 Confidential information.

Information and data obtained from or pursuant to reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from the District's inspection and sampling activities of or pertaining to a user shall be, and are, public records unless a user specifically requests confidentiality in writing and demonstrates to the satisfaction of the District that such information is entitled to exemption from disclosure under the California Public Records Act (California Government Code Section 6250 et seq.). The General Manager shall make the final determination regarding such exemption. Nothing in the preceding two sentences shall be construed to prevent the District from proceeding under DSRSDC 1.40.090, Alternative procedures, and, notwithstanding the foregoing, wastewater constituents and characteristics will not be recognized as confidential information.

The portions of such information that are determined to be exempt from disclosure to the public shall be made available upon request to other governmental agencies for uses related to this chapter, the District's NPDES permit, or for purposes otherwise within the law enforcement jurisdiction of such agencies, including administrative and judicial proceedings in pursuance thereof.

Information and/or data that user believes to be proprietary and exempt from disclosure, may, upon request of the user and at the discretion of the District, be made available to the District for its review at the user's facility in lieu of transmittal or delivery thereof to the District's offices. A user bears the burden of demonstrating to the District that such information is proprietary, that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this chapter.

Such information and/or data thus determined to be exempt from disclosure shall not be transmitted or released to any person or entity, except the Environmental Protection Agency, the State of California Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, or other governmental agencies acting within their law enforcement jurisdiction unless 15 days' advance notice of the intended transmittal or release is given to afford the customer a reasonable opportunity to obtain a protective order or unless the District elects to proceed in accordance with the procedures in DSRSDC 1.40.090, Alternative procedures. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.450 Publication of users in significant noncompliance.

Pursuant to the federal pretreatment regulations (40 CFR Section 403.8(f)(2)(viii)) the District shall comply with the public participation requirements of 40 CFR Part 25. Therefore, the District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the District's service area, the name of any industrial/commercial user determined to be in significant noncompliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements at any time during the prior 12 months. Instances of significant noncompliance are user violations which meet one or more of the following criteria:

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Chronic violations are defined as those in which 66 percent or more of all of the measurements for the same pollutant parameter exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) during a six-month period.

2. Technical Review Criteria (TRC) Violations. TRC violations are defined as those in which 33 percent or more of all of the measurements for the same pollutant parameter equal or exceed the product of numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) multiplied by the applicable TRC factor during a six-month period. The TRC factors are 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH.

3. Any other violation(s) of a pretreatment standard or requirement as defined by 40 CFR Section 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) which the District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or which has endangered the health or safety of District personnel or the public.

4. Any discharge of pollutant(s) that has caused imminent danger to human health, safety or welfare or to the environment, or that has resulted in the exercise of the District's emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones. Failure to meet, within 90 days after the compliance date, compliance schedule milestones contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

C. Failure to Provide Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days from the date the reports are, or related information is, due.

D. Failure to Report Accurately. Failure to report accurately and promptly any noncompliance.

E. Other Violations. Any other violation or group of violations, which may include a violation of best management practices, which the District concludes will adversely affect the operation or implementation of the District's pretreatment program or the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.460 Notice of violation.

A. Contents. When the District Engineer/Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant

to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the District Engineer Wastewater Treatment Plant Legally Responsible Official may serve the user with a written notice of violation. The notice of violation shall state: (1) a reference (citation) number; (2) the name, address and telephone number of the user; (3) the location of the violation; (4) the nature of the violation and the particular provisions of this chapter, order, permit, permit term(s) or condition(s), standard or standards or requirement(s) which have been, or are being, violated; (5) that the user shall submit, within 30 calendar days from service of the notice of violation, a plan of corrective measures that have been implemented to prevent the violation from recurring, which plan shall be subject to the approval of the District Engineer Wastewater Treatment Plant Legally Responsible Official; and (6) such other information that the District Engineer Wastewater Treatment Plant Legally Responsible Official deems necessary.

The District Engineer Wastewater Treatment Plant Legally Responsible Official, in writing, may extend the time for performance of any act required in the notice of violation.

Submission of a plan of corrective measures taken shall not relieve or release the user from liability or responsibility for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Service of Notice of Violation. The notice of violation shall be served personally or by certified or registered mail, addressed to the user, permit applicant, permittee or other responsible person or party, at the address on file with the District or otherwise obtained by the District. Service by certified or registered mail shall be deemed completed five days after deposit with the United States Postal Service. Failure to receive a notice of violation shall not invalidate any action taken by the District in pursuance thereof. Proof of service of the notice shall be retained in the files of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.470 Order to show cause.

In lieu of serving a notice of violation under DSRSDC 5.20.460, Notice of violation, the District Engineer Wastewater Treatment Plant Legally Responsible Official may serve an order to show cause why enforcement action should not be taken against any user that has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. The order to show cause shall specify (A) the time, date and place of a hearing to be held before a hearing officer, at which hearing the user shall show cause why a proposed enforcement action should not be taken, (B) the violation(s) against which enforcement is proposed to be taken, (C) the proposed enforcement action, (D) a brief statement of the factual basis for the proposed enforcement action, and (E) a demand that the user show cause why the proposed enforcement action should not be taken. The hearing shall not be held less than 30 days from the date of service of the order to show cause. Service of the order to show cause shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation.

The hearing on an order to show cause shall be held before a hearing officer appointed by the General Manager. The District Engineer Wastewater Treatment Plant Legally Responsible Official shall be the

moving party and shall present evidence in support of the order. The user may respond by presenting evidence opposing the order. Thereafter, the District Engineer Wastewater Treatment Plant Legally Responsible Official may present evidence in rebuttal of the user's evidence. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence by the hearing officer. The hearing officer shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the user. The hearing officer shall render his or her decision in writing within 30 days from the conclusion of the hearing. Service of the decision shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.480 Compliance orders.

When the District Engineer Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the District Engineer Wastewater Treatment Plant Legally Responsible Official may issue an order directing the user to comply with the stated provision(s) within a specified time. If the user does not comply within the time allowed, the District may discontinue sanitary sewer service to the user's facilities unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the user. Compliance orders may include other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the treatment works. A compliance order may not extend deadlines established for compliance with a categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Compliance with a compliance order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation(s) stated in the compliance order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.490 Cease and desist orders.

When the District Engineer Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, or that the user's prior violations are likely to recur, the District Engineer Wastewater Treatment Plant Legally Responsible Official may issue an order to cease and desist all such violations and directing the user to:

- A. Comply immediately with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly prevent a continuing or threatened violation, including ceasing the user's operations and/or terminating discharge into the treatment works.

Compliance with a cease and desist order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation or violations stated in the cease and desist order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.500 Consent orders.

The General Manager, upon the recommendation of the District Engineer Wastewater Treatment Plant Legally Responsible Official, may enter into consent orders, assurances of voluntary compliance, or similar agreements with any user not in compliance with any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or whose prior violations the District Engineer Wastewater Treatment Plant Legally Responsible Official determines are likely to recur. Such agreements shall include specific action to be taken by the user to correct the noncompliance or anticipated noncompliance within a specified time. Such agreements shall have the same force and effect as orders issued pursuant to DSRSDC 5.20.480, Compliance orders, and DSRSDC 5.20.490, Cease and desist orders. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.510 Appeals.

A. Appeal to General Manager. An appeal to the General Manager may be taken from (1) a notice of violation, compliance order or cease and desist order, (2) any other enforcement action by the District pursuant to this chapter, or (3) an interpretation of a provision of this chapter or a permit issued pursuant to this chapter, except a decision on an order to show cause. Appeals from a notice of violation, compliance order or cease and desist order shall be initiated by filing a notice of appeal with the District Secretary within 10 days from service of the notice or order, respectively. Appeals from any other enforcement action shall be initiated by filing a notice of appeal with the District Secretary within 10 days from the enforcement action if no written notice thereof has been given, or within 10 days from the date written notice of the enforcement action was given. Appeals from an interpretation of a provision of this chapter or of a permit shall be initiated by filing a notice of appeal with the District Secretary within 10 days from written confirmation by the District of the interpretation. The General Manager shall not have jurisdiction to hear an appeal for which a notice of appeal has not been timely filed.

The notice of appeal shall specify the action, decision or interpretation that is being appealed, the date thereof, and shall specify each ground of the appeal and provide a mailing address for service of notices and other information pertaining to the appeal, if different from the address used for service pursuant to DSRSDC 5.20.460(B), Service of Notice of Violation, or any of DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders. Upon receipt of a notice of appeal, the District Secretary shall set the date for hearing the appeal, which shall not be more than 60 days from the date the notice of appeal was filed. The District Secretary shall give the appellant written notice of the date, time and place of the hearing on the appeal by certified or registered mail not less than 15 days before the hearing on the appeal and shall provide copies of the notice to the General Manager, the District Engineer Wastewater Treatment Plant Legally Responsible Official and to the person whose action, decision or interpretation is being appealed. The District Engineer Wastewater Treatment Plant Legally Responsible Official shall be a party to all appeals to the General Manager.

Unless the General Manager determines in his or her discretion to adopt a different procedure, the order of presentation for a public hearing shall be as follows. The hearing shall commence with a presentation by the District EngineerWastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed. Thereafter, the appellant shall make his or her presentation. Thereafter, the District EngineerWastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed may, at the discretion of the General Manager, make a further presentation. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence at the discretion of the General Manager. The General Manager shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the appellant. The General Manager shall serve his or her written decision, including any findings that the General Manager may make, within 30 days from the conclusion of the hearing. Nothing in the preceding sentence shall be construed to require the making of any findings except as may be required by applicable substantive law governing the notice of violation, compliance order or cease and desist order, as the case may be. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to the preceding paragraph, with copies to the District EngineerWastewater Treatment Plant Legally Responsible Official and to the person whose decision, action or interpretation had been appealed.

B. Review by Board. Review by the Board of a decision of the General Manager or the decision of a hearing officer on an order to show cause may be initiated by filing a written notice of appeal with the District Secretary pursuant to DSRSDC 1.80.050(C), Notice of Appeal to Board – Time for Filing. The Board shall not have jurisdiction to review a decision for which a request for review has not been timely filed.

The District Secretary shall, pursuant to DSRSDC 1.80.050(D), Notice of Hearing Before Board, serve the aggrieved person, either personally or by United States mail, written notice of the time and date of the Board meeting at which the appeal will be considered.

The Board will act on the appeal pursuant to DSRSDC 1.80.050(E), Action on Appeal to Board. The Board shall serve its written decision, including findings, within 30 days from the conclusion of the review. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to DSRSDC 5.20.510(A), Appeal to General Manager, with copies to the General Manager, District EngineerWastewater Treatment Plant Legally Responsible Official and the person whose action, decision or interpretation was initially appealed to the General Manager or who initiated the order to show cause, as applicable. The decision of the Board shall be final.

C. Exclusion. The provisions of this section do not apply to proceedings for civil liability and civil penalties under California Government Code Section 54740 et seq., authorization for which is provided in DSRSDC 5.20.520, Civil liability, administrative complaint, penalties and costs. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.520 Civil liability, administrative complaint, penalties and costs.

A. Civil Liability and Administrative Complaints. The provisions of this chapter establish requirements for pretreatment of industrial waste and prevention of the entry of industrial waste into the treatment works pursuant to California Government Code Section 54739. When the District Engineer/Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, upon the recommendation of the General Manager, the Board may authorize the filing of a petition in the superior court for enforcement of civil liability pursuant to California Government Code Section 54740 or the General Manager may issue an administrative complaint pursuant to California Government Code Section 54740.5.

B. Civil Liability Amount. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be civilly liable in a sum of not to exceed \$25,000 a day for each violation pursuant to California Government Code Section 54740.

C. Administrative Complaint Civil Penalty Amounts. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be liable for a civil penalty imposed pursuant to an administrative complaint issued in accordance with California Government Code Section 54740.5 as follows:

1. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed \$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 District.
4. In an amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any civil penalties imposed under this section and California Government Code Section 54740.5 which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

D. Administrative Complaint Moneys.

1. All moneys collected pursuant to an administrative complaint shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the District's treatment works or for other mitigation measures.

2. 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 registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing on the complaint and requested a copy.

3. The District may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

4. No penalties shall be recoverable pursuant to an administrative complaint for any violation for which civil liability is recovered under California Government Code Section 54740.

E. Costs, Expenses and Damages. In addition to civil and criminal liabilities and civil penalties, any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement shall also be liable for any and all costs, expenses and damages incurred or suffered by the District as a result of such violation. Failure to pay such costs, expenses and damages within 30 days from the date of billing therefor, or within such other time as may be specified by the District, shall constitute a separate violation of this chapter.

F. Cumulative, Nonlimiting Effect. The provisions of this section shall not be deemed a limitation upon the provisions of California Government Code Section 54725 et seq. Enforcement pursuant to this section and said California Government Code provisions shall be in addition to all other enforcement provisions authorized under this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.530 Emergency suspensions.

A. The District may immediately suspend a user's discharge, after giving notice to the user by any means reasonably available, to stop an actual or threatened discharge which the District determines is likely to cause an interference or pass-through or otherwise threatens to interfere with the operation of the treatment works or other District operations, or which constitutes an imminent or substantial threat to the health, safety or welfare of persons or endangers the environment or property (hereinafter, "emergency condition").

B. Any user notified of a suspension of its discharge shall immediately cease discharging or eliminate the pollutant or other cause for the suspension. If a user fails to comply immediately with the suspension order, the District may take such steps as it deems necessary, including immediate severance of the connection of the user's facilities to the treatment works, in order to prevent or minimize the emergency condition. The District may allow the user to resume its discharge when the user has demonstrated to the satisfaction of the District that the emergency condition has been eliminated or reduced to a level determined acceptable by the [District Engineer Wastewater Treatment Plant Legally Responsible Official](#), unless termination proceedings under DSRSDC 5.20.540, Termination of discharge, are initiated against the user.

C. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement that includes the causes of the harmful contribution and the measures taken to prevent any future occurrence. The written statement shall be submitted to the District five days prior to the date of any show cause or termination hearing under DSRSDC 5.20.470, Order to show cause, or DSRSDC 5.20.540, Termination of discharge, respectively; provided, that no hearing shall be required for any action taken by the District in response to an emergency condition under this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.540 Termination of discharge.

In addition to the causes specified in DSRSDC 5.20.280, Wastewater discharge permit revocation, discharge to the treatment works from a user's facilities may be terminated for the following:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to report accurately the wastewater constituents and characteristics of a discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to a user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards contained in DSRSDC 5.20.040, Prohibited discharge standards, through DSRSDC 5.20.070, State and federal requirements and standards.
- F. Failure to notify the District immediately of accidental discharges and/or to take appropriate corrective measures to prevent a recurrence thereof.
- G. Failure to submit periodic compliance reports in a timely manner.
- H. Failure to pay fees and charges or penalties established pursuant to this chapter or other District ordinance or resolution.

Proceedings for termination of service under this section shall be initiated by issuance of an order to show cause pursuant to DSRSDC 5.20.470, Order to show cause. Termination of service under this section is in addition to, and cumulative with, all other remedies of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.550 Legal and equitable remedies.

The Board may authorize commencement of an action for damages and/or for equitable relief including, without limitation, injunctive relief, for violation, or enforcement, of the provisions of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.560 Violation a misdemeanor.

A. A user or any other person who violates any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any

categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each day a violation occurs or continues constitutes a separate offense.

B. A user or any other person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each act of falsification, tampering, or knowingly rendering inaccurate any monitoring device shall constitute a separate offense. The foregoing provisions are not a limitation upon prosecution for violation of laws pertaining to perjury or false claims. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.570 Remedies nonexclusive.

The remedies provided in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies that may accrue to the District. [Ord. 298, 2003; Ord. 327, 2010.] The Wastewater Treatment Plant Legally Responsible Official 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 District's "Pretreatment Program Administrative Manual" (sometimes called "Enforcement Response Plan"). However, the Wastewater Treatment Plant Legally Responsible Official may take other action against any User when the circumstances warrant. Further, the Wastewater Treatment Plant Legally Responsible Official is empowered to take more than one enforcement action against any noncompliant User.

5.20.580 Performance bonds.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to post a performance bond in form approved by counsel for the District guaranteeing to the District compliance with the provisions of this chapter, orders issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, categorical pretreatment standards, national pretreatment standards, or pretreatment standards or requirements as a condition for issuance or reissuance of a wastewater discharge permit, the principal amount of which shall be the estimated damages or liquidated damages that would be suffered by the District for failure of such compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.590 Liability insurance.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to obtain and maintain in effect during the term or remaining term of its wastewater discharge permit general or public liability insurance in an amount or amounts deemed by the District to be sufficient to insure against damages to persons or property for a violation of any provision of this

chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.600 Water service termination.

The District may terminate water service to the property of a user from which a discharge has occurred that has resulted in a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Water service shall be reinstated at the user's expense upon a determination by the ~~District Engineer~~Wastewater Treatment Plant Legally Responsible Official that adequate measures or means have been taken by the user to prevent recurrence of such violation or of any other such violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.610 Public nuisance.

A violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District. A user or any other person causing such public nuisance shall be subject to the provisions of the Dublin San Ramon Services District Code governing such nuisances including, without limitation, reimbursement to the District for any costs incurred in abating or remediating said nuisance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.620 Paramount provisions.

In the event of a conflict between the provisions and terms of this chapter and the provisions and terms of any other chapter of the Dublin San Ramon Services District Code or ordinance or resolution, the provisions and terms of this chapter shall prevail. [Ord. 298, 2003; Ord. 327, 2010.]

The District Code is current through Ordinance 345, passed May 21, 2019. Users should contact the District Secretary for ordinances passed subsequent to the ordinance cited above.

The District Secretary's Office has the official version of the Dublin San Ramon Services District Code. A copy of the District Code is available for public inspection at the temporary location of the District Office, at the DSRSD Field Operations Facility, located at 7035 Commerce Circle, Pleasanton. For further information, please call (925) 828-0515.

Code Publishing Company

Seattle, Washington

ORDINANCE NO. _____

AN ORDINANCE OF DUBLIN SAN RAMON SERVICES DISTRICT AMENDING CHAPTER 5.20 OF THE DISTRICT CODE TO REVISE PROVISIONS THAT GOVERN WASTEWATER DISCHARGE REGULATIONS

WHEREAS, District Code Chapter 5.20, Wastewater Discharge and Pretreatment Regulations, was established to comply with Title 40 of the Code of Federal Regulations Part 403; and

WHEREAS, on June 20 and 21, 2017, a compliance audit was conducted by California Environmental Protection Agency representatives as part of the typical National Pollutant Discharge Elimination System (NPDES) permit renewal process; and

WHEREAS, the compliance audit resulted in a directive to revise wastewater discharge and pretreatment sections in the District Code to align with the Code of Federal Regulations; and

WHEREAS, District staff also recommends administrative changes to address the District's current business practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of Dublin San Ramon Services District as follows:

1. Chapter 5.20 of the District Code entitled "Wastewater Discharge and Pretreatment Regulations" is hereby repealed and replaced by the new Chapter 5.20 entitled "Wastewater Discharge and Pretreatment Regulations" in the form in which it appears in Exhibit "1." Notwithstanding the preceding sentence, wherever a provision of the new Chapter 5.20 is substantially the same as the previous version of Chapter 5.20, the provision shall be deemed to be a continuation of the previous version of the provision and not a new enactment.

2. The General Manager, or the person or persons to whom such task may from time to time be delegated, is further authorized and directed to make further non-substantive administrative changes, as approved by District General Counsel, to Chapter 5.20, as respectively set forth in Exhibit "1" (including revisions in formatting as may be suggested by the publisher) for consistency and ease of reference within sixty (60) days from date of adoption.

3. This Ordinance shall become effective thirty (30) days after its adoption.

Ord. No. _____

ADOPTED by the Board of Directors of Dublin San Ramon Services District, a public agency in the State of California, Counties of Alameda and Contra Costa, at its regular meeting held on the 17th day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

Edward R. Duarte, President

ATTEST: _____
Nicole Genzale, District Secretary

Chapter 5.20

WASTEWATER DISCHARGE AND PRETREATMENT REGULATIONS

Sections:

- 5.20.010 Purpose and policy.
- 5.20.020 Abbreviations.
- 5.20.030 Definitions.
- 5.20.040 Prohibited discharge standards.
- 5.20.050 National Categorical Pretreatment Standards.
- 5.20.060 Local limits.
- 5.20.070 State and federal requirements and standards.
- 5.20.080 District's right of revision.
- 5.20.090 Dilution prohibition.
- 5.20.100 Bypass.
- 5.20.110 Affirmative defense to prohibited discharge violations.
- 5.20.120 Discharge from self-regulating water softeners.
- 5.20.130 Pretreatment facilities.
- 5.20.140 Additional pretreatment measures.
- 5.20.150 Spill prevention and control plans.
- 5.20.160 Hauled wastewater.
- 5.20.170 Wastewater analysis.
- 5.20.180 Wastewater discharge permit requirements.
- 5.20.190 Wastewater discharge permits – Existing connections.
- 5.20.200 Wastewater discharge permits – New connections.
- 5.20.210 Wastewater discharge permit application.
- 5.20.220 Signatory and certification requirement.
- 5.20.230 Wastewater discharge permit decisions.
- 5.20.240 Wastewater discharge permit term.

- 5.20.250 Wastewater discharge permit contents/conditions.
- 5.20.260 Wastewater discharge permit modification.
- 5.20.270 Wastewater discharge permit transfers prohibited.
- 5.20.280 Wastewater discharge permit revocation.
- 5.20.290 Wastewater discharge permit reissuance.
- 5.20.300 Baseline monitoring reports.
- 5.20.310 Compliance schedule progress reports.
- 5.20.320 Reports on compliance deadline.
- 5.20.330 Periodic compliance reports.
- 5.20.340 Reports of changed conditions.
- 5.20.350 Reports of potential problems.
- 5.20.360 Reports from unpermitted users.
- 5.20.370 Violation – Repeat sampling and reporting.
- 5.20.380 Analytical requirements.
- 5.20.390 Sample collection.
- 5.20.400 Reports deemed submitted upon receipt.
- 5.20.410 Record retention.
- 5.20.420 Right of entry – Inspection and sampling.
- 5.20.430 Inspection/search warrants.
- 5.20.440 Confidential information.
- 5.20.450 Publication of users in significant noncompliance.
- 5.20.460 Notice of violation.
- 5.20.470 Order to show cause.
- 5.20.480 Compliance orders.
- 5.20.490 Cease and desist orders.
- 5.20.500 Consent orders.
- 5.20.510 Appeals.
- 5.20.520 Civil liability, administrative complaint, penalties and costs.
- 5.20.530 Emergency suspensions.

- 5.20.540 Termination of discharge.
- 5.20.550 Legal and equitable remedies.
- 5.20.560 Violation a misdemeanor.
- 5.20.570 Remedies nonexclusive.
- 5.20.580 Performance bonds.
- 5.20.590 Liability insurance.
- 5.20.600 Water service termination.
- 5.20.610 Public nuisance.
- 5.20.620 Paramount provisions.
- 5.20.010 Purpose and policy.

This chapter sets forth uniform requirements for users of the District's wastewater treatment facility and collection system and enables the District to comply with all applicable state of California and federal laws, including the Clean Water Act (33 United States Code Sections 1251 et seq.; "the Act") and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the District's wastewater collection system which would cause interference with the system, the District's treatment works, or other District operations.
- B. Prevent the introduction of pollutants into the District's wastewater collection system which cannot sufficiently be treated and pass through the District's treatment works or which will have a deleterious effect on the District's treatment works, or which otherwise are incompatible with the District's treatment operations.
- C. Protect both the District's treatment works personnel, who may be affected by wastewater and sludge in the course of their employment, and the general public.
- D. Promote recycling of wastewater effluent and sludge from the District's wastewater treatment works.
- E. Provide for fees that equitably distribute the cost of operation, maintenance, and improvement of the District's pretreatment program and/or its treatment works.
- F. Enable the District to comply with its National Pollutant Discharge Elimination System permit (NPDES) conditions, sludge use and disposal requirements, and any other applicable federal or state of California laws.
- G. Prevent the introduction of wastes into the system which may affect the District's ability to dispose of its grit, sludge or other residuals.

H. Prevent a public hazard, public nuisance or other condition detrimental to the public health, welfare and safety arising from the collection, treatment and disposal of wastes through the District's treatment works.

This chapter shall apply to all users discharging to the District's wastewater treatment works. This chapter 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 District's pretreatment program. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.020 Abbreviations.

The following abbreviations used in this chapter shall have the meanings respectively ascribed thereto:

BOD – biochemical oxygen demand.

BTEX – benzene, toluene, ethyl benzene and xylenes.

CCR – State of California Code of Regulations.

CFR – Code of Federal Regulations.

COD – chemical oxygen demand.

EPA – United States Environmental Protection Agency.

GPD – gallons per day.

LEL – lower explosive limit.

mg/L – milligrams per liter.

MGD – million gallons per day.

NPDES – National Pollutant Discharge Elimination System.

PCBs – polychlorinated biphenyl compounds.

RCRA – Resource Conservation and Recovery Act of 1976 (42 USC Section 6901 et seq.).

SIC – Standard Industrial Classification.

TICH – total identifiable chlorinated hydrocarbons.

TTO – total toxic organics.

TPH – total petroleum hydrocarbons, both gasoline and diesel.

TSS – total suspended solids.

USC – United States Code. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.030 Definitions.

Unless it is apparent from the context that another meaning is intended, the following words and terms used in this chapter shall have the meanings respectively ascribed thereto; provided, that the definitions specified in Chapter 5.10 DSRSDC, Wastewater Facilities Use Regulation and Protective Measures, also pertain to this chapter except to the extent of any conflict, in which case the definitions in this chapter shall govern.

“Act” or “the Act” or “PL 92-500” refers to the Federal Water Pollution Control Act Amendments of 1972, as amended (33 USC Section 1251 et seq.), commonly referred to as the Clean Water Act (the Act).

“Authorized representative of the user” means any official described in DSRSDC 5.20.220, Signatory and certification requirement.

“Best available technology” means the best control and treatment measures that are available and economically achievable.

“Best Management Practices or BMPs” means 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 or leaks, sludge or waste disposal, or drainage from raw materials storage.

“Categorical industrial user” means any industrial user who is subject to categorical pretreatment standards, as provided in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Categorical pretreatment standard” means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC Section 1317) that applies to a specific category of users, and which appears in 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

“Collection system” means the District’s pipelines, pump stations, manholes and other related facilities which transport wastewater to the District’s treatment works.

“Commercial user” means any nonresidential user, including a business activity that is not otherwise classified as an industrial user, and that introduces wastewater that is determined by the Wastewater Treatment Plant Legally Responsible Official to consist primarily of sewage into the District’s wastewater facilities.

“Discharger” means any person, firm, association, corporation, governmental agency or other entity who or which disposes of wastewater into a sanitary sewer system that is connected to, or part of, the District’s treatment works.

“Domestic wastewater” means that portion of wastewater attributed to normal residential discharges derived from ordinary living processes of human beings and not wastes generated and/or discharged from commercial, institutional, or industrial activities.

“Existing source” means any source of wastewater discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards which will be applicable to such source if a standard is thereafter promulgated in accordance with Section 307 of the Act.

“Flow” means the volume of wastewater measured during a period of time (e.g., gallons per minute, MGD, etc.).

“Garbage” means solid wastes from the preparation, cooking and dispensing of food; from the handling, storage and sale of produce; and paper and plastic wastes.

“Grab sample” means a sample of wastewater which is taken over a period of time not exceeding 15 minutes without regard to the flow of the waste stream.

“Hydrolysate” means the resultant liquid from the hydrolysis of human or animal remains.

“Hydrolysis” means the process by which the body of a deceased person or animal is chemically reduced to its essential organic components and bone fragments in a hydrolysis chamber.

“Indirect Discharge” or “Discharge” means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act.

“Industrial user” means any user whose operations generate and/or produce discharges of industrial wastes and wastewater derived from any production, manufacturing, processing, institutional, commercial, agricultural, or other activity or operation, and whose activity or operations are identified in the Standard Industrial Classification Manual, 1987, Office of Management and Budget, as said manual now exists or is hereafter amended or supplemented.

“Industrial wastewater zero-discharge permit” means a wastewater discharge permit issued to a user that does not discharge any processed industrial wastewater, but stores and uses chemicals or other pollutants in such manner that they have the potential of entering a sanitary sewer.

“Instantaneous maximum allowable discharge limit” means the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected by or for the District, irrespective of the industrial flow rate and the duration of the sampling event.

“Interference” means a discharge which by itself or in conjunction with another discharge or other discharges inhibits or disrupts the District’s treatment facilities, its treatment processes or operations, or its sludge processes, including sludge use or disposal, that causes a violation of any condition or requirement of the District’s NPDES permit or that adversely affects the quality of processed sludge thereby preventing disposal thereof by land application or other recycling means.

“Intermediate industrial user” means an industrial user who is not a significant industrial user but whose operations produce, or are likely to produce, priority pollutant(s) or pollutant(s) that are otherwise prohibited or pollutant(s) that are restricted by the District, including and without limitation, DSRSDC 5.20.060, Local limits.

“ISO 11143” means the International Organization for Standardization’s standard for amalgam separators.

“Limited discharge permit” means a wastewater discharge permit that authorizes an industrial user to discharge wastewater into a sanitary sewer for no longer than nine months; including, but not limited to, any discharge from construction-related activities.

“Mechanical garbage grinder” means a mechanical device for pulverizing quantities of garbage.

“Medical wastes” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

“National pretreatment standard” or “pretreatment standard” or “standard” means pollutant discharge limits in any regulation promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. The term includes prohibited discharge limits established pursuant to 40 CFR Section 403.5.

“New source” means any building, structure, facility or installation (collectively in this definition, “facility”) 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 307(c) of the Act and which will be applicable to such source if such standards are thereafter promulgated in accordance with that section; provided, that:

1. The facility is constructed at a site at which no other source is located; or
2. The facility completely replaces the process or production equipment that generates the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes associated with the facility are substantially independent of an existing source at the same site. In determining whether such sources are substantially independent, factors such as the extent to which the new facility is integrated with the existing facility and the extent to which the new facility is engaged in the same general type of activity as the existing source shall be considered.

Modification of a facility on a site at which an existing source is located that does not meet the criteria of subsection (1) or (2) of this definition, but that otherwise alters, replaces, or adds to existing processes or production equipment does not constitute a new source.

Construction of a new source under this definition is deemed to have commenced if the owner or operator thereof has either:

- a. Commenced, as part of a continuous on-site construction program: (i) any placement, assembly, or installation of facilities or equipment; (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
- b. Entered into an agreement or other binding obligation to purchase facilities or equipment which is intended to be used in the operation of the new source within a reasonably foreseeable time period. Options to purchase, or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute an agreement or other binding obligation under this definition.

“Noncontact cooling water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

“NPDES permit” or “the District’s NPDES permit” means the National Pollutant Discharge Elimination System permit issued to the District pursuant to the Act and regulations promulgated thereunder.

“Oil and grease” means any material or like matter that is soluble in freon or any solvent that is approved for oil and grease analysis under 40 CFR Section 136 classification method 413.1.

“PAHs (polynuclear aromatic hydrocarbon compounds)” means those compounds analyzed by EPA Method 610 listed below:

Acenaphthene

Benzo(a)pyrene

Fluoranthene

Acenaphthylene

Benzo(b)fluoranthene

Fluorene

Anthracene

Benzo(ghi)perylene

Naphthalene

Benzo(a)anthracene

Benzo(k)fluoranthene

Pyrene

Dibenzo(a,h)anthracene

Chrysene

Phenanthrene

Indeno(1,2,3-cd)pyrene

“Pass-through” means a discharge which, by itself or in conjunction with other discharge(s), exits the District’s treatment facilities at a concentration or quantity that causes a violation of any condition or requirement of the District’s NPDES permit (including an increase in the magnitude or duration of violation).

“PCBs (polychlorinated biphenyl compounds)” means those compounds analyzed by EPA method 608 listed below:

PCB-1016

PCB-1248

PCB-1221

PCB-1254

PCB-1232

PCB-1260

PCB-1242

“pH” means the negative logarithm of the concentration of active hydrogen ions, expressed in moles per liter of solution.

“Pollutant” means dredged soil, solid waste, incinerator residue, filter backwash, wastewater, garbage, wastewater sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

“Pretreatment” means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into the treatment works. This reduction or alteration may be obtained by physical, chemical, or biological processes, by process changes, or by other means except by diluting the concentration of the pollutants, unless the dilution is permitted by an applicable pretreatment standard.

“Pretreatment standard(s)” or “pretreatment requirement(s)” means any substantive or procedural requirement governing a user’s activities or operations that is related to pretreatment, other than a national pretreatment standard, categorical pretreatment standard or pretreatment standard.

“Priority pollutant” means any toxic pollutant designated as such in 40 CFR Section 401.15, including amendments thereto.

“Septage tank waste” means any wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, recreational vehicles (“RVs”), and septic tanks.

“Significant industrial user” means a significant industrial user defined in 40 CFR Section 403.3(v) as:

1. Any categorical industrial user; or
2. Any other industrial user that:
 - a. Discharges 25,000 gallons or more per day of process wastewater to the District’s treatment works (excluding sanitary, noncontact cooling and boiler blow-down water);
 - b. Contributes a process waste stream which comprises five percent or more of the average dry weather hydraulic or organic capacity of the District’s treatment plant; or

c. Is designated as such by the District based on a finding that the industrial user's activities or operations have a reasonable potential for adversely affecting the operation of the District's treatment works or for violating any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement (in accordance with 40 CFR Section 403.8(f)(6)).

"Significant noncompliance" means noncompliance of an industrial user with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements that constitutes one or more of the criteria defined in DSRSDC 5.20.450, Publication of users in significant noncompliance.

"Slug load" or "slug" means any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or noncustomary batch discharge.

"Standard Industrial Classification code" or "SIC code" means a classification established under the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

"TICH (total identifiable chlorinated hydrocarbons)" means those organochlorine pesticides analyzed by EPA method 608 listed below:

α -BHC

4,4'-DDD

Endosulfan I

Endrin Aldehyde

β -BHC

4,4'-DDE

Endosulfan II

Heptachlor

δ -BHC

4,4'-DDT

Endosulfan Sulfate

Heptachlor Epoxide

γ -BHC

Dieldrin

Endrin

Toxaphene

Chlordane

“Treatment facility” means that portion of the treatment works that is designed to provide treatment of wastewater.

“TTO (total toxic organics)” means the summation of all quantifiable values greater than 0.01 milligrams per liter of the organic toxic pollutants included in 40 CFR Part 433.11 listed in Appendix 1 to Chapter 5.

“Waste hauler discharge permit” means the wastewater discharge permit which gives authorization to a waste or septage hauler to discharge domestic wastes, chemical toilet wastes or other permissible wastewater into a designated discharge point in the District’s treatment works.

“Wastewater discharge permit” means a permit that authorizes a user to discharge nondomestic wastewater into a sanitary sewer; provided, that wastewater discharge permit includes industrial wastewater discharge permit, pollution prevention wastewater discharge permit, or industrial wastewater zero-discharge permit (hereinafter defined), except that the latter does not authorize a discharge.

“Water softener” means a unit installed to remove minerals (hardness) from potable water. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.040 Prohibited discharge standards.

A. General Prohibitions. A user shall not introduce into the District’s treatment works any pollutant or combination of pollutants which causes or will cause pass-through or interference. These general prohibitions apply to every user of the District’s treatment works irrespective of whether the user is subject to national pretreatment standards, categorical pretreatment standards, pretreatment standards or requirements, or any other federal, state of California or any District requirement.

B. Specific Prohibitions. A user shall not introduce into the District’s treatment works any waste or waste stream that has the following characteristics or substances:

1. Pollutants which alone or by reaction with other pollutants have the potential to create a fire hazard or explosion hazard in the District’s treatment works, or to be injurious to human health and safety or to the operations of the District’s treatment works. In no case shall a user discharge a waste or waste stream that has a closed cup flash point of less than 140 degrees Fahrenheit or 60 degrees centigrade using the test methods specified in 40 CFR Section 261.21. Additionally, in no case shall a user discharge a waste or waste stream that exceeds 10 percent of the LEL of an approved gas detector meter. The materials which may be prohibited hereunder based upon their potential to cause a fire or explosion hazard include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides or any other substance that constitutes a fire or explosion hazard.

2. Wastewater which will cause corrosive structural damage to the District’s treatment works and collection system; provided, that in no case shall a user discharge wastewater with pH less than 6.0 or greater than 11.0.

3. Solid or viscous substances in amounts which will cause or threaten to cause obstruction to the flow in a sanitary sewer or cause or threaten to cause pass-through or interference including, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, coal tar, asphalt, cement, plastics, woods, paunch manure, garbage with particles greater than 1/2 inch in any dimensions, animal guts or tissues, bones, hair, hides or flesh, entrails or whole blood.
4. Any pollutant, including oxygen-demanding pollutants (BOD, etc.) discharged to a sanitary sewer at a flow rate and/or pollutant concentration alone or by interaction with other pollutants which will cause interference.
5. Wastewater having a temperature greater than 150 degrees Fahrenheit or which will inhibit biological activity in the treatment facility resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment facility to exceed 104 degrees Fahrenheit (40 degrees centigrade).
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 District's treatment facility and collection system in a quantity that may cause acute worker health and safety hazards.
8. Any trucked or hauled septic tank wastes, holding tank wastes or chemical toilet wastes, unless a permit has been issued to the waste hauler by the District in accordance with the regulations specified in DSRSDC 5.20.160, Hauled wastewater.
9. Any noxious or malodorous liquids, gases, solids, or other wastewater which either alone, or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry of personnel into sewers for maintenance or repair.
10. Any waste or wastewater which imparts color that cannot be removed by the District's treatment facility, including, without limitation, dye wastes and vegetable tanning solutions, consequently causing a violation of the District's NPDES permit.
11. Any wastewater containing any radioactive wastes or isotopes exceeding any limits specified in 17 CCR Section 30287 or 10 CFR Section 20, whichever is more stringent.
12. Any storm water, ground water, rainwater, street drainage, subsurface drainage, yard drainage, except pursuant to a specific permit issued by the District; provided, further, that no person shall construct or install any drain or other connection which will allow such discharges into a sanitary sewer. The District may approve such discharges only upon a determination by the District that no reasonable alternative is available, or that such water constitutes a pollution hazard if not discharged to the sanitary sewer.
13. Any restaurant grease.
14. Any sludge, screening, or other residues from the pretreatment of industrial wastes.

15. Any medical wastes, such as isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
16. Any detergents, surface active agents, or other substances which may cause excessive foaming in the District's treatment works.
17. Any substance, waste, wastewater or constituent thereof as may be specifically prohibited or prohibited by concentration levels specified in DSRSDC 5.20.060, Local limits.
18. Any waste defined as hazardous in federal and/or state statutes.
19. Any substance, waste, wastewater or constituent thereof which may by itself or in combination with other discharges cause the District to violate any permit condition related to effluent toxicity, or otherwise cause or contribute to the potential release of toxic substances from the District's treatment facility or collection system into the environment in toxic amounts.
20. Any wastewater containing perchloroethylene.
21. Any wastewater having a BOD greater than 400 mg/L, except pursuant to a contract with the District providing for corresponding processing, treatment and, if applicable, treatment facility expansion costs.
22. Any waters or wastes that have emulsifiers or any other compounds that would allow oils, grease and fats to enter a sanitary sewer in excess of the local limits for oil and grease specified in DSRSDC 5.20.060, Local limits.
23. Any wastewater containing hazardous pollutants in sufficient quantity, either alone or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to human or animal health or safety, create an adverse effect on the waters of the state, or to exceed the limitations of a categorical pretreatment standard, national pretreatment standard or a pretreatment standard or requirement.
24. Pollutants, substances, or wastewater prohibited by this chapter shall not be processed or stored in such a manner that they could be discharged to a sanitary sewer.
25. Any wastewater containing mercury such as from the removal and/or placement of dental amalgam fillings.
26. All prescription and nonprescription (over the counter) pharmaceutical drugs or medications.
27. No person shall discharge hydrolysate, wastes, or wastewater resulting from hydrolysis either directly or indirectly to the sewer system.

C. Discharge Location Prohibition. A user shall not discharge any wastewater directly into a manhole or other opening in the District's collection system, other than through sanitary sewer laterals or other sanitary sewer connections approved by the District, except pursuant to a permit issued by the District for such discharge. Such permit shall only be issued if the discharge is otherwise in compliance with the provisions of this chapter and no other discharge alternative is reasonably available as determined by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

D. Development of Limits. The District will develop and effectively enforce local limits to restrict discharge prohibitions. The District will provide notice of limits through issuance of permits, through District Code, and as requested. The District may develop Best Management Practices (BMPs) to implement discharge prohibitions.

5.20.050 National Categorical Pretreatment Standards.

The National Categorical Pretreatment Standards, set forth in 40 CFR Chapter I, Subchapter N, Parts 405 through 471, as said standards may from time to time be amended, supplemented, superseded, and new categorical pretreatment standards promulgated, are incorporated herein by this reference. The General Manager shall notify all affected users of the applicable reporting requirements specified in DSRSDC 5.20.300, Baseline monitoring reports, through DSRSDC 5.20.330, Periodic compliance reports. However, if the standards otherwise imposed under this chapter are more stringent than the National Categorical Pretreatment Standards, the more stringent standards shall apply. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.060 Local limits.

No person shall discharge, or cause to be discharged, any wastewater containing the pollutants listed below in excess of the concentrations listed.

Pollutant

Discharge Limit (mg/L)

Arsenic

0.50

Cadmium

1.00

Total chromium

1.00

Copper

1.00

Lead

2.00

Mercury

0.010

Nickel

1.50

Selenium

1.30

Silver

1.50

Zinc

4.00

Cyanide

0.50

Phenols

20.00

PCBs

0.01

T.I.C.H.

0.02

TTO

5.00

PAH

6.50

Oil and grease (animal and vegetable)

200

Oil and grease (hydrocarbon)

150

Total dissolved solids

1000

Total sulfides

2.0

BTEX

1.00

TPH (gas and diesel)

15.0

[Ord. 298, 2003; Ord. 327, 2010.]

5.20.070 State and federal requirements and standards.

If either state or federal limitations, standards and requirements applicable to discharges to the District's treatment works are more stringent than the limitations, requirements, and standards set forth in this chapter, the most stringent limitation, standard or requirement shall apply. Modifications of federal or state limitations, standards and requirements which are more stringent than the limitations, standards and requirements set forth in this chapter and that are promulgated subsequent to the adoption of the ordinance or resolution enacting this chapter shall be applied to discharges to the District's treatment works at such time and in such manner as is specified in DSRSDC 5.20.260, Wastewater discharge permit modification. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.080 District's right of revision.

The District retains the right to establish more stringent limitations, standards or requirements for discharges to the District's treatment works to achieve the objectives of this chapter. No user shall acquire any vested or other right to a particular limitation, standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.090 Dilution prohibition.

No user shall increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation. The District may impose mass limitations on the discharges of users who use dilution to meet applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, or in other cases when the imposition of mass limitations is necessary to achieve the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.100 Bypass.

A. For the purpose of this section the following definitions apply:

1. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
2. "Severe property damage" means substantial physical damage to property, damage to the treatment facility which causes it to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production.

B. Bypass is prohibited, and a violation of this chapter, unless all of the following criteria are met:

1. The 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 criterion is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass during normal periods of equipment downtime or preventive maintenance; and

- 3. The user submitted notices as required under subsections (D) & (E) of this section.
- C. The District may approve an anticipated bypass after considering its adverse effects if the District determines that it will meet the three conditions listed in subsection (B)(1) of this section.
- D. If a user knows in advance of the need for a bypass, the user shall submit written notice thereof to the District at least 10 days before the date of the anticipated bypass, if reasonably possible.
- E. A user shall provide oral notice to the District of an unanticipated bypass that exceeds any applicable national pretreatment standard or categorical pretreatment standard or any applicable pretreatment standard or requirement within 24 hours of time of the user's knowledge of the bypass. Refer to the user permit for contact phone number(s). Written notice shall also be given to the District within five days from the time of the user's knowledge of the bypass. The written notice shall include: (1) a description of the bypass and its cause; (2) 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 (3) steps taken or planned to reduce, eliminate, and prevent recurrence of the bypass. The District may waive the written report on a case-by-case basis if the oral report has been received within 24 hours of the occurrence of the bypass.
- F. A user may allow a bypass to occur that does not violate any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, but only for essential maintenance of the user's pretreatment facilities to assure efficient operation thereof. Such bypasses are not subject to the provision of subsection (B) of this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.110 Affirmative defense to prohibited discharge violations.

A user shall have an affirmative defense to an alleged violation of the general prohibitions of DSRSDC 5.20.040(A), General Prohibitions, or any specific prohibition of DSRSDC 5.20.040(B), Specific Prohibitions, that would cause a pass-through or an interference upon proof that the user did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause a pass-through or an interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference; or
- B. No local limit exists, but the discharge was not substantially different in nature or constituents from the user's prior discharge when the District was regularly in compliance with its NPDES permit and with applicable sludge use or disposal requirements. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.120 Discharge from self-regulating water softeners.

Waste discharged into a sanitary sewer from the regeneration of a residential water softener of any kind or description is prohibited, except that from a water softener that conforms to the requirements of Health and Safety Code Section 116785. [Ord. 298, 2003; Ord. 327, 2010; Ord. 344, 2018.]

5.20.130 Pretreatment facilities.

Users shall provide wastewater pretreatment as necessary to comply with this chapter and shall comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, local limits, and the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge

standards, within the time limitations specified by the EPA, the state of California, or the District, whichever limitation is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans and specifications describing such facilities and operating procedures shall be submitted to the District for review, and shall be acceptable to the District before such facilities are installed or constructed. Approval of plans and specifications does not constitute an assurance of pretreatment performance. Plans and specifications shall be prepared by a registered professional engineer. Neither the District's review of such plans, specifications and operating procedures, nor approval thereof, shall relieve or release the user from the responsibility of modifying or replacing such facilities as necessary to produce a discharge acceptable to the District in compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.140 Additional pretreatment measures.

- A. The District may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sanitary sewers, re-locate and/or consolidate points of discharge, separate nonindustrial waste streams from industrial waste streams, and impose such other conditions, including without limitation the installation of pretreatment facilities in addition to those previously provided in accordance with DSRSDC 5.20.130, Pretreatment facilities, as may be determined by the District's General Manager to be necessary to protect the treatment works and to prevent exceedances of discharge limits, or otherwise to assure the user's compliance with the requirements of this chapter.
- B. The District may require users discharging into the District's treatment facility to install and maintain, on their property and at their expense, a suitable storage and flow-control facility that ensures equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Appropriate grease, oil, and sand interceptors shall be installed by a user when, in the opinion of the General Manager, they are necessary for the proper handling of wastewater containing excessive amounts of grease, oil, or sand; provided, that such interceptors shall not be required for residential users. All interceptors shall be accessible for cleaning. Interceptors shall be inspected, cleaned, and repaired routinely by the user and at the user's expense.
- D. Chemicals or treatments intended to prevent local clogging or to prolong grease trap or interceptor service (e.g., bacteria, enzymes, additives, agents, degreasers, solvents, bioremediation, dosing systems, emulsifiers [including hot water], and slow-dissolve blocks) are strictly prohibited.
- E. The District may require users whose discharge has the potential to include flammable substances to install and maintain an approved combustible gas detection meter at the user's expense.
- F. All users shall give written notice to the District, the EPA Regional Waste Management Division Director and state of California hazardous waste authorities of any discharge to the District's treatment works of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, or as otherwise defined by state of California statute or regulation.

Such notification shall include the identity of the hazardous waste by chemical constituency or other designation that readily describes the waste as a hazardous waste, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the industrial user discharges more than 100 kilograms of such waste per calendar month to the District's treatment works, the notification shall

also contain the following information: (1) the hazardous waste constituents contained in the waste; (2) an estimate of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and (3) an estimate of the mass constituents in the waste stream expected to be discharged during the following 12 months.

All notifications of hazardous waste discharge must take place no later than 180 days after the discharge commences, consistent with 40 CFR 403.12 (p) (1).

G. All owners and operators of dental vacuum systems, except as set forth in this section, shall install an ISO 11143 certified amalgam separator device for each dental vacuum system on or before December 1, 2011. All dental offices that come into operation on or after November 10, 2009, 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 noncertified 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 November 10, 2009, that are not ISO-certified, the non-ISO-certified system may remain in place; provided, that the existing device provides amalgam removal similar to an ISO-certified system. Alternative materials and methods may be proposed to the General Manager for approval.

The following types of dental practices are exempt from this section; provided, that the District receive written assurance that removal or placement of amalgam fillings occurs at the facility no more than three days per year:

1. Orthodontics;
2. Periodontics;
3. Oral and maxillofacial surgery;
4. Radiology; oral pathology or oral medicine;
5. Endodontics and prosthodontics.

For users who or which are discharging into the treatment works as of the date the ordinance adding this chapter to the Dublin San Ramon Services District Code becomes effective, the foregoing notice shall be given within 30 days of said effective date; provided, that such notice shall be given sooner if a similar such notice is so required by federal regulations. Users who commence discharging after said effective date shall include such notice in their application for a discharge permit.

In providing the notice under this section, the user shall certify that the user has a program in operation to reduce the volume of toxicity of hazardous waste generated to the degree it has determined to be economically practicable.

Nothing contained in this section modifies the prohibitions specified in DSRSDC 5.20.040, Prohibited discharge standards. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.150 Spill prevention and control plans.

All significant industrial users shall submit a spill prevention and control plan. The District may require other users, as the District deems necessary, to submit for approval and implement such a plan. The spill prevention and control plan shall be updated biennially. The spill prevention and control plan shall contain, as a minimum, the following elements:

- A. A description of discharge practices, including non-routine batch discharges;
- B. A description of stored chemicals;
- C. The procedures for immediately notifying the District of slug discharges, including any discharge that would violate a prohibition under DSRSDC 5.20.040, Prohibited discharge standards, with procedures for follow-up written notification within five days; and
- D. If required by the District, 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 runoff, worker training, construction of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and measures and equipment for emergency response. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.160 Hauled wastewater.

No septic tank, holding tank, cesspool or chemical toilet shall connect directly to the District's wastewater collection system. Such wastes shall be discharged only during the District's regular business hours and only at a designated discharge point at the District's treatment works pursuant to a waste hauler discharge permit. Only wastes which are compatible with the operation of the District's treatment works shall be disposed at said site. Wastes that contain any hazardous waste, as defined by federal or state of California statutes and regulations, whichever is most stringent, or any wastes which are prohibited under DSRSDC 5.20.040, Prohibited discharge standards, or any other regulation enacted by the District shall not be discharged to the District's treatment works.

A. Insurance and Indemnification. Waste hauler discharge permittees shall hold harmless, indemnify and defend the District, its Board of Directors, other boards, commissions, committees, officers, employees and agents (collectively "indemnitees") from and against all claims for liability, losses, damages, expenses, costs (including, without limitation, all costs and fees, whether for attorneys, experts or others, incurred in anticipation of, or during, administrative proceedings, arbitration, mediation, or litigation) of every nature, kind and description, which may be brought against or suffered or sustained by indemnitees, caused in whole or in part by the negligence, intentional tortious acts or omissions, or willful misconduct of the waste hauler, its officers, employees or agents, in its operations under its waste hauler permit. Waste hauler discharge permittees shall provide, and maintain at all times during the term of its waste hauler permit, liability insurance conforming to requirements adopted by Board policies or determined by the General Manager to be commensurate with the risks, the evaluation of which considers, at a minimum, the financial ratings of the companies providing the insurance, the coverages provided and exclusions therefrom, monetary limits and deductibles, and additional insured endorsements. Waste hauler discharge permittees shall either provide all indemnitees with a full and complete defense against each and every claim, or shall provide a cash deposit or a surety bond acceptable to the District in the amount of 150 percent of the amount claimed, or \$50,000, whichever is more.

B. Registration and Public Health License. The waste hauler shall provide proof of registration with the Alameda County and/or Contra Costa County health departments, and possession of a public health license from said department(s).

C. Discharge Restrictions. Septage and chemical toilet wastes are permitted to be discharged by a licensed waste hauler. Grease from restaurant grease traps and/or grease interceptors shall only be discharged by District authorized waste haulers under a separate Fats, Oil and Grease (FOG) discharge permit.

D. Hours of Discharge. Discharge of septage waste at the District's treatment works shall be allowed daily between 6:00 a.m. and 10:00 p.m. unless the General Manager grants specific authorization to the waste hauler to discharge at other times.

E. Reporting Requirements.

1. Septage Load Manifest. The operator of the waste-hauling vehicle shall accurately document each load of septage waste discharged at the District's treatment works by completing a septage load manifest that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage discharge at the District's treatment works.
- c. The identification number of the sample bottle used to take the septage sample.
- d. The total capacity, in gallons, of the vehicle's waste holding tank.
- e. The name and complete address of each source contributing to the septage load.
- f. The date the load was obtained at the source.
- g. The gallons pumped from each source.
- h. The signature of the operator of the waste hauling vehicle.

2. Septage Hauler's Log. The operator of the waste hauling vehicle shall accurately log in each load of septage waste discharged at the District's treatment works by completing a septage hauler's log that shall include the following information:

- a. The name of the operator's waste hauling company.
- b. The date of the septage load discharge at the District's treatment works.
- c. The time that the operator of the waste hauling vehicle arrives at and departs from the District's treatment works.
- d. The identification number of the sample bottle used to take the septage sample.
- e. The total capacity, in gallons, of the vehicle's waste holding tank.
- f. The signature of the operator of the waste hauling vehicle. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.170 Wastewater analysis.

Upon request of the District, a user shall submit information regarding the nature and characteristics of its wastewater within 45 days of the request. The District may prepare a form for this purpose and may periodically require users to update such information. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.180 Wastewater discharge permit requirements.

A. Every significant industrial user or intermediate industrial user proposing to connect its facilities to the District's treatment works or proposing to discharge wastewater to the District's treatment works shall obtain an industrial wastewater discharge permit prior to the proposed connection or discharge. All significant industrial users or intermediate industrial users connected to, or discharging wastewater into, the District's treatment works on or before the effective date of the ordinance enacting this chapter shall obtain an industrial wastewater discharge permit within 90 days from said effective date. If a user's wastewater discharge, including one whose discharge is such that it is not classified as a significant industrial user or an intermediate industrial user, poses potential risk to the District's wastewater system as determined by the General Manager, the user shall obtain an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit prior to connecting or discharging into the sanitary sewer system. The user shall be subject to source control monitoring as determined by the District.

B. It shall be unlawful to discharge wastewater into a sanitary sewer, the treatment works or the treatment facility except pursuant to an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit issued in accordance with the provisions of this chapter.

C. A violation of the terms and conditions of an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be deemed a violation of this chapter enforceable and punishable pursuant to the provisions of DSRSDC 5.20.460, Notice of violation, through DSRSDC 5.20.610, Public nuisance, inclusive. Possession of an industrial wastewater discharge permit does not relieve a permittee of its obligation to comply with all categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements, or with any other requirements of federal, state of California and local law. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.190 Wastewater discharge permits – Existing connections.

Any user required by this chapter to obtain a wastewater discharge permit that was discharging wastewater into the District's treatment works prior to November 10, 2009, and proposes to continue such discharge shall, within 30 days after said date, apply to the District for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit in accordance with DSRSDC 5.20.210, Wastewater discharge permit application, and shall not cause or allow discharges to the District's treatment works to continue after 90 days from said effective date except pursuant to a wastewater discharge permit issued by the District. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.200 Wastewater discharge permits – New connections.

Every user that is required to obtain a wastewater discharge permit and that proposes to begin or recommence discharging into the District's treatment works shall obtain such permit prior to the commencement or commencement of such discharge. An application for an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit shall be filed in accordance

with DSRSDC 5.20.210, Wastewater discharge permit application, at least 90 days prior to the date upon which any discharge will begin or recommence. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.210 Wastewater discharge permit application.

Users applying for a wastewater discharge permit, either an industrial wastewater discharge permit and/or a pollution prevention wastewater discharge permit, shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees.

A. Users classified as listed below shall obtain a pollution prevention wastewater discharge permit, unless exempted by the General Manager.

1. Dry cleaners;
2. Dental facilities;
3. Other dischargers determined by the General Manager to require special regulations or source control.

Users applying for a pollution prevention wastewater discharge permit shall complete and submit the appropriate application. The format of the application is specific to the type of business.

B. Users applying for an industrial wastewater discharge permit shall complete and submit to the District an application in the form prescribed by the General Manager with the applicable fees. The application shall include the following information (in units and terms appropriate for evaluation) pertaining to the premises from which the discharge is proposed to emanate:

1. All information required by DSRSDC 5.20.300, Baseline monitoring reports.
2. A description of the activities, operations, plant processes, facilities and materials carried out or present on the applicant's premises, including a list of raw materials and chemicals used or stored on or at the premises which, in the original or processed form, are proposed to be, or either intentionally or accidentally could be, discharged to the District's treatment works.
3. The number and job descriptions of the persons employed at, or in connection with, the activities and operations conducted at or on the premises and the proposed or actual hours of operation.
4. The description, by type, amount, process or processes, of each product manufactured or fabricated at the premises and the rate of production for each.
5. The type and amount (average and maximum per day) of raw materials processed.
6. Site plans, floor plans, mechanical and plumbing plans, and structural details showing all sanitary sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
7. The time of day and duration of all process discharges, treated and untreated, related to the products manufactured or fabricated at the premises or otherwise related to the activities or operations conducted at or on the premises.

8. The average daily and 15-minute peak wastewater flow rates generated at the premises, including daily, monthly and seasonal variations, if any. Flow rates shall be provided for each regulated wastewater stream.
9. The measured average daily and maximum daily volume of wastewater discharged to a sanitary sewer from the premises.
10. Wastewater constituents and characteristics including, but not limited to, those specified in DSRSDC 5.20.040, Prohibited discharge standards.
11. A list of any environmental control permits issued to or for the facility.
12. The type(s) and quantity or quantities of hazardous substances stored or placed on the premises with a description of the method(s) of storage and/or containment device(s) for each such substance; provided, that such substances are present in quantities sufficient to be deleterious to the operations of the treatment works or harmful to the environment if released.
13. A description of the spill protection and emergency response procedures used or proposed to be used at the facility.
14. Such other information that is deemed necessary by the District to evaluate the application. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.220 Signatory and certification requirement.

All wastewater discharge permit applications and user reports shall be signed by an authorized representative of the user and include a certification statement in the then-current form required by the Clean Water Act and the regulations promulgated thereunder. In case there is doubt about which certification statement is applicable, the following certification statement shall be used until it is superseded by amendments to the regulations promulgated under the Clean Water Act unless the District determines otherwise:

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.

The authorized representative may be any of the following:

A. If the user is a corporation:

1. The president, secretary, treasurer or a 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
2. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second

quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. If the user is a federal, state of California, or local governmental facility: a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals holding the positions described in subsections (A) through (C) of this section may designate another authorized representative by name or position who has the responsibility for overall operation of the facility from which the discharge originates, or has overall responsibility for environmental matters for the user; provided, that such authorization shall be submitted to the District in writing. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.230 Wastewater discharge permit decisions.

The District shall evaluate the information and data furnished by the user and such additional information and data as the District may require to complete the application. The District shall complete its evaluation of the application within 60 days of receipt of a completed application. The District may grant the application and issue a wastewater discharge permit subject to the requirements, terms and conditions of this chapter and such other terms and conditions as the District deems appropriate, or the District may deny the application. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.240 Wastewater discharge permit term.

Wastewater discharge permits shall be issued for a specified term, not to exceed three years. A permit may be issued for a term less than one year or for a specified expiration date. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.250 Wastewater discharge permit contents/conditions.

Wastewater discharge permits shall include such terms and conditions that are deemed reasonably necessary by the District to prevent pass-through or interference or otherwise to protect against damage to the District's treatment works, to provide for worker health and safety, to facilitate sludge management and disposal and to protect the quality of the receiving waters of the treatment works' effluent.

- A. Wastewater discharge permits shall include:
 - 1. The term of the permit, which in no event shall exceed three years.
 - 2. A prohibition against assignment or other transfers of the permit or any interest therein.
 - 3. Effluent limits based on applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
 - 4. Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state of California, or local law.

5. A statement of applicable civil and criminal penalties for violation of categorical pretreatment standards, national pretreatment standards, pretreatment standards or requirements or other terms and conditions of the permit and any applicable compliance schedule. Such schedule shall not extend the time for compliance beyond that required by applicable federal, state of California or local law.

6. Requirements to control discharges of slug loads or slugs, if determined by the District to be necessary.

B. Wastewater discharge permits shall be subject expressly to the provisions of this chapter, the Act, all applicable state of California, federal and local regulations and payment of the District's applicable fees and charges. Wastewater discharge permits shall be enforced uniformly by the District in accordance with this chapter and applicable federal and state regulations. Permits may include, without limitation, the following:

1. Requirements for separation of industrial wastewater from domestic wastewater prior to discharge to a sanitary sewer.

2. Limits on average and maximum wastewater constituents and characteristics. These limits may be based on pollutant concentration and/or mass and may include prohibitions against discharge of said pollutants.

3. Mean and maximum mass emission rates, or other appropriate limits when incompatible pollutants are proposed or present in the user's wastewater discharge.

4. Limits on average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and/or equalization.

5. Requirements for installation and maintenance of monitoring and sampling facilities and equipment.

6. Specifications for monitoring programs, which may include sampling locations, frequency and method of sampling, the number, types and standards for tests and a reporting schedule. Monitoring shall be provided by the user at its expense, performed by a state-certified laboratory; provided, that a user's laboratory, if available, may conduct monitoring upon approval of the District.

7. Requirement for notification of the District of the discharge of any new pollutants or any changes in facility processes or in the volume or character of wastewater constituents being discharged into the District's treatment works.

8. Requirement for the installation of pretreatment technological equipment or devices, pollution control, or construction of appropriate containment devices to reduce, eliminate, or prevent the discharge of pollutants into the District's treatment works.

9. Requirement for submittal of design and construction plans and specifications of any existing or proposed wastewater pretreatment facility.

10. Prohibition against bypass of the user's wastewater pretreatment system, unless bypass is essential for maintenance, or unavoidable to prevent loss of life, injury or severe property damage.

11. Requirement for notifying the District of any planned alteration of a proposed or existing wastewater pretreatment system.

12. Prohibition against dilution as a partial or complete substitute for adequate treatment to achieve compliance with the user's wastewater discharge permit.
13. Provision for access by District personnel to the user's premises at all reasonable times to conduct sampling and/or inspection of any and all processes which may contribute to the user's wastewater discharge, including the actual wastewater discharge.
14. Requirement for the development and implementation of a spill prevention and control plan, a copy of which shall be filed with the District.
15. Requirements for notification of slug or accidental discharges, including discharge limit violations, or upset of the user's pretreatment facilities.
16. Requirements for notifying the District of planned alterations of the user's facility processes, which could result in an alteration of the process discharge or the potential for an accidental spill or slug discharge.
17. Requirements for providing the District with operation and maintenance records for the user's wastewater pretreatment system, including relevant periodic updates.
18. Requirements for submission of technical reports, progress reports or discharge reports.
19. Compliance schedules or requirements pertaining thereto.
20. Requirement for specifying the user's responsible officer for permit compliance and for signatory purposes.
21. The unit charge or schedule of user charges and fees pertaining to the user's use of the District's treatment works.
22. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the District's treatment works.
23. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, including those which become effective during the term of the permit.
24. Such other requirements or conditions that are deemed appropriate by the District to ensure compliance with this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.260 Wastewater discharge permit modification.

The District may modify a wastewater discharge permit for good cause, including, but not limited to:

- A. Incorporation of any new or revised categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements.
- B. Addressing significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance.

- C. A change in the District's treatment works that requires either a temporary or permanent reduction or elimination of an authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the District's treatment works, personnel, or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required report.
- G. Revision of, or a grant of variance from, categorical pretreatment standards pursuant to 40 CFR Section 403.13.
- H. Correction of typographical or other errors.
- I. Change in ownership or the operator of the facility subject to the permit.

The terms and conditions of the wastewater discharge permit may be subject to modification or revision by the District during the term of the permit based upon amendments or revisions to limitations or requirements of these regulations or applicable state of California or federal regulations. The user shall be informed of any proposed changes in the permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.270 Wastewater discharge permit transfers prohibited.

Wastewater discharge permits are issued to a specific user for a specific operation and premises. A wastewater discharge permit or any interest therein shall not be assigned, leased, sold or otherwise transferred to a new owner or user, or relied upon for different premises, or for a new, different or revised operation. Notwithstanding the invalidity of a purported assignment, lease, sale, or other transfer of a wastewater discharge permit, or the purported reliance upon such permit for a different premises or for a new, different or revised operation, nothing in this chapter shall be construed to prohibit the applicability or enforcement of the terms and conditions of such permit or of the provisions of this chapter with respect to a purported assignee, lessee, purchaser, or other transferee, or with respect to a different premises or new, different or revised operation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.280 Wastewater discharge permit revocation.

A wastewater discharge permit may be revoked for the following causes:

- A. Failure factually and completely to report the wastewater constituents and characteristics of a discharge.
- B. Failure to report significant changes in operations or wastewater constituents and characteristics.
- C. Refusal to provide the District reasonable access to the user's premises for inspection or monitoring.
- D. Violations of the permit requirements or conditions.
- E. Nonpayment of fees and charges.

- F. Failure to provide prior notification to the District of changed conditions pursuant to DSRSDC 5.20.340, Reports of changed conditions.
- G. Misrepresentation of any material fact, or failure to fully disclose all relevant facts, in the wastewater discharge permit application.
- H. Falsifying self-monitoring reports, records or other documents and/or knowingly giving or providing a false statement.
- I. Tampering with monitoring equipment.
- J. Failure to meet effluent limitations.
- K. Failure to meet compliance schedules.
- L. Failure to complete a wastewater survey or the wastewater discharge permit application.
- M. Violation of any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or any condition or term of the wastewater discharge permit or any provision of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.290 Wastewater discharge permit reissuance.

The District will endeavor to notify the user/permittee of a wastewater discharge permit of the expiration of the term of its permit not less than two months prior to the date of expiration. Notwithstanding the expiration of the term of a permit, it shall remain in full force and effect pending renewal or reissuance thereof. A permit may be reissued; provided, that:

- A. The user has submitted a complete permit application at least 30 days prior to the expiration date of its existing permit.
- B. The failure to reissue the permit, prior to expiration of the previous permit, is not due to any act or failure to act on the part of the permittee.

The applicability of a reporting requirement to a given industrial user, the contents of the report and the time for filing the report are governed by Title 40, Code of Federal Regulations, Section 403.12, and amendments thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.300 Baseline monitoring reports.

Existing categorical industrial users currently discharging or scheduled to discharge to the District's treatment works whose operations become subject to a categorical pretreatment standard shall submit a report to the District that contains the information listed in subsection (B) of this section, Environmental Permits, within 180 days after the effective date of such standard or within 180 of the final administrative decision regarding a category determination under 40 CFR Section 403.6(a)(4), whichever is later. At least 90 days prior to commencement of their discharge, all new categorical industrial users, and sources that become categorical industrial users subsequent to the promulgation of an applicable categorical standard, shall submit such report to the District as part of their application for a wastewater discharge permit (see DSRSDC 5.20.190, Wastewater discharge permits – Existing connections, through DSRSDC 5.20.210, Wastewater discharge permit application). The owner or

operator of a new source shall report the method of pretreatment it intends to use to meet applicable categorical pretreatment standards, estimates of its anticipated flow volume and quantity of pollutants.

The aforesaid users shall submit the following information:

- A. Identifying Information. The name and address of the user's facility, including the name of the operator and owner of the premises that is the site of the facility.
- B. Environmental Permits. A list of any environmental control permits and hazardous substance release response (spill) plans held by or for the facility.
- C. Description of Operations. A description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user at its facility. The description shall include a schematic process diagram that indicates points of discharge to the District's treatment works from the industrial processes subject to regulation, times of discharge, plumbing and mechanical plans.
- D. Flow Measurement. The measured average daily and maximum daily wastewater flows, in gallons per day, including any seasonal variation, discharged to the District's treatment works from the industrial process streams subject to regulation and such other streams, as necessary, to provide for use of the combined waste stream formula specified in 40 CFR Section 403.6(e).
- E. Measurement of Pollutants.
 - 1. The categorical pretreatment standards applicable to each industrial process subject to regulation.
 - 2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement or by the District, of pollutants in the discharge from each industrial process subject to regulation. Additionally, instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. Samples shall be representative of daily operations and shall be analyzed in accordance with procedures specified in DSRSDC 5.20.380, Analytical requirements.
 - 3. Sampling shall be performed in accordance with procedures specified in DSRSDC 5.20.390, Sample collection.
- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the applicable pretreatment standards or pretreatment standards or requirements.
- G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, the schedule by which the user shall provide such additional pretreatment and/or O&M within the shortest reasonable time. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or standard or requirement. A compliance schedule pursuant to this section shall conform to the requirements of DSRSDC 5.20.310, Compliance schedule progress reports.

H. Signature and Certification. All baseline monitoring reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.310 Compliance schedule progress reports.

The following conditions shall apply to the compliance schedule required by DSRSDC 5.20.300(G), Compliance Schedule:

A. The schedule shall contain progress dates for the commencement and completion of major events for the construction and operation of additional facilities for pretreatment including, but not limited to, retention of engineering services, completion of preliminary and final plans and drawings, execution of a contract for construction of major pretreatment components, commencement and completion of construction, and commencement of pretreatment operations;

B. No time increment referenced in subsection (A) of this section shall exceed nine months;

C. The user shall submit a progress report to the District no later than 14 days following each scheduled progress date and the commencement date of pretreatment operations including, as a minimum, the user's status of compliance with the schedule, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the approved schedule; and

D. In no event shall the period between successive progress reports exceed nine months. [Ord. 298, 2003; Ord. 325, 2009; Ord. 327, 2010.]

5.20.320 Reports on compliance deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, national pretreatment standards or standards or requirements or, in the case of a new source, within 90 days following commencement of discharge of wastewater into the District's treatment works, a user subject to such pretreatment standards shall submit to the District a report containing the information described in DSRSDC 5.20.300(D), Flow Measurement, through DSRSDC 5.20.300(F), Certification. For users whose discharge is subject to equivalent mass or concentration limits established in accordance with the procedures contained in 40 CFR Section 403.6(c), the report shall include a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report shall include the user's actual production during the appropriate sampling period. All compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.330 Periodic compliance reports.

A. All significant industrial users that are not monitored by the District shall, at a frequency determined by the District, but in no case less than semiannually, submit a report describing the nature and concentration of pollutants in its discharge subject to categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, together with the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports shall be signed and certified in accordance with DSRSDC 5.20.220, Signatory and certification requirement.

B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be operated efficiently and accurately, and maintained in a clean condition and in good working order at all times; provided, that failure to do so shall not be grounds for a user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement of this section monitors any pollutant more frequently than required by the District, the results of such monitoring, using the procedures prescribed in DSRSDC 5.20.380, Analytical requirements, and DSRSDC 5.20.390, Sample collection, shall be included in the report. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.340 Reports of changed conditions.

A. Each user shall notify the District of any planned significant changes to its operations or system that might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

B. The District may require the user to submit such information as the District may deem necessary to evaluate the changed condition, including the submittal of a wastewater discharge permit application pursuant to DSRSDC 5.20.210, Wastewater discharge permit application.

C. The District may issue a wastewater discharge permit pursuant to DSRSDC 5.20.260, Wastewater discharge permit modification, or modify an existing wastewater discharge permit pursuant to DSRSDC 5.20.290, Wastewater discharge permit reissuance, in response to changed conditions or anticipated changed conditions. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.350 Reports of potential problems.

A. All users shall immediately telephone the District in the case of any discharge that may have an adverse effect upon the District's treatment works. Such discharges shall include, but not be limited to, accidental discharges, discharges of a nonroutine or episodic nature, noncustomary batch discharges, or any slug load. The notification shall include the business name, contact person and telephone number of the user, the location and time of the discharge, the type of waste or wastewater discharged, including hazardous properties, concentration and volume of the discharge, if known, and corrective actions taken by the user.

B. Within five days following such discharge, the user shall submit a detailed written report to the District describing the cause(s) of the discharge and the measures taken or to be taken by the user to prevent similar future occurrences. The notification and report made pursuant to subsections (A) and (B) of this section shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the District's treatment works, damages to or destruction of natural resources, or any other damage to person or property; nor shall such notification or report release the user from liability for violation of the requirements of the user's wastewater discharge permit, this chapter, the Act or other applicable law or regulation.

C. A notice shall be permanently posted on the user's bulletin board or in or on some other prominent place advising employees who to call in the event of a discharge described in subsection (A) of this section. Employers shall ensure that all employees responsible for operations or activities that result in discharges, or that may result in a discharge described in subsection (A) of this section, are advised of the emergency notification procedure. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.360 Reports from unpermitted users.

The District may require any user not subject to the requirements for a wastewater discharge permit to provide appropriate reports to the District regarding the user's operations and discharge in furtherance of the purposes of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.370 Violation – Repeat sampling and reporting.

If the results of analysis of the wastewater of a user indicate that a violation of the user's permit has occurred, or that a violation of any provision of this chapter, the Act or any applicable federal or state of California law or regulation has occurred, the user shall:

- A. Inform the District of the violation within 24 hours after becoming aware of the violation; and
- B. Repeat the sampling and pollutant analysis and submit, in writing, the results of this second analysis within 30 days from the date the user first became aware of the violation.

If the District performs the sampling or monitoring, the District will notify the user of the violation and repeat the sampling. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.380 Analytical requirements.

All pollutant analyses, including sampling techniques, submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques specified in 40 CFR Part 136, or amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by the EPA or the state of California. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.390 Sample collection.

- A. All users required to perform compliance sampling shall collect wastewater samples using flow proportional composite collection techniques, except for those samples described in subsection (B) of this section. If flow proportional sampling is infeasible, the District may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that either of those techniques will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- C. Users may request modifications to the above sample collection protocols for their particular facility. It shall be the user's responsibility to demonstrate to the satisfaction of the District that any proposed modifications will comply with 40 CFR Part 403, and that all samples will be representative of the discharge. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.400 Reports deemed submitted upon receipt.

Written reports shall be deemed to have been submitted on the date received by the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.410 Record retention.

Consistent with 40 CFR 403.12 (o), all records relating to compliance with categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements shall be made available to representatives of the EPA, state of California and the District authorized by those entities to receive or inspect such records. Such records shall include for all samples:

- (i) The date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (ii) The date(s) analyses were performed;
- (iii) Who performed the analyses;
- (iv) The analytical methods used; and
- (v) The results of such analyses.

Such reports shall be retained for a minimum of three years from the date thereof; provided, that records pertaining to, or prepared for, any investigation or enforcement action shall be retained for a minimum of three years from the date that such investigation or enforcement action has concluded as evidenced by a final decision (including exhaustion of administrative appeals) of the agency or entity that conducted the investigation or enforcement action or by final decision of a court of competent jurisdiction (including final appellate review). Notwithstanding the foregoing, the General Manager may require retention of certain records specified by him or her for a longer period. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.420 Right of entry – Inspection and sampling.

The District and its officers, employees and agents are hereby authorized, at its or their discretion, to inspect the facilities of any user to ascertain whether the user's operations and activities comply with the requirements of this chapter and/or of the user's wastewater discharge permit including, without limitation, compliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements. Users and persons occupying or in possession of premises where wastewater is generated or discharged, or where hazardous substances or wastes are present, shall allow the District or its representatives access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, analysis, records examination and copying, or the performance of any other of their duties. The District or its authorized representatives, individually or accompanied by representatives of such other public agencies as the District deems appropriate, are hereby authorized to assemble or install on the user's premises such devices and equipment that are necessary or appropriate to conduct sampling, inspection, compliance monitoring and/or metering operations. If a user has security measures that require identification and approval before entry onto its premises, the user shall provide appropriate authorization for District representatives and other persons authorized by the District to enter the premises without delay for the above-described purposes. The user shall inform the District of its safety procedures and requirements, provide instruction regarding such matters, and, where appropriate, provide personal protective clothing or equipment. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.430 Inspection/search warrants.

Pursuant to state of California law, the District may obtain inspection and search warrants to enforce the provisions of this chapter, categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements, permits issued pursuant to this chapter, the Act and federal and state of California regulations implementive thereof. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.440 Confidential information.

Information and data obtained from or pursuant to reports, surveys, wastewater discharge permit applications, wastewater discharge permits, monitoring programs, and from the District's inspection and sampling activities of or pertaining to a user shall be, and are, public records unless a user specifically requests confidentiality in writing and demonstrates to the satisfaction of the District that such information is entitled to exemption from disclosure under the California Public Records Act (California Government Code Section 6250 et seq.). The General Manager shall make the final determination regarding such exemption. Nothing in the preceding two sentences shall be construed to prevent the District from proceeding under DSRSDC 1.40.090, Alternative procedures, and, notwithstanding the foregoing, wastewater constituents and characteristics will not be recognized as confidential information.

The portions of such information that are determined to be exempt from disclosure to the public shall be made available upon request to other governmental agencies for uses related to this chapter, the District's NPDES permit, or for purposes otherwise within the law enforcement jurisdiction of such agencies, including administrative and judicial proceedings in pursuance thereof.

Information and/or data that user believes to be proprietary and exempt from disclosure, may, upon request of the user and at the discretion of the District, be made available to the District for its review at the user's facility in lieu of transmittal or delivery thereof to the District's offices. A user bears the burden of demonstrating to the District that such information is proprietary, that this alternative procedure is necessary or appropriate and will not prevent the District from properly carrying out the objectives of this chapter.

Such information and/or data thus determined to be exempt from disclosure shall not be transmitted or released to any person or entity, except the Environmental Protection Agency, the State of California Water Resources Control Board, the San Francisco Bay Regional Water Quality Control Board, or other governmental agencies acting within their law enforcement jurisdiction unless 15 days' advance notice of the intended transmittal or release is given to afford the customer a reasonable opportunity to obtain a protective order or unless the District elects to proceed in accordance with the procedures in DSRSDC 1.40.090, Alternative procedures. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.450 Publication of users in significant noncompliance.

Pursuant to the federal pretreatment regulations (40 CFR Section 403.8(f)(2)(viii)) the District shall comply with the public participation requirements of 40 CFR Part 25. Therefore, the District shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the District's service area, the name of any industrial/commercial user determined to be in significant noncompliance with applicable categorical pretreatment standards, national pretreatment standards or pretreatment standards or requirements at any time during the prior 12 months. Instances of significant noncompliance are user violations which meet one or more of the following criteria:

A. Violations of Wastewater Discharge Limits.

1. Chronic Violations. Chronic violations are defined as those in which 66 percent or more of all of the measurements for the same pollutant parameter exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) during a six-month period.

2. Technical Review Criteria (TRC) Violations. TRC violations are defined as those in which 33 percent or more of all of the measurements for the same pollutant parameter equal or exceed the product of numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR Section 403.3(1) multiplied by the applicable TRC factor during a six-month period. The TRC factors are 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants, except pH.

3. Any other violation(s) of a pretreatment standard or requirement as defined by 40 CFR Section 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) which the District determines has caused, alone or in combination with other discharges, interference (e.g., slug loads) or pass-through, or which has endangered the health or safety of District personnel or the public.

4. Any discharge of pollutant(s) that has caused imminent danger to human health, safety or welfare or to the environment, or that has resulted in the exercise of the District's emergency authority to halt or prevent such a discharge.

B. Violation of Compliance Milestones. Failure to meet, within 90 days after the compliance date, compliance schedule milestones contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

C. Failure to Provide Reports. Failure to provide reports for compliance schedules, self-monitoring data, or categorical standards (baseline monitoring reports, 90-day compliance reports, and periodic reports) within 45 days from the date the reports are, or related information is, due.

D. Failure to Report Accurately. Failure to report accurately and promptly any noncompliance.

E. Other Violations. Any other violation or group of violations, which may include a violation of best management practices, which the District concludes will adversely affect the operation or implementation of the District's pretreatment program or the objectives of this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.460 Notice of violation.

A. Contents. When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the Wastewater Treatment Plant Legally Responsible Official may serve the user with a written notice of violation. The notice of violation shall state: (1) a reference (citation) number; (2) the name, address and telephone number of the user; (3) the location of the violation; (4) the nature of the violation and the particular provisions of this chapter, order, permit, permit term(s) or condition(s), standard or standards or requirement(s) which have been, or are being, violated; (5) that the user shall submit, within 30 calendar days from service of the notice of violation, a plan of corrective measures that have been

implemented to prevent the violation from recurring, which plan shall be subject to the approval of the Wastewater Treatment Plant Legally Responsible Official; and (6) such other information that the Wastewater Treatment Plant Legally Responsible Official deems necessary.

The Wastewater Treatment Plant Legally Responsible Official, in writing, may extend the time for performance of any act required in the notice of violation.

Submission of a plan of corrective measures taken shall not relieve or release the user from liability or responsibility for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the District to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

B. Service of Notice of Violation. The notice of violation shall be served personally or by certified or registered mail, addressed to the user, permit applicant, permittee or other responsible person or party, at the address on file with the District or otherwise obtained by the District. Service by certified or registered mail shall be deemed completed five days after deposit with the United States Postal Service. Failure to receive a notice of violation shall not invalidate any action taken by the District in pursuance thereof. Proof of service of the notice shall be retained in the files of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.470 Order to show cause.

In lieu of serving a notice of violation under DSRSDC 5.20.460, Notice of violation, the Wastewater Treatment Plant Legally Responsible Official may serve an order to show cause why enforcement action should not be taken against any user that has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. The order to show cause shall specify (A) the time, date and place of a hearing to be held before a hearing officer, at which hearing the user shall show cause why a proposed enforcement action should not be taken, (B) the violation(s) against which enforcement is proposed to be taken, (C) the proposed enforcement action, (D) a brief statement of the factual basis for the proposed enforcement action, and (E) a demand that the user show cause why the proposed enforcement action should not be taken. The hearing shall not be held less than 30 days from the date of service of the order to show cause. Service of the order to show cause shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation.

The hearing on an order to show cause shall be held before a hearing officer appointed by the General Manager. The Wastewater Treatment Plant Legally Responsible Official shall be the moving party and shall present evidence in support of the order. The user may respond by presenting evidence opposing the order. Thereafter, the Wastewater Treatment Plant Legally Responsible Official may present evidence in rebuttal of the user's evidence. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence by the hearing officer. The hearing officer shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the user. The hearing officer shall render his or her decision in writing within 30 days from the conclusion of the hearing. Service of the decision shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.480 Compliance orders.

When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, the Wastewater Treatment Plant Legally Responsible Official may issue an order directing the user to comply with the stated provision(s) within a specified time. If the user does not comply within the time allowed, the District may discontinue sanitary sewer service to the user's facilities unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated by the user. Compliance orders may include other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the treatment works. A compliance order may not extend deadlines established for compliance with a categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Compliance with a compliance order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation(s) stated in the compliance order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.490 Cease and desist orders.

When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement, or that the user's prior violations are likely to recur, the Wastewater Treatment Plant Legally Responsible Official may issue an order to cease and desist all such violations and directing the user to:

- A. Comply immediately with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly prevent a continuing or threatened violation, including ceasing the user's operations and/or terminating discharge into the treatment works.

Compliance with a cease and desist order shall not be a defense against, nor preclude, any enforcement action pursuant to this chapter including, without limitation, enforcement actions for the violation or violations stated in the cease and desist order. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.500 Consent orders.

The General Manager, upon the recommendation of the Wastewater Treatment Plant Legally Responsible Official, may enter into consent orders, assurances of voluntary compliance, or similar agreements with any user not in compliance with any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, or whose prior violations the Wastewater Treatment Plant Legally Responsible Official determines are likely to recur. Such agreements shall include specific action to be taken by the user to correct the noncompliance or anticipated noncompliance within a specified time. Such agreements shall

have the same force and effect as orders issued pursuant to DSRSDC 5.20.480, Compliance orders, and DSRSDC 5.20.490, Cease and desist orders. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.510 Appeals.

A. Appeal to General Manager. An appeal to the General Manager may be taken from (1) a notice of violation, compliance order or cease and desist order, (2) any other enforcement action by the District pursuant to this chapter, or (3) an interpretation of a provision of this chapter or a permit issued pursuant to this chapter, except a decision on an order to show cause. Appeals from a notice of violation, compliance order or cease and desist order shall be initiated by filing a notice of appeal with the District Secretary within 10 days from service of the notice or order, respectively. Appeals from any other enforcement action shall be initiated by filing a notice of appeal with the District Secretary within 10 days from the enforcement action if no written notice thereof has been given, or within 10 days from the date written notice of the enforcement action was given. Appeals from an interpretation of a provision of this chapter or of a permit shall be initiated by filing a notice of appeal with the District Secretary within 10 days from written confirmation by the District of the interpretation. The General Manager shall not have jurisdiction to hear an appeal for which a notice of appeal has not been timely filed.

The notice of appeal shall specify the action, decision or interpretation that is being appealed, the date thereof, and shall specify each ground of the appeal and provide a mailing address for service of notices and other information pertaining to the appeal, if different from the address used for service pursuant to DSRSDC 5.20.460(B), Service of Notice of Violation, or any of DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders. Upon receipt of a notice of appeal, the District Secretary shall set the date for hearing the appeal, which shall not be more than 60 days from the date the notice of appeal was filed. The District Secretary shall give the appellant written notice of the date, time and place of the hearing on the appeal by certified or registered mail not less than 15 days before the hearing on the appeal and shall provide copies of the notice to the General Manager, the Wastewater Treatment Plant Legally Responsible Official and to the person whose action, decision or interpretation is being appealed. The Wastewater Treatment Plant Legally Responsible Official shall be a party to all appeals to the General Manager.

Unless the General Manager determines in his or her discretion to adopt a different procedure, the order of presentation for a public hearing shall be as follows. The hearing shall commence with a presentation by the Wastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed. Thereafter, the appellant shall make his or her presentation. Thereafter, the Wastewater Treatment Plant Legally Responsible Official or the person whose action, decision or interpretation was appealed may, at the discretion of the General Manager, make a further presentation. Strict rules of evidence shall not apply to the presentation of evidence; provided, that any relevant facts may be admitted into evidence at the discretion of the General Manager. The General Manager shall determine the weight and credibility of the evidence. A record of the hearing shall be prepared upon the request, and at the expense, of the appellant. The General Manager shall serve his or her written decision, including any findings that the General Manager may make, within 30 days from the conclusion of the hearing. Nothing in the preceding sentence shall be construed to require the making of any findings except as may be required by applicable substantive law

governing the notice of violation, compliance order or cease and desist order, as the case may be. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to the preceding paragraph, with copies to the Wastewater Treatment Plant Legally Responsible Official and to the person whose decision, action or interpretation had been appealed.

B. Review by Board. Review by the Board of a decision of the General Manager or the decision of a hearing officer on an order to show cause may be initiated by filing a written notice of appeal with the District Secretary pursuant to DSRSDC 1.80.050(C), Notice of Appeal to Board – Time for Filing. The Board shall not have jurisdiction to review a decision for which a request for review has not been timely filed.

The District Secretary shall, pursuant to DSRSDC 1.80.050(D), Notice of Hearing Before Board, serve the aggrieved person, either personally or by United States mail, written notice of the time and date of the Board meeting at which the appeal will be considered.

The Board will act on the appeal pursuant to DSRSDC 1.80.050(E), Action on Appeal to Board. The Board shall serve its written decision, including findings, within 30 days from the conclusion of the review. Service of the decision on the appellant shall be made in accordance with the provisions of DSRSDC 5.20.460(B), Service of Notice of Violation, DSRSDC 5.20.470, Order to show cause, DSRSDC 5.20.480, Compliance orders, DSRSDC 5.20.490, Cease and desist orders, or DSRSDC 5.20.500, Consent orders, whichever is or are applicable, or to an address given by the appellant pursuant to DSRSDC 5.20.510(A), Appeal to General Manager, with copies to the General Manager, Wastewater Treatment Plant Legally Responsible Official and the person whose action, decision or interpretation was initially appealed to the General Manager or who initiated the order to show cause, as applicable. The decision of the Board shall be final.

C. Exclusion. The provisions of this section do not apply to proceedings for civil liability and civil penalties under California Government Code Section 54740 et seq., authorization for which is provided in DSRSDC 5.20.520, Civil liability, administrative complaint, penalties and costs. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.520 Civil liability, administrative complaint, penalties and costs.

A. Civil Liability and Administrative Complaints. The provisions of this chapter establish requirements for pretreatment of industrial waste and prevention of the entry of industrial waste into the treatment works pursuant to California Government Code Section 54739. When the Wastewater Treatment Plant Legally Responsible Official finds that a user has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement, upon the recommendation of the General Manager, the Board may authorize the filing of a petition in the superior court for enforcement of civil liability pursuant to California Government Code Section 54740 or the General Manager may issue an administrative complaint pursuant to California Government Code Section 54740.5.

B. Civil Liability Amount. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be civilly liable in a sum of not to exceed \$25,000 a day for each violation pursuant to California Government Code Section 54740.

C. Administrative Complaint Civil Penalty Amounts. Any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement may be liable for a civil penalty imposed pursuant to an administrative complaint issued in accordance with California Government Code Section 54740.5 as follows:

1. In an amount which shall not exceed \$2,000 for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed \$3,000 for each day for failing or refusing to timely comply with any compliance schedule established by the District.
3. In an amount which shall not exceed \$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 District.
4. In an amount which does not exceed \$10.00 per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any civil penalties imposed under this section and California Government Code Section 54740.5 which have remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

D. Administrative Complaint Moneys.

1. All moneys collected pursuant to an administrative complaint shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the District's treatment works or for other mitigation measures.
2. 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 registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing on the complaint and requested a copy.
3. The District may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

4. No penalties shall be recoverable pursuant to an administrative complaint for any violation for which civil liability is recovered under California Government Code Section 54740.

E. Costs, Expenses and Damages. In addition to civil and criminal liabilities and civil penalties, any person who has violated, or continues to violate, any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement shall also be liable for any and all costs, expenses and damages incurred or suffered by the District as a result of such violation. Failure to pay such costs, expenses and damages within 30 days from the date of billing therefor, or within such other time as may be specified by the District, shall constitute a separate violation of this chapter.

F. Cumulative, Nonlimiting Effect. The provisions of this section shall not be deemed a limitation upon the provisions of California Government Code Section 54725 et seq. Enforcement pursuant to this section and said California Government Code provisions shall be in addition to all other enforcement provisions authorized under this chapter. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.530 Emergency suspensions.

A. The District may immediately suspend a user's discharge, after giving notice to the user by any means reasonably available, to stop an actual or threatened discharge which the District determines is likely to cause an interference or pass-through or otherwise threatens to interfere with the operation of the treatment works or other District operations, or which constitutes an imminent or substantial threat to the health, safety or welfare of persons or endangers the environment or property (hereinafter, "emergency condition").

B. Any user notified of a suspension of its discharge shall immediately cease discharging or eliminate the pollutant or other cause for the suspension. If a user fails to comply immediately with the suspension order, the District may take such steps as it deems necessary, including immediate severance of the connection of the user's facilities to the treatment works, in order to prevent or minimize the emergency condition. The District may allow the user to resume its discharge when the user has demonstrated to the satisfaction of the District that the emergency condition has been eliminated or reduced to a level determined acceptable by the Wastewater Treatment Plant Legally Responsible Official, unless termination proceedings under DSRSDC 5.20.540, Termination of discharge, are initiated against the user.

C. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement that includes the causes of the harmful contribution and the measures taken to prevent any future occurrence. The written statement shall be submitted to the District five days prior to the date of any show cause or termination hearing under DSRSDC 5.20.470, Order to show cause, or DSRSDC 5.20.540, Termination of discharge, respectively; provided, that no hearing shall be required for any action taken by the District in response to an emergency condition under this section. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.540 Termination of discharge.

In addition to the causes specified in DSRSDC 5.20.280, Wastewater discharge permit revocation, discharge to the treatment works from a user's facilities may be terminated for the following:

- A. Violation of wastewater discharge permit conditions.
- B. Failure to report accurately the wastewater constituents and characteristics of a discharge.
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
- D. Refusal of reasonable access to a user's premises for the purpose of inspection, monitoring or sampling.
- E. Violation of the pretreatment standards contained in DSRSDC 5.20.040, Prohibited discharge standards, through DSRSDC 5.20.070, State and federal requirements and standards.
- F. Failure to notify the District immediately of accidental discharges and/or to take appropriate corrective measures to prevent a recurrence thereof.
- G. Failure to submit periodic compliance reports in a timely manner.
- H. Failure to pay fees and charges or penalties established pursuant to this chapter or other District ordinance or resolution.

Proceedings for termination of service under this section shall be initiated by issuance of an order to show cause pursuant to DSRSDC 5.20.470, Order to show cause. Termination of service under this section is in addition to, and cumulative with, all other remedies of the District. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.550 Legal and equitable remedies.

The Board may authorize commencement of an action for damages and/or for equitable relief including, without limitation, injunctive relief, for violation, or enforcement, of the provisions of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.560 Violation a misdemeanor.

- A. A user or any other person who violates any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each day a violation occurs or continues constitutes a separate offense.
- B. A user or any other person who knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or a wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter, is guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed \$1,000 or imprisonment in the county jail for a term not to exceed six months, or by both. Each act of falsification, tampering, or knowingly rendering inaccurate any monitoring device shall constitute a separate offense.

The foregoing provisions are not a limitation upon prosecution for violation of laws pertaining to perjury or false claims. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.570 Remedies nonexclusive.

The remedies provided in this chapter shall be cumulative and not exclusive, and shall be in addition to any and all other remedies that may accrue to the District. [Ord. 298, 2003; Ord. 327, 2010.] The Wastewater Treatment Plant Legally Responsible Official 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 District's "Pretreatment Program Administrative Manual" (sometimes called "Enforcement Response Plan"). However, the Wastewater Treatment Plant Legally Responsible Official may take other action against any User when the circumstances warrant. Further, the Wastewater Treatment Plant Legally Responsible Official is empowered to take more than one enforcement action against any noncompliant User.

5.20.580 Performance bonds.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to post a performance bond in form approved by counsel for the District guaranteeing to the District compliance with the provisions of this chapter, orders issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, categorical pretreatment standards, national pretreatment standards, or pretreatment standards or requirements as a condition for issuance or reissuance of a wastewater discharge permit, the principal amount of which shall be the estimated damages or liquidated damages that would be suffered by the District for failure of such compliance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.590 Liability insurance.

The District may require a user that has violated any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement to obtain and maintain in effect during the term or remaining term of its wastewater discharge permit general or public liability insurance in an amount or amounts deemed by the District to be sufficient to insure against damages to persons or property for a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or pretreatment standard or requirement. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.600 Water service termination.

The District may terminate water service to the property of a user from which a discharge has occurred that has resulted in a violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement. Water service shall be reinstated at the user's expense upon a determination by the Wastewater Treatment Plant Legally Responsible Official that adequate measures or means have been taken by the

user to prevent recurrence of such violation or of any other such violation. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.610 Public nuisance.

A violation of any provision of this chapter, an order issued pursuant to this chapter, a wastewater discharge permit or any term or condition contained in such permit, any categorical pretreatment standard, national pretreatment standard or any pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the District. A user or any other person causing such public nuisance shall be subject to the provisions of the Dublin San Ramon Services District Code governing such nuisances including, without limitation, reimbursement to the District for any costs incurred in abating or remediating said nuisance. [Ord. 298, 2003; Ord. 327, 2010.]

5.20.620 Paramount provisions.

In the event of a conflict between the provisions and terms of this chapter and the provisions and terms of any other chapter of the Dublin San Ramon Services District Code or ordinance or resolution, the provisions and terms of this chapter shall prevail. [Ord. 298, 2003; Ord. 327, 2010.]

The District Code is current through Ordinance 345, passed May 21, 2019. Users should contact the District Secretary for ordinances passed subsequent to the ordinance cited above.

The District Secretary's Office has the official version of the Dublin San Ramon Services District Code. A copy of the District Code is available for public inspection at the temporary location of the District Office, at the DSRSD Field Operations Facility, located at 7035 Commerce Circle, Pleasanton. For further information, please call (925) 828-0515.

Code Publishing Company

Seattle, Washington



TITLE: Receive Presentation on Upgraded Power Monitoring System

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on the upgraded power monitoring system used at the wastewater treatment plant, the DERWA (Dublin San Ramon Services District-East Bay Mud Recycled Water Authority) recycled water treatment facility, and the LAVWMA (Livermore-Amador Valley Water Management Agency) pump station.

DISCUSSION:

On June 24, 2020, the District started using the new power monitoring system software, Eaton Foreseer. This software is used to monitor the power and energy usage of the wastewater treatment plant, the DERWA recycled water treatment facility, and the LAVWMA pump station processes. The original field equipment was reused; only the server and software were upgraded. The original software was no longer being supported so an upgrade was necessary to continue to monitor power and energy. The upgraded software included web-based graphical screens, trends and reports, all of which are an improvement over the original system. The upgraded software also included a better way to integrate data into the process SCADA (Supervisory Control and Data Acquisition) system to make it easier to correlate some power and energy information with process data.

The power monitoring system software upgrade was completed under the WWTP SCADA Upgrade Project (CIP 05-3206).

Originating Department: Operations	Contact: M. Atendido	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding Source: \$ 0	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Presentation Slides	
		147 of 164

Power Monitoring System

Power Monitoring for the WWTP, RWTP, and LAVWMA

Maurice Atendido
Senior Electrical Engineer - Supervisory



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

Highlights of WebViews

- » Web Page Navigation
- » Alarm Management
- » Graphing
- » Reports
- » Process SCADA System Integration
- » Questions

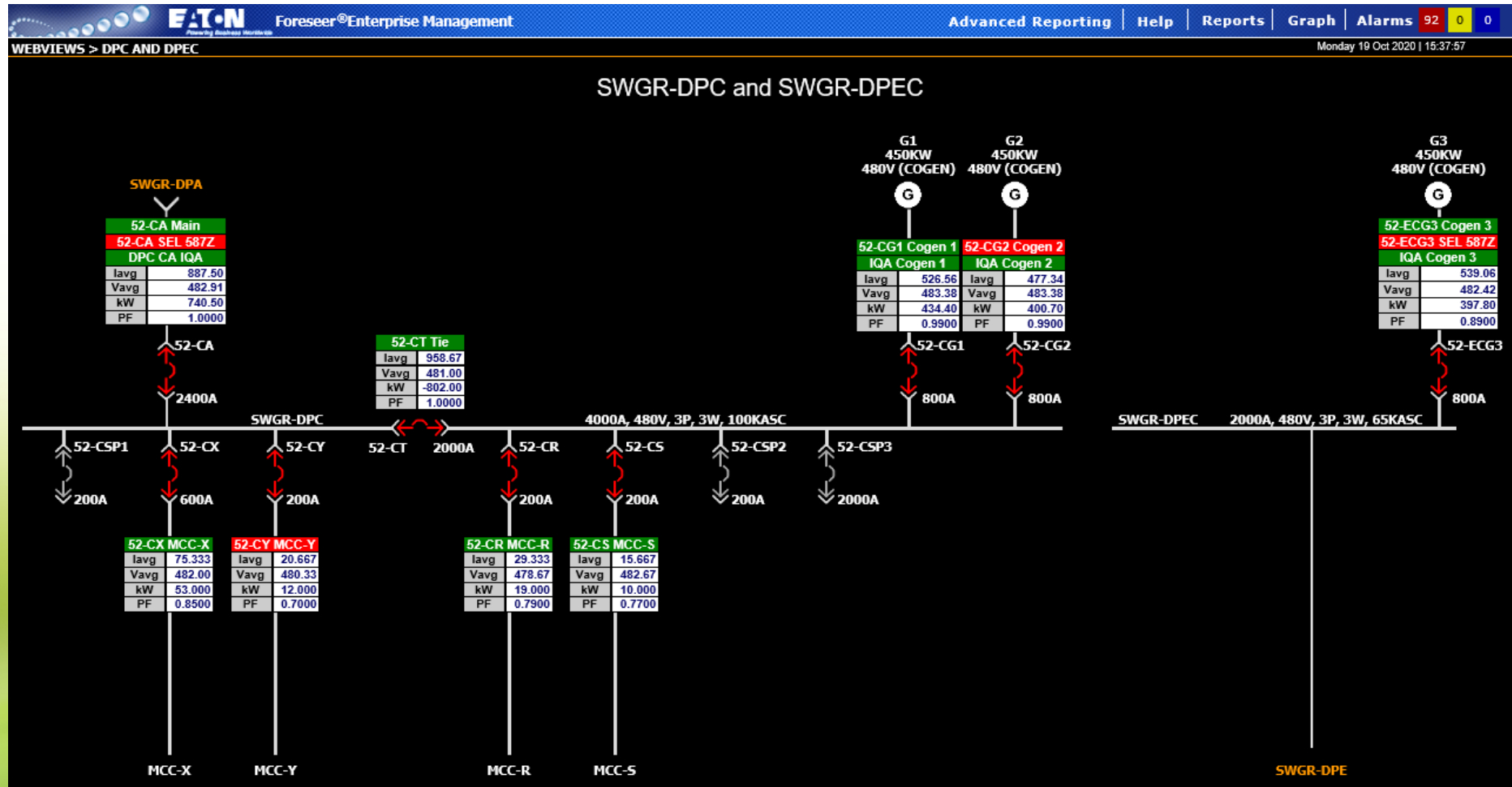
Webviews Web Page Navigation

» Main Page

The screenshot displays the webview interface for the Dublin San Ramon Services District. At the top, a blue navigation bar includes the E-T-N logo, the text "Foreseer® Enterprise Management", and menu items for "Advanced Reporting", "Help", "Reports", "Graph", "Alarms", and a status bar showing "92 0 0". The main content area features the district's logo and name, "Dublin San Ramon Services District", with the tagline "Water, wastewater, recycled water". Below this, two red buttons labeled "System" and "21KV Dist" are visible. The interface is divided into two map views: a large aerial map on the left showing various buildings (BLDG A through T), transformers (XFMR-1 through XFMR-5), and monitoring systems (DPC/DPEC, DPB, DPA, 52-S, 52-M, DPE, DPG, DPN, DPM, DPR); and a smaller aerial map on the right showing a specific area with pumps (Pump 1 through Pump 10) and MCCs (MCC-P1, MCC-P2) labeled in red and green boxes.

WebViews Single Line Example

» Switchgear DPC and DPEC



WebViews Device Details Example

» 21kV Main Circuit Breaker Power Meter


Foreseer® Enterprise Management

[Advanced Reporting](#) | [Help](#) | [Reports](#) | [Graph](#) | [Alarms](#) 92 0 0

WEBVIEWS > 21KV DISTRIBUTION > 52-M 21KV MAIN IQA
Monday 19 Oct 2020 | 15:43:52

Voltage



<input checked="" type="checkbox"/> Voltage Phase A-B	21121.0
<input checked="" type="checkbox"/> Voltage Phase B-C	21133.0
<input checked="" type="checkbox"/> Voltage Phase C-A	21133.0
<input checked="" type="checkbox"/> Voltage Phase A-N	12180.5
<input checked="" type="checkbox"/> Voltage Phase B-N	12288.5
<input checked="" type="checkbox"/> Voltage Phase C-N	12156.5
<input checked="" type="checkbox"/> Voltage L-L Avg	21121.0
<input checked="" type="checkbox"/> Voltage L-N Avg	12204.5
<input checked="" type="checkbox"/> Voltage N-G	0.0000
<input checked="" type="checkbox"/> Voltage Phase A-B THD	1.0000
<input checked="" type="checkbox"/> Voltage Phase B-C THD	1.0000
<input checked="" type="checkbox"/> Voltage Phase C-A THD	0.0000
<input checked="" type="checkbox"/> Voltage Phase A-N THD	4.0000
<input checked="" type="checkbox"/> Voltage Phase B-N THD	5.0000
<input checked="" type="checkbox"/> Voltage Phase C-N THD	4.0000

Current



<input checked="" type="checkbox"/> Current Phase A	18.398
<input checked="" type="checkbox"/> Current Phase B	17.988
<input checked="" type="checkbox"/> Current Phase C	19.277
<input checked="" type="checkbox"/> Current Avg	18.574
<input checked="" type="checkbox"/> Current Ground	0.0000
<input checked="" type="checkbox"/> Current Neutral	0.0000
<input checked="" type="checkbox"/> Current Peak Demand	74.941
<input checked="" type="checkbox"/> Current Phase A Demand	18.926
<input checked="" type="checkbox"/> Current Phase B Demand	18.574
<input checked="" type="checkbox"/> Current Phase C Demand	19.629
<input checked="" type="checkbox"/> Current Phase A Peak Demand	74.941
<input checked="" type="checkbox"/> Current Phase B Peak Demand	75.000
<input checked="" type="checkbox"/> Current Phase C Peak Demand	75.000
<input checked="" type="checkbox"/> Current Phase A THD	7.0000
<input checked="" type="checkbox"/> Current Phase B THD	6.0000
<input checked="" type="checkbox"/> Current Phase C THD	7.0000
<input checked="" type="checkbox"/> Current Neutral THD	0.0000

Frequency



<input checked="" type="checkbox"/> Frequency	60.010
---	--------

Power



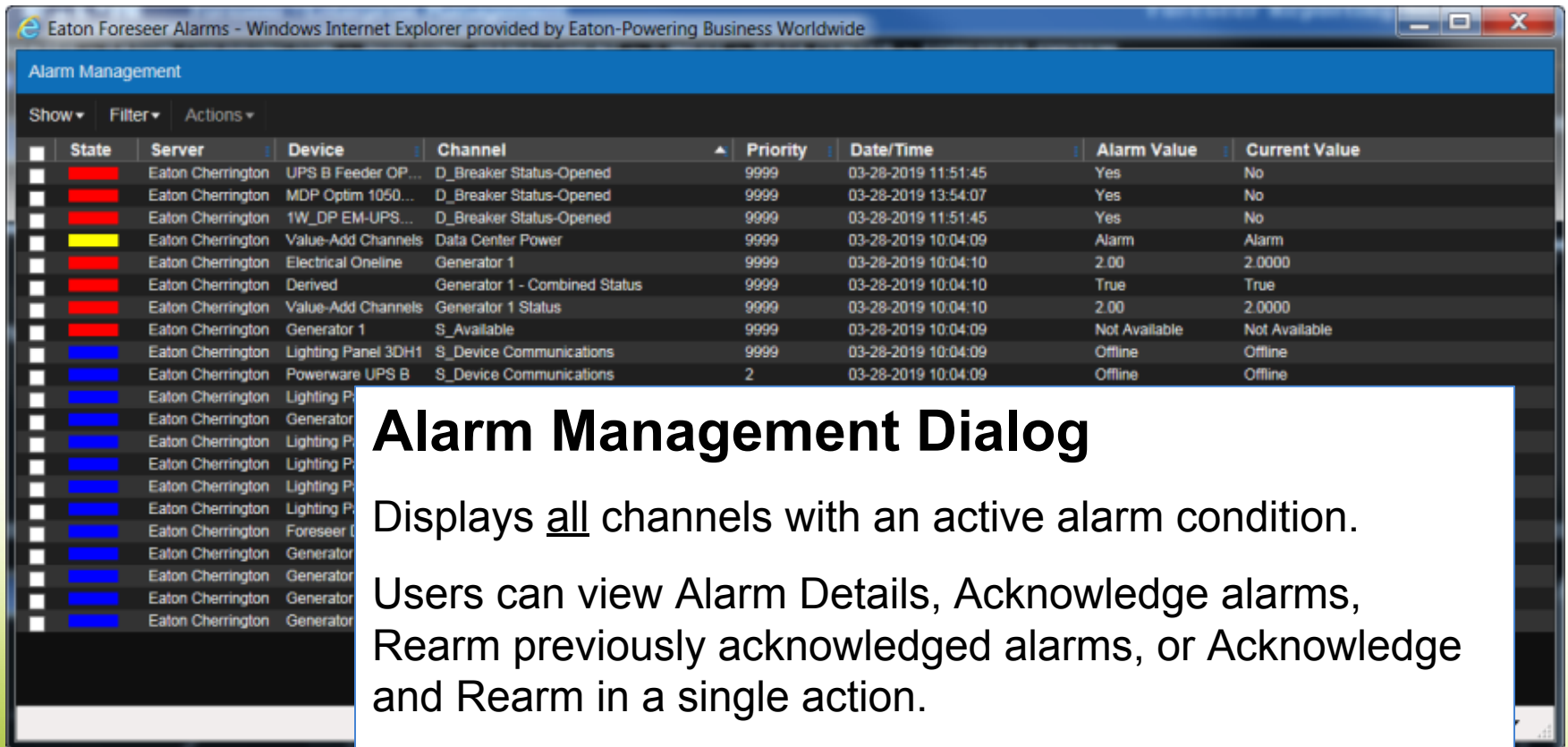
<input checked="" type="checkbox"/> kVA Total	678.90
<input checked="" type="checkbox"/> kVAR Total	-554.30
<input checked="" type="checkbox"/> kW Total	389.60
<input checked="" type="checkbox"/> kVA Phase A	224.09
<input checked="" type="checkbox"/> kVA Phase B	220.77
<input checked="" type="checkbox"/> kVA Phase C	233.90
<input checked="" type="checkbox"/> kVA Demand	707.60
<input checked="" type="checkbox"/> kVA Peak Demand	2212.80
<input checked="" type="checkbox"/> kW Phase A	122.23
<input checked="" type="checkbox"/> kW Phase B	134.30
<input checked="" type="checkbox"/> kW Phase C	135.67
<input checked="" type="checkbox"/> kW Demand	418.30
<input checked="" type="checkbox"/> kW Peak Demand	2103.80
<input checked="" type="checkbox"/> kVAR Phase A	-187.89
<input checked="" type="checkbox"/> kVAR Phase B	-174.83
<input checked="" type="checkbox"/> kVAR Phase C	-189.85
<input checked="" type="checkbox"/> kVAR Demand	-569.30
<input checked="" type="checkbox"/> kVAR Lag Demand	569.30
<input checked="" type="checkbox"/> kVAR Lead Demand	0.0000
<input checked="" type="checkbox"/> kVAR Peak Demand	-944.90
<input checked="" type="checkbox"/> Power Demand Window	15.000


C-H Meter IQ Analyzer 64-6600 PXG Eff32 TCP

PRIMARY

AUXILIARY

Alarm Management



The screenshot shows a web browser window titled "Eaton Foreseer Alarms - Windows Internet Explorer provided by Eaton-Powering Business Worldwide". The main content area is titled "Alarm Management" and contains a table of active alarms. The table has columns for State, Server, Device, Channel, Priority, Date/Time, Alarm Value, and Current Value. The first few rows show critical alarms (red state) for D_Breaker Status-Opened. Other rows show various other alarm conditions like Generator 1 Status, S_Available, and S_Device Communications.

State	Server	Device	Channel	Priority	Date/Time	Alarm Value	Current Value
Critical	Eaton Cherrington	UPS B Feeder OP...	D_Breaker Status-Opened	9999	03-28-2019 11:51:45	Yes	No
Critical	Eaton Cherrington	MDP Optim 1050...	D_Breaker Status-Opened	9999	03-28-2019 13:54:07	Yes	No
Critical	Eaton Cherrington	1W_DP EM-UPS...	D_Breaker Status-Opened	9999	03-28-2019 11:51:45	Yes	No
Warning	Eaton Cherrington	Value-Add Channels	Data Center Power	9999	03-28-2019 10:04:09	Alarm	Alarm
Critical	Eaton Cherrington	Electrical Oneline	Generator 1	9999	03-28-2019 10:04:10	2.00	2.0000
Critical	Eaton Cherrington	Derived	Generator 1 - Combined Status	9999	03-28-2019 10:04:10	True	True
Critical	Eaton Cherrington	Value-Add Channels	Generator 1 Status	9999	03-28-2019 10:04:10	2.00	2.0000
Critical	Eaton Cherrington	Generator 1	S_Available	9999	03-28-2019 10:04:09	Not Available	Not Available
Minor	Eaton Cherrington	Lighting Panel 3DH1	S_Device Communications	9999	03-28-2019 10:04:09	Offline	Offline
Minor	Eaton Cherrington	Powerware UPS B	S_Device Communications	2	03-28-2019 10:04:09	Offline	Offline
Minor	Eaton Cherrington	Lighting P...					
Minor	Eaton Cherrington	Generator					
Minor	Eaton Cherrington	Lighting P...					
Minor	Eaton Cherrington	Lighting P...					
Minor	Eaton Cherrington	Lighting P...					
Minor	Eaton Cherrington	Lighting P...					
Minor	Eaton Cherrington	Foreseer (
Minor	Eaton Cherrington	Generator					
Minor	Eaton Cherrington	Generator					
Minor	Eaton Cherrington	Generator					
Minor	Eaton Cherrington	Generator					

Alarm Management Dialog

Displays all channels with an active alarm condition.

Users can view Alarm Details, Acknowledge alarms, Rearm previously acknowledged alarms, or Acknowledge and Rearm in a single action.

Allows selection of multiple entries to rapidly perform alarm actions.

Entries can be sorted by clicking column headers.

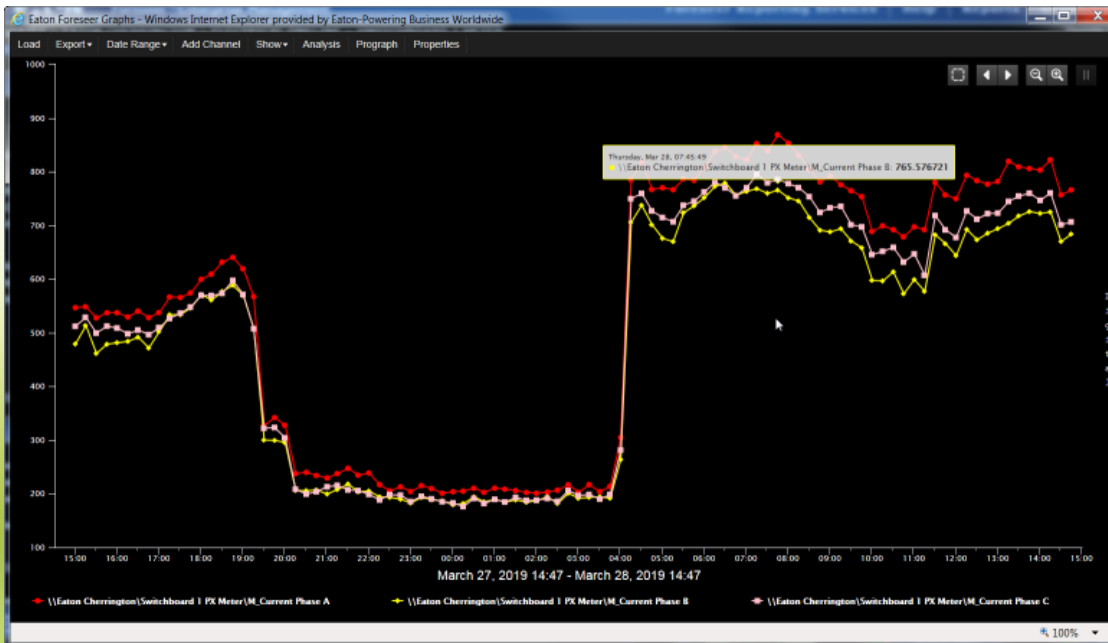
Graphing

<input checked="" type="checkbox"/> Current Phase A	716.64	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Current Phase B	650.07	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Current Phase C	660.81	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Current Avg	675.84	<input type="checkbox"/>

1. Check the box to right of the channel or channels (up to 10) to graph.



2. Click "Graph" in the navigation bar.



The initial span of any graph will be the last 24 hours (calculated from current time). Once open, the graph can be manipulated as needed by the user.

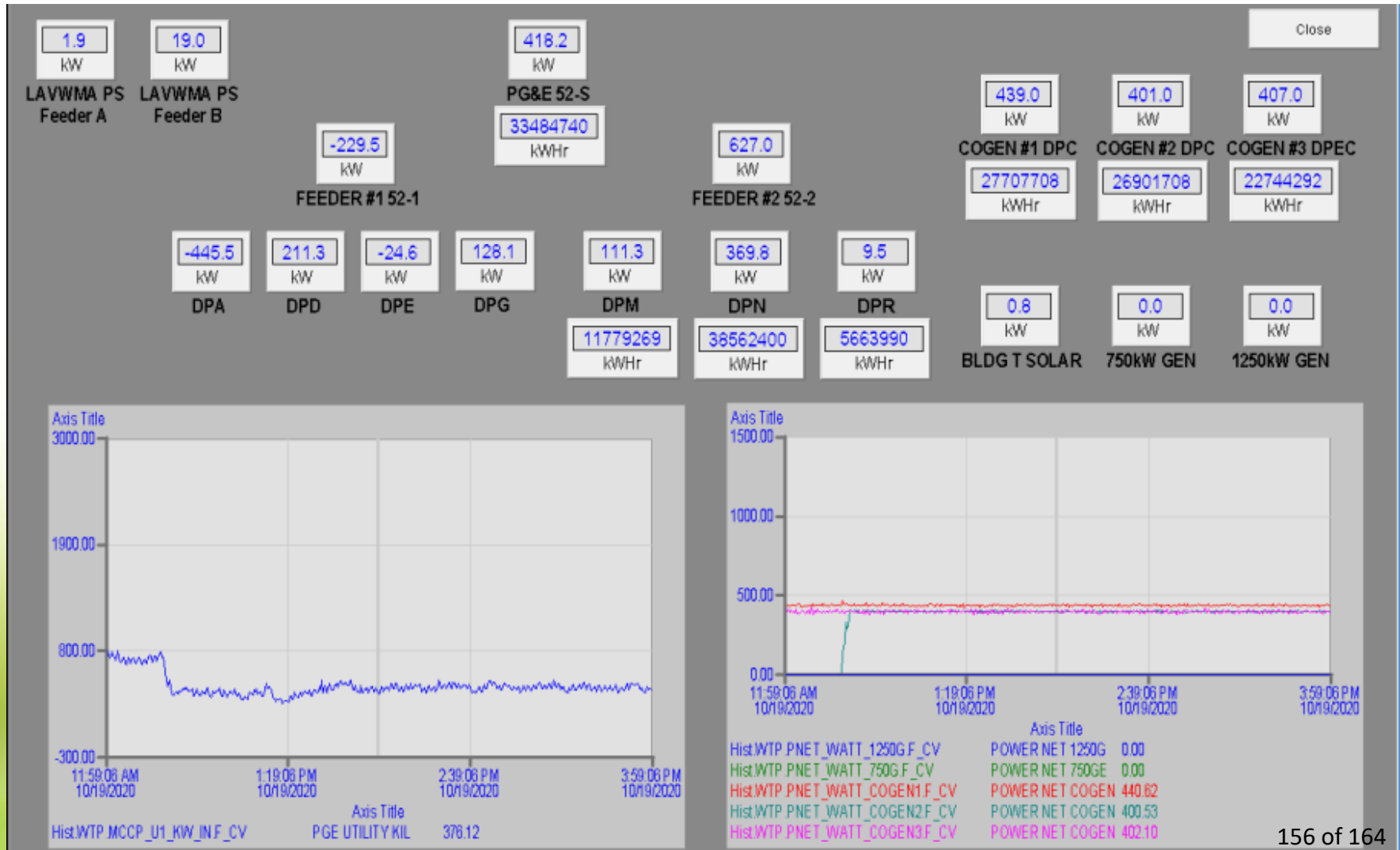
Reports

Eaton Foreseer Reports - Windows Internet Explorer provided by Eaton-Powering Business Worldwide

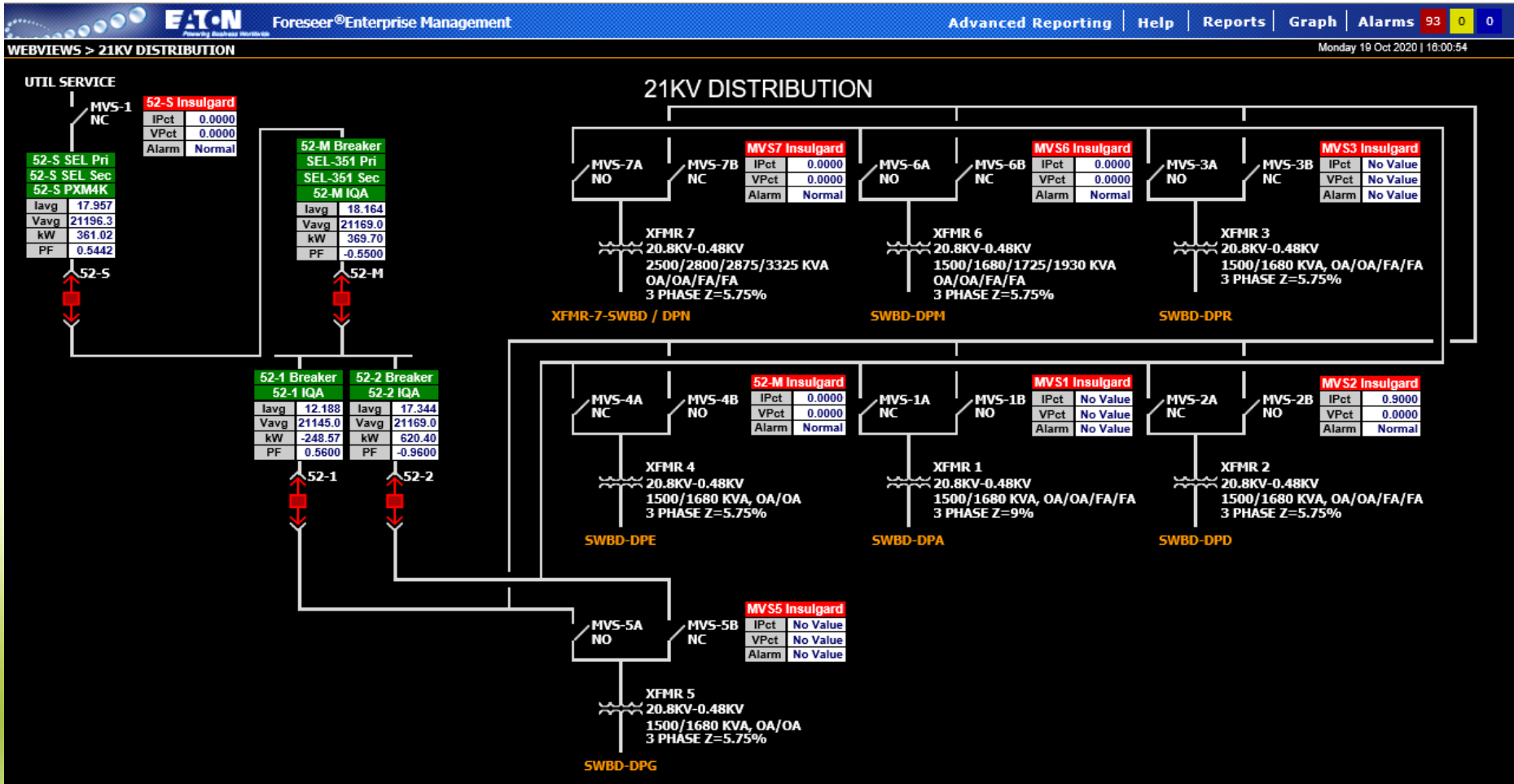
Reports			
Report Type	Available Reports		
Alarm History [1 Day]	02/07/19 10:11:29 [167554 bytes]	01/29/19 13:08:54 [147586 bytes]	
Alarm History [30 Day]			
Alarm History [7 Day]			
Alarm History [Custom]			
Audit History			
Channel Data	03/15/19 11:22:32 [25202 bytes]		
Channel	03/15/19 11:24:40 [42894 bytes]		
Driver Log File			
Log File	01/29/19 04:02:23 [115748 bytes]	01/28/19 13:38:00 [28282 bytes]	01/16/19 18:38:52 [14046 bytes]
Notes History [1 Day]			
Notes History [30 Day]			
Notes History [7 Day]			
Notes History [Custom]			
Previous Driver Log File			
Previous Log File			
Sequence of Events			
System Configuration	01/24/19 12:51:07 [91960 bytes]	01/18/19 10:21:34 [87542 bytes]	
System Up-Down			

100% 155 of 164

Process SCADA System Integration



Questions?





TITLE: Receive Update on Primary Sedimentation and Improvements Project (CIP 17-P004)

RECOMMENDATION:

Staff recommends the Board of Directors receive a presentation on Primary Sedimentation and Improvements Project.

SUMMARY:

This is an update on the Primary Sedimentation and Improvements Project. The last update to the Board was on June 16, 2020, and provided a summary on construction progress and potential change orders.

BACKGROUND:

On March 5, 2019, the Board awarded the Primary Sedimentation Expansion and Improvements Project (CIP 17-P004) (Project) to Anderson Pacific Engineering Construction, Inc. (Contractor) in the amount of \$12,997,750 and authorized a construction change order contingency of \$975,000, approximately 7.5% of the bid amount.

The Project entails constructing one new primary sedimentation tank (Tank 5), partially demolishing and replacing one of the existing tanks (Tank 4), adding an additional grit tank (Tank 4), coating the influent channel, replacing the internal mechanisms in the three remaining primary sedimentation tanks, and replacing the motor control center for the equipment. The primary treatment capacity is undersized for the facility's current average dry weather flow. Insufficient primary treatment capacity overburdens the aeration basins and secondary clarifiers leading to higher energy costs and more difficulties in controlling the secondary effluent water quality. The additional primary sedimentation tank will provide the treatment capacity needed for current and buildout flows.

DISCUSSION:

Status of Construction Progress:

The new Primary Sedimentation Tanks 4 and 5 and new Grit Tank 4 are nearing completion. The mechanical and electrical equipment have been installed and are currently in the startup and testing phase.

The project has spent 64% (\$8,300,000) of the original contract amount and is 65% constructed. The Project is currently three months behind schedule, but the current schedule and wet weather plan will be able to meet the treatment plant operational needs during the wet weather season. The entire project is estimated to be completed near the end of 2021.

Construction Change Order Contingency Update:

To date, there have been 12 approved change orders totaling \$706,000, approximately 5.4% of the contract amount.

The electrical conduit change order that required replacement of corroded conduits is near completion. This was installed on a time and material basis due to the contractor's proposed estimate coming in much higher than what construction manager, Psomas, thought was possible. The actual cost has come in at \$200,000 as opposed to the original contractor's estimate of \$302,000.

The baffles have been installed per contract in new Tanks 4 and 5. A letter was sent to the contractor over a year ago stating that the baffle related work would continue per plan, and proper justification would be needed for change orders related to disputes over the baffle material requirements. The contractor has not responded to the baffle discussion letter.

Originating Department: Engineering Services	Contact: J. Yee	Legal Review: Not Required
Financial Review: Not Required	Cost and Funding: N/A	
Attachments: <input type="checkbox"/> None <input type="checkbox"/> Staff Report <input type="checkbox"/> Resolution <input type="checkbox"/> Ordinance <input type="checkbox"/> Task Order <input type="checkbox"/> Proclamation <input checked="" type="checkbox"/> Other (see list on right)	Attachment 1 – Presentation Slides	
		158 of 164

The influent channel bypass was not installed this summer so review of potential unknown work to be performed at this location has been postponed until the spring. No additional costs have been determined since inspections are required to understand the extent for any possible additional work.

The contractor made an error on the elevation measurements in the new tanks and installed the effluent troughs two inches too high. This has been corrected in the field but did create a lip in the effluent weir box. The lip will not cause performance issues but will cause drainage issues in the troughs when maintenance is required. The simplest solution is to install a flapper drain valve in the troughs. This is not expected to be a change order as it was a contractor error.

Current change order requests being discussed with the contractor potentially exceed the remaining change order contingency by \$156,000 (approximately 1% of the original contract cost). The potential change orders need final review, furthermore the project will continue through 2021 and there is the potential for additional change order requests. A request to increase the contingency is not anticipated for several more months as the contractor finalizes startup of the new tanks and begins work on the existing tanks. As of today, the project is within the authorized contingency amount.

There is currently enough funding available in the capital improvement project to continue the work and cover the estimated change orders. Staff does not anticipate any increase in the project appropriation.

Update on the Primary Sedimentation Expansion and Improvements Project (CIP 17-P004)

November 3, 2020



**Dublin San Ramon
Services District**

Water, wastewater, recycled water

Primaries Update Photo



Taken on October 9, 2020

161 of 164

Electrical Conduit Replacement



Installed Baffles



Trough installation

