



Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

**UNION SANITARY DISTRICT BOARD MEETING/
UNION SANITARY DISTRICT FINANCING AUTHORITY
AGENDA**

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

**Monday, March 27, 2023
Regular Meeting - 4:00 P.M.**

Karen W. Murphy
Attorney

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

- | | |
|-------------|---|
| | 1. Call to Order. |
| | 2. Salute to the Flag. |
| | 3. Roll Call. |
| Motion | 4. Approve Minutes of the Union Sanitary District Board Meeting of March 13, 2023. |
| Motion | 5. Approve Minutes of the Union Sanitary District Special Board Meeting of March 16, 2023. |
| Information | 6. Operations Report: <ul style="list-style-type: none"> a. February 2023 Monthly Operations Report <i>(to be reviewed by the Budget & Finance and Legal/Community Affairs Committees).</i> b. Fiscal Year 2023 2nd Quarter District-wide Balanced Scorecard <i>(to be reviewed by the Legal/Community Affairs Committee).</i> |
| | 7. Written Communications. |
| | 8. Public Comment. Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. If the comment relates to an agenda item, the speaker should address the Board at the time the item is considered. Speaker cards will be available in the Boardroom and are requested to be completed prior to the start of the meeting. |
| Motion | 9. Review and Consider Approval of the Quality Assurance Chemist Position Description and Salary Range <i>(to be reviewed by the Personnel Committee).</i> |
| Motion | 10. Board Member Compensation for Fiscal Year 2023/2024 <i>(to be reviewed by the Budget & Finance Committee).</i> |

- Motion 11. Authorize the General Manager to Execute Contract Change Order No. 11 with Clark Construction Group – California, LP for the Standby Power Generation System Upgrade Project *(to be reviewed by the Engineering and Information Technology Committee)*.
-
- Direction 12. Receive Information and Provide Direction Regarding Ordinance 36.04 Relating to Environmental Compliance Administrative Fines Under Certain Circumstances *(to be reviewed by the Legal/Community Affairs Committee)*.
-
- Information 13. Publication of Electrochem Solutions Inc., Global Plating Inc., and Safety-Kleen of California Inc. as Significant Violators in 2022 *(to be reviewed by the Legal/Community Affairs Committee)*.
-
- Information 14. Information Technology Software & Hardware Agreement Summary *(to be reviewed by the Engineering and Information Technology Committee)*.
-
- Information 15. COVID-19 Update.
-
- Information 16. Check Register.
-
- Information 17. Committee Meeting Reports. *(No Board action is taken at Committee meetings):*
- a. Budget & Finance Committee – Wednesday, March 22, 2023, at 12:30 p.m.
 - Director Kite and Director Toy
 - b. Engineering and Information Technology Committee – Thursday, March 23, 2023, at 11:30 a.m.
 - Director Handley and Director Lathi
 - c. Personnel Committee – Friday, March 24, 2023, at 10:00 a.m.
 - Director Fernandez and Director Toy
 - d. Legal/Community Affairs Committee – Friday, March 24, 2023, at 10:30 a.m.
 - Director Kite and Director Lathi
 - e. Investment & Portfolio Committee – will not meet.
 - f. Legislative Committee – will not meet.
-
- Information 18. General Manager’s Report. *(Information on recent issues of interest to the Board)*.
-
19. Other Business:
- a. Comments and questions. *Directors can share information relating to District business and are welcome to request information from staff.*
 - b. Scheduling matters for future consideration.
-
20. Adjournment – The Board will adjourn to a Combined Board Workshop to be held in the Boardroom on Monday, April 3, 2023, at 4:00 p.m.
-
21. Adjournment – The Board will then adjourn to the next Regular Board Meeting to be held in the Boardroom on Monday, April 10, 2023, at 4:00 p.m.
-

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



USD TREAT
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PRESERVE
est.1918
TRI-CITY WASTEWATER

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

BUDGET & FINANCE COMMITTEE MEETING
Committee Members: Director Kite and Director Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

AGENDA
Wednesday, March 22, 2023
12:30 P.M.

Karen W. Murphy
Attorney

Alvarado Conference Room
5072 Benson Road
Union City, CA 94587

1. Call to Order

2. Roll Call

3. Public Comment

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

4. Items to be reviewed for the Regular Board meeting of March 27, 2023:

- February 2023 Monthly Operations Report – Financial Reports
 - Board Member Compensation for Fiscal Year 2023/2024
-

5. Adjournment

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

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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

**ENGINEERING AND INFORMATION TECHNOLOGY
COMMITTEE MEETING**
Committee Members: Director Handley and Director Lathi

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

AGENDA
Thursday, March 23, 2023
11:30 A.M.

Karen W. Murphy
Attorney

Alvarado Conference Room
5072 Benson Road
Union City, CA 94587

Director Handley will be participating via videoconference pursuant to Government Code Section 54953(f) (AB 2449). Therefore, consistent with Section 54953(f), this meeting will be both physically open to the public and available for participation via videoconference. **Members of the public can attend the meeting in person at the above location or may attend and provide public comment via videoconference as set forth below.**

Any member of the public who needs accommodations should email or call the Board Clerk, assistanttogm@unionsanitary.ca.gov or 510-477-7503, who will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible in accordance with the Union Sanitary District procedure for resolving reasonable accommodation requests.

To attend this Committee meeting via videoconference:
<https://us02web.zoom.us/j/81825732007>

1. Call to Order

2. Roll Call

3. Public Comment
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 - Alvarado Conference Room
 - Zoom

4. Items to be reviewed for the Regular Board meeting of March 27, 2023:
 - Authorize the General Manager to Execute Contract Change Order No. 11 with Clark Construction Group – California, LP for the Standby Power Generation System Upgrade Project
 - Information Technology Software & Hardware Agreement Summary

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Pat Kite
Anjali Lathi
Jennifer Toy

PERSONNEL COMMITTEE MEETING
Committee Members: Director Fernandez and Director Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

AGENDA
Friday, March 24, 2023
10:00 A.M.

Karen W. Murphy
Attorney

Alvarado Conference Room
5072 Benson Road
Union City, CA 94587

1. Call to Order

2. Roll Call

3. Public Comment

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4. Items to be reviewed for the Regular Board meeting of March 27, 2023:

- Review and Consider Approval of the Quality Assurance Chemist Position Description and Salary Range
-

5. Adjournment

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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

LEGAL/COMMUNITY AFFAIRS COMMITTEE MEETING

Committee Members: Director Kite and Director Lathi

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

AGENDA

Friday, March 24, 2023

10:30 A.M.

Karen W. Murphy
Attorney

Alvarado Conference Room

5072 Benson Road

Union City, CA 94587

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4. Items to be reviewed for the Regular Board meeting of March 27, 2023:

- February 2023 Monthly Operations Report – Odor and Work Group Reports
 - Fiscal Year 2023 2nd Quarter District-wide Balanced Scorecard
 - Receive Information and Provide Direction Regarding Ordinance 36.04 Relating to Environmental Compliance Administrative Fines Under Certain Circumstances
 - Publication of Electrochem Solutions Inc., Global Plating Inc., and Safety-Kleen of California Inc. as Significant Violators in 2022
-

5. Adjournment

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**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
March 13, 2023**

CALL TO ORDER

President Lathi called the meeting to order at 4:00 p.m.

SALUTE TO THE FLAG

President Lathi led the salute to the flag.

ROLL CALL

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

STAFF: Paul Eldredge, General Manager/District Engineer
Karen Murphy, District Counsel
Mark Carlson, Business Services Manager/CFO
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Raymond Chau, Technical Services Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Team Coach
Alisa Gordon, Human Resources Manager
Trieu Nguyen, IT Administrator
Regina McEvoy, Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF
FEBRUARY 27, 2023**

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of January 23, 2023. Motion carried unanimously.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

AWARD THE CONSTRUCTION CONTRACT FOR THE PLANT MISCELLANEOUS IMPROVEMENTS PROJECT TO W. M. LYLES CO.

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated staff identified various equipment and facilities in need of rehabilitation, replacement, and/or repairs to improve operation and maintenance of the treatment plant. The Plant Miscellaneous Improvements Project was advertised for bids December 6, 2022; the District received and opened two bids January 26, 2023. The bid results and a detailed breakdown of the bids were included in the Board meeting packet. Bid Alternate A provides Builder's Risk Insurance, a special type of property insurance that indemnifies against the loss of or damage to a building and equipment under construction. The contractor will have 550 calendar days to complete the Project from the Notice to Proceed, staff estimates completion in September 2024. Staff recommended the Board award the construction contract, including Bid Alternate A, for the Plan Miscellaneous Improvements Project to W.M. Lyles Co. in the amount of \$5,544,390.

It was moved by Director Handley, seconded by Director Kite, to Award the Construction Contract, Including Bid Alternate A, for the Plant Miscellaneous Improvements Project to W.M. Lyles Co. in the Amount of \$5,544,390. Motion carried unanimously.

REJECT ALL BIDS RECEIVED FOR THE CHERRY STREET PUMP STATION IMPROVEMENTS PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Project was initially advertised for bids on August 30, 2022. The apparent low bidder was deemed non-responsive, and the second low bidder exceeded the Engineer's Estimate by 61%. Therefore, the Board directed staff to reject all bids and re-bid the Project. The Project was re-advertised for bids November 1, 2022; the four bids received were opened December 6, 2022 and the results showing all bids exceeded the Engineer's Estimate were included in the Board meeting packet. The future Stevenson Boulevard Lift Station will replace Cherry Street Pump Station and will be designed to handle wastewater flows of future development in the area. The proposed schedule would place the new Lift Station into operation within the next four to five years. Due to all bids exceeding the Engineer's Estimate by a large percentage and the relatively short duration until the Cherry Street Pump Station will be replaced, staff recommended the Board reject all bids for this Project. Staff will continue to look at making lesser but critical improvements to the existing pump station to improve its reliability until the new lift station becomes operational. Staff recommended the Board reject all bids received for the Cherry Street Pump Station Improvements Project.

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Reject all Bids Received for the Cherry Street Pump Station Improvements Project. Motion carried unanimously.

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NOS. 1 AND 2 WITH WOODARD & CURRAN, INC. FOR THE ALVARADO BASIN CAPACITY AND CONDITION ASSESSMENT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated staff regularly assess both the capacity and condition of the gravity sewers within the District's collection system. The goal of the assessments is to develop a long-term capital improvement program that will provide for adequate hydraulic capacity in the sewer system as well as address maintenance and structural problems. Assessments typically coincide with the completion of the closed-circuit television (CCTV) inspections for each of the three drainage basins. Staff completed the planned CCTV inspections for the Alvarado Basin in 2022. The purpose of Task Order No. 1 would be to authorize Woodard & Curran, Inc. to perform a condition assessment of the Alvarado Basin's gravity sewer collection system based on the latest CCTV inspection data and other data relating to sewer pipeline assets, maintenance frequency, and service area characteristics. A description of tasks to be included in the assessment and the scope of services and fee for Task Order No. 1 were summarized in the Board meeting packet. All work under Task Order No. 1 would be expected to be completed by Winter 2023. The purpose of Task Order No. 2 would be to authorize Woodard & Curran to perform the balance of the scope for the Alvarado Basin Capacity and Condition Assessment. A description of tasks to be included and the scope of services and fee for Task Order No. 2 were summarized in the Board meeting packet. Task Order No. 2 would be executed on the condition the Board adopts the FY 24 Special Projects budget, all work under Task Order No. 2 would be expected to be completed by Winter 2024. Staff recommended the Board Authorize the General Manager to execute an agreement and Task Order No. 1 in the amount of \$69,890 with Woodard & Curran, Inc. to conduct the condition assessment Portion of the Alvarado Basin Capacity and Condition Assessment; and authorize the General Manger to execute Task Order No. 2 in the Amount of \$329,450 with Woodard & Curran, Inc. to conduct the balance of the scope for the Alvarado Basin capacity and condition assessment contingent upon the Board's Adoption of the FY 24 special projects budget.

It was moved by Director Handley, seconded by Secretary Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 in the Amount of \$69,890 with Woodard & Curran, Inc. to Conduct the Condition Assessment Portion of the Alvarado Basin Capacity and Condition Assessment; and Authorize the General Manger to Execute Task Order No. 2 in the Amount of \$329,450 with Woodard & Curran, Inc. to Conduct the Balance of the Scope for the Alvarado Basin Capacity and Condition Assessment Contingent Upon the Board's Adoption of the FY 24 Special Projects Budget. Motion carried unanimously.

REVIEW AND CONSIDER APPROVAL OF CLASSIFIED PUBLICLY AVAILABLE PAY SCHEDULE EFFECTIVE MARCH 1, 2023

This item was reviewed by the Personnel Committee. General Manager Eldredge stated the Classified Publicly Available Pay Schedule reflects adjustments to classified staff pay ranges effective March 1, 2023, pursuant to the current Memorandum of Understanding. Staff recommended the Board consider and approve the Classified Employee Pay Schedule effective March 1, 2023.

It was moved by Vice President Fernandez, seconded by Director Handley, to Authorize Staff to Proceed with a Long Block Exchange For Cogeneration Engine No. 2. Motion carried with the following vote:

AYES: Handley, Fernandez, Kite, Lathi, Toy
NOES: None
ABSTAIN: None
ABSENT: None

REVIEW AND CONSIDER APPROVAL OF INVESTMENT POLICY NO. 2030

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated District staff and PFM Asset Management, LLC, collaborated to update the Investment Policy to accurately reflect language in the current Government Code. Staff recommended the Board consider and approve the District's Investment Policy No. 2030 and renew delegation of authority of Treasurer to the Business Services Manager for a one-year period pursuant to California Government Code Section 53607 as amended by Stats. 1996, Ch. 749, Sec. 6.

It was moved by Director Kite, seconded by Secretary Toy, to Approve the District's Investment Policy No. 2030 and Renew Delegation of Authority of Treasurer to the Business Services Manager for a One-Year Period. Motion carried unanimously.

INFORMATION ITEMS:

COVID-19 Update

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts. General Manager Eldredge stated he will provide an overview of District activities that have changed due to COVID at an upcoming Board meeting.

Report on the East Bay Discharger's Authority Meeting of February 16, 2023

President Lathi provided an overview of the EBDA meeting minutes included in the Board meeting packet.

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Engineering and Information Technology, and Personnel Committees met.

GENERAL MANAGER'S REPORT:

- General Manager Eldredge noted the Board last met in person three years ago.
- General Manager Eldredge stated the treatment plant peaked at almost 61 MGD during the recent wet weather event over the weekend.
- PFM Asset Management, LLC confirmed the District had no direct nor indirect exposure to the Silicon Valley Bank failure.

- The Mid-Year Budget Board Workshop will be held Thursday, March 16, 2023, at 4:00 p.m. in the Boardroom.
- General Manager Eldredge shared videos from the first concrete pour for the Campus foundation.
- Staff will be reaching out to the Board to schedule Board workshops.

OTHER BUSINESS:

Director Handley stated he will participate remotely in the next Engineering and Information Technology Committee meeting due to a surgical procedure as allowable under AB 2449, and further stated he will also participate in the March 27 Board meeting remotely as allowed under the Brown Act.

ADJOURNMENT:

The meeting was adjourned at 4:36 p.m. The next Regular Board Meeting will be held virtually on Monday, March 27, 2023, at 4:00 p.m.

SUBMITTED:

ATTEST:

REGINA McEVOY
BOARD CLERK

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 27th day of March 2023

**MINUTES OF THE SPECIAL MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
March 16, 2023**

CALL TO ORDER

President Lathi called the special meeting to order at 4:00 p.m.

ROLL CALL

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

STAFF: Paul Eldredge, General Manager/District Engineer
Mark Carlson, Business Services Manager/CFO
Raymond Chau, Technical Services Manager
Jose Rodrigues, Collection Services Manager
Armando Lopez, Treatment and Disposal Services Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach

PUBLIC COMMENT

There was no public comment.

BOARD WORKSHOP

General Manager Eldredge and Business Services Manager/CFO Carlson presented the Fiscal Year 2023 Mid-Year Operating Budget, and Technical Services Manager Chau presented the Capital Improvements Projects Budget.

ADJOURNMENT:

The special meeting was adjourned at approximately 5:14 p.m. to the next Regular Board Meeting to be held in the Boardroom on Monday, March 27, 2023, at 4:00 p.m.

SUBMITTED:

ATTEST:

REGINA McEVOY
BOARD CLERK

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT



Union Sanitary District

Monthly Operations Report
February 2023



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2023 MONTHLY OPERATIONS REPORT

The February 2023 Monthly Operations Reports highlights the District's performance in the following areas:

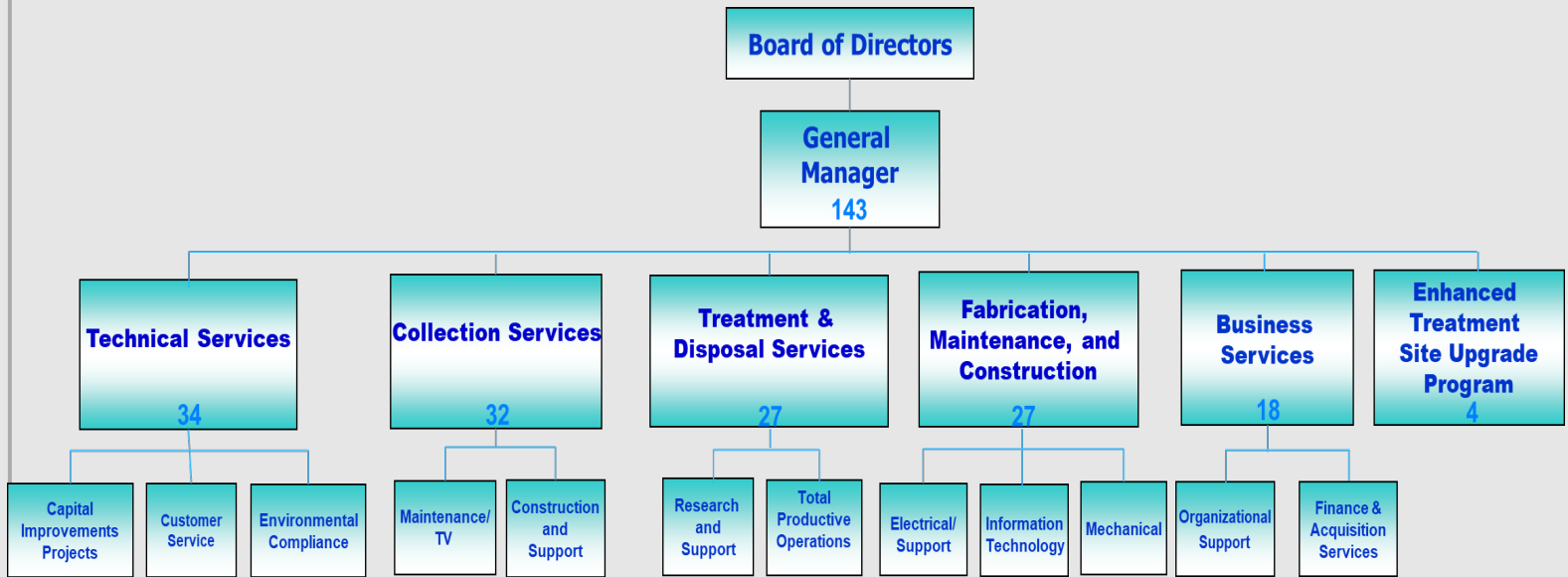
- **Organizational Overview**
- **Financial Reports**
 - Budget and Finance Report
 - Investment Portfolio
 - Portfolio Holdings by Asset Class and by Maturity Range
- **Customer Relations**
 - Odor Investigations and Response
 - Service Request and Response
 - Communication and Outreach
- **Plant Operations**
- **Maintenance Report**
 - Collection System
 - Plant and Pump Stations
 - Information Technology
- **Capital Improvement Projects (CIP) Report**
 - Current Construction Projects
 - Studies and Designs
- **Permitting and Inspections**
- **Staffing and Personnel**



Organizational Overview

2023 MONTHLY OPERATIONS REPORT

Union Sanitary District operates a 33-acre wastewater treatment facility in Union City and provides collection, treatment, and disposal services to a total population of over 356,000 in Fremont, Newark and Union City, California. The District maintains over 839 miles of underground pipeline in its service area.



Executive Team

| | | |
|-----------------|--|---|
| Paul Eldredge | General Manager/District Engineer | Oversees District operations and liaison to the Board of Directors |
| Mark Carlson | Business Services/CFO | Includes Finance, Purchasing, Human Resources, and Safety |
| Jose Rodrigues | Collection Services | Maintains, and repairs the sewer lines and manholes throughout the service area |
| Raymond Chau | Technical Services | Permits and inspections, pretreatment program, and capital improvements |
| Armando Lopez | Treatment and Disposal Services | Operates the treatment plant, process and analyze wastewater samples |
| Robert Simonich | Fabrication, Maintenance, and Construction | Information technology, equipment installation, service, repair for the plant and pump stations |



Financial Report

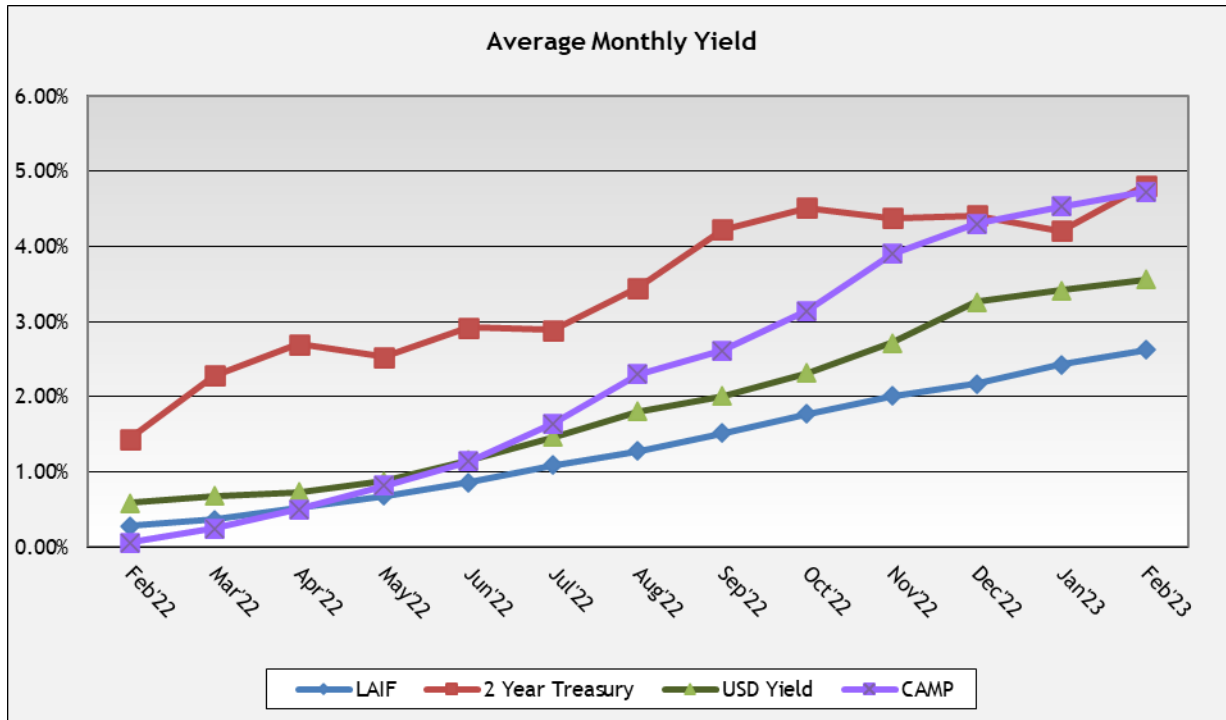
2023 MONTHLY OPERATIONS REPORT

Total Revenues and Expenditures

| FY 2023 | Year-to-date as of 2/28/23 | | 67% of year elapsed | Audited Last Year Actuals 6/30/22 |
|---|----------------------------|------------------------|------------------------------|--|
| Revenues | | | | |
| | Budget | Actual | % of Budget Rec'd | |
| Capacity Fees | \$ 7,467,000 | \$ 3,316,570 | 44% | \$ 11,145,152 |
| Sewer Service Charges | 76,965,000 | 39,815,654 | 52% | 73,822,317 |
| Operating (Includes work groups and fund 85) | 1,234,500 | 882,169 | 71% | 1,307,546 |
| Interest | 1,385,000 | 3,031,969 | 219% | 1,122,856 |
| Misc. (Annex fees, forfeited deposits) | - | 624,240 | 0% | 1,607,370 |
| Subtotal Revenues | \$ 87,051,500 | \$ 47,670,602 | 55% | \$ 89,005,242 |
| Bond Proceeds | - | - | 0.0% | 110,317,768 |
| Total Revenues + Bond Proceeds | \$ 87,051,500 | \$ 47,670,602 | 55% | \$ 199,323,010 |
| Expenses | | | | |
| | Budget | Actual | % of Budget Used | Audited Last Year Actuals 6/30/22 |
| Capital Improvement Program: | | | | |
| Capacity Proj. | \$ 15,624,000 | \$ 4,254,044 | 27% | \$ 11,721,479 |
| Renewal & Repl. Proj. | 53,206,200 | 22,841,860 | 43% | 14,840,229 |
| Operating (includes fund 85) | 50,509,850 | 30,395,467 | 60% | 41,198,447 |
| Special Projects | 3,238,000 | 500,865 | 15% | 1,002,174 |
| Retiree Medical (ADC) | 1,400,000 | 1,175,807 | 84% | - 27,870 |
| 115 Pension Trust | 3,000,000 | - | 0% | 3,000,000 |
| Vehicle & Equipment | 171,000 | 176,662 | 103% | - |
| Information Systems | 1,207,500 | 168,036 | 14% | 356,115 |
| Plant & Pump Stat. R&R | 400,000 | 68,001 | 17% | 327,272 |
| Emerg. Fund | - | - | 0% | - |
| Cty Fee for SSC Admin. | 113,000 | 56,256 | 50% | 111,726 |
| Debt Servicing: | | | | |
| SRF Loans | - | - | 0% | 7,982 |
| Bonds | 9,017,480 | 7,152,169 | 79% | 7,478,302 |
| WIFIA | - | 17,000 | 0% | 363,040 |
| Total Expenses | \$ 137,887,030 | \$ 66,806,166 | 48% | \$ 80,378,897 |
| Total Revenue & Proceeds less Expenses | \$ (50,835,530) | \$ (19,135,565) | | 118,944,113 |

Investment Portfolio

Performance Measures for the USD Investment Portfolio



| | Oct'22 | Nov'22 | Dec'22 | Jan'23 | Feb'23 |
|------------------------|--------------|--------------|--------------|--------------|--------------|
| LAIF | 1.77% | 2.01% | 2.17% | 2.43% | 2.62% |
| 2 Year Treasury | 4.51% | 4.38% | 4.41% | 4.21% | 4.81% |
| USD Yield | 2.32% | 2.72% | 3.26% | 3.42% | 3.56% |
| CAMP | 3.14% | 3.90% | 4.30% | 4.53% | 4.73% |

LAIF: Local Agency Investment Fund Yield

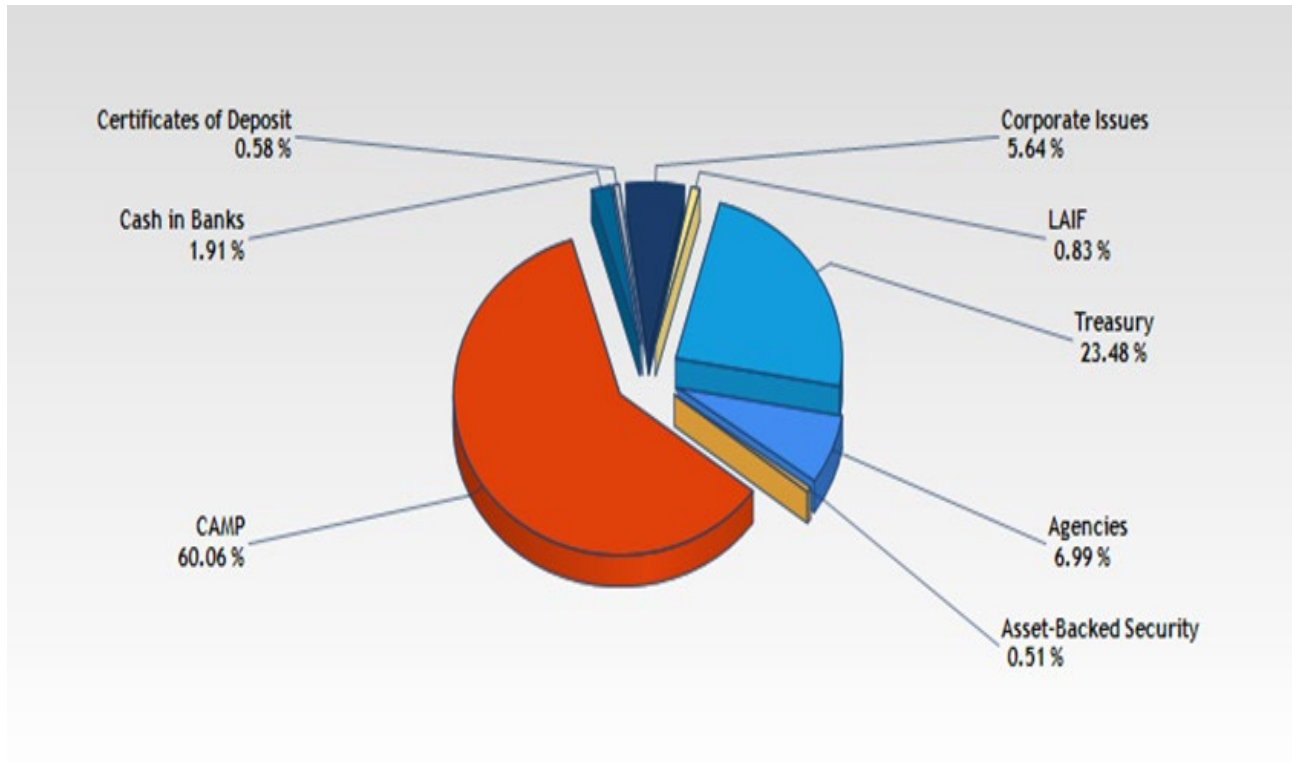
2 Year Treasury: Yield for investing in 2-Year U.S. Treasury security

USD Yield: Summarizes USD portfolio's yield

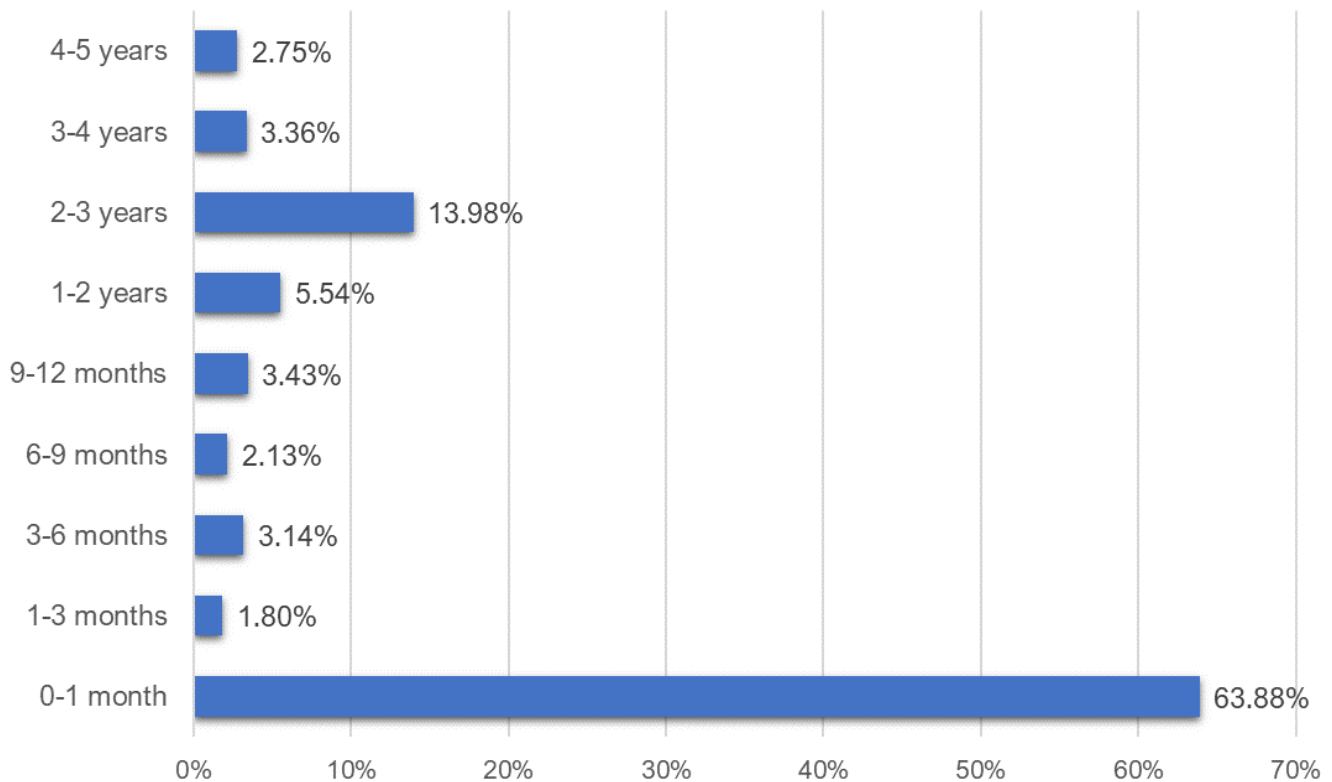
CAMP: California Asset Management Program Yield

Portfolio Holdings by Asset Class and by Maturity Range

Portfolio Holdings Distribution by Asset Class



Portfolio Holdings Distribution by Maturity Range



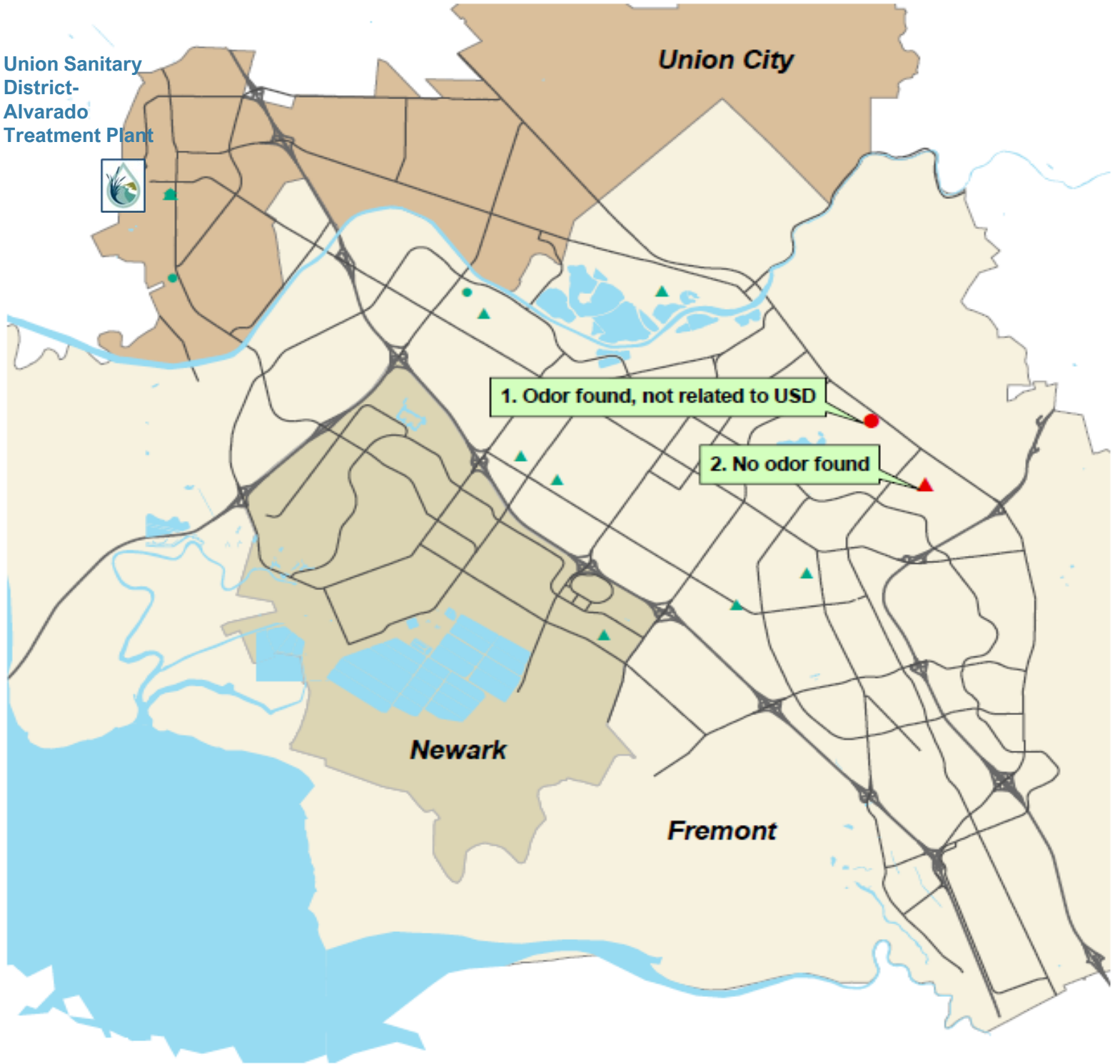
Union Sanitary District Odor Map and Report

During the recording period between February 1, 2023 through February 28, 2023, there were 2 odor related service request(s) received by the District.

| | | | |
|---|----------------------|---------------------|----------------------|
| City | Fremont | | |
| District Related: | No | Date/Time: | 2/25/2023 5:44PM |
| Location: | Carmelita Court | Reported by: | Ray |
| Weather/Temp: | Partly Cloudy / 47°F | Wind: | North West / 4-6 mph |
| <p>Response and Follow-up: A resident reported a green, foul-smelling, water/sludge substance coming from a PVC draining pipe at the curb and gutter of a neighbor's home. A Trouble Call Inspector responded to the area and found the sludge substance and odor as described. The inspector was able to make contact with the resident at the source of the drain. The resident explained that he was "backflushing and cleaning his pool filters earlier". He stated that the pool unattended for a while and he stated that it had become a "swamp". The green color and smell were algae and other decomposing organic material from the pool and pool filters. The resident was cooperative and provided his contact information.</p> <p>The odor was determined not to be related to the USD sewer system. Findings were shared with USD's Environmental Compliance Division.</p> | | | |

| | | | |
|---|-----------------|---------------------|-----------------------|
| City | Fremont | | |
| District Related: | No | Date/Time: | 2/24/2023 2:57PM |
| Location: | Covington Drive | Reported by: | Calvin Tang |
| Weather/Temp: | Cloudy / 50°F | Wind: | North West / 8-10 mph |
| <p>Response and Follow-up: A trouble call inspector responded to a complaint of a foul odor coming from the sinks inside a residence. Upon arrival, the inspector noted that no odor was present outside the home and there was no visual evidence of odor causing conditions outside the residence. The inspector checked the upstream and downstream manholes. The flow appeared to be normal. The inspector proceeded to check the area around the residence. The inspector noted that the storm drain inlets, and the area in the front, side, and back of home, where there was a creek area (easement), showed no signs of a back up and no odors were present. The odor appears to be coming from the home's internal plumbing system.</p> <p>The inspector reported their findings to the homeowner.</p> | | | |

Union Sanitary District Odor Map and Report



Legend

Odor Complaints: February 2023

- ★ Odor found, USD resolved (0)
- Odor found, not related to USD (1)
- ▲ No odor found (1)

Odor Complaints: Mar. 2022 to Jan. 2023

- ★ Odor found, USD resolved (1)
- Odor found, not related to USD (7)
- ▲ No odor found (18)

Location of Odor Reports March 2022 to February 2023





Customer Relations

2023 MONTHLY OPERATIONS REPORT

Customer Service Response

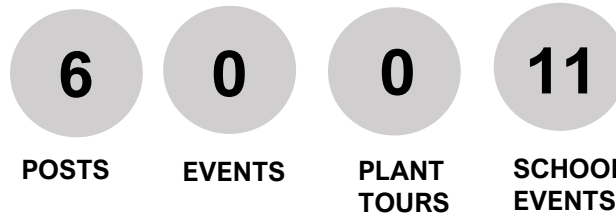
Front Desk Trouble Calls

Service calls that require immediate attention to support customer needs. Dispatched from the Front Desk during business hours.

| Total Calls | Fremont | Newark | Union City | Total |
|---------------|---------|--------|------------|-------|
| Feb-23 | 9 | 2 | 2 | 13 |
| Jan-23 | 15 | 3 | 2 | 20 |
| Dec-22 | 10 | 1 | 0 | 11 |
| Nov-22 | 12 | 5 | 3 | 20 |
| Oct-22 | 9 | 0 | 1 | 10 |
| Sep-22 | 6 | 0 | 1 | 7 |
| 6 Month Total | | | | 81 |
| Feb-22 | 9 | 7 | 3 | 19 |

Communication and Outreach

Includes participation in local events, social media communication, plant tours, and school outreach events.



Social Media Posts:

- Cust Svc. Asst/Assoc Engineer recruitment
- Org. Support Coordinator I recruitment
- #WhatsThis? Combo Unit explanation
- Homeowner lateral video
- Presidents Day holiday closure
- ETSU construction progress

Events:

Other Activities:

- Tri-City communications representatives quarterly check-in
- GM interviewed by Stanford student
- Special District Virtual Roundtables (2) – Asm Liz Ortega and Asm Alex Lee staff member
- U.C. Chamber of Commerce Board participation



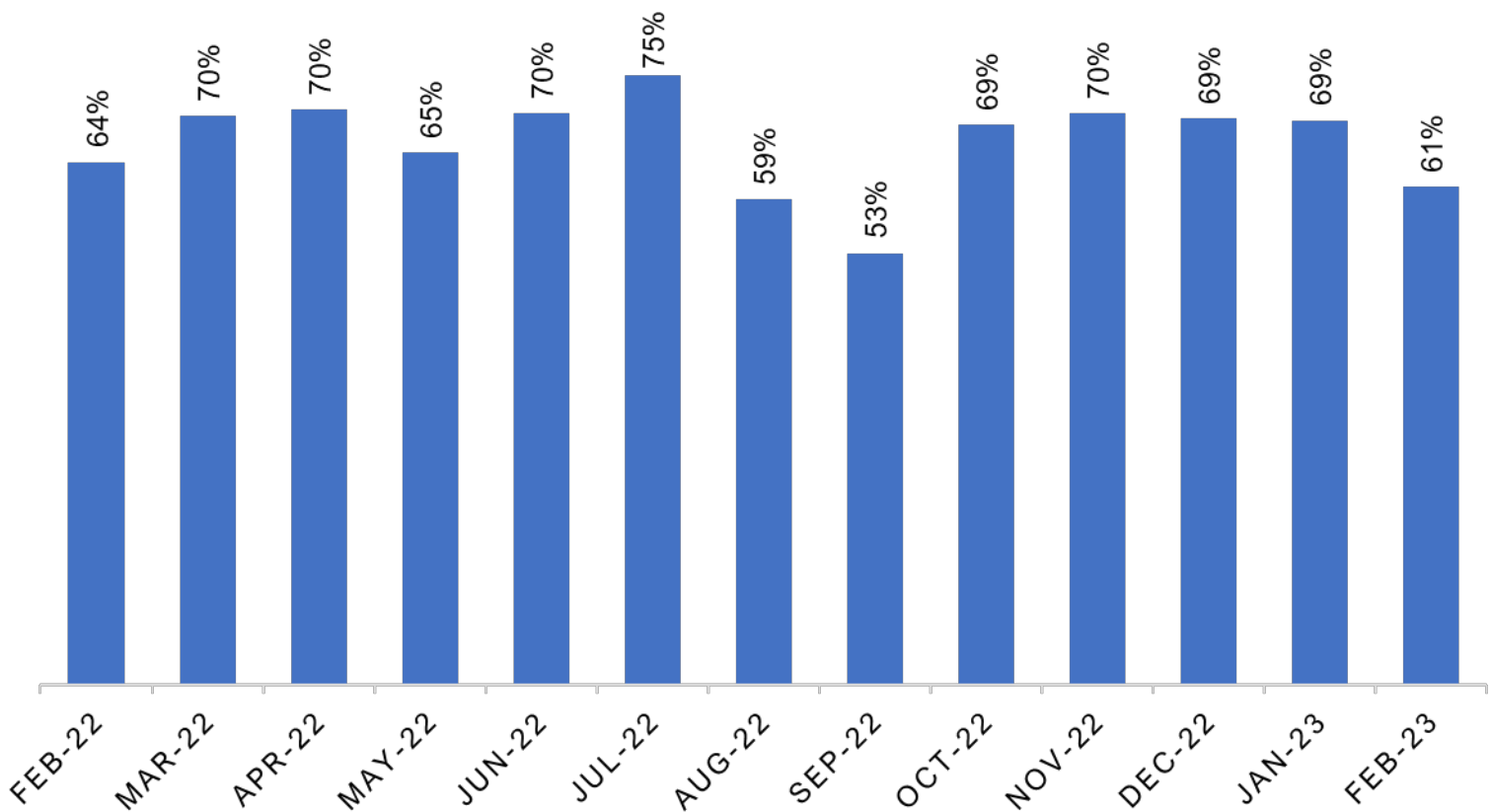
Plant Operations

2023 MONTHLY OPERATIONS REPORT

Cogeneration Engines at USD's Wastewater Treatment Plant

The chart below shows the percentage of Plant power usage generated by the District's cogeneration (cogen) engines monthly. The engines use biogas produced by the wastewater treatment process as the primary fuel to generate the majority of the plant's power needs, reducing operating costs.

Cogen Power Produced (% of total Plant load)



Mechanics working on the cogeneration engine



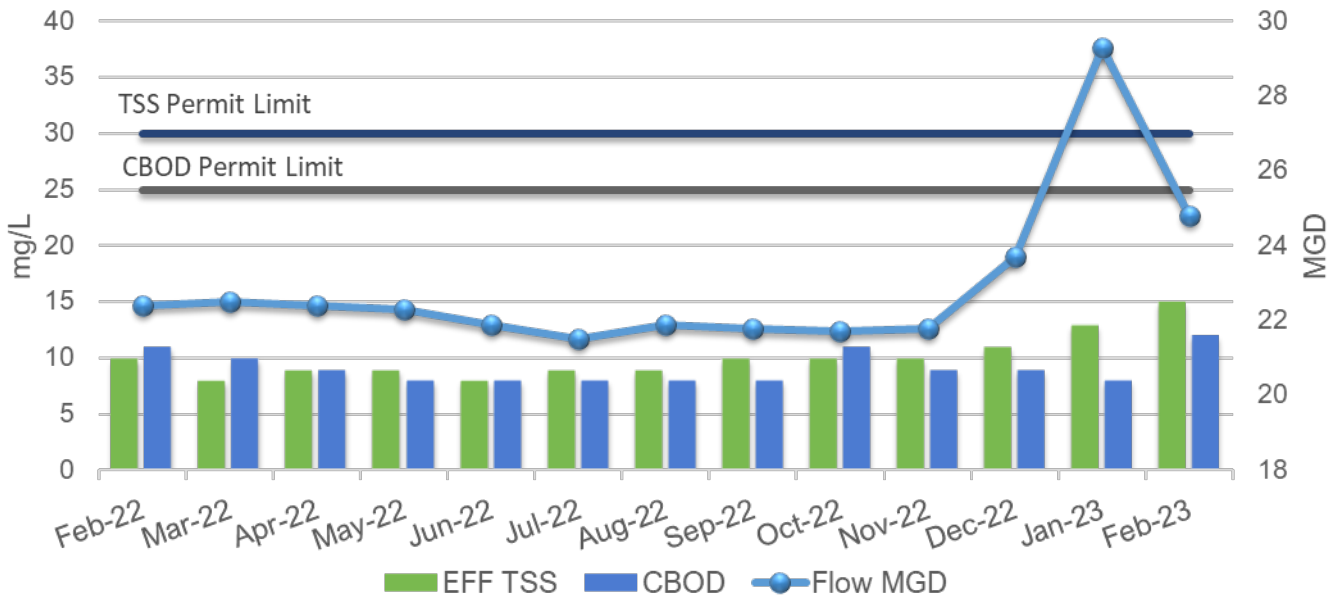
Plant Operations

2023 MONTHLY OPERATIONS REPORT

Lab Monitoring Results

USD's laboratory staff process over 6,200 samples and perform about 17,000 analyses every year to ensure discharges from the plant meet necessary standards.

Lab Results and Effluent Flow



EFF SS: Effluent Suspended Solids **CBOD:** Carbonaceous Biochemical Oxygen Demand **MGD:** Million Gallons per Day

USD's Final Effluent Monthly Monitoring Results

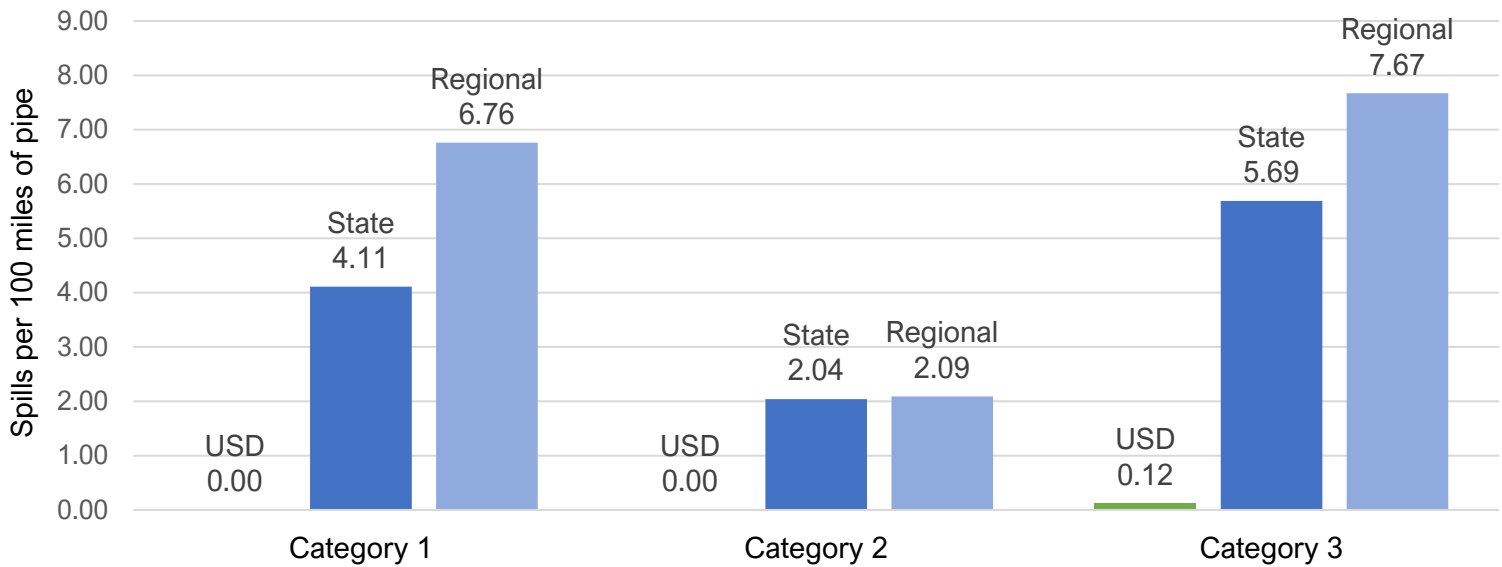
| Parameter | Permit Limit | Dec-22 | Jan-23 | Feb-23 |
|-----------------------------------|--------------|-----------|-----------|---------|
| Copper, µg/l | 53 | 4.7 | 4.3 | 6.4 |
| Mercury, µg/l | 0.066 | N/A | N/A | 0.0043 |
| Cyanide, µg/l | 20 | ND 0.9 | ND 0.9 | 1.1 |
| Ammonia- N, mg/L (Range) | 86 | 40 – 47.2 | 28 - 37.9 | 42 - 45 |
| Fecal Coliform, MPN/100ml (Range) | | | | |
| • 5-Day Geometric Mean | 500 | 32 - 68 | 43 - 73 | 51 - 59 |
| • 11-Sample 90th Percentile | 1100 | 248 - 248 | 89 - 248 | 79 - 89 |
| Enterococci | | | | |
| • 6-Week Geometric Mean | 280 | 29.4 | 94.6 | 79.4 |

E = Estimated Value, concentration outside Calibration Range. ND = Not Detected, result is below Detection Limit.



Collection System Performance Report

Average Spills per 100 Miles of Sewer Over the Last 12 Months
USD vs. Regional vs. State



Definition of Spill Categories

- Category 1: 1,000 gallons or more. Discharges to surface water, not fully captured.
- Category 2: 1,000 gallons or more. Does not reach surface water, not fully captured.
- Category 3: 1,000 gallons or less. Does not reach surface water, fully captured.

Collection System Maintenance Work Completed

The Collection Services Workgroup maintains over 839 miles of gravity sewer through cleaning and televised inspection. They also service 63 District vehicles and maintain 3 buildings. Maintenance of equipment is completed by staff through sewer line repairs and work orders.

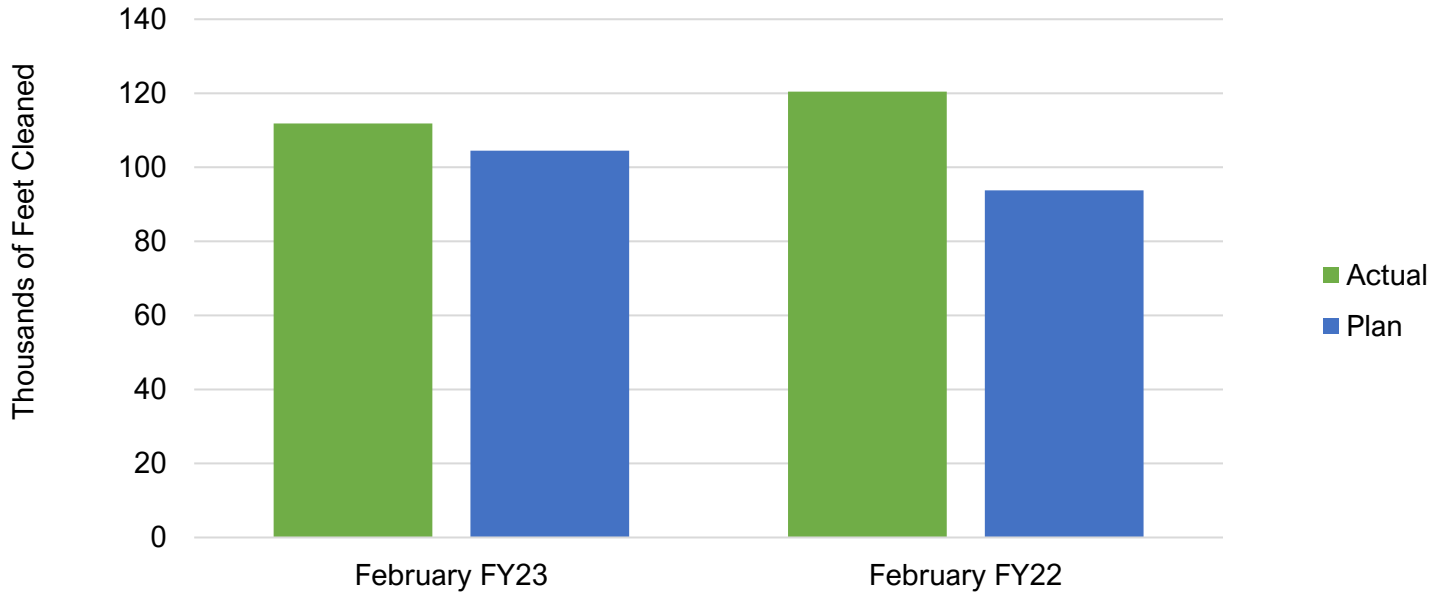
| | This Month | Fiscal Year to Date | Historical Monthly Average |
|---|------------|---------------------|----------------------------|
| Sewer Line Repairs - # of Open Trench | 0 | 0 | 2 |
| Sewer Line Repairs - # of Trenchless | 25 | 125 | 14 |
| Work Orders Completed on Vehicles and Buildings | 156 | 1525 | 171 |



Maintenance Report

2023 MONTHLY OPERATIONS REPORT

Sewer Line Cleaning



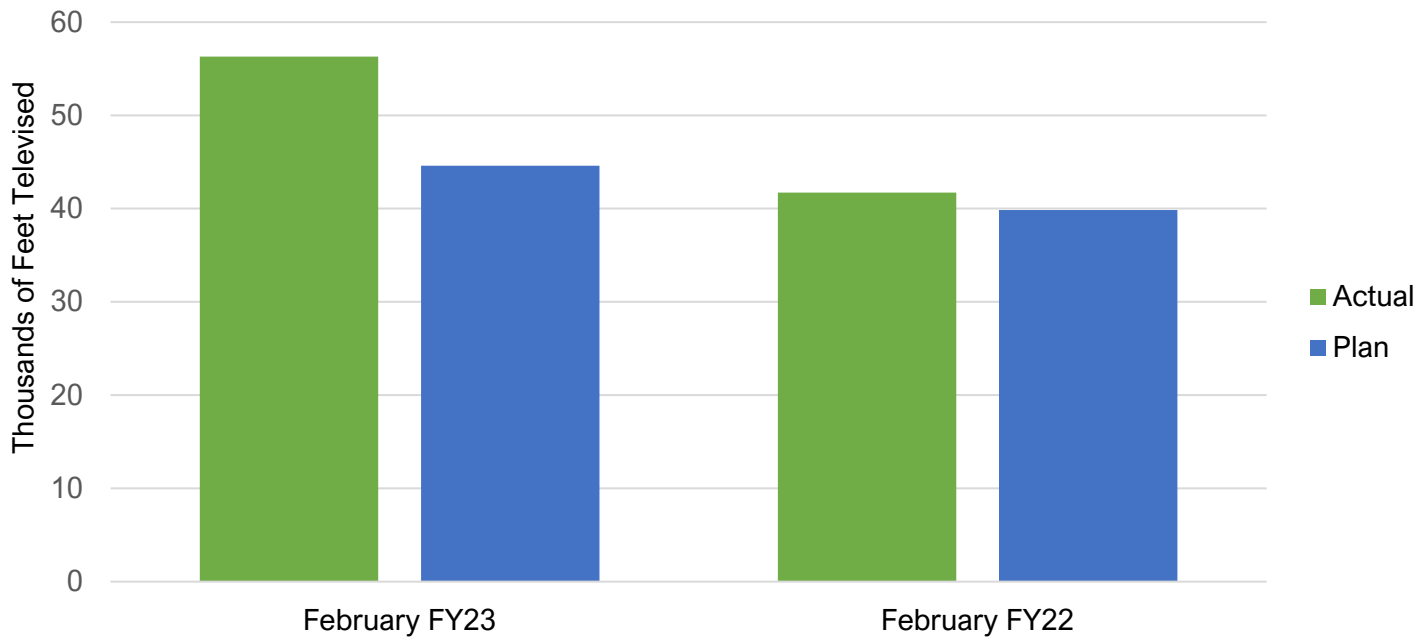
| Cleaning Cost per Foot=\$0.81 | | | | | | | | |
|--|-----------------|-----------------|----------------|----------------|------------------|-------------------------|------------------|---------------------|
| Description | FY23 Q1 Footage | FY23 Q2 Footage | Jan-23 Footage | Feb-23 Footage | FY23 YTD Footage | Historical FY22 Footage | FY23 YE Goal | % Completed to Plan |
| 84 Month Hydro-Jet Clean | 164,544 | 122,926 | 41,153 | 68,074 | 396,697 | 654,851 | 579,314 | 68.5% |
| Selective Line Cleaning | 31,441 | 122,926 | 48,375 | 7,538 | 139,132 | 196,114 | 221,641 | 62.8% |
| Special Condition Clean (not in total) | 1,390 | 4,184 | 3,936 | 1,626 | 11,136 | 32,029 | 28,940 | 38.5% |
| Root Control/Chemical Clean | 42,723 | 161,568 | 30,991 | 36,210 | 271,492 | 320,841 | 410,502 | 66.1% |
| Cast Iron Cleaning | 1,270 | 5,508 | 720 | - | 7,498 | - | 6,293 | |
| Totals | 239,978 | 341,780 | 121,239 | 111,822 | 814,819 | 1,171,806 | 1,217,750 | 66.9% |



Maintenance Report

2023 MONTHLY OPERATIONS REPORT

Sewer Line Inspection and Televising



| Televising Cost per Footage=\$0.93 | | | | | | | | |
|---|-----------------|-----------------|----------------|----------------|------------------------|-------------------------------|----------------|---------------------|
| Description | FY23 Q1 Footage | FY23 Q2 Footage | Jan-23 Footage | Feb-23 Footage | FY23 YTD Footage/Count | Historical FY22 Footage/Count | FY23 Goal | % Completed to Plan |
| 84 Month TV Inspection | 108,880 | 120,029 | 14,589 | 56,302 | 299,800 | 481,639 | 477,964 | 62.7% |
| 84 Month Manhole Inspection Count | 525 | 297 | 184 | 161 | 1,167 | 1,163 | 2,468 | 47.3% |
| Visual/Condition, Pre/Post Cnst TV (not in total) | - | - | - | - | - | 1,793 | 11,704 | 0.0% |
| Visual Manhole Inspection Count (not in total) | 79 | 26 | 1 | 28 | 134 | 329 | - | - |
| New Development, CIP, Misc (not in total) | 1,507 | 6,394 | 6,551 | 304 | 14,756 | 33,140 | 34,056 | 43.3% |
| QA/QC Line Condition | - | - | - | - | - | 19,201 | 16,074 | 0.0% |
| QA/QC Root Control | 20,286 | 2,064 | - | - | 41,050 | 22,270 | 41,108 | 99.9% |
| Totals | 129,166 | 140,793 | 14,589 | 56,302 | 340,850 | 523,110 | 535,146 | 63.7% |

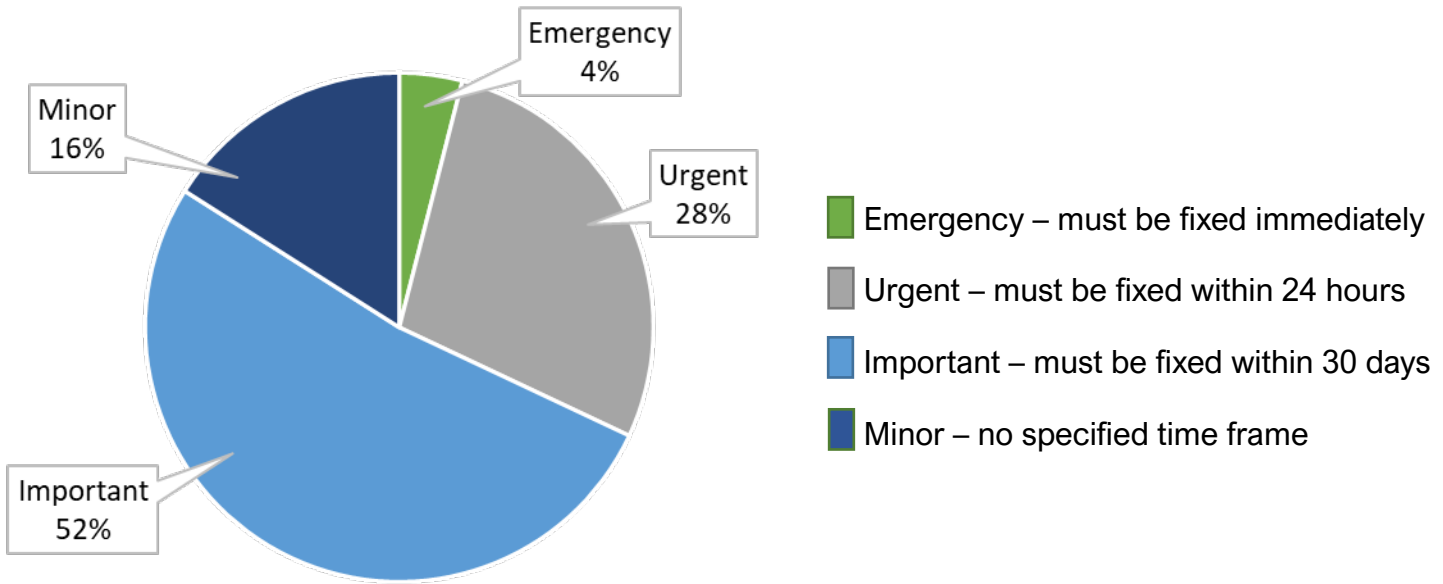


Maintenance Report

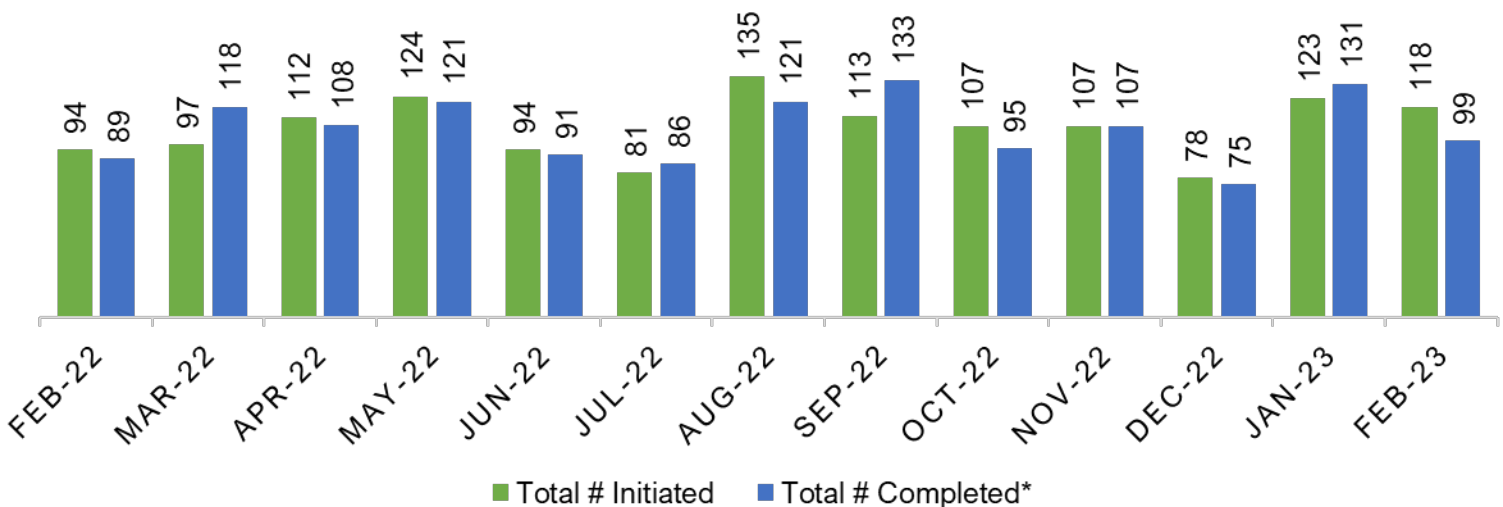
2023 MONTHLY OPERATIONS REPORT

Plant and Pump Stations Maintenance Work Completed

Equipment at our Plant and Pump/Lift stations is maintained by mechanics and other staff through completion of work orders. Staff completed 94.1% of preventative maintenance activities for the month in addition to the following shown below.



Work Orders Initiated and Completed



*The number of work orders completed in a month is dependent upon several factors including the availability of necessary parts and the amount of time required by staff to accomplish a given task.



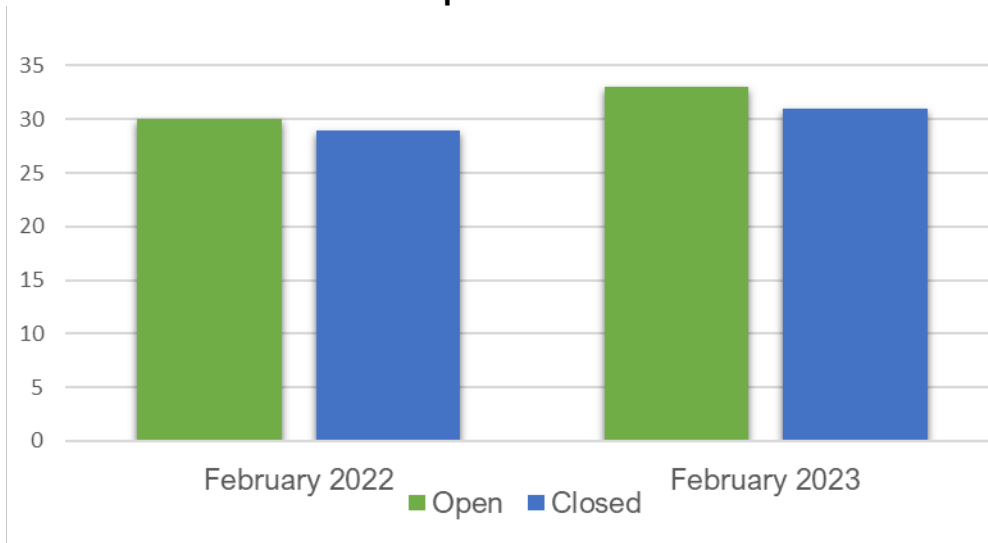
Maintenance Report

2023 MONTHLY OPERATIONS REPORT

Information Technology

USD’s Information Technology (IT) staff install, upgrade, and maintain District computers and software systems. IT staff responsibilities include ongoing maintenance of systems critical to operation of our wastewater treatment plant and pump stations.

IT Help Desk Tickets



Managed and Hosted IT Asset Uptime

| Asset Name | USD Managed or Hosted by Third Party | % Up time |
|----------------------------------|--------------------------------------|-----------|
| USD Website | Hosted | 99.81% |
| Email Server | Hosted | 99.73% |
| Newark Pump Station | USD Managed | 99.99% |
| Boyce Pump Station | USD Managed | 100% |
| Irvington Pump Station | USD Managed | 100% |
| SCADA | USD Managed | 100% |
| Total Average of All USD Servers | USD Managed | 99.95% |

The majority of our IT network assets are maintained onsite by IT staff with an uptime target of 99.90%. Additional assets, such as the USD website, are hosted externally by a third party.



Capital Improvement Projects

2023 MONTHLY OPERATIONS REPORT

Capital Improvement Project (CIP) Activities

Our engineers manage and coordinate project activities including completion of studies, designing of future projects, and project management of construction work at our Plant, Pump Stations, gravity sewer network, and Force Mains.

Current CIP Projects – Budget and % complete

| Current (FY23) CIP Projects | Budget (\$1,000) | Spent to Date (\$1,000) | Scheduled Completion | Completed Scope |
|---|------------------|-------------------------|----------------------|-----------------|
| 1 – Alvarado Influent Pump Station Improvements Project | \$9,028 | \$8,420 | 11/21 | 99% |
| 2 – Force Main Corrosion Repairs Project – Phase 3 | \$1,064 | \$1,058 | 10/22 | 99% |
| 3 – Irvington Basin Reinforced Concrete Pipe Rehabilitation Project | \$5,291 | \$5,205 | 12/22 | 98% |
| 4 – Primary Digester No. 7 Project | \$23,783 | \$22,901 | 5/22 | 99% |
| 5 – Standby Power Generation System Upgrade Project | \$21,135 | \$3,523 | 6/24 | 17% |



Digester #7 Project

[Click here to see time lapse video](#)



Capital Improvement Projects

2023 MONTHLY OPERATIONS REPORT

Design Phase – Budget and % of Completed Scope

| Current (FY23) Design Phase | Budget (\$1,000) | Spent to Date (\$1,000) | Scheduled Completion | Completed Scope |
|--|------------------|-------------------------|----------------------|-----------------|
| 1 – Cherry Street Pump Station Improvements Project | \$72 | \$99 | 6/21 | 100% |
| 2 – Plant Miscellaneous Improvements Project | \$199 | \$199 | 9/22 | 100% |
| 3 – Pump Stations Chemical System Improvements Project | \$762 | \$753 | 10/21 | 100% |
| 4 – Sodium Hypochlorite Loop Improvements Project | \$280 | \$280 | 9/22 | 100% |
| 5 – Switchboard No. 3 and MCC No. 25 Replacement Project | \$95 | \$71 | 7/22 | 75% |
| 6 – WAS Thickener Replacement Project | \$1,017 | \$868 | 6/23 | 80% |
| 7 – Force Main Corrosion Repairs Project – Phase 4 | \$68 | \$29 | 3/23 | 43% |

Study Phase – Budget and % of Completed Scope

| Current (FY23) Study Phase | Budget (\$1,000) | Spent to Date (\$1,000) | Scheduled Completion | Completed Scope |
|--|------------------|-------------------------|----------------------|-----------------|
| 1 – Cogeneration Replacement and Ventilation Study | \$142 | \$134 | 7/22 | 94% |
| 2 – Energy Resiliency Study | \$256 | \$220 | 12/22 | 86% |
| 3 – Force Main Condition Assessment | \$121 | \$32 | 10/22 | 60% |
| 4 – Headworks Degritting Study | \$200 | \$156 | 10/22 | 85% |
| 5 – Odor Control Alternatives Study | \$504 | \$476 | 12/20 | 99% |
| 6 – Primary Digester No. 8 Feasibility Study | \$111 | \$113 | 9/22 | 90% |
| 7 – Pump Stations Condition Assessment Study | \$250 | \$190 | 8/22 | 90% |
| 8 – Sea Level Rise Study | \$162 | \$158 | 11/22 | 97% |
| 9 – Thermal Dryer Feasibility Study | \$128 | \$121 | 7/22 | 95% |
| 10 – 2022 Local Limits Study | \$44 | \$44 | 12/22 | 100% |



Permitting and Inspections

2023 MONTHLY OPERATIONS REPORT

Sewer Permits Issued

Permits issued upon approved completed plans.

| Month | Repairs | Mains | New Laterals* | Secondary Units | Restaurants | Other** | Total |
|--------|---------|-------|---------------|-----------------|-------------|---------|-------|
| Feb-23 | 21 | 0 | 16 | 8 | 0 | 2 | 47 |
| Jan-23 | 24 | 0 | 9 | 10 | 0 | 2 | 45 |
| Dec-22 | 9 | 0 | 6 | 2 | 1 | 2 | 20 |

*New Laterals- New residential lateral connections

**Other- Non-residential construction (except restaurants)

Storm Water Inspections (City of Fremont)

Under contract with City of Fremont’s Environmental Services Group, our inspectors conduct routine inspections and document enforcement actions.

| Total Inspections | | Total Monthly Enforcements | | | | | | Total |
|-------------------|---------------------|----------------------------|----------------|---------------------|------------|--------------|----------------------|-------|
| Current Month | Fiscal Year to Date | Verbal Warning | Warning Letter | Notice of Violation | Admin Fine | Legal Action | Notice of Deficiency | |
| 79 | 726 | 2 | 0 | 2 | 7 | 0 | 0 | 11 |

Pollution Prevention Inspections

Environmental Compliance conducts pollution prevention inspections at restaurants, car wash businesses, and other commercial facilities.

| Total Inspections | | Total Monthly Enforcements | | | | | | Total |
|-------------------|---------------------|----------------------------|----------------|---------------------|------------|--------------|----------------------|-------|
| Current Month | Fiscal Year to Date | Verbal Warning | Warning Letter | Notice of Violation | Admin Fine | Legal Action | Notice of Deficiency | |
| 56 | 458 | 5 | 2 | 0 | 0 | 0 | 1 | 8 |

Permitted Industrial Businesses

| City | Industrial Permits |
|------------|--------------------|
| Fremont | 57 |
| Newark | 13 |
| Union City | 12 |

Examples of Permitted Industrial Businesses:

- Tesla
- Washington Hospital
- US Pipe
- Western Digital
- Lam Research



Staffing and Personnel

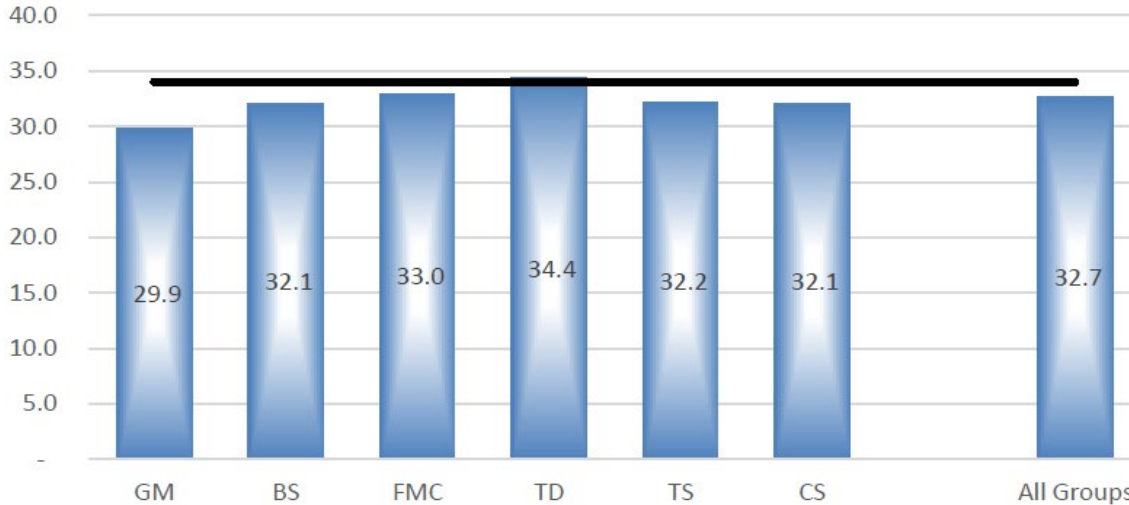
2023 MONTHLY OPERATIONS REPORT

Hours Worked and Leave Time by Work Group

June 23, 2022 through February 15, 2023

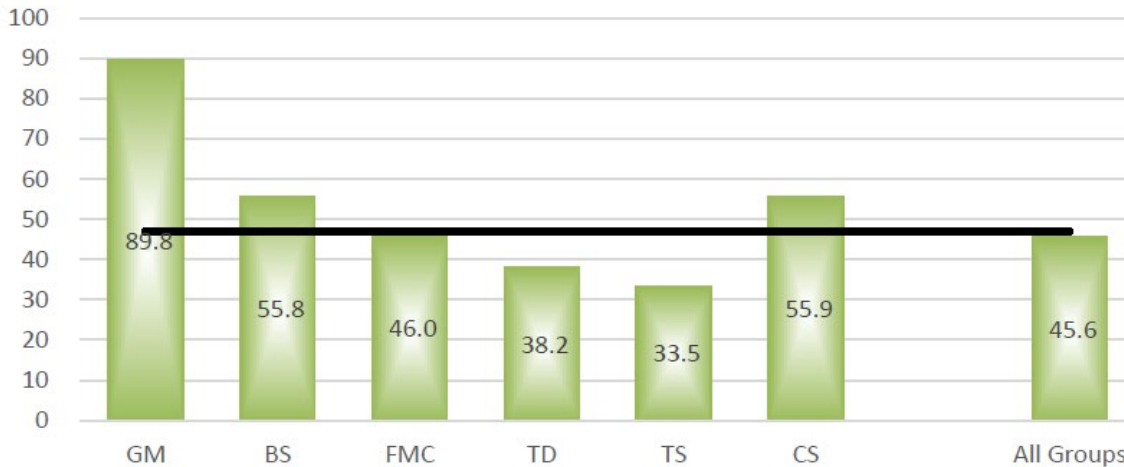
Weeks to Date 34 out of 52 (65.38%)

At-Work Hours Per Employee Per Week



Target is 34

Average Annual Sick Leave Used Per Employee Per Date



Target is 47

Recruitments

| Position | Position Posted | Status |
|--|-----------------|---|
| Junior/Assistant/Associate Engineer – CIP | 8/8/2022 | Jose Rivas, Assistant Engineer – DOH 3/13/2023. |
| Organizational Support Coordinator I | 2/1/2023 | Recruitment in process. |
| Assistant/Associate Engineer – (Customer Service Team) | 2/1/2023 | Recruitment in process. |



USD TREAT
PROTECT
PRESERVE
est. 1918
TRI-CITY WASTEWATER

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 6B**

TITLE: **Second Quarter FY 23 District-Wide Balanced Scorecard Measures (*This is an Information Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, CFO/ Business Services Work Group Manager
Alisa Gordon, Organizational Support Team Coach
Karoline Terrazas, Organizational Performance Manager

Recommendation
Information only.

Discussion

This report summarizes progress meeting the District’s strategic objectives and safety measures for the second quarter of fiscal year 2023 to date (July 1 – December 31, 2022).

Safety

During the second quarter the District experienced two incidents with only one that resulted in lost time. The cost associated with the vehicle accident was a result of the incident that occurred in the previous quarter. No new vehicle incidents were reported. The two safety related activities “on hold due to COVID” are currently under review. One measure may have scope changes and the other activity will resume in FY24.

During the second quarter the District completed its safety survey with input from employees. It resulted in 93.6% positive responses. The outputs were reviewed and shared. The District continues to do well with all other Safety targets this fiscal year to date.

Operational Excellence

Our improved Operational Excellence scorecard measures are displayed in tables 2 through 5. Note that the track and report measures do not have a colored outcome.

- Customer measures- Ensuring a timely response to our customers remains a top priority for us. On average, during the second quarter we have maintained a response time of approximately 22 minutes to service calls, which aligns with our goal of responding within one hour or less.
- Financial measures- To maintain treatment plant processes, employees managed their use of overtime to ensure that critical projects and work were completed. Additionally, we are keeping a close eye on chemical costs and usage, and monitoring them closely.
- Internal process measures- Our maintenance and collection system workers are responsible for maintaining the aging infrastructure of the plant and transport system. We use internal process measures to assess their performance, which is evident through the completion of proactive and corrective work orders. By prioritizing the development of new infrastructure, we aim to improve our overall sludge volume index levels and bring them in line with the recommended range.
- Employee growth and development measure- Our employees demonstrate balance by ensuring required and additional training is completed while maintaining performance objectives. A notable training in the second quarter included a required comprehensive class for our qualified electricians.

Measure Outcome Color Key

| |
|--|
| District will meet and/or exceed this metric |
| District is monitoring/taking action on this metric |
| District anticipates not meeting this metric by fiscal end |
| T&R- Track and report metric |

Background

District-Wide Balanced Scorecard Measures are presented quarterly.

Previous Board Action

None

Attachment:

Table 1: Safety Objectives and Measures

Table 2-5: Operational Excellence Objectives and Measures

Table 1: Safety Objectives and Measures

| USD Safety Balanced Scorecard | | | | | | | | | | |
|--|-----------|------------|------------|-----|-----|--------------|---|-------------|-------------|-------------|
| | Target | Q1 | Q2 | Q3 | Q4 | FY23 to Date | Comments | FY22 | FY21 | FY20 |
| Reduce the number of incidents | | | | | | | | | | |
| Total incidents with lost days | 0 | 2 | 1 | | | 3 | 2 incidents are a result of COVID exposure (Q1) | 5 | 2 | 0 |
| Other OSHA recordable incidents | ≤4 | 2 | 2 | | | 4 | 2 incidents are a result of COVID exposure (Q1) | 9 | 1 | 1 |
| # Incidents of vehicle or equipment accidents/damage | ≤2 | 1 | 0 | | | 1 | | 3 | 1 | 6 |
| Reduce the impact of incidents on employees and the District | | | | | | | | | | |
| Cost associated with vehicle/equipment accidents | ≤\$5000 | \$5,881.32 | \$1,565.38 | | | \$7,446.70 | Claim paid for incident in 1st quarter. | \$1,338.75 | \$11,194.02 | \$0.00 |
| Ave FTE lost time | <0.5 | 0 | 0.03 | | | 0.03 | | 0.61 | 1.03 | 0.66 |
| Total Costs: Lost time Wages only | ≤\$46,883 | \$0.00 | \$1,713.70 | | | \$1,713.70 | | \$83,731.16 | \$99,187.81 | \$70,759.00 |
| Ave FTE limited duty time | ≤0.5 | 0 | 0 | | | 0 | | 0 | 0 | 0 |
| Total costs: Limited duty/Other 1/2 wages | ≤\$23,441 | \$0.00 | \$0.00 | | | 0 | | \$0.00 | \$0.00 | \$0.00 |
| X- Mod | ≤1.0 | | | | | TBD | | 0.83 | 0.82 | 0.94 |
| Identify and correct poor practices and potential hazards | | | | | | | | | | |
| # Facility inspections completed (SIT) | 0 | N/A | N/A | | | | Determining scope of measurement. | N/A | N/A | 1 |
| % of areas of concern identified during internal facility inspections that are resolved within 45 days of report | 0 | N/A | N/A | | | | | N/A | N/A | 100% |
| # work site inspections completed | 278 | 75 | 71 | | | 146 | | 313 | 346 | 335 |
| Implement industry best practices | | | | | | | | | | |
| # site visits (for potential BMPS) completed and discussed by ET | 0 | N/A | N/A | N/A | N/A | N/A | Target scheduled for next FY. | N/A | N/A | 0 |
| Communicate our commitment to safety | | | | | | | | | | |
| # GM communications on status of safety program and performance | ≥4 | 21 | 14 | | | 35 | | 47 | 34 | 19 |
| # safety strategy reviews conducted by ET and EHSS | 2 | 0 | 0 | | | 0 | | 2 | 48 | 12 |
| Educate employees in safe work practices | | | | | | | | | | |
| # of major safety training events offered | 12 | 2 | 4 | | | 6 | Ergo, CPR, Excavation, Electrical (for Qualified) | 17 | 13 | 9 |
| Ave % of targeted employees trained vs. plan | ≥90% | 90.49% | 96.80% | | | 93.65% | | 92.76% | 92.66% | 89.77% |
| Create a positive safety culture | | | | | | | | | | |
| % Positive responses on the employees safety survey (aver) | ≥75% | N/A | 93.60% | | | 93.60% | | POSTPONED | POSTPONED | POSTPONED |

Table 2: Operational Excellence Objectives and Measures

| CUSTOMER OBJECTIVES | | | | | | | | | | |
|--|--------|--------|--------|----|----|--------------|----------|---------|--------|--------|
| | Target | Q1 | Q2 | Q3 | Q4 | FY23 to Date | Comments | FY22 | FY21 | FY20 |
| Stewardship: Demonstrate responsible stewardship of District assets and the environment | | | | | | | | | | |
| # of Outreach Activities/Events Completed | 98 | 24 | 29 | | | 53 | | 138 | 90 | 107 |
| Community Events / Online Outreach | 53 | 20 | 25 | | | 45 | | 84 | 9 | 13 |
| Business | 5 | 1 | 1 | | | 2 | | 3 | 4 | 3 |
| Schools | 35 | 1 | 0 | | | 1 | | 44 | 73 | 87 |
| Civic | 5 | 2 | 3 | | | 5 | | 7 | 4 | 4 |
| Service: Provide reliable, high quality service | | | | | | | | | | |
| % of service calls responded to within 1 hour | ≥95% | 100% | 100% | | | 100% | | 100.00% | 98.43% | 98.78% |
| Average time to customer contact | T&R | 24 min | 22 min | | | 23 min | | 19 min | N/A | N/A |
| Initial response time to contact USD website inquiries (% within 3 business days) | ≥90% | 100% | 95% | | | 100% | | 100.00% | 99.50% | 98.50% |
| Average Response time of contact USD website inquiries (in days) | T&R | 0.72 | 0.92 | | | 0.82 | | 0.54 | N/A | N/A |
| # of adverse impacts on customers that were caused by USD (non-SSO) | ≤10 | 0 | 0 | | | 0 | | 4 | 2 | 3 |
| Emergencies: Be prepared for emergencies | | | | | | | | | | |
| # of Emergency Preparedness Activities/Events Completed | 4 | 2 | 3 | | | 5 | | 7 | 5 | 3 |
| Drills | 2 | 0 | 1 | | | 1 | | 1 | 1 | 1 |
| Training/Exercises (or Communication) | 1 | 2 | 1 | | | 3 | | 3 | 1 | 2 |
| Documents, Plans, Policies Updated | 1 | 0 | 1 | | | 1 | | 3 | 3 | 0 |

Table 3: Operational Excellence Objectives and Measures (continued)

| FINANCIAL OBJECTIVES | | | | | | | | | | |
|---|---------|------------------|------------------|----|----|------------------|----------|------------------|---------|---------|
| | Target | Q1 | Q2 | Q3 | Q4 | FY23 to Date | Comments | FY22 | FY21 | FY20 |
| Fiscal responsibility: Ensure funding for critical programs and projects, while maintaining comparable rates | | | | | | | | | | |
| Residential Sewer Service Charge (SSC) compared to other local agencies | T&R | | | | | 14.7th | | 11.7th | 5.8th | 5.8th |
| \$: SSC Union Sanitary District | T&R | | | | | \$530.00 | | \$491.00 | \$455 | \$421 |
| \$: SSC Regional Average | T&R | | | | | Annual | | \$482.00 | \$505 | \$468 |
| \$: SSC National Average | T&R | | | | | Annual | | \$551.00 | \$526 | \$512 |
| Total Service Population Change | T&R | | | | | 344,855 | | 344,855 | 356,823 | 356,823 |
| Total Parcels Served | T&R | | | | | 93,378 | | 93,378 | 92,714 | 91,054 |
| Fiscal responsibility:(Financial) Accurately project and control costs | | | | | | | | | | |
| Debt Coverage Ratio | 1.5 | | | | | Annual | | 8.93 | 6.71 | 9.90 |
| PERS Funding Level | 90-100% | | | | | Annual | | 76.66% | 65.79% | 67.02% |
| OPEB Funding Level | 90-100% | | | | | Annual | | 81.49% | 60.85% | 48.41% |
| % of Budgeted Operating Expenditures | 95-103% | 23.00% | 19.61% | | | 42.61% | | 94% | 100% | 96% |
| % of Budgeted Overtime Used | T&R | 23.87% | 21.08% | | | 44.95% | | 93.62% | N/A | N/A |
| % of Budgeted Special Projects Expenditures | 80-110% | 14.25% | 13.65% | | | 27.90% | | 33.26% | N/A | N/A |
| Fiscal responsibility: (Chemical Usage) Accurately project and control costs | | | | | | | | | | |
| Ferrous Chloride Usage | ≤ 40 | 35.5 GPH | 35.8 GPH | | | 35.6 GPH | | 39.3 GPH | N/A | N/A |
| Hydrogen Peroxide Usage | ≤ 14 | 14.3 GPH | 13.6 GPH | | | 14 GPH | | 14.3 GPH | N/A | N/A |
| Hypochlorite Usage | ≤ 143 | 151.7 GPH | 146 GPH | | | 148.8 GPH | | 142.4 GPH | N/A | N/A |
| Polymer Usage - Gravity Belt Thickener (GBT) | ≤ 5.5 | 4.6 lbs/dry ton | 3.7 lbs/dry ton | | | 4.2 lbs/dry ton | | 4.1 lbs/dry ton | N/A | N/A |
| Polymer Usage - Dewatering | ≤ 37 | 39.1 lbs/dry ton | 38.4 lbs/dry ton | | | 38.7 lbs/dry ton | | 35.3 lbs/dry ton | N/A | N/A |
| Fiscal responsibility: (Process) Accurately project and control costs | | | | | | | | | | |
| Energy Produced: Cogeneration | T&R | 31,405 kwh/d | 36,468 kwh/d | | | 33,936 kwh/d | | 32,887 kwh/d | N/A | N/A |
| Energy Produced: Solar | T&R | 465 kwh/d | 213 kwh/d | | | 339 kwh/d | | 348 kwh/d | N/A | N/A |
| Total Electrical Usage | T&R | 50,515 kwh/d | 52,602 kwh/d | | | 51,558 kwh/d | | 52,039 kwh/d | N/A | N/A |
| Plant Daily Flow (Average) | T&R | 21.7 mgd | 22.4 mgd | | | 21.1 mgd | | 22.6 mgd | N/A | N/A |
| Influent Total Suspended Solids | T&R | 349 mg/L | 336 mg/L | | | 343 mg/L | | 361 mg/L | N/A | N/A |
| Effluent Total Suspended Solids | T&R | 9.3 mg/L | 10.3 mg/L | | | 9.8 mg/L | | 10.3 mg/L | N/A | N/A |
| % Removal of Total Suspended Solids | ≥85% | 97% | 97% | | | 97% | | 97% | N/A | N/A |

Table 4: Operational Excellence Objectives and Measures (continued)

| INTERNAL PROCESS OBJECTIVES | | | | | | | | FY22 | FY21 | FY20 |
|--|------------------|------------|------------|----|----|--------------|----------|------------|--------|-------|
| | Target | Q1 | Q2 | Q3 | Q4 | FY23 to Date | Comments | | | |
| Asset Management: Manage and maintain assets and infrastructure | | | | | | | | | | |
| Total # of Maintenance Activities to Prevent Failures | T&R | 5,517 | 6,634 | | | 12,151 | | 24,824 | N/A | N/A |
| Corrective Maintenance | T&R | 338 | 395 | | | 733 | | 2,220 | N/A | N/A |
| Preventative Maintenance | T&R | 4,580 | 5,116 | | | 9,696 | | 18,591 | N/A | N/A |
| Proactive Corrective Maintenance (Predictive) | T&R | 599 | 1,123 | | | 1,722 | | 4,013 | N/A | N/A |
| Total hours used for Maintenance Activities to Prevent Failures | T&R | 10,836.89 | 9,329.43 | | | 20,166.32 | | 39,283.26 | N/A | N/A |
| Corrective Maintenance | T&R | 2,463.55 | 2,983.25 | | | 5,446.80 | | 12,550.26 | N/A | N/A |
| Preventative Maintenance | T&R | 6,354.60 | 3,429.85 | | | 9,784.45 | | 15,639.39 | N/A | N/A |
| Proactive Corrective Maintenance (Predictive) | T&R | 2,018.74 | 2,916.33 | | | 4,935.07 | | 11,093.61 | N/A | N/A |
| Total # of Urgent Responses | T&R | 51 | 94 | | | 145 | | 277 | N/A | N/A |
| Total hours used for Urgent Responses | T&R | 291.5 | 399.2 | | | 690.70 | | 2,230.45 | N/A | N/A |
| % of Collection System Cleaned per Plan | 100% | 19.7% | 28.1% | | | 47.8% | | 104.1% | N/A | N/A |
| % asset renewal/year: Plant | T&R | | | | | Annual | | 7.79% | 11.80% | 5.03% |
| % asset renewal/year: Collection System | T&R | | | | | Annual | | 0.10% | 0.06% | 0.04% |
| Environmental Protection: Maintain our ability to meet current and future regulations | | | | | | | | | | |
| # of Category 1 SSO's | 0 | 0 | 0 | | | 0 | | 0 | 0 | 0 |
| # of Category 2/3 SSO's | ≤10 | 0 | 0 | | | 0 | | 1 | 3 | 1 |
| Settleability Performance: Sludge Volume Index (SVI) | 100 - 150 mL/gal | 276 mL/gal | 301 mL/gal | | | 286 mL/gal | | 276 mL/gal | N/A | N/A |
| Number of Days SVI Outside of Range | T&R | 64 | 57 | | | 121 | | 232 | N/A | N/A |
| Planning: Plan for long-term financial, project, and staffing needs | | | | | | | | | | |
| Districtwide Critical Projects On schedule | ≥85 | | | | | Annual | | 68.40% | N/A | N/A |
| How many hours project points expend on District projects | T&R | | | | | Annual | | 1,336.12 | N/A | N/A |
| Efficiency: Optimize processes; Use technology and resources effectively | | | | | | | | | | |
| # of projects that improve efficiency | T&R | | | | | Annual | | 6 | N/A | N/A |

Table 5: Operational Excellence Objectives and Measures (continued)

| EMPLOYEE GROWTH & DEVELOPMENT OBJECTIVES | | | | | | | | | | |
|--|--------|------|-------|----|----|--------------|---------------------|-------|--------|-------|
| | Target | Q1 | Q2 | Q3 | Q4 | FY23 to Date | Comments | FY22 | FY21 | FY20 |
| Employees: Maintain a highly competent, flexible workforce | | | | | | | | | | |
| Employee Turnover Rate- Total | T&R | | | | | Annual | | 9.29% | 3.57% | 5.11% |
| Employee Turnover Rate Nonretirement | T&R | | | | | Annual | | 5.00% | 2.14% | 2.19% |
| % of employees completing training beyond District scheduled | ≥80% | | | | | Annual | | 54% | 60% | N/A |
| Average training hours per FTE | ≥20 | 4.75 | 6.75 | | | 5.75 | | 19.65 | 16.99 | N/A |
| Business Services | ≥20 | 6.90 | 6.77 | | | 6.84 | | 16.01 | 19.15 | N/A |
| Technical Services | ≥20 | 3.82 | 3.00 | | | 3.41 | | 17.02 | 18.25 | N/A |
| Collections Systems | ≥20 | 3.36 | 7.22 | | | 5.29 | | 22.29 | 15.181 | N/A |
| Fabrication, Maintenance, and Construction | ≥20 | 7.29 | 10.77 | | | 9.03 | | 25.26 | 18.85 | N/A |
| Treatment and Disposal | ≥20 | 2.38 | 6.00 | | | 4.19 | | 16.36 | 14.66 | N/A |
| Safety: Work safely; reduce accidents and injuries | | | | | | | | | | |
| See Safety Scorecard | | | | | | | | | | |
| Culture: Foster a collaborative employee-management relationship that encourages new ideas and continuous improvement | | | | | | | | | | |
| % of employee participating in committee and/or taskforces (Excludes management) | ≥45% | | | | | Annual | | 34% | 36% | 44% |
| # Districtwide Employee Engagement Activities Completed (Survey, training, events) | T&R | 0 | 1 | | | 1 | Oct- Employee Event | 0 | N/A | N/A |



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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 9**

TITLE: **Review and Consider Approval of the Quality Assurance Chemist Position Description and Salary Range (*This is a Motion Item*)**

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, Business Services Workgroup Manager/CFO
Alisa Gordon, Human Resources Manager

Recommendation

Consider and approve the Quality Assurance (QA) Chemist position description and subsequent salary range.

Discussion

Effective January 1, 2021, the Environmental Protection Agency (EPA) and State Water Resources Control Board (SWRCB) revised the Environmental Laboratory Accreditation Program (ELAP). As such, the addition of a “Quality Manager” type position was added to the National Environmental Laboratories Accreditation Conference (NELAC) Institute (TNI) standard. To keep laboratory certification under ELAP, agencies must adhere to all standards and requirements set forth, including the identification of a Quality Manager position before January 1, 2024.

Previous strategy to meet these standards included the use of temporary employees to offload and supplement the increase in workload for laboratory staff. The additional help has assisted staff by allowing time to review and adjust to the TNI standards, but as workloads increase with the addition of new technology and process due to changes within operations, the need for a longer-term staff solution becomes critical to continued District success and certification. Temporary assistance has cost the District over \$50,000 for the past two fiscal years and countless staff hours to train new employees to assistance on a limited basis, without much relief to the ongoing workload needs.

The District is proposing the addition of the new classification of Quality Assurance (QA) Chemist, which will allow the District a designated staff member on hand able to meet this requirement. The function of the QA Chemist will be to assist in the application of the TNI standards by conducting the necessary performance compliance analyses in the laboratory setting. The QA chemist will review performance of the current lab analytical methods and monitors the data to ensure that all meet the requirements of the subsequent environmental monitoring agencies.

The District had anticipated needing this position in conjunction with the Enhanced Treatment and Site Upgrade (ETSU) project, which has substantially increased workload and the need for continued analyses of plant operations. With the implementation of the Laboratory Information Management System (LIMS) and increase in laboratory staff workload, staff time within the R&S team has been over capacity. The addition of the QA Chemist not only helps to meet the changing needs of operations as the District due to ETSU but will continue to prepare the District to meet its TNI needs in a thoughtful, long-term strategy.

The position will be represented by SEIU Local 1021 (“Union”). The District and the Union met to discuss the job description and subsequent pay and agree with the draft presented to the Board for consideration.

Background

This is a new position for the Research and Support (R&S) team.

Previous Board Action

None.

Attachments

- Quality Assurance Chemist Position Description



Quality Assurance Chemist

Class Code:
144X

UNION SANITARY DISTRICT
Established Date: March 2023

SALARY RANGE

\$67.43 - \$81.96 Hourly
\$5,394.40- \$6,556.93 Biweekly
\$11,687.87- \$14,206.67 Monthly
\$140,254.40- \$170,203.67 Annually

DESCRIPTION:

Under general direction and in a team-based environment the Quality Assurance (QA) Chemist coordinates, conducts and/or oversees all activities of the District's Quality Assurance Program in accordance with Title 22 of the California Code of Regulations, Division 4, Chapter 19, to maintain laboratory certification under the Environmental Laboratory Accreditation Program (ELAP). The QA Chemist reviews the performance of analytical methods and monitors quality control (QC) data to ensure that all laboratory data quality conforms to requirements for environmental monitoring programs as specified by US Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB), in accordance with ELAP requirements. Position functions independently from laboratory operations for which they have QA oversight, and is able to evaluate data objectively and perform assessments independently.

EXAMPLES OF DUTIES:

Serves as Quality Manager, as described in the applicable version of the National Environmental Laboratories Accreditation Conference (NELAC) Institute (TNI) standard.

Develops, monitors, and maintains the District Laboratory's Quality Assurance Program in conjunction with and under oversight of the Laboratory Director, to ensure conformance with ELAP requirements in accordance with Title 22 of the California Code of Regulations, Division 4, Chapter 19.

Coordinates and conducts activities related to maintaining ELAP accreditation, including arranging for third party audits, preparing ELAP applications, and drafting corrective action plans in response to third-party audits.

Coordinates, and/or conducts method development and method validation to meet the needs of District programs.

Provides technical assistance to other District work groups on laboratory practices and procedures, sampling, and analytical techniques; drafts and/or evaluates SOPs

Coordinates, conducts, assists, and/or documents internal audits of laboratory practices and procedures and analytical results as required by the TNI standard.

Notifies laboratory management of deficiencies in the quality system.

Coordinates, oversees, and/or conducts laboratory Proficiency Testing [Water pollution proficiency (WP) and Microbiological proficiency (MP)] studies as required in accordance with ELAP requirements.

Monitors, coordinates, conducts and/or documents corrective actions, root cause analyses, and draft responses; monitors completion, approval, and submittal of responses.

Develop and review SOPs and other Laboratory documents and maintain currency of documents by tracking document expiration to ensure they are up-to-date.

Coordinates and/or conducts required method detection level (MDL) studies and limit of quantitation (LOQ) verifications.

Monitors QA/QC data and updates performance-based control limits as needed.

Reviews and documents laboratory staff initial technical training, initial demonstration of capability, and ongoing demonstration of capability to maintain eligibility to conduct laboratory testing.

Maintains current and documented training and/or experience in QA/QC procedures and the laboratory's quality system.

Has knowledge of analytical methods for which review is performed and maintain current demonstrations of capability to perform them as needed. Perform laboratory analyses as a backup on an as-needed basis.

Utilizes the laboratory information management system (LIMS) to monitor QC data, set QC limits, and produce reports. Modifies and oversees modification of LIMS configuration to meet program objectives.

Maintains the equipment database in LIMS and ensures that planned and preventive maintenance actions are performed and documented.

Performs the duties of Laboratory Director in their absence.

Keeps informed of new laboratory methods and equipment, wastewater treatment processes, and regulatory requirements.

Represents the District at meetings of regional task forces, committees, and work groups to remain abreast of laboratory requirements; to develop work products related to regulations or other critical laboratory requirements; and to network with other professionals. Represents the laboratory to regulatory agencies. Reviews literature related to complex technical issues.

May handle, store, and dispose of laboratory hazardous chemicals and wastes and perform Hazmat-related tasks as assigned.

Attends and assists in team, laboratory, and special project meetings.

Participates in laboratory safety program, including conducting monthly safety inspections.

Performs any other duties that are appropriate for its scope and level of responsibility in the organization.

QUALIFICATIONS:

Education, Experience and Certification: Any combination of education and experience that provides the knowledge, skills, and abilities indicated below. A typical way of gaining the knowledge, skills, and abilities is:

A Bachelor's degree in chemistry, biology, or its equivalent; and three (3) years of experience in an analytical laboratory performing chemical and biological analyses, at least two years of which must have been in wastewater or drinking water analyses, and possession of the CWEA Laboratory Analyst Grade III or equivalent certification **or**

Five (5) years of experience in an analytical chemistry laboratory performing chemical and biological analyses, at least three years of which must have been in wastewater or drinking water analyses, and possession of the CWEA Laboratory Analyst Grade III or equivalent certification or higher certificate within 18 months following appointment.

Experience with a Laboratory Information Management System (LIMS) is highly desirable.

Knowledge of: The principles, practices, and application of inorganic and analytical chemistry, biology, microbiology, and mathematics required in an analytical laboratory; principles of quality control and quality assurance and TNI quality assurance requirements, standard laboratory practices and procedures; the interpretation of laboratory results related to wastewater treatment processes; activities required to maintain ELAP certification; current methodologies and equipment used in a POTW laboratory, including methods, procedures, chain of custody, and sample collection and preservation requirements; laboratory safety practices, including chemical storage and handling; and principles and practices of budgeting, planning, training, scheduling, and project management.

Skill in: Evaluating quality control data and setting control limits; evaluating analytical laboratory procedures; evaluating and interpreting analytical results, evaluating degree of compliance and conformance, and drawing sound conclusions; interpreting, explaining, and applying District, local, state, and federal laws and regulations applicable to areas of responsibility; performing higher-level technical analyses as well as conducting routine and non-routine chemical, biological, and microbiological analyses; using, maintaining, and troubleshooting analytical laboratory equipment; organizing work, setting priorities, and managing multiple projects; providing technical supervision to staff; exercising sound judgment; keeping clear, complete and accurate records and correspondence; and using a computer.

Ability to: Develop analytical methods; maintain ELAP certification; plan, schedule, and review the work of others; provide guidance to staff and train others in sampling and laboratory procedures; provide guidance on special projects; work within District safety standards; make sound decisions regarding the proper operation of the laboratory; anticipate

future laboratory resource needs; and oversee and manage commercial laboratory contracts..

Interpersonal Effectiveness: Ability to work effectively in a team-based organization; establish and maintain effective relationships with customers, all levels of District staff, regulatory agencies, peers, and the public; demonstrate effective leadership, problem-solving, and two-way communication skills, including the ability to listen, explain, facilitate, ask for input, and provide recognition and encouragement.

Other Requirements:

- Must possess the physical characteristics to perform the critical and important duties of the job.
- Must be willing to work overtime as needed and to participate in the laboratory wet weather on-call program
- May be occasionally required to drive a motor vehicle or otherwise travel off site. If operating a District vehicle, must be insurable by the District.

ADDITIONAL INFORMATION:

Disaster Service Worker

Employees of Union Sanitary District are, by State and Federal law, Disaster Service Workers. In the event of a declaration of emergency, any employee may be assigned activities that promote the protection of public health and safety or the preservation of lives and property, either at the District or within the local or their own community.

Approval by Board of Directors: XXX.2023

Position status: Classified, Non-exempt (Professional)



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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM #10**

TITLE: Board Member Compensation for Fiscal Year 2023/2024 (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Mark Carlson, Business Services Workgroup Manager
Alisa Gordon, Human Resources Manager

Recommendation

The Budget & Finance Committee will present their recommendation to the Board.

Discussion

Annually, the Board reviews their compensation and votes on whether to increase their compensation per meeting.

Background

California Health and Safety Code section 6489 allows for an increase in Board Member compensation of up to 5% per year. In 2000, the Board adopted Ordinance #44 stating that on January 1 of each year, Board Member compensation shall be increased by the amount of increase of the classified employees' wages for the year. The Ordinance also provided for the Board to review the compensation increase prior to it going into effect on January 1.

In March of 2018, the Board reviewed and revised Ordinance #44 and Board Policy 3040 to modify the effective date of any increase in Board Member compensation from January 1 of each year to July 1 (or at a later date as may be stipulated by the Board) to better correspond with the District's fiscal year budget cycle. The policy also provides that Board Member compensation will be reviewed annually and stipulates that "for purposes of scheduling, review

of the Director Compensation shall be conducted at a regularly scheduled Board meeting in April or May, so any changes can be included in the annual operating budget”.

The classified employee contract provided for a cost-of-living increase in 2023 of 4.5% to the base salaries. Classified staffs cost of living adjustments are set to the Bay Area Consumer Price Index (CPI) from December to December each year with a floor of 3.25% and a ceiling of 4.5%. CPI increased by approximately 4.9% from December 2021 to December 2022.

A Board compensation survey was completed by District Staff in February 2023 and is attached to this staff report for reference. Also attached is Ordinance #44.01, Policy 3040, and a summary of Board actions on this matter since 2000.

Previous Board Action

April 11, 2022 - Board voted unanimously to not increase Board member compensation for the 2022/2023 Fiscal Year.

Attachments:

History of Board Compensation Since 2000
Board Compensation Survey
Policy 3040, Board Member Compensation
Ordinance 44.01

History of Board Member Compensation 2000 – Present

| Calendar Year or Fiscal Year | Board Meeting Compensation (per day of service, maximum 6/month) | Notes/Background |
|-------------------------------------|---|---|
| 2000 | \$100 | Per State Law, Health and Safety Code 4933, 6489 |
| 2001 | \$198 See Note 1 for calculation. | Per amended Health and Safety Code with Reference to Water Code, USD passed Ordinance 44 (4-1 vote on 10/23/2000) establishing new baseline of \$198/day of service using allowable escalator from Water Code. Established annual increase equal to classified employee increase per USD/Union employee contract, with provision for Board to discuss annually. |
| 2002 | \$205.92 | Increase per Ordinance 44 based on 4% increase for classified employees in 2001. No action taken by Board of Directors. |
| 2003 | \$212.10 | Increase per Ordinance 44 based on 3% increase for classified employees in 2002. Board agreed to take no action on Ordinance 44 (11/11/2002) |
| 2004 | \$212.10 | Board voted 5-0 not to increase compensation for 2004. (11/24/2003) |
| 2005 | \$212.10 | Board voted 5-0 not to increase compensation for 2005. (11/22/2004) |
| 2006 | \$212.10 | Board agreed by consensus not to increase compensation for 2006. (1/9/2006) |
| 2007 | \$212.10 | Board agreed by consensus not to increase compensation for 2007. (12/11/2006) |
| 2008 | \$212.10 | Board agreed by consensus not to increase compensation for 2008. (12/10/2007) |

Note 1: H&S and Water Codes established a method for calculating new baseline as a maximum of 5% per year since the last adjustment. The \$100 per meeting was established in 1986. Ordinance 44 was adopted in 2000. The time period for adjustment was 1986-2000, or 14 years. The new meeting fee was calculated as $\$100 \times 1.05^{14} = \198.00 .

Note 2: Changes to Policy 3040, Boardmember Compensation Limits, and Ordinance 44.01 were adopted by the Board March 23, 2018, to reflect the Board will review their own compensation annually at a regularly scheduled Board meeting in April or May, and any changes to Board compensation will be effective at the beginning of the fiscal year, or at a later date as may be stipulated by the Board.

| Calendar Year or Fiscal Year | Board Meeting Compensation (per day of service, maximum 6/month) | Notes/Background |
|-------------------------------------|---|---|
| 2009 | \$212.10 | Board voted unanimously not to increase compensation for 2009. (11/24/08) |
| 2010 | \$212.10 | Board voted unanimously not to increase compensation for 2010. (11/23/2009) |
| 2011 | \$212.10 | Board voted unanimously not to increase compensation for 2011. (11/22/2010) |
| 2012 | \$212.10 | Board voted unanimously not to increase compensation for 2012. (11/27/2011) |
| 2013 | \$212.10 | Board voted unanimously not to increase compensation for 2013. (11/26/2012) |
| 2014 | \$212.10 | Board voted unanimously not to increase compensation for 2014. (11/23/2013) |
| 2015 | \$212.10 | Board voted unanimously not to increase compensation for 2015. (11/10/2014) |
| 2016 | \$212.10 | Board voted unanimously not to increase compensation for 2016. (12/14/2015) |
| 2017 | \$212.10 | Board voted unanimously not to increase compensation for 2017. (11/14/2016) |
| 2018 | \$212.10 | Board voted unanimously not to increase compensation for FY 2018/2019. (3/23/2018) See Note 2 for edits to Policy 3040 and Ordinance 44.01 |
| 2019 | \$212.10 | Board voted unanimously not to increase compensation for FY 2019/2020. (6/3/2019) |
| 2020 | \$212.10 | Board voted unanimously not to increase compensation for FY 2020/2021. (4/13/2020) |

Note 1: H&S and Water Codes established a method for calculating new baseline as a maximum of 5% per year since the last adjustment. The \$100 per meeting was established in 1986. Ordinance 44 was adopted in 2000. The time period for adjustment was 1986-2000, or 14 years. The new meeting fee was calculated as $\$100 \times 1.05^{14} = \198.00 .

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| | | |
|------|----------|--|
| | | |
| 2021 | \$212.10 | Board voted unanimously not to increase compensation for FY 2021/2022. (4/12/2021) |
| 2022 | \$212.10 | Board voted unanimously not to increase compensation for FY 2022/2023. (4/11/2022) |

Note 1: H&S and Water Codes established a method for calculating new baseline as a maximum of 5% per year since the last adjustment. The \$100 per meeting was established in 1986. Ordinance 44 was adopted in 2000. The time period for adjustment was 1986-2000, or 14 years. The new meeting fee was calculated as $\$100 \times 1.05^{14} = \198.00 .

Note 2: Changes to Policy 3040, Boardmember Compensation Limits, and Ordinance 44.01 were adopted by the Board March 23, 2018, to reflect the Board will review their own compensation annually at a regularly scheduled Board meeting in April or May, and any changes to Board compensation will be effective at the beginning of the fiscal year, or at a later date as may be stipulated by the Board.

USD Survey of District Board Members Compensation and Benefits, Updated 2/2023

| Agency | Stipend/Max. Compensable Mtgs | Stipend | Medical Board Member/ Spouse/Family | Dental Board Member/ Spouse/Family | Life Insurance Board Member/Spouse | Pension | Deferred Comp | Car / Mileage | Cell Phone | Computers /iPads | Agency Provides Primary Benefits or Compensation |
|--------------------------|--|----------|---|--|--|---------|-----------------------------------|--|------------|--|---|
| Union Sanitary District | \$212.10 per meeting/ max of one meeting per day and six meetings per month. | \$212.10 | District pays up to \$1,260.55 per month for Board Member only; \$2,481.44 per month for Board Member +1; \$3,051.49 per month for Family for medical, dental, vision; allocated as follows: 100% dental, 100% vision, and balance to medical plans | | District pays for coverage of \$10,000 for Board Member; \$5,000 for spouse and dependents | No | \$50/month | Mileage reimbursement for travel related to trainings / conferences | No | District provides iPads to directors | Yes, but one member serves on EBDA and is compensated by the EBDA Commission for meetings attended. |
| ACWD | \$290 per meeting, not to exceed 10 days in a calendar month. | \$290.00 | Each Director will contribute 2.5% of their per diem compensation towards medical coverage. | Paid by District | Paid by District | No | 7.5% District contribution to 457 | Mileage for travel related to District business | Yes | Yes | Yes |
| Central Marin Sanitarion | \$225 per meeting/max of one meeting per day | \$225.00 | N/A | N/A | N/A | No | No | No | No | No | No |
| Central San | \$185 per meeting / 6 meetings per month (max \$1,110 per month) | \$185.00 | Central San pays premium for up to family coverage for CalPERS core plans. Kaiser or Health New Smartcare. Maximum District contribution of \$2997.80 | Central San pays premium for up to family coverage for Delta Dental PPO (maximum premium - \$195.10/month) | Central San pays premium for \$50,000/\$1,500 policy | No | No Central San contribution | As of 3/17/16, eligible for mileage reimbursement ONLY as related to conferences | No | Central San provides iPads for Directors | Yes |

USD Survey of District Board Members Compensation and Benefits, Updated 2/2023

| Agency | Stipend/Max. Compensable Mtgs | Stipend | Medical Board Member/ Spouse/Family | Dental Board Member/ Spouse/Family | Life Insurance Board Member/Spouse | Pension | Deferred Comp | Car / Mileage | Cell Phone | Computers /iPads | Agency Provides Primary Benefits or Compensation |
|------------------------------------|--|----------|---|--|---|--|--|---|------------|-----------------------------------|---|
| Contra Costa Water District | \$100 per meeting / 10 meetings per month (one meeting fee maximum paid per day) | \$100.00 | District pays premium up to the Kaiser family coverage for CalPERS Kaiser, Health Net SmartCare or PERS Choice. | District pays premium for Delta Dental for family | District pays premium for Life and AD&D insurance in the amount of \$10,000 , as well as \$1,500 dependent life insurance | No District contribution. Joined Board prior to 1/1/13 – Directors contribute 1% to the Plan (vested after 10 years of service); Joined Board on or after 1/1/13 – Directors contribute 50% of normal plan cost (vested after 5 years of service) | No District contribution | Mileage reimbursed for business related meetings, events, and conferences at IRS standard rate | No | CCWD provides iPads for Directors | Yes |
| Delta Diablo | \$170 per meeting/ Approx. 20 meetings per year (One Board meeting per month plus approx. 8 Committee meetings per year.) | \$170.00 | District pays premium for CalPERS Medical (HMO or PPO) up to the greater of either the Blue Shield or Kaiser HMO family rate | District pays premium for up to family coverage; Self-insured Plan | District pays premium for \$125,000/ \$2,000 policy | No | No District contribution | | No | No | Yes. By Administrative Policy 4030, Board Members cannot collect benefits from another public agency, and do not. All Board Members elect to receive coverage only from the District. |
| Dublin San Ramon Services District | \$195 per day for each day of service to the District, up to a maximum of 10 days per month | \$195.00 | District pays for premium up to \$797 (Board Member only), \$1,594 (Member + 1 Dependent), \$2,072-(Member + 2 Dependents); rates set by resolution annually | District pays premium for up to Board Member and eligible dependents | District pays for up to \$50,000 basic life insurance | No – Board members Directors are not eligible to participate in the District's CalPERS retirement program, or retiree benefits, unless they were first elected or appointed to the Board prior to July 1, 1994, in accordance with California Government Code Section 20322 (c). | The District matches Board Member contributions to 457 Plan by 25%, up to \$10 per calendar month - provided that a director voluntarily contributes at least \$20 per month, the District matches that contribution up to \$10 per month or 25% of the monthly contribution, whichever is less. | Travel to and from a destination using private automobiles is allowable at the IRS mileage rate. This applies so long as the amount so calculated does not exceed the cost of pre-purchased round-trip coach class airfare plus ground transportation that would be incurred for the same trip. | No | Yes | Yes |
| Fairfield-Suisun Sewer District | \$166.98 per meeting/ typically 2 meetings per month max, 6 meetings per month max during CASA conferences. Can be increased any year by Board action. | 166.98 | District pays health expense reimbursement of \$7,695.00 per calendar year (increased every January by CPI-W for SF-Oakland Metropolitan area 12 months ending in October of each year) | District pay for director and eligible dependents | No | No | No District contribution | Pay mileage and parking when attending conferences for District business | No | No | No. The City provides primary benefits as the Board Members serve as the City Council. |
| Irvine Ranch Water | \$315 per meeting 2 meetings per month | \$315.00 | 90% of highest enrollment; \$2374.63 family; \$1826.61 EE+1; \$913.30 EE only; 100% dental and vision | | \$35K | PERS | They can contribute but the District does not match | Yes, mileage | No | Yes | Yes, for those that are eligible |

USD Survey of District Board Members Compensation and Benefits, Updated 2/2023

| Agency | Stipend/Max. Compensable Mtgs | Stipend | Medical Board Member/ Spouse/Family | Dental Board Member/ Spouse/Family | Life Insurance Board Member/Spouse | Pension | Deferred Comp | Car / Mileage | Cell Phone | Computers /iPads | Agency Provides Primary Benefits or Compensation |
|-----------------------------------|--|----------|--|------------------------------------|--|---------|--------------------------|--|------------|--|--|
| Monterey One Water | \$100 per meeting, max of four meetings per month. | \$100.00 | No | No | No | No | No | Mileage reimbursement for meetings, travel related to trainings/conference while conducting Agency business *County of Monterey is the exception | No | District provides iPads to Board Members | No |
| Orange County Sanitation District | \$212.50 per meeting + Mileage; max of one meeting per day and six meetings per month; 10 meetings per month for the Board Chairperson | \$212.50 | No | No | No | No | No | No | No | No | No |
| Silicon Valley Clean Water | \$200/per meeting | \$200.00 | No | No | No | No | No | No | No | No | No |
| West County Wastewater District | Up to \$265.35 per meeting/ 6 meetings per month | \$265.35 | District pays flat rate of up to \$2375.72/month for family medical; dental premium is shared 90% District/10% director. | | District pays premium for \$85,000 policy for Board Member only. (Age reduction schedule applies.) | No | No District contribution | Mileage reimbursed per IRS rate | Yes | District provides tablets to directors | Yes |

| | |
|-----------|----------|
| Union San | \$212.10 |
| High | \$315.00 |
| Median | \$197.50 |
| Low | \$100.00 |
| Average | \$202.84 |

Union Sanitary District
Policy and Procedure Manual

| | | |
|----------------------|---------------------------------|-----------------------------------|
| Effective: 4/25/2022 | Boardmember Compensation | Policy Number 3040 Page 1 of 2 |
|----------------------|---------------------------------|-----------------------------------|

Policy

Boardmembers will be compensated in accordance with Union Sanitary District Ordinance No. 44 as adopted October 23, 2000, and amended March 26, 2018. Compensation is based upon Section 6489 of the Health and Safety Code of the State of California, effective January 1, 1987, as amended in 2005.

Purpose

To publicly state the amount of compensation received for meeting attendance by Boardmembers and to provide for future changes in compensation limits.

Definitions

Allowable meetings Defined in the "Boardmember Meetings Compensated" Policy No. 3050

Procedure

In accordance with Union Sanitary District No. Ordinance 44, as may be amended, beginning January 1, 2003, the basis for compensation will be \$212.10 for each day of service, up to six days per month maximum.

The Board will review Director Compensation on an annual basis during a regularly scheduled public meeting of the Board of Directors. Any annual increase will go into effect on July 1, or at a later date as may be stipulated by the Board. For purposes of scheduling, review of the Director Compensation shall be conducted at a regularly scheduled Board meeting in April or May so any changes can be included in the annual operating budget.

Director Compensation may be increased by no more than the lesser of: (a) the same percentage as the increase in the salaries of the classified employees as agreed to in the current union/management Memorandum of Understanding; or (b) an amount equal to five percent for each calendar year following the operative date of the last adjustment, or such other amount as may be permitted pursuant to Health and Safety Section 6489.

Management Responsibility

The General Manager will be responsible for reviewing and approving Boardmembers' time sheets for consistency with this policy, and for scheduling an annual review of the Boardmember compensation for meetings prior to July 1 each year.

Board of Directors Responsibility

The Board of Directors will annually review Ordinance 44 and Director Compensation during a regular Board meeting, in open session, and determine if any action will be taken.

Administrative Information

Ordinance No. 44 was Adopted by the Board of Directors October 23, 2000, and amended March 26, 2018.

| | |
|---------------------|---|
| Approved by: | Board of Directors |
| Author/Owner: | General Manager/Human Resources Manager |
| Notify Person: | General Manager |
| Revision Frequency: | Every 3 Years |
| Next Review: | April 2025 |

ORDINANCE #44.01

Directors' Compensation

The Board of Directors of the Union Sanitary District hereby ordains as follows:

I. Effective January 1, 2003, Directors of the Union Sanitary District shall receive a stipend in the amount of \$212.10 for each day of service to Union Sanitary District as authorized by Health and Safety Code Section 6489. This compensation will be paid for no more than six (6) days of service per calendar month.

II. The Board of Directors of Union Sanitary District shall review compensation of Directors on an annual basis pursuant to Policy 3040 before July 1 of each year. Any annual increase will go into effect on July 1, or at a later date as may be stipulated by the Board.

III. Director compensation shall increase by no more than the lesser of: (a) the same percentage as any increase in the salaries of Union Sanitary District Classified Employees; or (b) an amount equal to five percent for each calendar year following the operative date of the last adjustment, or such other amount as may be permitted pursuant to Health and Safety Section 6489.

IV. The compensation of Directors set forth above will be in addition to any benefits currently provided to Directors or to be authorized and approved for sanitary district directors in the future.

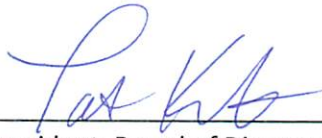
Adopted by the following vote on March 26, 2018:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSTAINED: None

ABSENT: None



President, Board of Directors
UNION SANITARY DISTRICT

ATTEST:



Secretary, Board of Directors
UNION SANITARY DISTRICT



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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 11**

TITLE: Authorize the General Manager to Execute Contract Change Order No. 11 with Clark Construction Group – California, LP for the Standby Power Generation System Upgrade Project (*This is a Motion Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Raymond Chau, Technical Services Work Group Manager
Curtis Bosick, CIP Team Coach
Kevin Chun, Associate Engineer

Recommendation

Staff recommends the Board authorize the General Manager to execute Contract Change Order No. 11 with Clark Construction Group – California, LP (Clark) for a credit of \$169,050 for the Standby Power Generation System Upgrade Project (Standby Project).

Discussion

Due to the large volume of construction work taking place within the plant, staff began requiring all contractors accessing the site to utilize the secondary vehicle gate at the end of the Veasy Street cul-de-sac. Accordingly, the scope for the Enhanced Treatment and Site Upgrade Phase 1A - Aeration Basin Modifications (AB Mods) Project included requirements for providing a full-time, onsite security guard to monitor the Veasy Street Gate during working hours and coordinate access for all contractor personnel, work vehicles, and/or deliveries. Similar requirements were previously used during the Primary Digester No. 7 Project and were successful in reducing congestion at the plant's main vehicle gate.

With the bid prices for the AB Mods Project being higher than the engineer's estimate, staff was uncertain if the project was going to proceed. Therefore, staff believed it was prudent to add similar requirements for providing a security guard at the Veasy Street Gate to the scope for the Standby Project. Subsequently, the AB Mods Project was awarded on January 10, 2022, which resulted in the scopes of both projects containing these requirements.

Contract Change Order No. 11

Contract Change Order (CCO) No. 11 is a credit change order for the deletion of the contract requirements associated with providing a security guard at the Veasy Street Gate. CCO No. 11 provides a credit in the amount of \$169,050, which staff believes to be reasonable based on a construction duration of 24 months.

To date, the Project construction has included 10 CCOs in the amount of \$375,546 which is approximately 1.8% of the original contract amount. A complete list of the executed CCOs is included with CCO No. 11.

Background

On February 14, 2022, the Board awarded the construction contract for the Project to Clark in the amount of \$21,135,320. The Project was designed by Brown and Caldwell (BC) and construction management is being provided by Psomas. The Project's major scope items are as follows:

- Installation of three new 2.5-MW standby engine generators and necessary appurtenances, located at the north end of the Plant, west of the Veasy Street cul-de-sac.
- Construction of a new prefabricated metal building sized to house three new standby engine generators, with room for one future standby engine generator and associated electrical equipment.
- Construction of comparable, exterior pad-mounted equipment such as transformers and aboveground diesel fuel storage tank.
- Construction of a new double-ended switchgear to replace the existing Substation No. 2 and Odor Control Building switchgears. At the Odor Control Building, the two existing motor control centers will be replaced.
- Installation of new electrical duct banks.
- Demolition of existing equipment and structures such as the six current standby engine generators, generator control panels and switchgears, and PLC panels.

On March 14, 2022, the District issued the Notice to Proceed to Clark. The contractor has 760 calendar days from the Notice to Proceed to complete the Project, which results in substantial completion in April 2024.

Previous Board Action

November 14, 2016 – The Board authorized the General Manager to execute an agreement and Task Order No. 1 with BC in the amount of \$175,064 for providing pre-design services for the Project.

February 12, 2018 – The Board authorized the General Manager to execute Task Order No. 2 with BC in the amount of \$1,975,808 for providing final design services for the Project.

October 22, 2018 – The Board adopted resolutions to authorize application for the CWSRF financial assistance for the Project; dedicate and pledge the Wastewater Enterprise Fund and Net Revenues for the repayment of CWSRF financial assistance; and reimburse expenditures paid prior to the approval of the CWSRF financial assistance by the State.

March 11, 2019 – The Board conducted a public hearing to receive comments on the Initial Study and MND for the Project.

October 14, 2019 – The Board adopted the MND for the Project and approved the Project as defined in the MND.

February 24, 2020 – The Board adopted an addendum to the MND for the Project and approved modifications to the Project as set forth in the addendum to the MND.

March 9, 2020 – The Board authorized the General Manager to execute Amendment No. 2 to Task Order No. 2 with BC in the amount of \$262,207 for providing additional design services for the Project.

September 14, 2020 – The Board determined that all bids received for the Standby Generator System Equipment Supply Agreement were non-responsive and rejected all bids. The Board directed staff to negotiate an agreement, starting with apparent low bidder Cummins, or alternative action.

November 9, 2020 – The Board awarded the Standby Generator System Equipment Supply Agreement in the amount of \$3,122,090 to Cummins Sales and Service.

September 13, 2021 – The Board authorized the General Manager to execute Amendment No. 3 to Task Order No. 2 with BC in the amount of \$176,176 for providing additional design services for the Project.

September 27, 2021 – The Board adopted a revised addendum to the MND for the Project and approved modifications to the Project as set forth in the revised addendum to the MND.

February 14, 2022 – The Board awarded the construction contract for the Project to Clark in the amount of \$21,135,320.

February 28, 2022 – The Board authorized the General Manager to execute an Agreement and Task Order No. 1 in the amount of \$2,323,949 with Psomas to provide construction management services for the Project.

February 28, 2022 – The Board authorized the General Manager to execute Task Order No. 3 with BC in the amount of \$894,447 for providing engineering services during construction for the Project.

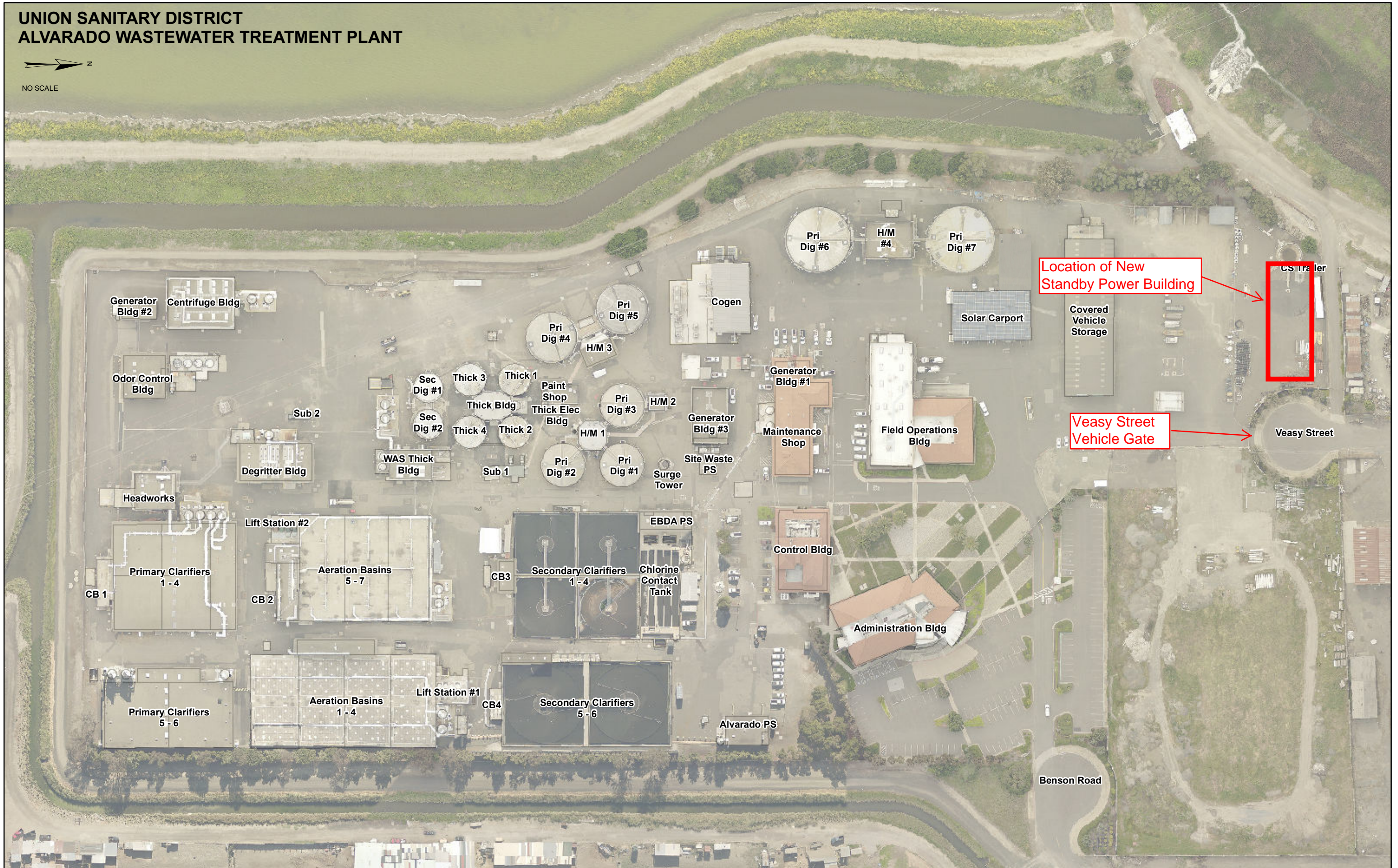
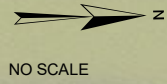
On April 11, 2022 – The Board adopted a resolution for the execution and delivery of an installment sale agreement between the District and the SWRCB relating to the Project and approving other matters in connection with the installment sale agreement.

On June 13, 2022 – The Board authorized the General Manager to execute Contract Change Order No. 3 in the amount of \$280,193 with Clark for the Project.

Attachment: Figure 1 – Site Plan
Contract Change Order No. 11

Figure 1: Standby Power Generation System Upgrade Project Site Plan

UNION SANITARY DISTRICT
ALVARADO WASTEWATER TREATMENT PLANT



CONTRACT CHANGE ORDER No. 11

Standby Power Generation System Upgrade Project

Item: Gate Guard Credit

Contractor is hereby directed to make the herein described changes from the plans and specifications or do the following work not included in the plans and specifications of this contract. All new work herein described shall be done in accordance with the applicable provisions of the plans and specifications, except as specifically modified by this Contract Change Order.

DESCRIPTION OF CHANGE:

- 1. Delete the following requirement from the second paragraph in section 00800-7.1 Plant Entrance Gate and from the second sentence in Note 2 on Drawing C-0003:

“For the duration of the Contract, the Contractor shall provide a full-time, onsite security guard to monitor the Veasy St. gate from 6:30 AM – 5:00 PM Monday through Friday (except District holidays) to coordinate access for all personnel vehicles, work vehicles, and deliveries.”

COST OF CHANGE: <\$169,050.00>

ATTACHMENTS: None

CONTRACT TIME ADJUSTMENT: **0 calendar days (The substantial competition date listed in section 00800-1.1 remains unchanged)**

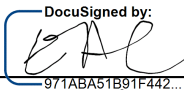
We, the undersigned Contractor, have given careful consideration to all aspects of the change proposed and hereby agree. This Contract Change Order constitutes full and complete compensation for all labor, equipment, materials, overhead, profit, any and all indirect costs and time adjustment, including and delay and rescheduling, required to perform the above described change and will accept this Contract Change Order as full and final payment.

This document supplements the Contract Documents and all provisions of the Contract Documents will apply thereto. It is understood that the Contract Change Order shall be effective when fully executed by the District.

ACCEPTED:

Clark Construction Group – California, LP

Project Manager:

By:  _____
Liz Crowley

Date: 3/16/2023

RECOMMENDED FOR ACCEPTANCE:

Psomas

Construction Manager:

By: _____
J.D. Brosnan

Date: _____

Contract Change Order No. 11
Standby Power Generation System Upgrade Project
Page 2 of 3

Union Sanitary District
Project Manager:

By: _____
Kevin Chun

Date: _____

Union Sanitary District
CIP Coach:

By: _____
Curtis Bosick

Date: _____

Union Sanitary District
Technical Services Manager:

By: _____
Raymond Chau

Date: _____

APPROVAL:

The Contractor shall not commence with the above-described work of this change order prior to the approval by the District's Authorized Representative.

Union Sanitary District
Authorized Representative:

By: _____
Paul R. Eldredge, P.E.
General Manager/District Engineer

Date: _____

Contract Change Order No. 11
 Standby Power Generation System Upgrade Project
 Page 3 of 3

Executed Contract Change Orders

| No. | Contract Change Order Title | Contract Time Adjustment, Calendar Days | Cost of Change |
|--------------|---|--|-----------------------|
| 1 | Revision to Milestone "C" | 0 | \$0 |
| 2 | Revision to Milestone "B" | 0 | \$0 |
| 3 | Escalation Costs for Cummins Equipment Supply | 0 | \$280,193 |
| 4 | Davis Bacon and Related Acts Wage Determination Rates | 0 | \$0 |
| 5 | Pullbox PB-2F | 0 | \$9,628 |
| 6 | Addition of Building No. 92 Eyewash Drain | 0 | \$14,929 |
| 7 | Relocation of Electrical Vaults MH-MV-W3 & HH-N-W3 | 0 | \$21,461 |
| 8 | Coating of Building 92 Primary Structural Steel | 0 | \$36,144 |
| 9 | Pothole Existing Utilities | 0 | \$5,159 |
| 10 | Furnish and Install Temporary Exclusion Barrier | 0 | \$8,032 |
| Total | | 0 | \$375,546 |



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Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 12**

TITLE: Receive Information and Provide Direction Regarding Ordinance 36.04 Relating to Environmental Compliance Administrative Fines under Certain Circumstances (*This is a Direction Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Raymond Chau, Technical Services Work Group Manager
Michael Dunning, Environmental Compliance Team Coach

Recommendation

Receive information and provide direction regarding Ordinance 36.04 relating to Environmental Compliance Notice of Violation Administrative Fines under certain circumstances.

Discussion

During the October 10, 2022 Board Meeting, staff presented proposed changes to Ordinance 36.04 related to Environmental Compliance Administrative Fines that gives the General Manager the flexibility to waive or reduce fines under certain circumstances. The Board then directed staff to submit the revised ordinance to the San Francisco Bay Regional Water Quality Control Board (Regional Board) for their input. Previously, USD staff believed the proposed changes were minor administrative changes but that the Regional Board could disagree. The redline version of Ordinance 36.04 showing the proposed changes is attached for the Board's reference. Staff did not include the clean version of the ordinance due to the length of the document.

After sharing the proposed changes with the Regional Board, they determined the proposed changes to be a Substantial Modification to Ordinance 36.04. Although USD staff disagrees with this interpretation, for USD to implement the proposed changes, USD would need to take the following steps:

1. Schedule meetings with USD's Permitted Industries to discuss the proposed changes and obtain feedback.

2. Provide formal notification of the proposal to all affected parties, including permitted industries and the general public through correspondence as well as a notice of a public hearing published in The Argus and Tri-City Voice.
3. Set the date of a public hearing at a regularly scheduled Board meeting.
4. Conduct the public hearing to receive public comments on the proposed changes.
5. If USD receives public comments that require significant changes, staff may need to update the changes to Ordinance 36.04 and repeat the previous steps.
6. If there are no public comments, or the public comments are considered minor, staff will present a motion item during a future Board meeting for the Board to consider and adopt a resolution to approve the changes to Ordinance 36.04.
7. Send the revised Ordinance 36.04 to the Regional Board for their consideration and approval. The Regional Board's approval is discretionary and previous requests have taken up to six months to complete.
8. If the Regional Board approves the revised ordinance, the changes will be effective after 30 days.

Staff is seeking the Board's direction on this matter. Should the Board agree to move forward with the proposed changes to Ordinance 36.04, staff will proceed with the steps outlined above.

Background

During the July 25, 2022 Board meeting, staff responded to these questions asked by a Board Director during a previous committee meeting:

- Is it a federal requirement to impose fines on industries for Notices of Violation?
- Does the District have to impose fines on every Notice of Violation, or does the District have any flexibility under the current Ordinance under certain circumstances (first violation over a certain period of time, cause of the violation, etc.)?

After staff's and District Counsel's review, it was determined that it is not a *federal* requirement to assess fines for every Notice of Violation, however it is a requirement of USD's Ordinance 36.04 – Sewer Use Ordinance. The Ordinance's Section 6.08(e) – Administrative Penalties states "Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued."

Changing the administration of fines and penalties in Ordinance 36.04, Section 6.08 would require the Regional Board's review. Staff's position was that the change is a minor administrative change and would not "result in less stringent requirements being imposed on Industrial Users of the POTW," as the change would not affect any pollutant or other technical requirements. It was not clear if the Regional Board would agree with staff's position, but staff could present the position to the Regional Board during their review.

During the October 10, 2022 Board meeting, staff presented the proposed changes to the ordinance language that gives staff the flexibility to waive or reduce fines under certain circumstances. The proposed language in the revised policy was updated per the Boards direction as follows:

6.08 Administrative Procedures and Penalties

(e) Administrative Penalties

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued **with the following exception: the General Manager may waive or reduce penalties, in their sole discretion, where at a minimum, all of the following requirements are met: the violation is minor in nature, it is the first in the last 5 years, it was inadvertent, and the violator is cooperating with the District in resolving the matter.**

The Board directed staff to present the proposed changes to the Regional Board for their review.

The addition of administrative penalties was incorporated into the Ordinance on July 26, 2004, when the Board conducted a Public Hearing. The Board had asked staff to consider adding administrative penalties as a measure to offset District expenses related to administering permit violations. Prior to the Public Hearing, District staff reached out to all industrial users and asked for input regarding implementing administrative penalties. The District did not receive any negative feedback or concerns.

Previous Board Action

June 21, 2004, the Board conducted a Public Hearing to adopt cost recovery language to Ordinance No. 36, Section 6.08.

July 20, 2004, the Board adopted Resolution No. 2425 to include Cost Recovery provisions to Ordinance No. 36, Section 6.08.

July 25, 2022, the Board received information and provided direction regarding Environmental Compliance Notice of Violation Administrative Fines under certain circumstances.

October 10, 2022, the Board reviewed and considered draft changes to Ordinance 36.04 and directed staff to reach out to the Regional Board to determine if these changes were considered a Substantial Modification.

Attachments: Ordinance 36.04 – Sewer Use Ordinance – Redline Version



UNION SANITARY DISTRICT SEWER USE ORDINANCE

ORDINANCE NO. 36.045

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Section 1

GENERAL PROVISIONS

1.01 Purpose and Policy

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

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

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

1.02 Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.03 Analytical and Sampling Methodology and Procedures

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

Section 2

REGULATIONS

2.01 Sewer Use Requirements

2.01.1 Prohibited Discharges

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

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

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

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

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

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

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

2.02 Requirements for Dental Facilities that Remove or Place Amalgam Fillings

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

- (1) No person shall rinse chair-side traps, vacuum screens, or amalgam separator equipment in a sink or other connection to the community sewer per 40CFR441.30(b)(1). Such traps, vacuum screens or amalgam separator equipment must be recycled or disposed of in an appropriate manner according to recycler or equipment manufacturer.
- (2) Amalgam waste and other hazardous solutions shall be properly collected, packaged, labeled, stored, managed, and disposed.
- (3) Dental unit water lines, chair-side traps, and vacuum lines that discharge amalgam process wastewater to a community sewer must not be cleaned with oxidizing or acidic cleaners, including but not limited to bleach, chlorine, iodine and peroxide that have a pH lower than 6 or greater than 8 per 40CFR441.30(b)(2).
- (4) Owners and operators of dental facilities shall ensure that all staff members who handle amalgam waste are trained in the proper handling, management and disposal of mercury-containing material and other hazardous solutions and shall maintain training records that will be made available for inspection by an employee of the District during normal business hours.
- (5) The use of bulk mercury is prohibited. Only pre-capsulated dental amalgam is allowed.

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

- (1) Install amalgam separator device compliant with 40CFR441.30 (existing offices) or 40CFR441.40 (new offices). Amalgam separator device must achieve at least a 95 percent removal efficiency. No bypass of separator device or related plumbing shall be allowed.
- (2) Per 40CFR441.50, a One-Time Compliance Report must be submitted to the District from existing offices by no later than October 12, 2020, or 90 days after a transfer of ownership. For new offices, a One-Time Compliance Report must be submitted to the District no later than 90 days following the introduction of wastewater into the community sewer.

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

2.03 Prohibitions on Storm Drainage and Groundwater

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

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

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

2.04 Acceptance of Groundwater from Remediation Projects

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

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

2.05 Prohibition on Unpolluted Water

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

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

2.06 Limitations on Radioactive Wastes

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

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

2.07 Limitations on the Use of Garbage Grinders

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

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

2.08 Limitations on Points of Discharge

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

2.09 Waste Holding Tanks, Vessels and Containers

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

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

2.10 Limitations on Wastewater Strength

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

No person shall discharge wastewater containing in excess of:

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

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

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

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

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

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

(4) Additional Limits

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

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

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

2.10.1 Mass Limit Rate Determination

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

2.11 Prohibition on Slug Discharges

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

2.12 Prohibition on Use of Dilution

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

2.13 Prohibition of Bypass

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

2.14 Prohibition of the Discharge of Chemical Solutions and Sludges

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

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

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

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

2.16 Prohibition of the Discharge of Trucked or Hauled Wastes

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

2.17 Prohibition of the Discharge from Containment Areas

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

2.18 Prohibition of Unapproved Sanitary Sewer Connections

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

Section 3

WASTEWATER VOLUME DETERMINATION

3.01 Application

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

3.02 Metered Water Supply

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

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

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

Section 4

ADMINISTRATION

4.01 Application

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

4.02 Discharge Reports

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

4.03 Wastewater Discharge Permits

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

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

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

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

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

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

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

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

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

4.04 Permit Application

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

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

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

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

4.05 Permit Conditions

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

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

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

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

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

4.06 Duration of Permits

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

4.07 Modification of Permits

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

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

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

4.08 Wastewater Discharge Permit Transfer

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

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

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

4.09 Revocation of Permit

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

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

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

4.10 Monitoring Facilities

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

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

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

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

4.11 Inspection and Sampling

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

4.12 Search Warrants

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

4.13 Pretreatment

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

4.14 Protection from Accidental Discharge

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

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

4.15 Confidential Information

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

4.16 Signature Requirement

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

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

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

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

4.17 Retention of Records

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

4.18 Notices to Employees

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

4.19 Preventive Measures

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

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

4.20 Notification of Changed Conditions

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

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

4.21 Notification of Hazardous Waste Discharge

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

4.22 Special Agreements

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

4.23 Immediate Notification of Slug Loadings to the POTW

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

4.24 Industrial User Self-Monitoring Requirements

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

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

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

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

4.25 Submission of Reports

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

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

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

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

(d) Compliance Schedule Progress Reports

(e) Periodic Self-Monitoring Reports

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

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

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

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

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

(g) Hazardous Materials Management Plans

(h) Best Management Practice Plans

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

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

(k) SARA III Reports

(l) Written responses to Notices of Violation

(m) Facility Closure Plans

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

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

Section 5

WASTEWATER CHARGES AND FEES

5.01 Schedule of Charges and Fees

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

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

5.02 Environmental Compliance Charges and Fees

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

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

Section 6

ENFORCEMENT

6.01 Notification of Discharge

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

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

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

6.02 Notification of Violation

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

6.03 Consent Orders

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

6.04 Show Cause Hearing

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

6.05 Administrative Orders

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

6.06 Issuance of Cease and Desist Orders

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

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

6.07 Legal Authority to Administer Fines

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

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

6.08 Administrative Procedures and Penalties

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

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

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

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

(e) Administrative Penalties

Administrative penalties shall be imposed for all violations of Union Sanitary District Pretreatment Ordinance No. 36 for which a Notice of Violation would be issued. ~~The violations are categorized as discharge or non-discharge violations.~~ with the following exception: the General Manager may waive or reduce penalties, in their sole discretion,

where at a minimum, all of the following requirements are met: the violation is minor in nature, it is the first in the last 5 years, it was inadvertent, and the violator is cooperating with the District in resolving the matter

The violations are categorized as discharge or non-discharge violations.

(1) Non-discharge Violations

Non-discharge violations shall be considered any violation of a reporting requirement, timeline, schedule or any other violation of Ordinance 36. A warning letter will be issued to the permittee informing them of an impending Notice of Violation and imposition of a six hundred dollar (\$600) penalty for any future violations-, pursuant to this Section 6.08(e).

(2) Discharge Violation

A Discharge Violation is specifically related to a discharge event or release. The penalty for an actual discharge violation shall be one thousand four hundred dollars (\$1400) for every incident or event-, pursuant to this Section 6.08(e).

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

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

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

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

6.09 Submission of Compliance Time Schedule

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

6.10 Compliance Schedule Progress Reports

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

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

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

6.11 Appeals

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

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

6.12 Reports of Potential Problems

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

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

6.13 Notice of Violation/Repeat Sampling and Reporting

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

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

6.14 Reports from Unpermitted Users

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

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

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

Section 7

ABATEMENT

7.01 Public Nuisance

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

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

7.02 Recovery of Expenses

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

7.03 Injunctive Relief

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

7.04 Damage to Facilities

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

7.05 Civil Penalties

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

7.06 Court Imposed Civil and Criminal Penalties

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

In accordance with Section 54740 of the California Government Code:

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

7.07 Falsifying Information

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

7.08 Termination of Service

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

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

7.09 Emergency Suspension of Service

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

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

7.10 Immediate Termination of Discharge

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

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

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

7.11 Nonexclusive Remedies

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

Section 8

SEVERABILITY

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

Section 9

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

Section 10

PUBLICATION AND MINUTE ENTRY

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

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

AYES:

NOES:

ABSENT:

ABSTAIN:

President, Board of Directors
UNION SANITARY DISTRICT

ATTEST:

Secretary, Board of Directors
UNION SANITARY DISTRICT

SUPPLEMENT

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

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

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

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

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

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

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

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

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

40 CFR Part 403.5: National Pretreatment Standards: Prohibited Discharges

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

403.5 National Pretreatment Standards: Prohibited Discharges

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

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

(B) If a local limit designed to prevent Pass Through and/or Interference, as the case may be, has not been developed in accordance with paragraph (c) of this section for the pollutant(s) that caused the Pass Through or Interference, the User's Discharge directly prior to and during the Pass Through or Interference did not change substantially in nature or constituents from the User's prior discharge activity when the POTW was regularly in compliance with the POTW's NPDES permit requirements and, in the case of Interference, applicable requirements-for sewage sludge use or disposal.

(b) *Specific prohibitions.* In addition, the following pollutants shall not be introduced into a POTW:

- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, wastestreams with a close cup flashpoint of less than 140°F or 60°C using the test methods specified in 40 CFR 261.21.
- (2) Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- (3) Solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in Interference;
- (4) Any pollutant, including oxygen demanding pollutants (BOD, COD) released in a Discharge at a flow rate and/or pollutant concentration which will cause Interference with the POTW.
- (5) Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40°C (104°F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.
- (6) Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause Interference or Pass Through;

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

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

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

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

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

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

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

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

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

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

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

40 CFR Part 405-471: Categorical Standards and Requirements

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

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

Locally Regulated Toxic Organic Pollutants

Volatiles

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

Semi-Volatiles

- Acenaphthene
- Acenaphthylene
- Anthracene
- Benzidine
- Benzo(a)anthracene
- Benzo(a)pyrene

Semi-Volatiles (cont d)

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

Semi-Volatiles (cont d)

- Nitrobenzene
- Phenanthrene
- Pyrene
- 1,2,4-trichlorobenzene



USD TREAT
PROTECT
PRESERVE
est. 1918
TRI-CITY WASTEWATER

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
General Manager/
District Engineer

Karen W. Murphy
Attorney

MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 13

TITLE: Publication of Electrochem Solutions Inc., Global Plating Inc., and Safety-Kleen of California Inc. as Significant Violators in 2022 (*This is an Information Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Raymond Chau, Technical Services Work Group Manager
Michael Dunning, Environmental Compliance Team Coach
Alex Paredes, Pretreatment Coordinator

Recommendation
Information only.

Discussion

In accordance with the requirements of 40 CFR Section 403.8(f)(2)(viii) of the General Pretreatment Regulations for new and existing Sources, the District is required to publish the names of all dischargers to the District's wastewater treatment plant that were in Significant Noncompliance (SNC) with Environmental Protection Agency (EPA) Pretreatment Regulations and/or the District's Sewer Ordinance No. 36.04 any time during the 2022 calendar year.

The following dischargers to the District's wastewater treatment plant had a significant violation during the Calendar Year 2022 evaluation period:

Electrochem Solutions, Inc. – Electrochem Solutions submitted its Periodic Report of Continued Compliance sample with a Cyanide concentration of 3.5 milligrams per liter (mg/L), which exceeds the Metal Finishing Federal Daily Maximum Limit of 1.20 mg/L and the Monthly Average Limit of 0.65 mg/L. Electrochem was issued Notice of Violation N23-001, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence and to perform self-monitoring to confirm its compliance status. Electrochem was issued an Administrative Penalty, which has been paid.

Global Plating, Inc. – Routine compliance sampling of Global Plating, Inc. detected a Zinc concentration of 2.22 mg/L, which exceeds the Metal Finishing Federal Monthly Average Limit of 1.48 mg/L. Global Plating was issued Notice of Violation N22-004, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence and to perform self-monitoring to confirm its compliance status. Global Plating was issued an Administrative Penalty, which has been paid.

Safety-Kleen of California, Inc. – Routine compliance sampling of Safety-Kleen of California, Inc. detected a Phenolics concentration of 9.4 mg/L, which exceeds the USD Local Limit of 5.0 mg/L. Safety-Kleen was issued Notice of Violation N22-007, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence and to perform self-monitoring to confirm its compliance status. Safety-Kleen was issued an Administrative Penalty, which has been paid.

Attached is a copy of the publication that will appear in The Argus and Tri-City Voice during the fifth week of March 2023.

Background

None.

Previous Board Action

None.

Attachment: Public Notice: Notice of Significant Violator

Public Notice

FOR IMMEDIATE RELEASE: UNION SANITARY DISTRICT
5072 BENSON ROAD
UNION CITY, CA 94587
CONTACT: RAYMOND CHAU
(510) 477-7606

NOTICE OF SIGNIFICANT VIOLATOR

Notice is hereby given that, pursuant to the requirements of 40 CFR Section 403.8 (f) (2)(viii) of the General Pretreatment Regulations for New and Existing Sources, the Union Sanitary District (USD) is required to publish the names of all dischargers to the District's wastewater treatment plant that were in Significant Non-Compliance (SNC) with EPA Pretreatment Regulations and/or the District's Sewer Ordinance No. 36.04 requirements at any time during the 2022 calendar year.

The following dischargers to Union Sanitary District's treatment plant had significant violations during 2022:

Electrochem Solutions, Inc.
32500 Central Avenue
Union City, CA 94587

Electrochem Solutions submitted a Periodic Report of Continued Compliance (PRCC) sample taken on November 18, 2022. The sample indicated a Cyanide concentration of 3.5 mg/L, which exceeds the Metal Finishing Federal Daily Maximum limit of 1.20 mg/L and the Monthly Average limit of 0.65 mg/L. Electrochem Solutions was issued Notice of Violation N23-001, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence and to perform self-monitoring to confirm its compliance status. Electrochem Solutions was issued an Administrative Penalty, which has been paid.

Electrochem Solutions was classified as Significant Non-Compliance (SNC) for exceeding the Chronic violation standards for the Federal Daily Maximum and Monthly Average Limit for Cyanide and the during the July – December Evaluation Period of 2022 in accordance with 40 CFR 403.8(f)(2)(viii)(B), which is defined as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(I).

Additionally, Electrochem Solutions was classified as Significant Non-Compliance (SNC) for exceeding the Technical Review Criteria (TRC) for the Federal Daily Maximum and Monthly Average Limit for Cyanide and the during the July – December Evaluation Period

of 2022 in accordance with 40 CFR 403.8(f)(2)(viii)(B), defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

Global Plating, Inc.
44620 S. Grimmer Boulevard
Fremont, CA 94538

A Federal sample collected by USD on April 14, 2022, detected Zinc concentration of 2.2156 mg/L, which exceeds the Metal Finishing Federal Monthly Average Limit of 1.48 mg/L. Global Plating was issued Notice of Violation N22-004, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence and to perform self-monitoring to confirm its compliance status. Global Plating was issued an Administrative Penalty, which has been paid.

Global Plating was classified as Significant Non-Compliance (SNC) for exceeding the Technical Review Criteria (TRC) Federal Monthly Average Limit for Zinc during the January - June Evaluation Period of 2022 in accordance with 40 CFR 403.8(f)(2)(viii)(B), defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

Safety-Kleen of California, Inc.
6880 Smith Avenue
Newark, CA, 94560

A routine sample collected by USD on September 20, 2022, detected Phenolics concentration of 9.4 mg/L, which exceeds USD Local Limit of 5.0 mg/L. Safety-Kleen was issued Notice of Violation N22-007, which required it to determine the cause of the violation, take immediate action to prevent a reoccurrence, and to perform self-monitoring to confirm its compliance status. Safety-Kleen was issued an Administrative Penalty, which has been paid.

Safety-Kleen was classified as Significant Non-Compliance (SNC) for exceeding the Technical Review Criteria (TRC) Local Limit for Phenolics during the April - September Evaluation Period of 2022 in accordance with 40 CFR 403.8(f)(2)(viii)(B), defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).



**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM #14**

TITLE: Information Technology Software & Hardware Agreement Summary (*This is an Information Item*)

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer
Robert Simonich, FMC Work Group Manager
Chris Pachmayer, Electrical & Technology Coach

Recommendation

Information only.

Discussion

The District's information technology (IT) team procures and maintains licenses for 80 separate IT systems. These systems are a combination of hardware and software that support all IT functions for the District's customers, employees, and Board of Directors. Attached to this staff report is a table summarizing the following:

- Name of the software or hardware
- Description of what each respective software or hardware does, and
- The annual cost for 2023

Background

In 2019, the Board of Directors requested Staff provide a summary of the District's software and hardware annual licensing and maintenance costs. Below is summary of previous informational reports:

- 2019 – IT supported 69 systems at a cost of \$402,377 at the time of the Board report.
- 2020 - The annual IT software and hardware agreement summary update to the Board did not occur due to the start of the Covid-19 pandemic in March of 2020.
- 2021 – IT supported 72 systems at a cost of \$506,206 at the time of the Board report.

- 2022 – IT supported 78 systems at a cost of \$627,259 at the time of the Board report.
- 2023 – IT supported 80 systems at a cost of \$740,979 at the time of the Board report.

The number and cost of systems IT supports continues to increase as legacy IT systems migrate from on premises servers to vendor hosted cloud-based environments. In addition, because of the pandemic, some paper-based business workflows were converted into online content as employees moved from an office environment to a hybrid and work from home environment.

Previous Board Action

No previous Board Action was taken for this subject.

Attachments: 2023 IT Hardware & Software Maintenance Agreements

2023 IT Hardware & Software Maintenance Agreements

| System/Equip/Contract | Description | Annual Cost (In Dollars) |
|---|---|--------------------------|
| Microsoft Licensing | Microsoft Office 365, Microsoft servers (SQL, Windows, O365 licensing) | 80,250 |
| VMWare | Virtual Machine hypervisor software. A virtual machine is a computer file that behaves like an actual computer. Allows for many computers to be served by one physical computer or server | 48,000 |
| Cisco Equipment (consolidated) | Network device support used to monitor how data is routed at the District. Used for both Administrative and Plant Networks | 43,000 |
| ProjectMates | CIP's Construction Project Management Software | 41,275 |
| Hansen System (includes NezteK & Mobile) | Computerized maintenance management system (CMMS) | 40,964 |
| Tyler Technologies (includes Crystal site lic.) | Eden system. Used for accounting, product acquisition and financial record keeping (AR, AP, GL, inventory control) | 35,520 |
| GE Proficy SCADA Software | Supervisory control and data acquisition software (SCADA). Used by TPO and FMC to monitor the status of Plant and Pump Stations (current flow rates, level of wet wells, etc.) | 34,275 |
| Wasabi | Cloud Data Storage | 46,400 |
| ESRI - ArcGIS Desktop and Server Software | Geographic Information Systems mapping software | 27,610 |
| SentinelOne | Endpoint Protection (installed on laptops, tablets, end users machines, etc.) | 23,572 |
| Arches SSC Hosting | Customer Service Team software for Non-residential billing. Cloud based software hosted by Farallon | 20,000 |
| DocuSign Business Pro w/SPO connector | Software used for electronically sending and signing documents | 17,461 |
| Network and Phone Support (on call) | Consultant used to assist District with network troubleshooting and phone system issues | 14,700 |
| Kronos Cloud Hosting Fee | District's time recording/keeping system - Hosting charges in Kronos' cloud | 13,762 |
| Formula Design Website Maintenance | Public Website hosting, design, and maintenance | 13,660 |
| Security & CCTV System | Closed circuit TV security camera system annual support (entry and secure area cameras). | 12,856 |
| enfoTech iPACS | Environmental Compliance inspection and permitting software | 12,300 |
| Veeam | Software used to backup Virtual Machines. See VMWare below for a description of a virtual machine | 10,257 |
| Arches SSC Support | Customer Service Team software for Non-residential billing. Existing data/features Software support | 10,000 |
| Mimecast | Email scanning and security tool | 8,441 |
| Adobe Misac | Adobe software is used to view and manipulate PDF documents. The subscription is purchased through MISAC (government association group) | 8,415 |
| Kronos Maintenance Support | District's time recording/keeping system - Annual maintenance and upkeep | 8,193 |
| DocAve (O365 Backup) | Backup software for Microsoft Office 365 cloud tenant | 8,120 |
| DocAve (O365 management) | Backup software for on premise Microsoft SharePoint system | 8,120 |
| Palo Alto Edge Firewall | District Internet firewall - Administrative Network | 8,000 |
| Palo Alto Plant Firewall | District Internet firewall - Plant Network | 8,000 |
| KWIZCOM Calendar Plus Pro Webpart | SharePoint Calendar enhancement | 7,651 |
| Server Room UPS with Annual PM | Universal Power supply maintenance. This device is used to condition power and provide a battery backup of the District's critical network devices during a power outage | 7,458 |
| Sophos Endpoint Protection | IT security (virus and malware protection) | 7,024 |
| XLIMS | Laboratory sample processing software | 5,883 |

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|--|--|-------|
| Geocortex Essentials | Geographic information system (GIS) application development software | 5,737 |
| Ivanti | IT asset management software used to remotely inventory and manage desktop computers | 5,300 |
| HACH Wims | Operational data management system. Used by TPO, Lab, and Engineering to collect and store Plant data | 4,915 |
| NEOGOV Insight | Human resources employee recruiting software | 4,682 |
| GE Operations Hub | SCADA Data analysis tool | 4,633 |
| WIN-911 Enterprise | SCADA alarm notification software. Tells operators when a pump has failed or turned off, etc. | 4,536 |
| NEOGOV Onboard | New employee onboarding software | 4,328 |
| Optimum Solution | Human resources employee records software (payroll, employee records, ESS, etc.) | 4,327 |
| AutoCAD Subscriptions | Computerized aided drafting software | 4,155 |
| RealVNC Enterprise Edition Software | Remote access software for desktop computer support | 4,047 |
| PageFreezer Website and Social Media Archive | Software used to archive District social media data (District Facebook posts , etc.) | 3,934 |
| Brady Link360 LOTO cloud solution | Lock Out Tag Out standard operating procedures software. These SOP's are used to safely take any piece of equipment in the Plant out of service | 3,914 |
| Zoom | Online Meeting/Webinar software | 3,900 |
| Dell VSAN Plant | On premises server support | 3,600 |
| DUO | Multifactor login authentication | 3,600 |
| RealQuest Pro | Property Information software subscription (parcel numbers, ownership data, etc.) | 3,600 |
| Knowbe4/Optiv | Computer based security training subscription (safe computer practices training) | 3,149 |
| Rockwell Automation Tech Connect | Programmable Logic controller (PLC) support | 3,116 |
| PipeLogix Flexidata System | Collections maintenance video software (televised sewer line software) | 3,000 |
| Bind Tuning | Component of SharePoint to help manage graphics | 2,850 |
| FootPrints Helpdesk | IT's helpdesk software. This software is used by employees to alert IT that they are having a problem with a piece of software or hardware. | 2,528 |
| IpSwitch - What's Up Gold Premium | Network monitoring software. Allows IT to view and trouble shoot the District's networks or equipment associated with the network | 2,500 |
| DR Cabinet UPS | Universal Power supply. This device is used to condition power and provide a battery backup of the District's critical network devices during a power outage | 2,308 |
| SingleWire Cisco Phone System Paging | Web and office paging system and software | 1,749 |
| IV&C Longwatch System | Video security services with SCADA alarming (Pump station intrusion cameras) | 1,595 |
| OpenText - RightFax Business Edition | Business electronic fax software | 1,360 |
| Cyfin Wavecrest Web Report Software | Employee website monitoring program | 1,350 |
| KEMP Loadbalancer Enterprise Plus | Proxy used for secure remote access to SharePoint Portal and Hansen | 1,327 |
| FuelMaster Controller and Software | Automobile fuel system management software. | 1,275 |
| Control Bldg. Server Rm UPS w/Annual PM | Universal Power supply maintenance. This device is used to condition power and provide a battery backup of the District's critical network devices during a power outage | 1,005 |
| NEOGOV Job Posting Subscription | Human resources employee recruiting software (ability to post jobs and process applications) | 975 |
| TabletMedia radio to email gateway | Software used to transfer SCADA alarm emails into text messages on radios | 975 |

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|---|---|-----|
| Wistia.com | Video hosting service | 950 |
| Meraki | Cisco product. Used for cloud controlled WIFI, routing and security | 920 |
| Telog Enterprise (for manhole monitors) | Remote manhole level monitoring. These devices are used to determine how high the water levels in the collection system are | 900 |
| Netwrix Auditor | IT auditing software used to detect security threats and prove compliance | 874 |
| BlueBeam | Construction drawing editing tool | 800 |
| Calero VeraSmart Call Accounting | Phone monitoring system (monitors which numbers and length of calls to USD phone numbers) | 795 |
| Hyena Enterprise Edition Software | Active Directory and Windows system management software (manage users of Windows systems) | 750 |
| GeoExpress - GIS Software | Software used to compress high resolution imagery for GIS | 710 |
| Vault Source Control - SCADA | Version control software that locks down the source code of the SCADA system. This prevents unwanted changes to the District's SCADA system | 630 |
| 1Password | Password management tool | 479 |
| GoDaddy Wildcard Cert unionsanitary.com | USD public website authenticity certification | 450 |
| SecureCRT | Remote access and secure file transfer tool | 342 |
| NEOGOVS | Candidate Text Messaging | 247 |
| Kiwi CatTools Pro | Automatic backup software (used to backup configuration for District routers, switches, firewalls, and gateways) | 206 |
| DropBox account | DropBox is used to provide Board packets to the Board of Directors | 159 |
| Lenel OnGuard | Access control system software (keypad/card readers used to enter District buildings) | 149 |
| StopFog .com& StopFog.net | Domain names for Public outreach and education to reduce fats, oils and grease in the District's collection system | 133 |
| Unionsanitary.com Domain Name | USD Public Website | 50 |

Total Annual Cost

\$740,979



USD
TREAT
PROTECT
PRESERVE
est. 1918
TRI-CITY WASTEWATER

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Paul R. Eldredge
*General Manager/
District Engineer*

Karen W. Murphy
Attorney

**MARCH 27, 2023
BOARD OF DIRECTORS MEETING
AGENDA ITEM # 15**

TITLE: COVID-19 Update *(This is an Information Item)*

SUBMITTED: Paul R. Eldredge, General Manager/District Engineer

Recommendation

Information only.

Discussion

General Manager Eldredge will provide an update on the District's COVID-19 response and staffing levels.

Background

None

Previous Board Action

None

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|-----------|-----------|------|-------------|--------------------------------|--|----------------|----------------|
| 183601 | 3/16/2023 | 114 | 800532.9 | W.M. LYLES CO | MP - AERATION BASIN MODIFICATIONS | \$2,083,026.07 | \$2,083,026.07 |
| 183501 | 3/9/2023 | 114 | 2011800424 | HAZEN AND SAWYER | ETSU PHASE 1B PROJECT | \$50,072.85 | \$391,495.00 |
| | 3/9/2023 | 143 | 2011800714 | | PUMP STATION ASSET CONDITION ASSESSMENT | \$3,520.00 | |
| | 3/9/2023 | 114 | 2011801011 | | MP - AERATION BASIN MODIFICATIONS | \$112,978.50 | |
| | 3/9/2023 | 114 | 201180116 | | CAMPUS BUILDINGS (ADMIN, FMC, OPS) | \$224,923.65 | |
| 183580 | 3/16/2023 | 143 | 193102 | PSOMAS CORP | STANDBY POWER SYSTEM UPGRADE | \$81,014.61 | \$303,411.40 |
| | 3/16/2023 | 114 | 193345 | | AERATION BASIN MODIFICATIONS | \$222,396.79 | |
| 183548 | 3/16/2023 | 110 | 1424608 | DEPARTMENT OF GENERAL SERVICES | SERV: JAN 2023 PLANT | \$109,792.53 | \$109,792.53 |
| 183602 | 3/16/2023 | 114 | 800532.9E | W.M. LYLES CO | MP - AERATION BASIN MODIFICATIONS - ESCROW | \$109,632.95 | \$109,632.95 |
| 183604 | 3/16/2023 | 170 | 4451567 | WESTERN ENERGY SYSTEMS | 12 CYLINDER HEADS AND PARTS | \$76,768.21 | \$76,768.21 |
| 183493 | 3/9/2023 | 143 | 33034 | CAROLLO ENGINEERS | WAS THICKENERS | \$67,046.97 | \$67,046.97 |
| 183537 | 3/16/2023 | 143 | 1389245 | BLACK & VEATCH CORPORATION | ENERGY RESILIENCY STUDY | \$16,477.36 | \$46,005.50 |
| | 3/16/2023 | 143 | 1391006 | | ENERGY RESILIENCY STUDY | \$29,528.14 | |
| 183527 | 3/9/2023 | 143 | 213271 | WOODARD & CURRAN INC | LOCAL LIMIT STUDY | \$44,395.00 | \$44,395.00 |
| 183597 | 3/16/2023 | 110 | 470010621 | USP TECHNOLOGIES | 4332 GALS HYDROGEN PEROXIDE | \$19,970.52 | \$40,678.64 |
| | 3/16/2023 | 110 | 470010715 | | 4492 GALS HYDROGEN PEROXIDE | \$20,708.12 | |

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| 183560 | 3/16/2023 | 150 | 2011800814 | HAZEN AND SAWYER | INTERIM CIP COACH SERVICES - JAN 23 | \$18,360.00 | \$32,237.50 |
| | 3/16/2023 | 143 | 2011800913 | | HEADWORKS DEGRITTING STUDY | \$13,877.50 | |
| 183522 | 3/9/2023 | 110 | 50923779 | UNIVAR SOLUTIONS USA INC | 4894.2 GALS SODIUM HYPOCHLORITE | \$7,763.02 | \$31,383.45 |
| | 3/9/2023 | 110 | 50923780 | | 4905.3 GALS SODIUM HYPOCHLORITE | \$7,780.63 | |
| | 3/9/2023 | 110 | 50931342 | | 4992.3 GALS SODIUM HYPOCHLORITE | \$7,918.63 | |
| | 3/9/2023 | 110 | 50937750 | | 4993.9 GALS SODIUM HYPOCHLORITE | \$7,921.17 | |
| 183494 | 3/9/2023 | 173 | 83144 | CDW GOVERNMENT LLC | 1 SWITCH | \$26,744.94 | \$26,744.94 |
| 183542 | 3/16/2023 | 173 | 91811 | CDW GOVERNMENT LLC | 1 SWITCH | \$26,744.94 | \$26,744.94 |
| 183570 | 3/16/2023 | 173 | 25894FF | LOOKINGPOINT INC | VSAN SWITCH R AND R | \$4,935.00 | \$24,310.00 |
| | 3/16/2023 | 173 | 27129FF | | VSAN SWITCH R AND R | \$14,440.00 | |
| | 3/16/2023 | 173 | 27130FF | | VSAN SWITCH R AND R | \$4,935.00 | |
| 183594 | 3/16/2023 | 110 | 50941363 | UNIVAR SOLUTIONS USA INC | 4898.6 GALS SODIUM HYPOCHLORITE | \$7,770.01 | \$23,152.51 |
| | 3/16/2023 | 110 | 50944892 | | 4800.9 GALS SODIUM HYPOCHLORITE | \$7,615.04 | |
| | 3/16/2023 | 110 | 50948395 | | 4897 GALS SODIUM HYPOCHLORITE | \$7,767.46 | |
| 183539 | 3/16/2023 | 143 | 11473673 | BROWN & CALDWELL CONSULTANTS | COGEN REPLACEMENT & VENTILATION STUDY | \$2,195.95 | \$23,091.56 |
| | 3/16/2023 | 143 | 11473674 | | STANDBY POWER SYSTEM UPGRADE | \$20,895.61 | |
| 183488 | 3/9/2023 | | B0859T | BENEFIT COORDINATORS CORP | DELTA DENTAL AND VSP STMT - MAR 2023 | \$3,829.40 | \$22,955.59 |
| | 3/9/2023 | | B0874M | | DELTA DENTAL CLAIMS - FEB 2023 | \$19,126.19 | |
| 183535 | 3/16/2023 | 143 | 1989385 | ATKINS NORTH AMERICA INC | GIS SERVICES | \$22,500.00 | \$22,500.00 |

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| 183578 | 3/16/2023 | 170 | 761520230302 | PACIFIC GAS AND ELECTRIC | SERV TO 02/23/23 NEWARK PS | \$21,769.88 | \$21,769.88 |
| 183551 | 3/16/2023 | 170 | 250761 | FRANK A OLSEN COMPANY | 4 PLUG VALVES | \$6,247.82 | \$18,939.65 |
| | 3/16/2023 | 170 | 250791 | | 1 ROTORK REPLACEMENT | \$12,691.83 | |
| 183587 | 3/16/2023 | 123 | 32001 | SCHWALM USA LLC | CAMERA AND CUTTING TOOLS | \$13,427.43 | \$13,427.43 |
| 183541 | 3/16/2023 | | 20230315 | STATE OF CALIFORNIA | SALES & USE TAX 02/01/23 - 02/28/2023 | \$11,675.55 | \$11,675.55 |
| 183506 | 3/9/2023 | | 374322230301 | LINCOLN NATIONAL LIFE INS COMP | LIFE & DISABILITY INSURANCE - MAR 2023 | \$9,478.49 | \$9,478.49 |
| 183579 | 3/16/2023 | 110 | 1717621 | POLYDYNE INC | 42,580 LBS CLARIFLOC WE-539 | \$9,275.86 | \$9,275.86 |
| 183504 | 3/9/2023 | 110 | 9017782272 | KEMIRA WATER SOLUTIONS INC | 47,700 LBS FERROUS CHLORIDE | \$8,168.57 | \$8,168.57 |
| 183499 | 3/9/2023 | 123 | 16387 | GIERLICH-MITCHELL INC | 3 MANHOLE MONITOR PLUS | \$8,001.64 | \$8,001.64 |
| 183564 | 3/16/2023 | 110 | 9017782955 | KEMIRA WATER SOLUTIONS INC | 46,380 LBS FERROUS CHLORIDE | \$7,884.45 | \$7,884.45 |
| 183497 | 3/9/2023 | | 94317 | E3 SPARK PLUGS | 12 SPARK PLUGS | \$6,254.64 | \$6,254.64 |
| 183490 | 3/9/2023 | 121 | 310340 | BRENNTAG PACIFIC INC | 5104 LBS SODIUM HYDROXIDE | \$4,371.67 | \$4,371.67 |
| 183540 | 3/16/2023 | | 112208 | BRUCE BARTON PUMP SERVICE INC | 2 SUMP PUMPS | \$3,738.92 | \$3,738.92 |
| 183534 | 3/16/2023 | | 19537908 | AT&T | SERV: 01/20/23 - 02/19/23 | \$24.59 | \$3,689.79 |
| | 3/16/2023 | | 19537910 | | SERV: 01/20/23 - 02/19/23 | \$3,416.69 | |
| | 3/16/2023 | | 19537932 | | SERV: 01/20/23 - 02/19/23 | \$248.51 | |
| 183572 | 3/16/2023 | 170 | 20230315 | SCOTT MARTIN | EXP REIMB: MARCON CONF PER DIEM | \$414.00 | \$3,659.40 |
| | 3/16/2023 | 171 | 20230315.1 | | EXP REIMB: MARCON CONF LODGING MARTIN, ROCHA, TATAKAMOTOI | \$3,245.40 | |
| 183582 | 3/16/2023 | 120 | 916005210266 | REPUBLIC SERVICES #916 | RECYCLE & ROLL OFF - MAR 2023 | \$3,476.42 | \$3,476.42 |

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| 183529 | 3/16/2023 | | 20230228 | AFLAC GROUP | GROUP INSURANCE - FEB 2023 | \$3,150.43 | \$3,150.43 |
| 183581 | 3/16/2023 | 141 | 20230221 | QUADIENT INC | POSTAGE BY PHONE - TMS 8060344 | \$3,000.00 | \$3,000.00 |
| 183487 | 3/9/2023 | 122 | 28974 | BAYSCAPE LANDSCAPE MANAGEMENT | LANDSCAPE MAINTENANCE SERVICES - FEB 2023 | \$2,925.00 | \$2,925.00 |
| 183512 | 3/9/2023 | 170 | 141492 | NEW IMAGE LANDSCAPING CO | LANDSCAPE MAINTENANCE - FMC - FEB | \$2,555.59 | \$2,555.59 |
| 183547 | 3/16/2023 | 173 | 10650514396 | DELL MARKETING LP C/O DELL USA | FMC MANAGER LAPTOP | \$2,470.34 | \$2,470.34 |
| 183514 | 3/9/2023 | 122 | 89562 | PAC MACHINE COMPANY INC | 1 GODWIN PUMP CONTROL MODULE | \$2,433.44 | \$2,433.44 |
| 183516 | 3/9/2023 | 110 | 23021315 | S&S TRUCKING | GRIT HAULING 02/08/2023 | \$913.05 | \$2,348.85 |
| | 3/9/2023 | 110 | 23021413 | | GRIT HAULING 02/10/2023 | \$1,435.80 | |
| 183558 | 3/16/2023 | 111 | 9597366708 | GRAINGER INC | ASTD PARTS & MATERIALS | \$58.79 | \$2,334.05 |
| | 3/16/2023 | 170 | 9599107779 | | ASTD PARTS & MATERIALS | \$161.89 | |
| | 3/16/2023 | 170 | 9599121671 | | ASTD PARTS & MATERIALS | \$161.89 | |
| | 3/16/2023 | 122 | 9600474572 | | ASTD PARTS & MATERIALS | \$247.29 | |
| | 3/16/2023 | 170 | 9600474598 | | ASTD PARTS & MATERIALS | \$645.06 | |
| | 3/16/2023 | | 9600712153 | | ASTD PARTS & MATERIALS | \$347.44 | |
| | 3/16/2023 | | 9600730601 | | ASTD PARTS & MATERIALS | \$605.65 | |
| | 3/16/2023 | 122 | 9602229222 | | ASTD PARTS & MATERIALS | \$71.44 | |
| | 3/16/2023 | 111 | 9603469835 | | ASTD PARTS & MATERIALS | \$34.60 | |

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| 183509 | 3/9/2023 | | 92599752 | MCMASTER SUPPLY INC | ASTD PARTS & MATERIALS | \$441.96 | \$2,251.19 |
| | 3/9/2023 | | 92777862 | | ASTD PARTS & MATERIALS | \$274.97 | |
| | 3/9/2023 | | 92935973 | | ASTD PARTS & MATERIALS | \$564.35 | |
| | 3/9/2023 | 170 | 93549621 | | ASTD PARTS & MATERIALS | \$250.65 | |
| | 3/9/2023 | 170 | 93554553 | | ASTD PARTS & MATERIALS | \$28.76 | |
| | 3/9/2023 | 170 | 93629075 | | ASTD PARTS & MATERIALS | \$65.89 | |
| | 3/9/2023 | 170 | 93641492 | | ASTD PARTS & MATERIALS | \$624.61 | |
| 183589 | 3/16/2023 | | 737288469601 | STAPLES CONTRACT & COMMERCIAL | JANITORIAL & BREAKROOM SUPPLIES | \$354.31 | \$2,182.64 |
| | 3/16/2023 | | 737325210601 | | JANITORIAL & BREAKROOM SUPPLIES | \$545.38 | |
| | 3/16/2023 | | 737351607401 | | JANITORIAL & BREAKROOM SUPPLIES | \$838.75 | |
| | 3/16/2023 | | 737379247201 | | JANITORIAL & BREAKROOM SUPPLIES | \$152.92 | |
| | 3/16/2023 | | 737389686901 | | JANITORIAL & BREAKROOM SUPPLIES | \$75.41 | |
| | 3/16/2023 | | 737389686902 | | JANITORIAL & BREAKROOM SUPPLIES | \$215.87 | |
| 183515 | 3/9/2023 | 170 | 104158 | PRIME MECHANICAL SERVICE INC | SERVICE CALL: BLDG 90 REPLACE BELT | \$660.05 | \$2,105.05 |
| | 3/9/2023 | 122 | 104192 | | SERVICE CALL: REPLACE HOT WATER VALVE | \$1,445.00 | |
| 183496 | 3/9/2023 | | 165451895 | COLORADO WASHINGTON INC COMCAST OF | FIBER INTERNET BACKUP - FEB 2023 | \$2,040.87 | \$2,040.87 |
| 183479 | 3/9/2023 | 170 | 2000699118 | AECOM TECHNICAL SERVICES INC | HAZMAT CONSULTING SERVICES | \$1,993.00 | \$1,993.00 |
| 183550 | 3/16/2023 | 173 | 2019725 | FARALLON GEOGRAPHICS INC | ARCHES SSC SOFTWARE SUPPORT | \$1,950.00 | \$1,950.00 |
| 183603 | 3/16/2023 | 123 | 51099 | WECO INDUSTRIES LLC | 5 PNEUMATIC WHEELS | \$1,929.98 | \$1,929.98 |

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| 183483 | 3/9/2023 | 130 | 16554858 | APPLEONE EMPLOYMENT SVCS | TEMP LABOR-GONZALES, WK END 02/11/23 | \$1,689.33 | \$1,689.33 |
| 183592 | 3/16/2023 | | 20588216 | TELEDYNE ISCO INC | SAMPLING SUPPLIES | \$1,688.94 | \$1,688.94 |
| 183532 | 3/16/2023 | 130 | 16562303 | APPLEONE EMPLOYMENT SVCS | TEMP LABOR-GONZALES, WK END 02/18/23 | \$1,634.80 | \$1,634.80 |
| 183492 | 3/9/2023 | | 296089 | BURKE, WILLIAMS & SORENSON LLP | CIP - DEC 2022 | \$1,597.44 | \$1,597.44 |
| 183591 | 3/16/2023 | 171 | 20230315 | MOSA TATAKAMOTONGA | EXP REIMB: MARCON CONF PER DIEM | \$414.00 | \$1,504.76 |
| | 3/16/2023 | 171 | 20230315.1 | | EXP REIMB: MARCON CONF LYFT | \$144.80 | |
| | 3/16/2023 | 171 | 20230315.2 | | EXP REIMB: MARCON CONF AIRFARE | \$945.96 | |
| 183500 | 3/9/2023 | 170 | 9591800694 | GRAINGER INC | ASTD PARTS & MATERIALS | \$189.97 | \$1,495.85 |
| | 3/9/2023 | 111 | 9592707179 | | ASTD PARTS & MATERIALS | \$164.36 | |
| | 3/9/2023 | 111 | 9593592034 | | ASTD PARTS & MATERIALS | \$213.42 | |
| | 3/9/2023 | | 9594156508 | | ASTD PARTS & MATERIALS | \$410.97 | |
| | 3/9/2023 | | 9594658917 | | ASTD PARTS & MATERIALS | \$254.99 | |
| | 3/9/2023 | | 9595172728 | | ASTD PARTS & MATERIALS | \$129.79 | |
| | 3/9/2023 | | 9595910671 | | ASTD PARTS & MATERIALS | \$132.35 | |
| 183596 | 3/16/2023 | 136 | 6838354 | US BANK CORP PAYMENT SYSTEM | ADMINISTRATION FEES - 02/1/2023 - 01/31/2024 | \$1,350.00 | \$1,350.00 |

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| Check No. | Date | Dept | Invoice No. | Vendor | Description | Invoice Amt | Check Am |
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| 183575 | 3/16/2023 | 170 | 92778692 | MCMASTER SUPPLY INC | ASTD PARTS & MATERIALS | \$128.84 | \$1,283.40 |
| | 3/16/2023 | | 93394282 | | ASTD PARTS & MATERIALS | \$93.99 | |
| | 3/16/2023 | | 93400230 | | ASTD PARTS & MATERIALS | \$52.43 | |
| | 3/16/2023 | 170 | 93963189 | | ASTD PARTS & MATERIALS | \$343.04 | |
| | 3/16/2023 | | 93965029 | | ASTD PARTS & MATERIALS | \$541.93 | |
| | 3/16/2023 | | 94028673 | | ASTD PARTS & MATERIALS | \$51.11 | |
| | 3/16/2023 | 170 | 94114867 | | ASTD PARTS & MATERIALS | \$100.52 | |
| | 3/16/2023 | | 94205698 | | CREDIT FOR INV 93629075 - ASTD PARTS & MATERIALS | \$-28.46 | |
| 183530 | 3/16/2023 | 170 | 9135139469 | AIRGAS NCN | 4 CY ARGON | \$1,261.91 | \$1,261.91 |
| 183518 | 3/9/2023 | 132 | 51245 | SLOAN SAKAI YEUNG & WONG LLP | SPECIAL COUNSEL SERVICES | \$1,162.50 | \$1,162.50 |
| 183574 | 3/16/2023 | 113 | 2302860 | MCCAMPBELL ANALYTICAL | LAB SAMPLE ANALYSIS | \$337.00 | \$1,137.00 |
| | 3/16/2023 | 113 | 2302A77 | | LAB SAMPLE ANALYSIS | \$547.00 | |
| | 3/16/2023 | 113 | 2302A86 | | LAB SAMPLE ANALYSIS | \$253.00 | |
| 183508 | 3/9/2023 | 113 | 2302714 | MCCAMPBELL ANALYTICAL | LAB SAMPLE ANALYSIS | \$541.00 | \$1,009.00 |
| | 3/9/2023 | 113 | 2302861 | | LAB SAMPLE ANALYSIS | \$468.00 | |
| 183528 | 3/16/2023 | | 40015 | ABOVE ALL PLUMBING, INC. | REFUND # 56186 | \$500.00 | \$1,000.00 |
| | 3/16/2023 | | 41021 | | REFUND # 56197 | \$500.00 | |
| 183583 | 3/16/2023 | | 39999 | AMERICAN RESIDENTIAL SVCS RESCUE ROC | REFUND # 56193 | \$1,000.00 | \$1,000.00 |
| 183593 | 3/16/2023 | | 41023 | THE CONSTRUCTION ZONE LLC | 3 TRAFFIC SIGNS / 3 STANDS | \$900.23 | \$900.23 |

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| Check No. | Date | Dept | Invoice No. | Vendor | Description | Invoice Amt | Check Am |
|-----------|-----------|------|---------------|-------------------------------|---|-------------|----------|
| 183484 | 3/9/2023 | | 2591125055 | ARAMARK | ASTD DUST MOPS, WET MOPS & TERRY | \$81.66 | \$874.42 |
| | 3/9/2023 | | 2591125069 | | UNIFORM LAUNDERING & RUGS | \$369.33 | |
| | 3/9/2023 | | 2591125085 | | UNIFORM LAUNDERING SERVICE | \$423.43 | |
| 183485 | 3/9/2023 | | 8334386708 | AT&T | SERV: 01/11/23 - 02/10/23 | \$872.58 | \$872.58 |
| 183524 | 3/9/2023 | | 9928215109 | VERIZON WIRELESS | WIRELESS SERV 01/21/23-02/20/23 | \$859.54 | \$859.54 |
| 183486 | 3/9/2023 | 173 | 600828 | AVERTIUM LLC | VULNERABILITY SCANNER | \$845.00 | \$845.00 |
| 183555 | 3/16/2023 | 110 | 20230309 | MICHAEL FULKERSON | EXP REIMB: WQI EXAM PREP CLASS LODGING, PER DIEM, MILEAGE | \$676.01 | \$788.31 |
| | 3/16/2023 | 111 | 20230315 | | EXP REIMB: TPO GROUP RECOGNITION | \$112.30 | |
| 183531 | 3/16/2023 | 172 | 13X9RW33JL3T | AMAZON.COM LLC | ASTD OFFICE SUPPLIES | \$569.42 | \$752.21 |
| | 3/16/2023 | 144 | 19TQCFC4JFQF | | ASTD OFFICE SUPPLIES | \$36.48 | |
| | 3/16/2023 | 111 | 1DYV4KHGNNL1 | | ASTD OFFICE SUPPLIES | \$16.59 | |
| | 3/16/2023 | 170 | 1JM4DVFN9Q67 | | ASTD OFFICE SUPPLIES | \$63.33 | |
| | 3/16/2023 | 170 | 1VYTVV6LCMDH | | ASTD OFFICE SUPPLIES | \$66.39 | |
| 183503 | 3/9/2023 | 171 | 1926102010089 | INTERSTATE ALL BATTERY CENTER | 2 BATTERIES~ | \$690.32 | \$690.32 |
| 183505 | 3/9/2023 | 170 | 96324 | LIBERTY PROCESS EQUIPMENT INC | 6 PACKING GLANDS FOR SCUM PUMPS 1 & 2 | \$676.97 | \$676.97 |
| 183576 | 3/16/2023 | | 20230309 | JOSEPH MENDOZA | REIMB EDD PAYMENT ON UNEMPLOYMENT CLAIM | \$675.00 | \$675.00 |
| 183598 | 3/16/2023 | 150 | 20230315 | THERESA VASQUEZ | EXP REIMB: SOCIAL COMMITTE PI DAY CELEBRATION | \$671.87 | \$671.87 |
| 183545 | 3/16/2023 | 132 | 276282 | CLAREMONT BEHAVIORAL SERVICES | MAR 2023 EAP PREMIUMS | \$662.40 | \$662.40 |

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|-----------|-----------|------|-------------|-----------------------------|---|-------------|----------|
| 183533 | 3/16/2023 | | 259001357 | ARAMARK | CR: UNIFORM LAUNDERING SERVICE | \$-224.84 | \$613.76 |
| | 3/16/2023 | | 2591127041 | | UNIFORM LAUNDERING & RUGS | \$375.34 | |
| | 3/16/2023 | | 2591127053 | | UNIFORM LAUNDERING SERVICE | \$463.26 | |
| 183556 | 3/16/2023 | 110 | 20230309 | BRUCE GALLEGOS JR. | EXP REIMB: WQI EXAM PREP CLASS LODGING, PER DIEM, MILEAGE | \$593.48 | \$593.48 |
| 183600 | 3/16/2023 | | 8812163898 | VWR INTERNATIONAL LLC | LAB SUPPLIES | \$360.00 | \$561.41 |
| | 3/16/2023 | | 8812171307 | | LAB SUPPLIES | \$201.41 | |
| 183549 | 3/16/2023 | 170 | 516893 | EXPONENT INC | COGEN GENERATOR FAILURE ANALYSIS | \$543.07 | \$543.07 |
| 183495 | 3/9/2023 | | 33736 | EDDY CHAN | REFUND # 56177 | \$500.00 | \$500.00 |
| 183498 | 3/9/2023 | | 43090 | GATOR ROOTER & PLUMBING INC | REFUND # 56176 | \$500.00 | \$500.00 |
| 183519 | 3/9/2023 | | 40002 | STREAMLINE PLUMBING & DRAIN | REFUND # 56180 | \$500.00 | \$500.00 |
| 183525 | 3/9/2023 | | 32644 | VILLA HOMES | REFUND # 56178 | \$500.00 | \$500.00 |
| 183536 | 3/16/2023 | | 30497 | B & M MECHANICAL INC | REFUND # 56189 | \$500.00 | \$500.00 |
| 183543 | 3/16/2023 | | 37895 | JOHN CHAN | REFUND # 56194 | \$500.00 | \$500.00 |
| 183552 | 3/16/2023 | | 30391 | FREEDOM BUILDERS INC | REFUND # 56196 | \$500.00 | \$500.00 |
| 183553 | 3/16/2023 | | 19874 | FRESH AIR MECHANICAL | REFUND # 41014 | \$500.00 | \$500.00 |
| 183554 | 3/16/2023 | | 34787 | FRESH AIR MECHANICAL | REFUND # 49751 | \$500.00 | \$500.00 |
| 183563 | 3/16/2023 | | 37948 | JMAN'S BUILDERS INC | REFUND # 56185 | \$500.00 | \$500.00 |
| 183565 | 3/16/2023 | | 33726 | DEIRDRE KENNEDY | REFUND # 56188 | \$500.00 | \$500.00 |
| 183566 | 3/16/2023 | | 41036 | KING KONG PLUMBING | REFUND # 56187 | \$500.00 | \$500.00 |

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| 183568 | 3/16/2023 | | 43081 | LARRIETA SANITATION CONST | REFUND # 56191 | \$500.00 | \$500.00 |
| 183573 | 3/16/2023 | | 43095 | MARTINEZ CONSTRUCTION | REFUND # 56195 | \$500.00 | \$500.00 |
| 183577 | 3/16/2023 | | 43067 | NEXGEN ROOTER & PLUMBING | REFUND # 56190 | \$500.00 | \$500.00 |
| 183585 | 3/16/2023 | | 43102 | ROOTER HERO | REFUND # 56192 | \$500.00 | \$500.00 |
| 183482 | 3/9/2023 | | 1FRGMQVT3WFQ | AMAZON.COM LLC | CREDIT: ASTD OFFICE SUPPLIES | \$-15.50 | \$452.09 |
| | 3/9/2023 | 130 | 1H1QD7161G7D | | ASTD OFFICE SUPPLIES | \$35.30 | |
| | 3/9/2023 | 130 | 1VMP76CY634X | | ASTD OFFICE SUPPLIES | \$405.32 | |
| | 3/9/2023 | 123 | 1YDQD7117MNT | | ASTD OFFICE SUPPLIES | \$26.97 | |
| 183561 | 3/16/2023 | | 605035664 | HILLYARD/SAN FRANCISCO | ASTD JANITORIAL SUPPLIES | \$424.37 | \$424.37 |
| 183584 | 3/16/2023 | 171 | 20230315 | LISUARTE ROCHA | EXP REIMB: MARCON CONF PER DIEM | \$414.00 | \$414.00 |
| 183538 | 3/16/2023 | 120 | 17832850 | BLAISDELL'S | ASTD OFFICE SUPPLIES | \$281.00 | \$386.39 |
| | 3/16/2023 | 130 | 17832900 | | ASTD OFFICE SUPPLIES | \$105.39 | |
| 183511 | 3/9/2023 | 170 | 238184 | NAYLOR STEEL INC | ASTD METAL, STEEL, STAINLESS & ALUMINUM | \$352.53 | \$385.22 |
| | 3/9/2023 | 122 | 238185 | | ASTD METAL, STEEL, STAINLESS & ALUMINUM | \$32.69 | |
| 183520 | 3/9/2023 | 111 | 20230228 | SWRCB - STATE WATER RESOURCES | GRADE IV OPERATOR CERTIFICATE EXAM - GALLEGRO | \$365.00 | \$365.00 |
| 183590 | 3/16/2023 | 111 | 20230315 | SWRCB - STATE WATER RESOURCES | GRADE V OPERATOR CERTIFICATE EXAM - FULKERSON | \$365.00 | \$365.00 |
| 183513 | 3/9/2023 | 132 | 2202885 | OPTIMUM TECHNOLOGIES LLC | AT HOME EMPLOYEE PORTAL | \$346.00 | \$346.00 |
| 183567 | 3/16/2023 | 170 | 396871 | KLEEN BLAST ABRASIVES | BLASTING MATERIALS | \$336.68 | \$336.68 |
| 183571 | 3/16/2023 | | 5561995 | MALLORY SAFETY AND SUPPLY LLC | CALIBRATION GAS AND PPE | \$332.25 | \$332.25 |

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| 183489 | 3/9/2023 | 141 | 17803330 | BLAISDELL'S | ASTD OFFICE SUPPLIES | \$42.23 | \$245.39 |
| | 3/9/2023 | 141 | 17803331 | | ASTD OFFICE SUPPLIES | \$34.79 | |
| | 3/9/2023 | 144 | 17820400 | | ASTD OFFICE SUPPLIES | \$168.37 | |
| 183481 | 3/9/2023 | 160 | 6101400 | ALPINE AWARDS INC | 10 NAMEBADGES | \$234.24 | \$234.24 |
| 183502 | 3/9/2023 | 132 | 38848 | ICE SAFETY SOLUTIONS INC | FIRST AID KIT & AED SERVICING | \$187.50 | \$214.78 |
| | 3/9/2023 | 132 | 38849 | | FIRST AID & AED SUPPLIES | \$27.28 | |
| 183526 | 3/9/2023 | | 8811990562 | VWR INTERNATIONAL LLC | LAB SUPPLIES | \$209.43 | \$209.43 |
| 183586 | 3/16/2023 | 172 | 20230309 | GERARDO RUIZ | EXP REIMB: MILEAGE | \$68.78 | \$206.34 |
| | 3/16/2023 | 172 | 20230309.1 | | EXP REIMB: MILEAGE | \$68.78 | |
| | 3/16/2023 | 172 | 20230309.2 | | EXP REIMB: MILEAGE | \$68.78 | |
| 183557 | 3/16/2023 | 141 | 20230313 | GLEN GINOCHIO | RETIREMENT GIFT - 11 YEARS OF SERVICE | \$165.00 | \$165.00 |
| 183507 | 3/9/2023 | | 5554589 | MALLORY SAFETY AND SUPPLY LLC | 36 PR GLOVES | \$157.76 | \$157.76 |
| 183517 | 3/9/2023 | 170 | 2302085S | SGS NORTH AMERICA INC | 2 ANALYSIS | \$148.00 | \$148.00 |
| 183559 | 3/16/2023 | 130 | 170190 | HANIGAN COMPANY INC | BUSINESS CARDS - K. TERRAZAS, K. KING | \$102.54 | \$102.54 |
| 183595 | 3/16/2023 | 136 | 98XW53073 | UPS - UNITED PARCEL SERVICE | SHIPPING CHARGES W/E 02/18/23 | \$97.42 | \$97.42 |
| 183546 | 3/16/2023 | 144 | 30414 | DANOC MANUFACTURING | 1 SUMMER JACKET | \$95.81 | \$95.81 |
| 183491 | 3/9/2023 | 170 | 330608100 | BUCKLES SMITH ELECTRIC | 1 FAN KIT | \$90.21 | \$90.21 |
| 183562 | 3/16/2023 | 170 | 768520230224 | HOME DEPOT CREDIT SERVICES | MONTHLY HARDWARE STMT - FEBRUARY 2023 | \$88.99 | \$88.99 |
| 183480 | 3/9/2023 | 170 | 4088644120230223 | ALAMEDA COUNTY WATER DISTRICT | SERV TO: 02/22/23 - BOYCE ROAD | \$85.86 | \$85.86 |

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|-----------|-----------|------|-------------|--------------------------------|---|-------------|----------|
| 183569 | 3/16/2023 | 111 | 20230314 | JUSTIN LAURENCE | EXP REIMB: SAFETY SHOE INSOLES | \$60.34 | \$60.34 |
| 183521 | 3/9/2023 | 141 | 438101 | ULTRAEX LLC | COURIER SVCS: 1 BOARDMEMBER DELIVERY - 02/08/23 | \$56.30 | \$56.30 |
| 183523 | 3/9/2023 | 136 | 98XW53063 | UPS - UNITED PARCEL SERVICE | SHIPPING CHARGES W/E 02/11/23 | \$54.33 | \$54.33 |
| 183599 | 3/16/2023 | | 9928954210 | VERIZON WIRELESS | WIRELESS SERV 02/02/23-03/01/23 | \$54.33 | \$54.33 |
| 183588 | 3/16/2023 | 170 | 2302271S | SGS NORTH AMERICA INC | 2 ANALYSIS | \$40.00 | \$40.00 |
| 183510 | 3/9/2023 | 170 | 8625430 | MOTION & FLOW CONTROL PRODUCTS | ASTD PARTS & MATERIALS | \$34.13 | \$34.13 |
| 183544 | 3/16/2023 | 170 | 20230308 | PETE CHAPARRO | EXP REIMB: MILEAGE FOR CALL OUT | \$14.21 | \$14.21 |

Invoices:

| | | |
|-------------------------------|------------|---------------------|
| Credit Memos : | 3 | -268.80 |
| \$0 - \$1,000 : | 133 | 43,569.87 |
| \$1,000 - \$10,000 : | 43 | 185,226.25 |
| \$10,000 - \$100,000 : | 21 | 628,235.65 |
| Over \$100,000 : | 6 | 2,862,750.49 |
| Total: | 206 | 3,719,513.46 |

Checks:

| | | |
|-------------------------------|------------|---------------------|
| \$0 - \$1,000 : | 65 | 27,842.98 |
| \$1,000 - \$10,000 : | 38 | 120,485.21 |
| \$10,000 - \$100,000 : | 18 | 573,827.32 |
| Over \$100,000 : | 5 | 2,997,357.95 |
| Total: | 126 | 3,719,513.46 |

News Feature | March 8, 2023

Research Finds Toilet Paper Is Contributing To PFAS Levels In Wastewater



By [Peter Chawaga](#)



As public health concerns and prevalence revelations prompt more concern over per- and polyfluoroalkyl substances (PFAS), new research has drawn a connection between wastewater contamination and a household item that is ubiquitous within bathrooms.

“Toilet paper is the latest product that could be contaminating environments worldwide with cancer-linked [PFAS], according to a study,” [The Hill](#) reported. “Paper production processes often include PFAS as additives during the wood-to-pulp conversion process, the authors explained.”

Research has suggested that PFAS find their way into our environment, including into drinking water, through their use in firefighting foam, numerous household items, as well as through industrial wastewater. [Numerous states](#) are working to implement stricter limits on the contaminants in both wastewater and drinking water, as the [U.S. EPA](#) plans to propose its first-ever limits on the amount of PFAS wastewater discharges.

For this most recent study, researchers extracted PFAS samples from toilet paper samples collected from across the globe as well as from sewage sludge collected from eight wastewater treatment plants in Florida. They then analyzed those samples and found that toilet paper is partially responsible for the most common type of PFAS precursor in global sewage, particularly sewage in Europe.

“The big lesson here is that we know that it’s in sewage sludge, we know that it’s in wastewater, but it’s not some big chemical company dumping things down the drain, and it’s not only the personal care products and the cleaning products going down the sink,” explained Timothy Townsend, a coauthor of the study, according to [Fast Company](#). “It also appears to be just even the basic products themselves.”

As a result, this research could now offer a new area where officials and consumers might work to diminish the levels of PFAS in our environment.

“The authors expressed some optimism that consumer product choices and discard practices could ultimately help inform regulations aimed at curbing PFAS content in wastewater,” per The Hill. “Decision makers will be better equipped to implement changes if we better understand the sources and fate of PFAS entering our wastewater treatment plants and landfills,” (Townsend) said.”