

ITEM 4.9

CITY MANAGER'S REPORT APRIL 8, 2024 CITY COUNCIL REGULAR MEETING

ITEM: APPROVE AMENDMENTS NO. 3 AND NO. 4 WITH RBI TO PROVIDE ADDITIONAL STUDIES AND PERMIT COMPLIANCE SUPPORT SERVICES FOR THE SURFACE WATER DISCHARGE PROJECT, CIP WW 20-17 AND APPROVE BUDGET AMENDMENT

RECOMMENDATION: Adopt Resolution Approving Amendments No. 3 and No. 4 with Robertson-Bryan Inc., to Provide Additional Studies and NPDES Permit Compliance Support Services for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17 and Approve Budget Amendment

SUMMARY:

The Surface Water Discharge Project Capital Improvement Project (CIP) WW 20-17 was created in order to obtain a National Pollutant Discharge Elimination System (NPDES) permit to discharge effluent generated by the Lathrop Consolidated Treatment Facility (LCTF) to the San Joaquin River. On November 8, 2021, City Council approved a Professional Services Agreement (PSA) with Robertson-Bryan, Inc., (RBI) to assist the City with meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) permit for the Consolidated Treatment Facility (CTF) river discharge project.

Additional permit compliance services from RBI are needed for: 1) one-time tasks to prepare studies required by the National Marine Fisheries Service (NMFS) Biological Opinion for River Discharge and; 2) routine tasks needed for the continuing implementation of permit requirements through Fiscal Year 2024-2025.

Staff requests Council approve Amendments No.3 and No.4 to the PSA with RBI for LCTF NPDES permit compliance services to be provided for a time and materials cost, not to exceed; 1) \$298,289 for the one-time tasks under Amendment No.3, and; 2) \$300,271 for the routine tasks under Amendment No.4, for a total cost of \$598,860 and associated budget amendment.

Sufficient funds were not included in the FY 2023-2024 or FY 2024-2025 budgets to pay for these tasks under CIP# WW 20-17 or for the CTF – MBR Sewer Professional Services operations. Therefore, staff requests Council approve a budget amendment to transfer funds for \$298,289 from the Wastewater Connection Fee Fund (6030) to the CIP #WW 20-17 Surface Water Discharge for Fiscal Year 2023-2024. For Amendment No. 4 staff request approval of a budget amendment to transfer funds for \$300,571 from the CTF – MBR Sewer Fund (6080) to CTF Operations – Professional Services for Fiscal Year 2024-2025.

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APPROVE AMENDMENTS NO. 3 AND NO. 4 WITH RBI TO PROVIDE
ADDITIONAL STUDIES AND PERMIT COMPLIANCE SUPPORT SERVICES FOR
CIP WW 20-17 AND APPROVE BUDGET AMENDMENT

BACKGROUND:

The Surface Water Discharge Project CIP, WW 20-17 was created to obtain a NPDES permit to discharge effluent generated by the Lathrop Consolidated LCTF to the San Joaquin River in order to minimize future sewer rate increases, and support growth as the City’s wastewater flows increase and land becomes unavailable for the storage and disposal of recycled water.

The Regional Water Quality Control Board (RWQCB) issued the NPDES permit in February 2022, with river discharge commencing on February 1, 2024. On November 8, 2021, City Council approved a PSA with RBI to assist the City with meeting the requirements of the NPDES permit. Amendments No. 1 and No. 2 to the PSA for additional LCTF permit compliance support services RBI were also approved by Council on December 12, 2022 for: 1) one-time tasks to prepare the LCTF for discharge of effluent to the San Joaquin River, and 2) routine tasks needed for the continuing implementation of permit requirements through the end of 2023.

Additional permit compliance services from RBI are needed for; 1) one-time tasks to prepare studies required by the National Marine Fisheries Service Biological Opinion for River Discharge and; 2) routine tasks needed for the continuing implementation of permit requirements through the end of Fiscal Years (FY) 2023-2024 and through FY 2024-2025.

RBI has provided three proposals to provide the additional permit compliance support services for a time and materials cost, not to exceed \$298,289 for the one-time tasks needed for studies required by the NMFS Biological Opinion for River Discharge, and \$300,571 for the routine NPDES permit compliance tasks, for a total cost of \$598,860. These services are to be provided under Amendments No. 3 and No. 4 respectively to the PSA for LCTF permit compliance support services as follow:

Amendment No. 3		
Proposal	Funding Source	Cost
Constituents of Emerging Concern Study	WW 20-17 (Fund 6030)	\$163,165
Effluent Dispersion Study	WW 20-17 (Fund 6030)	\$135,124
COST OF AMENDMENT NO. 3		\$298,289

Amendment No. 4		
Proposal	Funding Source	Cost
NPDES Permit Compliance	LCTF Operations (Fund 6080)	\$300,571
COST OF AMENDMENT NO. 4		\$300,571

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REASON FOR RECOMMENDATION:

The ability to dispose of effluent from the LCTF to the San Joaquin River is necessary to minimize future rate increases and support growth as the City’s wastewater flows increase and as land becomes unavailable for the storage and disposal of recycled water. Additional permit compliance support services from RBI are needed to assist the City meet the NPDES permit requirements for river discharge.

Staff requests Council approve Amendments No.3 and No.4 to the PSA with RBI for LCTF NPDES permit compliance services to be provided for a time and materials cost, not to exceed; 1) \$298,289 for the one-time tasks under Amendment No.3, and; 2) \$300,571 for the routine tasks under Amendment No.4 for a total cost of \$598,860.

FISCAL IMPACT:

Sufficient funds were not included in the FY 2023-2024 or FY 2024-2025 budgets to pay for these tasks under CIP# WW 20-17, or for the CTF – MBR Sewer, Professional Services operations. The one-time tasks to prepare the LCTF for the discharge of effluent to the San Joaquin River under Amendment No. 3 are proposed to be paid from the Surface Water Discharge CIP WW 20-17 and the routine tasks needed for the continuing implementation of permit requirements for Fiscal Year 2024- 2025 under Amendment No.4 will be paid from the CTF-MBR Sewer Fund 6080.

For RBI Contract Amendment No. 3, staff is requesting approval of a budget amendment to transfer funds for \$298,289 from the Wastewater Connection Fee Fund (6030) to the CIP #WW 20-17 Surface Water Discharge for Fiscal Year 2023-2024. For Amendment No. 4 staff is requesting approval of a budget amendment to transfer funds for \$300,571 from the CTF – MBR Sewer Fund (6080) to CTF Operations – Professional Services for Fiscal Year 2024-2025 as follows:

FISCAL YEAR 2023-2024;

<u>Increase Transfer Out</u>	
6030-9900-990-90-10	\$298,289
 <u>Increase Transfer In</u>	
6090-9900-393-00-00	\$298,289
 <u>Increase Appropriations</u>	
6090-8000-420-01-00 WW 20-17	\$298,289

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FISCAL YEAR 2024-2025;

Increase Appropriations

CTF – MBR Sewer Fund

6080-5034-420-01-00

\$300,571

ATTACHMENTS:

- A. Resolution Approving Amendments No. 3 and No. 4 with Robertson-Bryan Inc. to Provide Additional Studies and NPDES Permit Compliance Support Services for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17 and Approve Budget Amendment
- B. Amendment No. 3 with Robertson-Bryan Inc. to provide Professional Services to Conduct a Constituent of Emerging Concern Study and Provide Effluent Dispersion Study Professional Services for the City of Lathrop Consolidated Treatment Facility - CIP WW 20-17
- C. Amendment No. 4 with Robertson-Bryan Inc. to provide Professional Services to the City of Lathrop for the Monitoring, Reporting, and Compliance Activities Associated with Operations of the Consolidated Treatment Facility – CIP WW 20-17

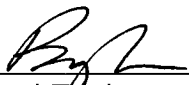
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APPROVALS



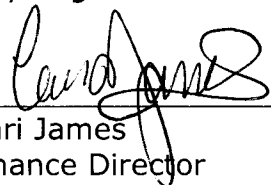
Greg Gibson
Senior Civil Engineer

03/21/2024
Date



Brad Taylor
City Engineer

3/26/2024
Date



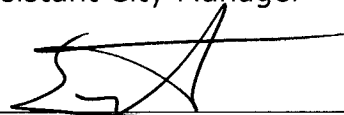
Cari James
Finance Director

3/26/2024
Date



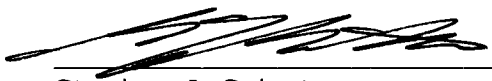
Michael King
Assistant City Manager

3.22.2024
Date



Salvador Navarrete
City Attorney

3.22.2024
Date



Stephen J. Salvatore
City Manager

3.28.24
Date

RESOLUTION NO. 24 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP APPROVING AMENDMENTS NO. 3 AND NO. 4 WITH ROBERTSON-BRYAN INC., TO PROVIDE ADDITIONAL STUDIES AND NPDES PERMIT COMPLIANCE SUPPORT SERVICES FOR THE CONSOLIDATED TREATMENT FACILITY SURFACE WATER DISCHARGE PROJECT, CIP WW 20-17 AND APPROVE BUDGET AMENDMENT

WHEREAS, the Surface Water Discharge Project Capital Improvement Project (CIP) WW 20-17 was created in order to obtain a National Pollutant Discharge Elimination System (NPDES) permit to discharge effluent generated by the Lathrop Consolidated Treatment Facility (LCTF) to the San Joaquin River; and

WHEREAS, on November 8, 2021, City Council approved a Professional Services Agreement (PSA) with Robertson-Bryan, Inc., (RBI) to assist the City with meeting the requirements of the National Pollutant Discharge Elimination System (NPDES) permit for the Consolidated Treatment Facility (CTF) river discharge project; and

WHEREAS, additional permit compliance services from RBI are needed for: 1) one-time tasks to prepare studies required by the National Marine Fisheries Service (NMFS) Biological Opinion for River Discharge and; 2) routine tasks needed for the continuing implementation of permit requirements through Fiscal Year 2024-2025; and

WHEREAS, staff requests Council approve Amendments No.3 and No.4 to the PSA with RBI for LCTF NPDES permit compliance services to be provided for a time and materials cost, not to exceed; 1) \$298,289 for the one-time tasks under Amendment No.3, and; 2) \$300,571 for the routine tasks under Amendment No.4 for a total cost of \$598,860 and associated budget amendment; and

WHEREAS, sufficient funds were not included in the FY 2023-2024 or FY 2024-2025 budgets to pay for these tasks under CIP# WW 20-17, or for the CTF – MBR Sewer, Professional Services operations; and

WHEREAS, staff requests Council approve a budget amendment to transfer funds in the amount of \$298,289 from the Wastewater Connection Fee Fund (6030) to the CIP #WW 20-17 Surface Water Discharge for Fiscal Year 2023-2024; and

WHEREAS, for Amendment No. 4 staff is requesting approval of a budget amendment to transfer funds in the amount of \$300,571 from the CTF – MBR Sewer Fund (6080) to CTF Operations – Professional Services for Fiscal Year 2024-2025; and

WHEREAS, the one-time tasks to prepare the LCTF for the discharge of effluent to the San Joaquin River under Amendment No. 3 are proposed to be paid from the Surface Water Discharge CIP WW 20-17 and the routine tasks needed for the continuing implementation of permit requirements for Fiscal Year 2024- 2025 under Amendment No.4 will be paid from the CTF-MBR Sewer Fund 6080.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Lathrop does hereby approve Amendments No.3 and No.4 to the PSA with RBI for LCTF NPDES permit compliance services to be provided for a time and materials cost, not to exceed; 1) \$298,289 for the one-time tasks under Amendment No.3, and; 2) \$300,571 for the routine tasks under Amendment No.4 for a total cost of \$598,860; and

BE IT FURTHER RESOLVED, the City Council of the City of Lathrop does hereby approve a budget amendment using the Wastewater Connection Fee Fund (6030) to transfer funds in the amount of \$298,289 to the CIP #WW 20-17 Surface Water Discharge for Fiscal Year 2023-2024, and for Amendment No. 4 to transfer funds from the CTF - MBR Sewer Fund (6080) in the amount of \$300,571 for FY 2024-2025 to CTF Operations - Professional Services as follows:

Fiscal Year 2023-2024;

<u>Increase Transfer Out</u>		
6030-9900-990-90-10		\$298,289
<u>Increase Transfer In</u>		
6090-9900-393-00-00		\$298,289
<u>Increase Appropriations</u>		
6090-8000-420-01-00	WW 20-17	\$298,289

Fiscal Year 2024-2025;

<u>Increase Appropriations</u>		
CTF - MBR Sewer Fund		
6080-5034-420-01-00		\$300,571

The foregoing resolution was passed and adopted this 8th day of April, 2024, by the following vote of the City Council, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

Teresa Vargas, City Clerk

APPROVED AS TO FORM:



Salvador Navarrete, City Attorney

AMENDMENT NO. 3

**TO THE AGREEMENT BETWEEN THE CITY OF LATHROP AND
ROBERTSON-BRYAN, INC DATED NOVEMBER 8, 2021**

**TO CONDUCT A CONSTITUENT OF EMERGING CONCERN STUDY AND PROVIDE
EFFLUENT DISPERSION STUDY PROFESSIONAL SERVICES FOR THE CITY OF
LATHROP CONSOLIDATED TREATMENT FACILITY IN ACCORDANCE WITH NMFS
BIOLOGICAL OPINION REQUIREMENTS – CIP WW 20-17**

THIS AMENDMENT (hereinafter "AMENDMENT NO. 3") to the agreement between Robertson-Bryan, Inc. and the City of Lathrop dated November 8, 2021, (hereinafter "AGREEMENT") dated for convenience this **8th day of April 2024**, is by and between **Robertson-Bryan, Inc.** ("CONSULTANT") and the **City of Lathrop**, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Professional Engineering Consulting Services for the City of Lathrop, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, on November 8, 2021, CONSULTANT and CITY entered into an AGREEMENT for Professional Engineering Consulting Services to Assist the CITY with NPDES Permit Compliance for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17, in the amount not to exceed \$294,532; and

WHEREAS, on December 12, 2022, CONSULTANT and CITY entered into an Amendment No. 1 to the AGREEMENT for Professional Services to Prepare the City of Lathrop Consolidated Treatment Facility for Discharge of Effluent to the San Joaquin River for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17, in the amount not to exceed \$262,082; and

WHEREAS, on December 12, 2022, CONSULTANT and CITY entered into an Amendment No. 2 to the AGREEMENT for Professional Services to Assist with Implementing all Requirements of the City of Lathrop Consolidated Treatment Facility NPDES Permit, CIP WW 20-17, in the amount not to exceed \$259,290; and

WHEREAS, CONSULTANT provided scope of work attached hereto as Exhibit "A" for Amendment No. 3 to Conduct a Constituent of Emerging Concern Study for the City of Lathrop Consolidated Treatment Facility Required by the NMFS Biological Opinion for River Discharge, CIP WW 20-17, in the amount not to exceed \$163,165; and

WHEREAS, CONSULTANT provided scope of work attached hereto as Exhibit "B" for Amendment No. 3 to Provide Effluent Dispersion Study Professional Services for the City of Lathrop Consolidated Treatment Facility in accordance with Requirements of the NMFS Biological Opinion for River Discharge, CIP WW 20-17, in the amount not to exceed \$135,124; and

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 3 TO CONDUCT A CONSTITUENT OF EMERGING CONCERN STUDY AND
PROVIDE EFFLUENT DISPERSION STUDY PROFESSIONAL SERVICES FOR THE CITY OF LATHROP
CONSOLIDATED TREATMENT FACILITY IN ACCORDANCE WITH NMFS BIOLOGICAL OPINION
REQUIREMENTS – CIP WW 20-17

WHEREAS, parties have previously agreed to extend the term of the Professional Services Agreement, dated November 8, 2021, to expire on December 31, 2024 and now desire to further extend the term to expire December 31, 2025; and

WHEREAS, CONSULTANT is willing to render such Professional Engineering Consulting Services, as hereinafter defined, on the following terms and conditions.

NOW, THEREFORE, CONSULTANT and the CITY agree as follows:

AMENDMENT NO. 3 TO AGREEMENT

(1) **Scope of Service.** Section (1) of the AGREEMENT is hereby amended to add the following:

CONSULTANT agrees to perform Professional Engineering Consulting Services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibits “A” and “B” in addition to the scope of work in the original AGREEMENT dated November 8, 2021. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY’S satisfaction.

(2) **Compensation.** Section (2) of the AGREEMENT is hereby amended as follows:

City hereby agrees to pay CONSULTANT an additional cost of **\$298,289** for the Professional Engineering Consulting Services set forth in Exhibits “A” and “B” of this Amendment No. 3, with a total sum not to exceed of \$1,172,935 (\$294,532 for the original Agreement, \$320,824 for Amendment No. 1, \$259,290 for Amendment No. 2, and \$298,289 for Amendment No. 3). CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information contained in Paragraph 5 of the original AGREEMENT. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in the original scope of work and this AMENDMENT unless a written change order or authorization describing the extra work and payment terms has been executed by CITY’S Authorized Representative prior to the commencement of the work.

(3) **Effective Date and Term.** Section (3) of the AGREEMENT is hereby amended as follows:

The effective date of the original agreement dated November 8, 2021 is November 8, 2021 and the effective date of Amendments No. 1-2 are as indicated by each. The effective date of Amendment No. 3 is April 8, 2024. The term of the Agreement, as amended by Amendments No. 1-3, inclusive, is hereby extended to end on **December 31, 2025**. All other terms of the original AGREEMENT as amended shall remain in full force and effect.

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 3 TO CONDUCT A CONSTITUENT OF EMERGING CONCERN STUDY AND
PROVIDE EFFLUENT DISPERSION STUDY PROFESSIONAL SERVICES FOR THE CITY OF LATHROP
CONSOLIDATED TREATMENT FACILITY IN ACCORDANCE WITH NMFS BIOLOGICAL OPINION
REQUIREMENTS – CIP WW 20-17

(4) Applicability to Original Consultant AGREEMENT

All terms and conditions set forth in the AGREEMENT dated November 8, 2021 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

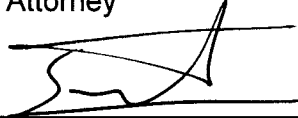
(5) Signatures

The individuals executing this AMENDMENT NO. 3 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT NO. 3 on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 3 TO CONDUCT A CONSTITUENT OF EMERGING CONCERN STUDY AND
PROVIDE EFFLUENT DISPERSION STUDY PROFESSIONAL SERVICES FOR THE CITY OF LATHROP
CONSOLIDATED TREATMENT FACILITY IN ACCORDANCE WITH NMFS BIOLOGICAL OPINION
REQUIREMENTS – CIP WW 20-17

Approved as to Form:

City of Lathrop
City Attorney



Salvador Navarrete

3-20-2024

Date

Recommended for Approval:

City of Lathrop
Assistant City Manager

Michael King

Date

Approved by:
Resolution No.:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

Consultant:

Robertson-Bryan, Inc.
3100 Zinfandel Drive
Rancho Cordova, CA 95670
Phone: (916) 714-1801

Federal ID # **68-0460693**
Lathrop Business License # **20647**

Signature

Date

Print Name and Title



February 16, 2024

DELIVERED BY EMAIL

Mr. Michael King, P.E.
Assistant City Manager
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

Subject: Proposal to Conduct a Constituent of Emerging Concern Study for the City of Lathrop Consolidated Treatment Facility Required by the NMFS Biological Opinion for River Discharge

Dear Mr. King:

Robertson-Bryan, Inc. (RBI) has assisted the City of Lathrop (City) in preparing to discharge treated effluent from its Consolidated Treatment Facility (CTF) to the San Joaquin River, including obtaining necessary regulatory approvals for construction of the CTF's San Joaquin River outfall. RBI prepared a *National Marine Fisheries Service Biological Assessment and Essential Fish Habitat Assessment for the City of Lathrop Consolidated Treatment Facility Surface Water Discharge Project* (2020), and subsequent addendums (collectively, Biological Assessment or BA). The National Marine Fisheries Service (NMFS) subsequently issued an *Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the City of Lathrop Outfall Installation Project [408 Permission Section (19535)]* (2021; Biological Opinion or BO). The BO addressed potential effects of the City's discharge to the San Joaquin River on federally listed threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit, the threatened California Central Valley steelhead (*O. mykiss*) Distinct Population Segment (DPS), and the threatened southern DPS green sturgeon (*Acipenser medirostris*) in accordance with Section 7 of the Endangered Species Act (ESA). The BO identifies conservation measures (CMs) that must be met by the project to mitigate potential environmental effects of the outfall construction on ESA-listed anadromous fishes potentially occurring in the lower San Joaquin River. This proposal for professional services is provided in regard to CM 15 (Chemicals of Emerging Concern Study), which is defined in the BO as follows:

Within six months of initiating discharge to the San Joaquin River, the City will initiate a monitoring study of chemicals of emerging concern (CECs). This study will evaluate chemicals of concern to NMFS, but not yet regulated by the Regional Water Board. The study is proposed to monitor undiluted effluent and river water quarterly for two years. River monitoring will occur at a location(s) where the CTF discharge

has fully mixed with river flows. The City's consultant will develop the list of CECs to monitor and route to NMFS staff for review and approval prior to study initiation.

The City initiated discharge to the San Joaquin River on February 1, 2024, triggering these study requirements. RBI's scope of work for developing and implementing a CEC study to satisfy CM 15 is provided in the subsequent sections of this proposal.

I. SCOPE OF WORK

TASK 1: CEC SAMPLING AND ANALYSIS PLAN

RBI will prepare a sampling and analysis plan (SAP) describing a schedule for conducting the CEC study, CECs to be monitored, sampling locations, and other details describing the monitoring study. CEC sampling will occur quarterly for two years as required by CM 15 of the BO. The list of CECs to be monitored will be consistent with California CEC monitoring guidance from Drewes et al. (2023)¹, Tadese (2016)², and the State Water Resources Control Board Resolution 2013-0003 recycled water policy. It was assumed, for the purpose of this proposal, that the CECs to be monitored are those recommended by these three guidance documents for monitoring in freshwater because of concerns for potential effects to aquatic life. The proposed list of CECs to be monitored is provided in **Attachment 1**.

The following three locations will be sampled.

- CTF Final Effluent at EFF-001 or EFF-002
- San Joaquin River upstream of the outfall at RSW-001
- San Joaquin River downstream of the outfall

The downstream San Joaquin River sampling location will be approximately 0.35 miles downstream of the outfall (fully mixed per RBI mixing zone study) or as informed by the City's Effluent Dispersion Study (CM 14) to confirm where effluent mixing with the San Joaquin River is complete.

The SAP will describe sampling conditions that include timing based on flows in the San Joaquin River (i.e., so that flows will be in the downstream direction for sufficient time to ensure that effluent is not present at the upstream sample location), that sampling will only

¹ Drewes, J.E., P. Anderson, N. Denslow, D.C.G. Muir, A.W. Olivieri, D. Schlenk, and S.A. Snyder. 2023. Monitoring Strategies for Constituents of Emerging Concern (CECs) in California's Aquatic Ecosystems. Recommendations of a Science Advisory Panel. Prepared by California Water Resources Control Board by the Southern California Coastal Water Research Project. Technical Report 1302.
https://www.waterboards.ca.gov/water_issues/programs/cec/docs/ecopanel-finalreport-SCCWRP-TR1302.pdf

² Tadese, D. 2016. Constituents of Emerging Concern (CECs) Statewide Pilot Study Monitoring Plan. State Water Board. Prepared by Statewide CEC Pilot Study Monitoring Plan. Office of Information Management and Analysis. January. http://www.sfestuary.org/wp-content/uploads/2017/09/SOE17Abstract23_PubOutreach.pdf

occur when the CTF is discharging to the river, avoiding sampling when there is stormwater discharge from the MS4 outfall between RSW-001 and the CTF outfall, and avoiding sampling during facility maintenance or episodic storm events when discharge and river flows are not representative of typical conditions. The SAP also will describe effluent and water quality constituents that will be measured at the time of sampling (i.e., dissolved oxygen, pH, conductivity, and temperature). Effluent flow will be recorded from meters established by the City and San Joaquin River flow will be obtained from the San Joaquin River California Data Exchange Center (CDEC) station at the Mossdale Bridge³. Data quality objectives, quality assurance and quality control samples, sample container types, volumes, analytical methods, method detection limits, reporting limits, and quality control limits also will be presented.

A draft SAP will be provided to the City for review and a revised draft SAP will be provided to NMFS for review. After which, the SAP will be finalized. The budget assumes that the preliminary list of CECs identified by RBI in the SAP is approved by NMFS.

Deliverables:

- *Draft CEC Sampling and Analysis Plan for review by the City*
- *Revised Draft CEC Sampling and Analysis Plan for submittal to NMFS*
- *Final CEC Sampling and Analysis Plan*

TASK 2: FIELD SAMPLING

RBI will conduct CEC sampling and coordinate analysis with the City and Eurofins Test America (West Sacramento, CA). CECs are often new compounds that are not common in typical analyses. Thus, most commercial laboratories do not offer all or even some of the analyses needed for this study. Eurofins Test America provides analyses for all CEC listed in Attachment 1 and has reporting limits sufficiently low to meet monitoring recommendations. The budget includes the costs of analysis and Eurofins Test America will be contracted directly by RBI. Prior to sampling, RBI will contact the City to ensure sampling conditions are met and for access to the CTF and San Joaquin River. The analytical laboratory also will be contacted prior to sampling to supply sample containers that will be prepared for sample collection by RBI. Field preparation will include equipment calibration and decontamination.

Two RBI staff will mobilize to the field during each of the eight sampling events to collect grab samples of final effluent at the CTF and San Joaquin River and document field conditions at the outfall and at sampling locations in the river. River water samples will be collected from the riverbank using a pole to access surface water not influenced by near-shore disturbances. Each sampling event is expected to be conducted in a single day and samples will be shipped by overnight courier or taken directly to the analytical laboratory.

³ <https://cdec.water.ca.gov/index.html>

Reports and electronic data deliverables (EDDs) received from the analytical laboratory will be reviewed to identify any deviations from data quality objectives in the SAP and to determine if corrective actions are needed to address any issues in the next sampling event. RBI will discuss any data issues and any necessary actions to remedy the issues with the City.

TASK 3: REPORTING

RBI will review, analyze, and report data collected during the CEC study. The focus of the data report will be to fully implement CM 15 of the BO by presenting the CEC analytical results. The report also will describe the methods used for this CEC study, field data collected at the time of sampling, any deviations from data quality objectives described in the SAP, and any corrective actions taken.

A draft report will be provided to the City for review. Upon request, RBI also will meet with the City via conference call to discuss the draft report and findings. RBI will prepare a final CEC study report that addresses any comments from the City. The final report will be provided to the City in PDF format, complete with any attachments (i.e., analytical data), for the City to submit to NMFS. RBI can submit this report to NMFS on behalf of the City, upon request.

Deliverables:

- *Draft CEC Study Report*
- *Final CEC Study Report*

TASK 4: PROJECT MANAGEMENT

Project management time shall primarily be used to coordinate and direct project activities to ensure that all tasks are conducted efficiently and effectively. This task also provides time for project coordination by phone and email with other project team members and local/regional agencies as appropriate, review of budget and invoices, schedule tracking, and other duties to coordinate and administer the project.

II. SCHEDULE

RBI can begin providing professional services associated with the tasks defined herein upon receipt of a contract or written authorization to proceed.

III. CONTRACT AND BILLING ARRANGEMENT

RBI recommends a time-and-materials contract, not to exceed the amount shown in **Attachment 2** without written authorization, to provide the professional services outlined herein. RBI will invoice the City monthly according to its annual rates (**Attachment 3**) for all RBI work activities completed in the prior month.

Mr. Michael King, P.E.
City of Lathrop
February 16, 2024
Page 5



If you have any questions regarding this proposal, please do not hesitate to contact Cameron Irvine at (916) 335-2369.

Sincerely,

A handwritten signature in black ink that reads 'Michael D. Bryan'.

Michael Bryan, Ph.D.
Principal-in-Charge

A handwritten signature in black ink that reads 'Cameron Irvine'.

Cameron Irvine, M.S.
Project Manager

- Attachment 1: CECs to be Monitored in the Study
- Attachment 2: Budget
- Attachment 3: 2024 Fee Schedule

ATTACHMENT 1

CECs TO BE MONITORED IN THE STUDY

Analytes	Drewes et al. 2023	Tadesse 2016	SWRCB Recycled Water Policy (SWB Resolution 2013-0003)
<u>Pharmaceuticals and Personal Care Products</u>			
17 β -estradiol	X	X	X
Bisphenol a	X	X	-
Diclofenac	X	X	-
Estrone	X	X	-
Gemfibrozil	-	-	X
Ibuprofen	X	X	-
Iopromide	-	-	X
Sucralose	-	-	X
Triclosan	X	X	X
<u>Pharmaceuticals and Personal Care Products</u>			
Caffeine	-	-	X
N,N-Diethyl-meta-toluamide (DEET)	-	-	X
<u>Polybrominated diphenyl ethers, Pyrethroids and Pesticides</u>			
Galaxolide	X	X	-
<u>Nitrosoamines</u>			
N-Nitrosodimethylamine (NDMA)	-	-	X
Sources:			
Drewes, J.E., P. Anderson, N. Denslow, D.C.G. Muir, A.W. Olivieri, D. Schlenk, and S.A. Snyder. 2023. Monitoring Strategies for Constituents of Emerging Concern (CECs) in California's Aquatic Ecosystems. Recommendations of a Science Advisory Panel. Prepared by California Water Resources Control Board by the Southern California Coastal Water Research Project. Technical Report 1302.			
State Water Resources Control Board Recycled Water Policy (SWB Resolution 2013-0003)			
Tadesse, D. 2016. Constituents of Emerging Concern (CECs) Statewide Pilot Study Monitoring Plan. State Water Board. Prepared by Statewide CEC Pilot Study Monitoring Plan. Office of Information Management and Analysis.			

ATTACHMENT 2

RBI BUDGET

	Michael Bryan	Paul Bedore	Cameron Irvine	Teresa Lopez	Whitney Thorpe	
	Managing Partner	Wastewater Director	Associate	Project Scientist I	Project Scientist I	Subtotal
PROFESSIONAL SERVICES						
Task 1: Sampling & Analysis Plan						\$ 20,406
Draft Sampling & Analysis Plan	2	8	24	16		\$ 13,546
Discussion/Review by City and NMFS	2	4	8			\$ 4,230
Final Sampling & Analysis Plan		2	4	4		\$ 2,630
Task 2: Study Implementation						\$ 34,670
Laboratory Coordination		2	12	8		\$ 5,822
Field Sampling (4 events)			16	56	56	\$ 28,848
Task 3: Reporting						\$ 35,319
Data Review and Quality Control Documentation			10	24	8	\$ 9,822
Draft Report	2	4	48	16		\$ 19,326
Final Report	1	2	12	8		\$ 6,171
Task 4: Project Management	6	12	24			\$ 12,690
Total Hours:	13	34	158	132	64	\$ 401
Rate:	\$ 349	\$ 301	\$ 291	\$ 216	\$ 216	
Labor Subtotal:	\$ 4,537	\$ 10,234	\$ 45,978	\$ 28,512	\$ 13,824	\$ 103,085
DIRECT EXPENSES						
Laboratory Analysis of CECs						\$ 55,000
Mileage						\$ 1,000
Water Quality Meter Rental (\$35/day)						\$ 280
Sampling Supplies						\$ 1,000
Direct Expenses Subtotal:						\$ 57,280
Administrative Fee (5%) on non-RBI Expenses:						\$ 2,800
Direct Expenses Total:						\$ 60,080
TOTAL BUDGET						\$163,165

ATTACHMENT 3

2024 FEE SCHEDULE

Charges for project work performed by Robertson-Bryan, Inc. (RBI) will be calculated and billed at the hourly rates shown below.

PROFESSIONAL SERVICES	RATE/HOUR
◆ Managing Partner	\$350.00
◆ Partner	\$342.00
◆ Principal Engineer/Scientist	\$333.00
◆ Senior Consultant/Department Head	\$316.00
◆ Resource Director	\$301.00
◆ Associate	\$291.00
◆ Senior Engineer/Scientist II	\$284.00
◆ Senior Engineer/Scientist I	\$269.00
◆ Project Engineer/Scientist III	\$247.00
◆ Project Engineer/Scientist II	\$236.00
◆ Project Engineer/Scientist I	\$216.00
◆ Staff Engineer/Scientist II	\$201.00
◆ Staff Engineer/Scientist I	\$185.00
◆ Technical Analyst	\$173.00
◆ Graphics/GIS	\$153.00
◆ Laboratory Compliance Specialist	\$149.00
◆ Administrative Assistant	\$115.00
◆ Intern	\$72.00

Up to ten percent (10%) of subcontractor charges will be added to cover administrative costs. Hourly rates will be increased by a minimum of fifty percent (50%) for depositions, trials, and hearings. Rates will be adjusted annually. Rates are adjusted annually, effective December 16th.

Invoicing and Payments

Invoices will be issued on a monthly basis for all work performed on a project. Payment is due upon receipt of the invoice.



February 16, 2024

DELIVERED BY EMAIL

Mr. Michael King, P.E.
Assistant City Manager
City of Lathrop
390 Towne Centre Dr.
Lathrop, CA 95330

Subject: Proposal to Provide Effluent Dispersion Study Professional Services for the City of Lathrop Consolidated Treatment Facility in accordance with Requirements of the NMFS Biological Opinion for River Discharge

Dear Mr. King:

Robertson-Bryan, Inc. (RBI) has been assisting the City of Lathrop (City) in preparing to discharge treated effluent from its Consolidated Treatment Facility (CTF) to the San Joaquin River, including obtaining necessary regulatory approvals for construction of the CTF's San Joaquin River outfall. RBI prepared a *National Marine Fisheries Service Biological Assessment and Essential Fish Habitat Assessment for the City of Lathrop Consolidated Treatment Facility Surface Water Discharge Project* (2020), and subsequent addendums (collectively, Biological Assessment or BA). National Marine Fisheries Service (NMFS) subsequently issued an *Endangered Species Act Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Response for the City of Lathrop Outfall Installation Project [408 Permission Section (19535)]* (2021; Biological Opinion or BO). The BO addressed the potential effects of the City's San Joaquin River discharge on the threatened Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) Evolutionarily Significant Unit, the threatened California Central Valley steelhead (*O. mykiss*) Distinct Population Segment (DPS), and the threatened southern DPS green sturgeon (*Acipenser medirostris*) in accordance with Section 7 of the Endangered Species Act (ESA). The BO identifies conservation measures (CMs) that must be met by the project to mitigate potential environmental effects of the outfall construction on ESA-listed anadromous fishes potentially occurring in the lower San Joaquin River. This proposal for professional services is provided to assist the City with implementing CM14 (Effluent Dispersion Study), which is specified in the NMFS BO as follows.

Within six months of initiating discharge to the San Joaquin River, the City will initiate a dye tracer (or similar methodology) study to track the actual dispersion patterns of the effluent discharged from the outfall into the San Joaquin River. This study will ensure the inferences made in the BA for the Project prepared by the City, based upon modeled mixing of effluent with river flows, is representative of real-world conditions.

The City initiated discharge to the San Joaquin River on February 1, 2024, triggering these study requirements. RBI's scope of work for Effluent Dispersion Study (study) services is provided in the subsequent sections of this proposal.

I. STUDY ASSUMPTIONS

The BO requires the City to conduct a dye tracer study to track dispersion patterns of the CTF effluent discharged to the San Joaquin River through the CTF's outfall. RBI assumes the use of rhodamine dye for the study. Rhodamine dye is commonly used for this purpose primarily due to its benign character in aquatic environments and chemical stability (low rate of degradation). RBI has performed several similar studies in Delta water bodies with great success.

It is also assumed that the study will be performed in a single event (three day duration) during daylight hours. The study design will accommodate these assumptions.

II. SCOPE OF WORK

TASK 1: STUDY WORKPLAN PREPARATION

Under this task, RBI will prepare a workplan that outlines the procedures and schedule for conducting the study. The workplan will define the study approach, methods for field measurement of rhodamine dye concentrations and any other relevant field or water quality parameters measured (e.g., temperature, electrical conductivity). As part of this task, RBI staff will perform a site visit to the CTF outfall site to confirm the approach identified in the workplan. Additionally, the workplan will identify procedures for post-processing of field data gathered to meet the objectives of the study. The workplan will be provided to the City for review in Microsoft Word format, with any attachments provided in PDF format. Upon receipt of any review comments, RBI will finalize and issue the workplan to the City in PDF format.

TASK 2: STUDY PREPARATION AND COORDINATION

Under this task, RBI will prepare, plan, and coordinate the study with project team members, including the City and any other involved parties. This task will involve procurement and fabrication of field supplies and apparatus necessary for the study. Anticipated supplies and apparatus include rented fluorescent dye monitoring equipment, buoys, anchors, rope, and rhodamine dye.

Budget is provided under this task for routine coordination with project team members in advance of the study. Additional budget is provided for coordination with regulatory authorities, as appropriate, to obtain any necessary approvals for conducting the study.

Budget also is provided under this task for RBI staff to perform a site visit to the CTF outfall site to perform testing of field apparatus prior to the study. This will ensure that the field apparatus is properly suited to achieve the goals of the study.

TASK 3: FIELD STUDY

RBI will conduct the field rhodamine dye tracer study at the CTF's outfall and within its vicinity in the San Joaquin River. The study is anticipated to take place over the course of three days, with the first day dedicated to equipment setup in the field and testing to confirm proper functionality.

The study will be conducted on the second day once equipment setup and functionality has been confirmed. RBI anticipates the use of up to ten (10) rhodamine dye measurement sondes, with some placed at strategic locations within the study area and at least one positioned to a boat that will be used to track the effluent plume in the river. On the morning of the second day, multiple rhodamine dye slugs will be dosed at the CTF effluent transfer pump station, which will allow the rhodamine dye to be fully mixed in the CTF effluent prior to discharge to the San Joaquin River. Dye slug doses will be staggered to prevent overlapping of the effluent plumes and to allow for tracking of the effluent plume via boat.

The third day of the study will primarily be used to retrieve field apparatus deployed during the study, in addition to any remaining data gathering.

For budgeting purposes, it is assumed that three (3) RBI staff will be on-site each day during the study.

TASK 4: DATA PROCESSING AND REPORT PREPARATION

After completion of the field tracer study, RBI will download, review, process, and analyze the data collected during the study. The data will be reviewed to ensure that sufficient and accurate data was collected before proceeding with the preparation of the study report. RBI will discuss any data issues with the City and determine any necessary actions to remedy the issues.

Once the data has been adequately analyzed, RBI will prepare a study report documenting the findings from the study. This report will summarize the findings from the field dye tracer study and provide a comparison of the study findings to the modeled effluent dispersion discussed in the BA, in accordance with the requirements of CM14. The report will provide the following:

1. Description of purpose and need;
2. Description of field data collection and methods;
3. Field data results for dye tracer concentrations and other water quality parameters measured;
4. Comparison of field study results to modeled dispersion of CTF effluent in the San Joaquin River included in the NMFS BA; and
5. Study conclusions.

The draft report will be provided to the City for review in Microsoft Word format, with any attachments in PDF format. RBI will then prepare a final report, incorporating any comments

Mr. Michael King, P.E.
City of Lathrop
February 16, 2024
Page 4



and revisions received from the City. The final report will be provided to the City in PDF format, complete with any attachments, for the City to submit to NMFS.

TASK 5: PROJECT MANAGEMENT

This task provides hours for RBI's principal-in-charge, Michael Bryan, Ph.D., and project manager, Cyle Moon, P.E., to oversee and direct efforts on each task, project coordination with other project members, budget and schedule tracking, invoicing, and other duties to administer the project.

III. SCHEDULE

RBI can begin providing professional services associated with the tasks defined herein upon receipt of a contract or written authorization to proceed.

IV. CONTRACT AND BILLING ARRANGEMENT

RBI recommends a time-and-materials contract, not to exceed the amount shown in **Attachment 1** without written authorization, to provide the professional services outlined herein (see Attachment 1 for a detailed project budget and **Attachment 2** for a cost summary of equipment purchases/rentals).

RBI will invoice the City monthly according to the fee schedule in **Attachment 3** for all RBI work activities completed in the prior month.

If you have any questions regarding this proposal, please do not hesitate to contact me at (916) 405-8944.

Sincerely,

A handwritten signature in black ink that reads 'Michael D. Bryan'.

Michael Bryan, Ph.D.
Principal-in-Charge

A handwritten signature in black ink that reads 'Cyle Moon'.

Cyle Moon, P.E.
Project Manager

- Attachment 1: Budget
- Attachment 2: Equipment Purchases/Rentals Summary
- Attachment 3: Fee Schedule

ATTACHMENT 1

RBI BUDGET

Lathrop CTF Effluent Dispersion Study Professional Services

Robertson-Bryan, Inc.								
	Principal-in-Charge	Resource Director	Resource Director	Senior Engineer II	Project Scientist I	Project Scientist I	Project Scientist I	
	Michael Bryan, PhD	Ben Giudice, PhD, PE	Paul Bedore, MS	Cyle Moon, MS, PE	Hailey Price	Teresa Lopez	Whitney Thorpe	Subtotal
PROFESSIONAL SERVICES								
Task 1: Study Workplan Preparation	2	8	4	24	8	8	8	\$ 16,310
Task 2: Study Preparation and Coordination	--	4	2	24	24	8	32	\$ 22,446
Task 3: Field Study	--	2	--	28	40	40	40	\$ 34,474
Task 4: Data Processing and Report Preparation	6	4	--	44	32	16	16	\$ 29,618
Task 5: Project Management	12	--	--	40	--	--	--	\$ 15,548
Total Hours:	20	18	6	160	104	72	96	
Rate:	\$ 349	\$ 301	\$ 301	\$ 284	\$ 216	\$ 216	\$ 216	
Labor Subtotal:	\$ 6,980	\$ 5,418	\$ 1,806	\$ 45,440	\$ 22,464	\$ 15,552	\$ 20,736	\$ 118,396
DIRECT EXPENSES								
Mileage								\$ 1,400
Boat and Boat Operator Allowance								\$ 5,000
RBI Markup on Boat and Boat Operator Allowance (5%)								\$ 250
Equipment Purchases/Rentals								\$ 10,078
Direct Expenses Total								16,728
TOTAL BUDGET								\$ 135,124

ATTACHMENT 2

EQUIPMENT PURCHASES/RENTALS SUMMARY

Description	Purchase Type	Unit Cost	Quantity	Total Cost
Buoy	One-time purchase	\$62.00	10	\$620.00
Anchor	One-time purchase	\$7.00	20	\$140.00
Anchor Chain – 35' length	One-time purchase	\$40.00	10	\$400.00
Rope – 100' length	One-time purchase	\$28.00	5	\$140.00
Rhodamine Dye – 1 gallon	One-time purchase	\$950.00	3	\$2,850.00
Rhodamine Measurement Sonde	Rental (cost per month)	\$456.00	10	\$4,560.00
Miscellaneous Equipment	One-time purchase	\$500.00	1	\$500.00
Subtotal				\$9,210.00
Sales Tax (7.25%)				\$667.73
Estimated Shipping Costs				\$200.00
Total (rounded to nearest dollar)				\$10,078.00

ATTACHMENT 3

2024 FEE SCHEDULE

Charges for project work performed by Robertson-Bryan, Inc. (RBI) will be calculated and billed at the hourly rates shown below.

PROFESSIONAL SERVICES	RATE/HOUR
◆ Managing Partner	\$349.00
◆ Partner	\$342.00
◆ Managing Principal Engineer/Scientist	\$333.00
◆ Principal Engineer/Scientist	\$315.00
◆ Resource Director	\$301.00
◆ Associate	\$291.00
◆ Senior Engineer/Scientist II	\$284.00
◆ Senior Engineer/Scientist I	\$269.00
◆ Project Engineer/Scientist III	\$247.00
◆ Project Engineer/Scientist II	\$236.00
◆ Project Engineer/Scientist I	\$216.00
◆ Staff Engineer/Scientist II	\$201.00
◆ Staff Engineer/Scientist I	\$185.00
◆ Technical Analyst	\$172.00
◆ Graphics/GIS	\$153.00
◆ Laboratory Compliance Specialist	\$149.00
◆ Administrative Assistant	\$115.00
◆ Intern	\$71.00

Up to ten percent (10%) of subcontractor charges will be added to cover administrative costs. Hourly rates will be increased by a minimum of fifty percent (50%) for depositions, trials, and hearings. Rates will be adjusted annually. Rates are adjusted annually, effective December 16th.

Invoicing and Payments

Invoices will be issued on a monthly basis for all work performed on a project. Payment is due upon receipt of the invoice.

AMENDMENT NO. 4

**TO THE AGREEMENT BETWEEN THE CITY OF LATHROP AND
ROBERTSON-BRYAN, INC DATED NOVEMBER 8, 2021**

**TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF LATHROP FOR THE
MONITORING, REPORTING, AND COMPLIANCE ACTIVITIES ASSOCIATED WITH
OPERATIONS OF THE CONSOLIDATED TREATMENT FACILITY – CIP WW 20-17**

THIS AMENDMENT (hereinafter "AMENDMENT NO. 4") to the agreement between Robertson-Bryan, Inc. and the City of Lathrop dated November 8, 2021, (hereinafter "AGREEMENT") dated for convenience this **8th day of April 2024**, is by and between **Robertson-Bryan, Inc.** ("CONSULTANT") and the **City of Lathrop**, a California municipal corporation ("CITY");

RECITALS:

WHEREAS, CONSULTANT is specially trained, experienced, and competent to perform Professional Engineering Consulting Services for the City of Lathrop, which are required by this agreement; and

WHEREAS, CITY selected the CONSULTANT pursuant to said qualifications; and

WHEREAS, on November 8, 2021, CONSULTANT and CITY entered into an AGREEMENT for Professional Engineering Consulting Services to Assist the CITY with NPDES Permit Compliance for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17, in the amount not to exceed \$294,532; and

WHEREAS, on December 12, 2022, CONSULTANT and CITY entered into an Amendment No. 1 to the AGREEMENT for Professional Services to Prepare the City of Lathrop Consolidated Treatment Facility for Discharge of Effluent to the San Joaquin River for the Consolidated Treatment Facility Surface Water Discharge Project, CIP WW 20-17, in the amount not to exceed \$262,082; and

WHEREAS, on December 12, 2022, CONSULTANT and CITY entered into an Amendment No. 2 to the AGREEMENT for Professional Services to Assist with Implementing all Requirements of the City of Lathrop Consolidated Treatment Facility NPDES Permit, CIP WW 20-17, in the amount not to exceed \$259,290; and

WHEREAS, on April 8, 2024, CONSULTANT and CITY entered into an Amendment No. 3, to the AGREEMENT for Professional Services to Conduct a Constituent of Emerging Concern Study and Provide Effluent Dispersion Study Professional Services for the City of Lathrop Consolidated Treatment Facility in accordance with NMFS Biological Opinion Requirements, CIP WW 20-17, in the amount not to exceed \$298,289; and

WHEREAS, CONSULTANT provided scope of work attached hereto as Exhibit "A" for Amendment No. 4 to Provide Professional Services to the City of Lathrop for Monitoring, Reporting, and Compliance Activities Associated with Operations of the Consolidated Treatment Facility, CIP WW 20-17, in the amount not to exceed \$300,571; and

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 4 TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF LATHROP FOR THE
MONITORING, REPORTING, AND COMPLIANCE ACTIVITIES ASSOCIATED WITH OPERATIONS OF
THE CONSOLIDATED TREATMENT FACILITY – CIP WW 20-17

WHEREAS, parties have previously agreed to extend the term of the Professional Services Agreement, dated November 8, 2021, to expire on December 31, 2024 and now desire to further extend the term to expire December 31, 2025; and

WHEREAS, CONSULTANT is willing to render such Professional Engineering Consulting Services, as hereinafter defined, on the following terms and conditions.

NOW, THEREFORE, CONSULTANT and the CITY agree as follows:

AMENDMENT NO. 4 TO AGREEMENT

- (1) **Scope of Service.** Section (1) of the AGREEMENT is hereby amended to add the following:

CONSULTANT agrees to perform Professional Engineering Consulting Services in accordance with the scope of work and fee proposal provided by CONSULTANT, attached hereto as Exhibit "A" in addition to the scope of work in the original AGREEMENT dated November 8, 2021. CONSULTANT agrees to diligently perform these services in accordance with the upmost standards of its profession and to CITY'S satisfaction.

- (2) **Compensation.** Section (2) of the AGREEMENT is hereby amended as follows:

City hereby agrees to pay CONSULTANT an additional cost of **\$300,571** for the Professional Engineering Consulting Services set forth in Exhibits "A" and "B" of this Amendment No. 4, with a total sum not to exceed of \$1,473,506 (\$294,532 for the original Agreement, \$320,824 for Amendment No. 1, \$259,290 for Amendment No. 2, \$298,289 for Amendment No. 3, and \$300,571 for Amendment No. 4). CONSULTANT shall be paid within thirty (30) days of receipt of billings containing all information contained in Paragraph 5 of the original AGREEMENT. Compensation for any task must be equal to or less than the percentage of task complete. In no event shall CONSULTANT be entitled to compensation for work not included in the original scope of work and this AMENDMENT unless a written change order or authorization describing the extra work and payment terms has been executed by CITY'S Authorized Representative prior to the commencement of the work.

- (3) **Effective Date and Term.** Section (3) of the AGREEMENT is hereby amended as follows:

The effective date of the original agreement dated November 8, 2021 is November 8, 2021 and the effective date of Amendments No. 1-3 are as indicated by each. The effective date of Amendment No. 4 is April 8, 2024. The term of the Agreement, as amended by Amendments No. 1-4, inclusive, is hereby extended to end on **December 31, 2025**. All other terms of the original AGREEMENT as amended shall remain in full force and effect.

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 4 TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF LATHROP FOR THE
MONITORING, REPORTING, AND COMPLIANCE ACTIVITIES ASSOCIATED WITH OPERATIONS OF
THE CONSOLIDATED TREATMENT FACILITY – CIP WW 20-17

(4) Applicability to Original Consultant AGREEMENT

All terms and conditions set forth in the AGREEMENT dated November 8, 2021 are still in effect and are incorporated by reference herein and said AGREEMENT is incorporated by reference herein.

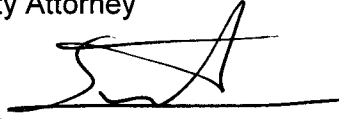
(5) Signatures

The individuals executing this AMENDMENT NO. 4 represent and warrant that they have the right, power, legal capacity, and authority to enter into and to execute this AMENDMENT NO. 4 on behalf of the respective legal entities of the CONSULTANT and the CITY. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

CITY OF LATHROP – ROBERTSON-BRYAN, INC.
AMENDMENT NO. 4 TO PROVIDE PROFESSIONAL SERVICES TO THE CITY OF LATHROP FOR THE
MONITORING, REPORTING, AND COMPLIANCE ACTIVITIES ASSOCIATED WITH OPERATIONS OF
THE CONSOLIDATED TREATMENT FACILITY – CIP WW 20-17

Approved as to Form:

City of Lathrop
City Attorney



Salvador Navarrete

3-20-2024

Date

Recommended for Approval:

City of Lathrop
Assistant City Manager

Michael King

Date

Approved by:
Resolution No.:

City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Stephen J. Salvatore
City Manager

Date

Consultant:

Robertson-Bryan, Inc.
3100 Zinfandel Drive
Rancho Cordova, CA 95670
Phone: (916) 714-1801

Federal ID # 68-0460693
Lathrop Business License # 20647

Signature

Date

Print Name and Title



March 6, 2024

DELIVERED BY EMAIL

Mr. Michael King
Director of Public Works
City of Lathrop
390 Towne Centre Drive
Lathrop, CA 95330

Subject: Proposal to Provide Professional Services to the City of Lathrop for Monitoring, Reporting, and Compliance Activities Associated with Operations of its Consolidated Treatment Facility

Dear Mr. King:

As requested, please accept this proposal for Robertson-Bryan, Inc. (RBI) to provide monitoring, reporting and other compliance-related services for the City of Lathrop's (City) Consolidated Treatment Facility (CTF) during Fiscal Year 2024-2025 (July 1–June 30). This work is needed to coordinate the National Pollutant Discharge Elimination System (NPDES) permit-required monitoring for river discharge and recycled water production, prepare routine self-monitoring reports (SMRs), prepare permit-required progress and special reports, and conduct other tasks to facilitate operation of the CTF in compliance with its permit. This effort will require the City, Veolia, Pacific Advanced Civil Engineering (PACE), and RBI to work as a team to operate the CTF to meet the effluent limits and other compliance requirements.

RBI is an industry leader in municipal wastewater NPDES permitting and permit compliance. We have the expertise and experience to cost-effectively assist the City in operating the CTF in compliance with the NPDES permit and its Monitoring and Reporting Program.

The scope of work provided below identifies the tasks that RBI will lead to assist the City in operating the CTF in compliance with its NPDES permit.

- Task 1: Compliance Coordination Meetings
- Task 2: Effluent and Receiving Water Monitoring
- Task 3: Electronic Self-monitoring Reports (eSMRs)
- Task 4: NPDES Permit-required Progress and Special Reports
- Task 5: Industrial Pretreatment Program
- Task 6: Toxicity Compliance Support
- Task 7: Regulatory Development Tracking and Reporting
- Task 8: Temperature Monitoring

- Task 9: General Compliance Support
- Task 10: Project Management

These tasks are explained further in the detailed scope of work and budget provided below.

I. SCOPE OF WORK

TASK 1: COMPLIANCE COORDINATION MEETINGS

This task provides for up to two meetings per month during the six-month recycled water reclamation season (May–October; 12 meetings) and weekly meetings during the wet season (November–April; 25 meetings) when the CTF is likely to be discharging to the San Joaquin River. Weekly coordination is necessary while discharging to the river because of the additional attention needed to comply with the NPDES permit. These meetings will be used by RBI staff to meet with City staff and its contractors/consultants to coordinate efforts and obtain information associated with implementing this scope of work. For the purposes of the scope and budget for this task, two (2) hours are assumed each for two RBI staff members attending each meeting, which provides time for meeting/call preparation, participation, and post-meeting briefings of other parties not attending the meetings. RBI's Principal-in-Charge is assumed to attend up to eight (8) meetings.

TASK 2: EFFLUENT AND RECEIVING WATER MONITORING

Ensuring compliance with the NPDES permit Monitoring and Reporting Program involves the subtasks below.

Subtask 2.1: Scheduling and Coordination

RBI will update and maintain the monitoring schedule spreadsheet used by RBI, the City, Veolia, Compliance First, and FGL. RBI will coordinate with these parties to ensure they are aware of upcoming sampling, identify issues with sampling dates, ensure bottles are on-hand, review chain of custodies (COCs), and other related issues.

Subtask 2.2: Review and Compile Data

RBI will review and maintain a spreadsheet of monitoring results for routine CTF monitoring data tested at FGL and field data produced by Compliance First. An updated version of this spreadsheet and the final lab reports will be provided to the City with the monthly SMRs or made available through RBI's Sharefile data portal. RBI will update its internal tracking spreadsheet for trihalomethane (THM) disinfection byproducts so that we can advise the City and its contractors on the need to collect additional samples, adjust operations to minimize THM formation, and help ensure compliance with THM effluent limitations.

Subtask 2.3: Characterization Monitoring

The City initiated four quarters of effluent and receiving water characterization monitoring in Q1 2024. RBI will coordinate with the City, Veolia, Compliance First, and FGL to ensure that

the testing will be completed as required. This scope of work and budget assumes that Veolia or FGL will collect the effluent samples, Compliance First will collect the receiving water samples, and FGL will be responsible for analytical testing. RBI will review the laboratory reports, coordinate with FGL on any QA/QC issues, and prepare the data for submittal to CIWQS with the SMRs. RBI will process the data using the Central Valley Water Board's reasonable potential analysis tool, which determines if the new characterization data would trigger effluent limitations in the next/renewed NPDES permit.

Subtask 2.4: Pyrethroid Pesticides Monitoring

The City initiated four quarters of effluent and receiving water monitoring for pyrethroid pesticides and acute toxicity using the test species, *Hyaella azteca* during Q1 2024. RBI will coordinate with the City, Veolia and FGL to ensure that the testing will be completed as required. This scope of work and budget assumes that Veolia or FGL will collect the effluent samples, Compliance First will collect the receiving water samples, and McCampbell Analytical will conduct the testing under sub-contract to FGL. RBI will review the laboratory reports, coordinate with FGL and McCampbell Analytical on any QA/QC issues, and prepare the data for submission to CIWQS with the SMRs. RBI will advise the City on any requirements applicable to the CTF if effluent pyrethroid levels were to exceed the Central Valley Water Board pyrethroid triggers.

TASK 3: ELECTRONIC SELF-MONITORING REPORTS (ESMRs)

RBI will assist the City with preparing and reviewing data files and cover letters for routine SMRs, which includes monthly, quarterly, and annual reports. RBI also will assist with preparation and review of the Discharge Monitoring Report (DMR) that is required with each SMR submittal. Both the DMR and SMRs are uploaded to the California Integrated Water Quality System (CIWQS) database. RBI will assist the City in preparation of draft SMRs and will review draft SMR and DMR data files to ensure they contain the NPDES permit-required information, the calculated and analytical parameters are accurate, and the contents of the cover letter and any attachments are consistent with the reported data. RBI will work with the City to finalize the SMRs for upload to CIWQS and will coordinate with the City to ensure the SMRs are submitted and certified in CIWQS by the report due date. The City is responsible for conducting the final submittal and certification of SMRs in CIWQS. Hours budgeted are for providing assistance with SMRs/DMRs for the following submittals.

Report Type	Reporting Period	Report Due Date
Monthly	June 2024	August 1, 2024
Monthly	July 2024	September 1, 2024
Monthly	August 2024	October 1, 2024
Monthly	September 2024	November 1, 2024
Monthly	October 2024	December 1, 2024
Monthly	November 2024	January 1, 2025
Monthly	December 2024	February 1, 2025
Monthly	January 2025	March 1, 2025
Monthly	February 2025	April 1, 2025
Monthly	March 2025	May 1, 2025
Monthly	April 2025	June 1, 2025
Monthly	May 2025	July 1, 2025
Quarterly	2 nd Quarter 2024	August 1, 2024
Quarterly	3 rd Quarter 2024	November 1, 2024
Quarterly	4 th Quarter 2024	February 1, 2025
Quarterly	1 st Quarter 2025	May 1, 2025
Annual	Calendar Year 2024	February 1, 2025

TASK 4: NPDES PERMIT-REQUIRED PROGRESS REPORTS

RBI will prepare the following annual reports required by the NPDES permit, as well as cover letters for the submittals. Draft reports will be prepared for review and comment by the City. The City’s comments will be incorporated into a final report for the City to submit to CIWQS.

- Annual Operations Report due February 1, 2025
- Best Management Practices Plan for Salinity Annual Report due February 1, 2025
- Mercury Pollution Prevention Plan Annual Report due February 1, 2025

TASK 5: INDUSTRIAL PRETREATMENT PROGRAM

RBI is currently under contract to implement the City’s Industrial Pretreatment Program (IPP) for fiscal years 2023/2024 and 2024/2025. Services provided under that contract include assistance with industrial user permit development, monitoring, and enforcement. Services to be provided under this task include the following subtasks.

Task 5.1: IPP Approval by Central Valley Water Board

In January 2024, the City submitted its updated IPP, prepared by RBI, to the Central Valley Water Board for approval, in accordance with CTF NPDES permit requirements. RBI is tracking Central Valley Water Board staff’s review of the IPP. This task is for RBI to address

Board staff queries regarding the IPP to facilitate its approval. This task is also for RBI to make minor revisions to the IPP in the event Board staff have comments and request changes.

Task 5.2: Municipal Code Revisions

The IPP update included proposed revisions to the City's municipal code to local limits, new industrial user definitions, and editorial revisions. This task is for RBI to support the City to revise the municipal code, such as assistance with preparing the staff report and resolution to be considered by City Council.

Task 5.3: IPP Annual Report

RBI will prepare the IPP Annual Report required by the CTF NPDES permit. This report will address IPP activities in calendar year 2024 and is to be submitted to CIWQS by February 1, 2025. This will be the first IPP Annual Report submittal by the City. The report will address all twelve elements listed in Attachment E, section X.D.5 (for brevity, these items are not described here). The information and data to address these elements will come from industrial user data, data collected by the City, and inspections conducted by the City.

If the City is not in compliance with the Central Valley Water Board's pretreatment audit/compliance inspection requirements, then the report will include the reasons for noncompliance and state how and when the City will comply with such conditions and requirements.

TASK 6: TOXICITY COMPLIANCE SUPPORT

RBI will assist the City with scheduling, coordination, and reviewing results of routine, quarterly whole effluent toxicity (WET) testing required by the NPDES permit. RBI will advise the City on whether permit-required accelerated testing or a Toxicity Reduction Evaluation (TRE) has been triggered. In the event a TRE is triggered by the routine bioassay results, the City must submit a TRE Action Plan to the Central Valley Water Board within 30 days. Budget is provided for RBI to prepare one (1) TRE Action Plan for the City to provide a timely submittal, should a TRE be triggered. RBI will provide a separate scope and budget to provide assistance beyond the hours budgeted herein in the event that additional effort is required to assist implementing routine testing, accelerated testing, or a TRE. We assume that the City will contract laboratory testing services separate from RBI's contract and that Veolia operations staff will collect the effluent samples used for bioassay testing.

TASK 7: REGULATORY DEVELOPMENTS TRACKING AND REPORTING

The CTF is currently subject of several Central Valley Water Board initiatives, including CV-SALTS, the Delta Regional Monitoring Program (RMP), the Delta Mercury Control Program and Total Maximum Daily Load (TMDL), Pyrethroid Control Program, and others. There may be other regulatory initiatives that the CTF would be affected by during FY24/25, including the State Water Resources Control Board's Clean Water Act section 303(d) listing process. As approved by the City, RBI will attend meetings for these initiatives, advocate for the City's interest, and advise the City on these initiatives and their impacts to the CTF. RBI

will cost share these efforts with other RBI clients when feasible. RBI's effort on these activities is limited by the task budget.

TASK 8: TEMPERATURE MONITORING

RBI will continue to closely monitor CTF effluent and San Joaquin River temperature to identify any potential temperature compliance challenges. This will involve monitoring of effluent temperature in the CTF's cooling ponds (Ponds A and B) to better characterize the amount of cooling provided by these ponds and help PACE identify appropriate changes to the ponds when constructing the Phase 3 upgrades. Budget is included in this task for RBI staff to procure, deploy, and routinely (quarterly) download data from a temperature logger in Pond B, obtain effluent temperature data from the CTF's Effluent Transfer Pump Station, and post-process the data. Budget is provided for RBI staff to travel to the CTF to download data from and perform any necessary maintenance to the temperature logger. RBI will communicate findings from this monitoring to the City in the form of a technical memorandum. Budget is provided for preparation of a single technical memorandum in FY24/25.

TASK 9: GENERAL COMPLIANCE AND OPERATIONAL SUPPORT

As requested, RBI will provide general compliance and operational support to the City, including, but not limited to, the following items.

- Assistance with responding to Notices of Violations (NOVs) received from the Central Valley Water Board
- Presence at Central Valley Water Board inspections of the CTF
- Review of CTF Phase 3 design plans
- THM compliance investigations
- Chlorination/dechlorination operational support
- Effluent temperature compliance with the NPDES permit effluent limitations and the State's Thermal Plan
- Support in obtaining contractors for compliance monitoring services
- Feedback to the City on adjustments to SCADA, PLCs, and CTF treatment processes/components to support NPDES permit compliance reporting
- Recycled water production under the NPDES permit and use throughout the City
- Sewer rate evaluation

RBI's effort on these activities is limited by the task budget.

TASK 10: PROJECT MANAGEMENT

This task provides hours for RBI's Project Manager and Principal-in-Charge to oversee and direct RBI staff efforts on each task, to hold key conversations with agency staff when needed, and to review interim work products. In addition, this task provides time for project coordination by phone, email, and fax with other project team members, budget and schedule tracking, invoicing, and other duties to coordinate/administer the project.

Additional Assumptions of this Scope of Work

The level of effort for this scope is limited to the hours budgeted. Should additional services be requested due to additional requests of Central Valley Water Board or City staff that are not identified herein, or should analyses of greater scope or depth than identified and budgeted herein be required, RBI will notify the City to discuss the extent of any out-of-scope services needed/requested. Should out-of-scope services be requested by the City, RBI will submit a supplemental scope and fee proposal for those services.

II. SCHEDULE

RBI can begin providing professional services associated with the tasks defined herein upon receipt of a signed contract or written authorization to proceed.

III. CONTRACT AND BILLING ARRANGEMENT

RBI will complete the scope of work defined herein on a time-and-materials basis, with an authorized budget as shown in **Attachment 1**. RBI will not exceed the authorized budget amount without written approval.

If you have any questions regarding this proposal, please do not hesitate to contact me at (916) 261-4043 or Paul Bedore at (916) 224-6271. We look forward to continuing to assist the City with its NPDES permitting and compliance needs.

Sincerely,

Michael Bryan, Ph.D.
Managing Partner



Attachment 1: RBI Budget
Attachment 2: 2024 Fee Schedule

ATTACHMENT 2

2024 FEE SCHEDULE

Charges for project work performed by Robertson-Bryan, Inc. (RBI) will be calculated and billed at the hourly rates shown below.

Professional Services	Rate/Hour
◆ Managing Partner	\$349.00
◆ Partner	\$342.00
◆ Managing Principal Engineer/Scientist	\$333.00
◆ Principal Engineer/Scientist	\$315.00
◆ Resource Director	\$301.00
◆ Associate	\$291.00
◆ Senior Engineer/Scientist II	\$284.00
◆ Senior Engineer/Scientist I	\$269.00
◆ Project Engineer/Scientist III	\$247.00
◆ Project Engineer/Scientist II	\$236.00
◆ Project Engineer/Scientist I	\$216.00
◆ Staff Engineer/Scientist II	\$201.00
◆ Staff Engineer/Scientist I	\$185.00
◆ Technical Analyst	\$172.00
◆ Graphics/GIS	\$153.00
◆ Laboratory Compliance Specialist	\$149.00
◆ Administrative Assistant	\$115.00
◆ Intern	\$71.00

Up to ten percent (10%) of subcontractor charges will be added to cover administrative costs. Hourly rates will be increased by a minimum of fifty percent (50%) for depositions, trials, and hearings. Rates will be adjusted annually. Rates are adjusted annually, effective December 16th.

Invoicing and Payments

Invoices will be issued on a monthly basis for all work performed on a project. Payment is due upon receipt of the invoice.