A G E N D A
RIO DELL CITY COUNCIL
CLOSED SESSION – 5:30 P.M.
REGULAR MEETING– 6:30 P.M.
TUESDAY, MARCH 6, 2012
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME** . . . By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

A. CALL TO ORDER

B. ROLL CALL

C. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

1) 2012/0306.01 - CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: Significant exposure to litigation pursuant to Subdivision (b) of Section 54956.9: 2 potential cases – facts and circumstances not yet known to adverse party. (Government Code Section 54956.9(b)(3)(A).)

D. PUBLIC COMMENT REGARDING CLOSED SESSION

E. RECESS INTO CLOSED SESSION – 5:30 p.m.

F. RECONVENE INTO OPEN SESSION

G. ORAL ANNOUNCEMENTS

H. PLEDGE OF ALLEGIANCE – Two (2) Girl Scout Troops will lead ceremony

I. CEREMONIAL

2012/0306.02 – Proclamation in Recognition of Girl Scouts Week March 11-17, 2012 **1**

J. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

K. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public, and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS".

1) 2012/0306.03 - Approve Minutes of the February 21, 2012 Regular Meeting **(ACTION)** **3**

L. SPECIAL PRESENTATIONS

1) 2012/0306.04 - Humboldt Waste Management Authority (HWMA) Discussion/ Recommendation Related to Plastic Bag Ban Ordinance **(ACTION)** **14**

2) 2012/0306.05 - Video Presentation on Sewer Repair Patch Kit

1) 2012/0306.06 - Mid-Year Budget Review & Proposed Amendments

M. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

1) "SPECIAL CALL ITEMS" from Consent Calendar

2) 2012/0306.07 - Approve Award of Bid to Wahlund Construction, Inc./Sequoia Construction Specialties, Joint Venture (Wahlund) for the Wastewater Treatment Plant Upgrade and Disposal Project and Authorize the City Manager to Execute the Contract Documents **(ACTION)** **18**

3) 2012/0306.08 - Approve Laco Associates Service Agreement for Construction Testing and Inspection for Wastewater Project 2 in an Amount not to Exceed $41,030.25 and Authorize the City Manager to Execute the Agreement **(ACTION)** **20**

N. ORDINANCES/SPECIAL RESOLUTIONS

3) 2012/0306.09 - Discussion of Draft Ordinance No. 288-2012 Cross Connection Control Regulations **(DISCUSSION)** **85**

4) 2012/0306.10 - Conduct Second Reading (by title only) and Approve Ordinance No. 286-2012 Approving General Sewer Use Regulations and Rates **(ACTION)** **86**

O. REPORTS/STAFF COMMUNICATIONS

1. City Manager
2. Chief of Police
3. Finance Director

P. COUNCIL REPORTS/COMMUNICATIONS

Q. ANNOUNCEMENT OF ITEMS TO BE DISCUSSED CLOSED SESSION AS FOLLOWS:

R. PUBLIC COMMENT REGARDING CLOSED SESSION

S. RECESS INTO CLOSED SESSION

T. RECONVENE INTO OPEN SESSION

U. ORAL ANNOUNCEMENTS

V. ADJOURNMENT

The next Regular meeting will be on March 20, 2012
at 6:30 PM in the City Council Chambers

675 Wildwood Avenue
Rio Dell, CA 95562

STAFF REPORT

TO: Mayor and Members of the City Council

THROUGH: Ron Henrickson, City Manager

FROM: Karen Dunham, City Clerk

DATE: March 6, 2012

SUBJECT: Proclamation in Recognition of Girl Scouts Week March 11-17, 2012

RECOMMENDATION

Introduce Girl Scout Troop 70068 along with a junior troop, invite them to lead the flag salute and present the Proclamation in recognition of Girl Scouts Week March 11-17, 2012 in Commemoration of the 100th Anniversary of Girl Scouts of the USA.

BACKGROUND AND DISCUSSION

Heather McTigue, troop leader of Troop 70068 will be present with her troop and a junior troop to lead the flag salute and receive the proclamation.

ATTACHMENTS: Proclamation

girl scouts of northern california

Girl Scouts of the USA celebrates 100 Year Anniversary

WHEREAS, on March 12, 1912 the first Girl Scout meeting was held in Savannah, Georgia; and

WHEREAS, this first meeting was led by Juliette Gordon Low, the founder of Girl Scouts of the USA after visiting the founders of both Boy Scouts and Girl Guides in England; and

WHEREAS, whereas since this first meeting more than 50 million girls have participated in the Girl Scout movement during their childhood; and that number continues to grow as Girl Scouts of the USA continues to inspire, challenge, and empower girls everywhere; and

WHEREAS, there are currently 47,000 girl and 32,000 adult members in the Northern California Council and 3.2 million members in the USA; and

WHEREAS, through its membership in the World Association of Girl Guides and Girl Scouts (WAGGGS), Girl Scouts of the USA is part of a worldwide family of 10 million girls and adults in 145 countries; and

WHEREAS, Girl Scouts is the largest, longest running and most effective leadership program for girls in not only the nation, but the world; and

WHEREAS, 69% of current women US Senators and 65% of women in the House of Representatives were Girl Scouts when they were girls; and

WHEREAS, 55% of all women astronauts are former Girl Scouts and former Girl Scouts have flown in over 1/3 of all space shuttle missions; and

WHEREAS, an estimated 80% of women business executives and business owners were once Girl Scouts; and

WHEREAS, countless women educators, scientists, and women in the media and performing arts discovered their passions and talents as Girl Scouts; and

WHEREAS, 64 % of today's female leaders listed in *Who's Who of American Women* in the United States were once Girl Scouts; and

WHEREAS, Girl Scouts in the 1900's developed the same core values while learning housekeeping and forestry badges as girls today learn while earning computer technology and financial literacy; and

WHEREAS, we know that Girl Scouts develops girls of Courage, Confidence and Character who make the world a better place; and

NOW, THEREFORE, BE IT RESOLVED, that we, the City Council of the City of Rio Dell, are proud to join the Girl Scouts of Northern California in recognizing the 100th Anniversary of Girl Scouts of the USA.

_____

Julie Woodall, Mayor

RIO DELL CITY COUNCIL
REGULAR MEETING
STUDY SESSION
FEBRUARY 21, 2012
MINUTES

The Regular Meeting/Study Session of the Rio Dell City Council was called to order at 5:30 p.m. by Mayor Woodall.

ROLL CALL: Present: Mayor Woodall, Councilmembers Leonard, Thompson and Wilson

Absent: Councilmember Marks (excused)

Others Present: Study Session: City Manager Henrickson, Chief of Police Hill and City Clerk Dunham

Regular Meeting: City Manager Henrickson, Chief of Police Hill, Community Development Director Caldwell, Water Superintendent Jensen, Finance Director Beauchaine and City Clerk Dunham

STUDY SESSIONS/PUBLIC HEARINGS

Animal Control Ordinance

Chief of Police Hill provided a brief staff report stating that he had been tasked with rewriting the Animal Control Ordinance and as a result it went through the planning commission for review and comment on two occasions and those recommendations have been incorporated into the draft ordinance now being presented to the Council for review and comment.

Councilmember Leonard commented that he thought the ordinance was well written and the only thing he felt was missing related to service animals.

Chief Hill continued with a page by page review of the draft ordinance.

He commented that one concern of the planning commission was that the draft ordinance did not contain provisions for breeding. He stated a breeding ordinance could be entertained at a later time however breeding is not the intent of this ordinance.

Councilmember Thompson referred to Article 3, Definitions, where it stated that the Chief Animal Control Officer shall mean the Chief of Police and suggested the department that encompasses the Animal Control Department be defined rather than the Chief of Police as an individual. Chief Hill commented that he has the authority to designate anyone within his department specific duties, but ultimately he is the responsible party as head of the department.

Councilmember Thompson then referred to the bottom of page 2 related to animals and loud noise and said perhaps cats should not be excluded since they along with dogs, can make a lot of noise.

Chief Hill stated that cats are basically a free spirit but if a nexus can be made that the noise is disturbing, he could cite the owner under the City's noise ordinance.

Councilmember Thompson said that he felt that 30 minutes of continuous barking was too long; he suggested it be changed to 15 minutes. He also suggested there be included in the ordinance a muzzle requirement as a form of restriction to barking.

Chief Hill pointed out that in the big picture there is not much difference between 15 or 30 minutes of continuous barking. Councilmember Thompson said that if you wait 30 minutes then you call the police it could realistically become 45 minutes to an hour of barking due to the officer's response time.

Consensus of the Council was that the 30 minutes of continuous barking be reduced to 15 minutes.

Councilmember Thompson commented that the idea is to encourage citizens to walk or ride bicycles and dogs charging over fences will discourage it. He said one way to avoid this would be to require that dogs be closed off within the interior part of the yard.

Chief Hill referred to Article 11 of the ordinance related to regulation of vicious animals and said this is where muzzling could be enforced if during a hearing it was determined the dog in question is potentially dangerous, vicious or a nuisance. He said rather than imposing specific rules for enforcement, it is more practical to apply reasonable conditions on an individual basis. He said just because a dog is reported to bark continuously on three occasions, doesn't necessarily mean it should be muzzled.

On page 3 under *Potentially Dangerous Dog,* Councilmember Thompson suggested "two occasions within the prior 36 month period" be changed to a 24 month period. Chief Hill said he believed that the 36 month period was statute under prior case law but agreed to look into the matter. After further clarification by the City Manager, the Council agreed to leave the period at 36 months.

Councilmember Leonard expressed concern over 4th Amendment Rights in regard to entering private property to apprehend an animal. Chief Hill explained all officers will have training on 4th Amendment rights and said what the section of the ordinance says is that an officer can follow an animal into a yard; not follow the animal into the home.

Councilmember Thompson then referred to page 11 *Limitations,* and the information he presented from a legal web site regulating the number of pets and said State and local governments can definitely restrict the number of pets within multi-unit structures.

Chief Hill stated the reason he stated that it is unlawful for any person to own or harbor or maintain at any parcel, more than three dogs or cats older than four months of age was to discourage residences containing a mother-in-law unit of having eight dogs. He suggested the language be changed to read "per dwelling unit."

City Manager suggested it be revised to read "no more than three dogs can be maintained in one dwelling unit."

Chief Hill stated that the planning commission recommended the number of dogs and cats be changed from three dogs and three cats to three dogs and five cats.

Councilmember Thompson suggested there be a coalition between a person's income and the number of dogs they are allowed to have.

Chief Hill stated he was not comfortable with officers asking for income information and said that provided the animals are well cared for, the choice should be up to the individual as to whether they have one or three dogs. He commented that the California Penal Code Section 597 addresses animal cruelty.

Councilmember Thompson pointed out that the County of Humboldt charges more for the second animal license.

Consensus of the Council was that the number of animals per dwelling unit be limited to three dogs and three cats.

Mayor Woodall asked if the City charges a fee for voluntarily surrendering an animal; Chief Hill stated there is currently a $18.00 fee for relinquishing an animal however on occasion the fee has been waived in the interest of the animals welfare.

Councilmember Thompson referred to page 27 under 1(a) and stated that the $100,000 requirement for liability insurance for dogs determined to be vicious seems low.

Consensus of the Council was that the amount of liability insurance in regard to vicious dogs be increased to $300,000.

Chief Hill referred to the last page of the draft ordinance and said he would include in this section a reference to the Fish and Game code in regard to exotic animals and stated there is a special permitting process required through the State to have an exotic animal. He said he would also address the issue of service animals.

In closing, Chief Hill said he would make the recommended revisions to the draft ordinance, forward to the City Attorney for review, then come back to the planning commission and council with a fee schedule and first reading of the ordinance in March.

The study session ended at 6:20 p.m. and Mayor Woodall called for a 10 minutes recess.

The meeting reconvened at 6:30 p.m.

CEREMONIAL

Proactive Policing Award to Officer Harralson
Mayor Woodall presented to Officer Kevin Harralson, the Proactive Policing Award for his performance over the past twelve months leading the police department in total arrests, felony arrests, and drug related arrests.

PUBLIC PRESENTATIONS

Carol Theuriet, Pacific Ave. resident, addressed the Council on behalf of low income and senior residents regarding water and sewer rates. She referred to the recent increases and urged the Council to reconsider implementing the annual 3% increase which occurs in July and to consider a possible increase of 1%. She said in light of the current economic times, she was begging the Council to reconsider the rate increase and said she intended to campaign against the 3% raise in July.

Deborah Bare, Berkeley St. resident, stated back in September she had received an Income Survey from the City and asked what the status was of that survey and if there will be grant money available to improve housing. Community Development Director Caldwell stated the Income survey was sent out to residents in anticipation of the City receiving grant funding however, under the new State CDBG Program Guidelines, grants are awarded based on targeted income areas. He said there are 3% interest rehab loans available for owner occupied properties up to $100,000 for qualified applicants. He invited Ms. Bare to stop by City Hall and discuss the program with him if she was interested.

Brett Whittener from Humboldt Waste Management Authority (HWMA) addressed the Council regarding possible implementation of a Plastic Bag Ban Ordinance. He said he was tasked with developing a model ordinance including updating each member agency on what HWMA is doing. He explained the project is driven by the HWMA Board and staff is being directed by the County Board of Supervisors and the Arcata City Council to develop a single use bag ban ordinance and the necessary CEQA supporting documentation. He said his interest is to protect the member agencies from litigious liability and to meet the requests of those agencies. He said he would be asking each of the six agencies what adverse impact film plastics are having on their

community and noted there was a large difference in the approach of what the three smaller jurisdictions wanted from that of the three larger jurisdictions. He said another question to consider is what type of bags should be banned and where and whether to restrict or ban single use paper and plastic, charge for recycling, allow or sell reusable bags, and determine what if any exemptions there would be. He commented that HWMA staff does not have the time to develop CEQA documents but would proceed with putting together a model ordinance for consideration.

Council consensus was to bring the matter back at the March 6, 2012 regular meeting.

Vanessa Vasquez from Humboldt Baykeeper & Surfrider addressed the Council and stated she thinks the plastic bag ban ordinance is important because of the threat plastic bags have on the environment. She said there are plenty of sustainable alternatives to consider and stated she would be attending the March 6, 2012 regular meeting as well.

Richard Newman, Second Ave. resident commented that he saw one of the police officers patrolling by bicycle and said he was in support of the idea.

CONSENT CALENDAR

Mayor Woodall announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Councilmember Wilson asked that Item 4, *Wildwood Avenue Streetscape Consultant Agreement with GHD Engineering,* be removed from the consent calendar and placed under *Special Call Items* for separate discussion.

Motion was made by Leonard/Thompson to approve the consent calendar including approval of minutes of the February 7, 2012 regular meeting; approval of minutes of the February 16, 2012 special meeting; and approval of the purchase of meter reading equipment for an amount not to exceed $5,910.55. Motion carried 4-0.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Wildwood Avenue Streetscape Consultant /Agreement with GHD Engineering
Councilmember Wilson announced he was involved in a sub-contract as a software consultant with the City of Trinidad and GHD therefore wised to recuse himself from voting on this item.

Motion was made by Leonard/Thompson to approve the Wildwood Avenue Streetscape Consultant Agreement with GHD Engineering. Motion carried 3-0; 1 abstain.

Draft Cross Connection Control Ordinance
Water Superintendent Jensen reported what is before the Council is the Draft Cross Connection Control Ordinance for review purposes only. He stated the matter would be back at the March 6, 2012 regular meeting for further review and comment by the Council.

Chief of Police Hill and Water Superintendent Jensen were excused from the remainder of the meeting.

Approve Distribution of City's RFP's for Auditing Services for FY Ending June 30, 2012 and Appoint two (2) Members of the City Council to Serve on Selection Committee with City Manager and Finance Director
Finance Director Beauchaine reported at the request of the City Council, she prepared an RFP to procure auditing services from a new independent auditing firm for the City's annual financial audit. She said the City has engaged the services of Mann, Urrutia, and Nelson CPA's since 2006 and the US Government Finance Officers Association recommends that auditors be contracted for a maximum of five years.

In addition, she said she proposed the formation of a selection recommendation committee consisting of the City Manager, Finance Director and two (2) members of the Council to review and make recommendation to the Council on how to proceed.

Councilmembers Leonard and Thompson volunteered to serve on the committee.

Motion was made by Wilson/Leonard to approve distribution of the City's RFP's for auditing services for FY ending June 30, 2012 and appointment of Councilmembers Leonard and Thompson to serve on the Selection Recommendation Committee with the City Manager and Finance Director. Motion carried 4-0.

ORDINANCES/SPECIAL RESOLUTIONS

Approve Resolution No. 1142-2012 Amending Resolution No. 998-2008 Relating to the Establishment of Water Deposit and Water Reconnection Fees
City Manager Henrickson stated this item was discussed at the last regular meeting and relates to write-offs related to non-payment of water bills. He said part of the problem is that the current water deposit of $40.00 is exceedingly low. Another problem has to do with the number of monthly water turn-offs for non-payment of water bills. The current reconnection fee is $35.00 plus actual costs during regular business hours and $75.00 plus actual costs for after hours. With passage of the resolution, water deposits for all new customers will be increased to $100.00 and in regard to reconnection fees, the fee will be $40.00 for the first reconnect; $60.00 for the second reconnect and $100.000 for all subsequent reconnects. He said the idea is that the increased fee will serve as a deterrent since many customers are repeat offenders.

A public hearing was opened at 6:54 p.m. to receive public input on the proposed resolution.

Sharon Wolfe pointed out for the benefit of the public that the sewer deposit would also be increasing; making the total water/sewer deposit at $300.00. She asked if there were any provisions for Section 8 residents; City Manager Henrickson stated the deposit would apply to all new customers regardless of income.

Deborah Bare expressed concern over the current water and sewer rates and said with the proposed increase she didn't see how citizens could afford it. She suggested water deposits and reconnection fees not be increased.

City Manager Henrickson noted that the City's water deposit is outrageously low at $30.00 and said the City of Eureka's is currently $60.00 and the City of Arcata's $185.00.

Deborah Bare suggested there be a reward system established whereby the deposit is returned to the customer after one year with a good payment record.

Carol Theuriet stated she understood the City was mandated by the State to do certain upgrades to the water and sewer system but said she was appealing to the Council on behalf of the community to reconsider any increased charges. She said the income level for Rio Dell residents is much lower than the larger cities yet the rates continue to go up. She asked what the percentage is for delinquent accounts and how many of those customers that have water turned off for non-payment are repeat offenders; Finance Director Beauchaine stated the delinquency rate is about 10% but she was uncertain about the number of repeated turn-offs.

City Manager Henrickson commented that the City Council has very little discretion in regard to water and sewer rates since the State mandates that rates be established based on the cost of supplying the service. In order to qualify for the $5 million wastewater grant the City had to show that the rates were where they should be.

Carol Theuriet then commented that if the rates go up too much people will simply move away.

City Manager Henrickson said staff was still exploring the possibility of establishing a consumption based sewer rate which will reduce bills for minimum water users.

Mayor Woodall pointed out that the City cannot make a profit in regard to enterprise funds and unfortunately rate increases were deferred for a lot of years and the problem now is that the city has to make up for years there were no increases.

Carol Theuriet asked for an explanation of consumption based sewer rates; City Manager Henrickson explained those customers who use minimal water would be billed less than those high users and basically it re-distributes sewer revenue rather than increasing it.

There being no further public comment, the public hearing closed at 7:03 p.m.

Motion was made by Leonard/Thompson to approve *Resolution No. 1142-2012 Amending Resolution No. 998-2008 Relating to the Establishment of Water Deposit and Water Reconnection Fees.* Motion carried 4-0.

Conduct Second Reading (by title only) and Approve Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC)
Community Development Director Caldwell reported the proposed ordinance was introduced at the February 7, 2012 regular meeting and is back now for its second reading (by title only) and adoption.

A public hearing was opened at 7:10 p.m. to receive public comment on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Wilson/Leonard to conduct the second reading (by title only) and approve *Ordinance No. 283-2012 Establishing Lot Size Modification Regulations, Section 17.30.130 of the Rio Dell Municipal Code (RDMC).* Motion carried 4-0.

Conduct Second Reading (by title only) and Approve Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC)
Community Development Director Caldwell stated this item was also introduced and discussed at the February 7, 2012 regular meeting and is back for a second reading (by title only) and adoption. He explained the proposed ordinance encompasses two changes. First it allows for average front yard setback of improved lots on the same block, meaning that if the average front yard setback on the block is less than the standard 20 foot front yard setback, a property owner would be able to place a new development based on the average setback.

Community Development Director Caldwell stated the second issue relates to setbacks on corner lots which was also omitted from the current zoning regulations. The recommended language states that in any residential zone, the side yard of a corner lot shall be equal to the front yard setback if any part of the main building is within 25 feet of the rear lot line or one-half the front yard setback if all parts of the main building are more than 25 feet from the rear lot line.

A public hearing was opened at 7:12 p.m. to receive public input on the proposed ordinance. There being no public comment, the public hearing closed.

Motion was made by Thompson/Leonard to conduct the second reading (by title only) and approve *Ordinance No. 284-2012 Amending Yard Regulations, Section 17.30.280 of the Rio Dell Municipal Code (RDMC).* Motion carried 4-0.

Conduct Second Reading (by title only) and Approve Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held June 5, 2012

City Manager Henrickson stated the ordinance is part of the process to place the bond measure on the ballot for the June 5, 2012 primary election.

He reiterated information presented at the last meeting and stated a 5 page mailing will be going out to all residents explaining the proposed bond measure relating to the street improvements. He said the decision to proceed with the project will be at the discretion of the voters since it will require a 66% voter approval.

A public hearing was opened at 7:16 p.m. to receive public input on the proposed ordinance. There being no public comment, the public hearing closed.

Councilmember Wilson reiterated the need for improved streets and that it is ultimately up to the voters to decide if they want the improvements.

Councilmember Leonard commented that we are still living with what the County gave us in 1965 when the City was incorporated and said the improvements are badly needed.

Motion was made by Wilson/Leonard to conduct second reading (by title only) and approve *Ordinance No. 285-2012 Calling a Special Election and Ordering the Submission of a Proposition of Incurring Bonded Debt for the Purpose of the Construction and Completion of Street Improvements to the Qualified Voters of the City of Rio Dell at the Special Municipal Election to be Held on June 5, 2012.* Motion carried 4-0.

Approve Resolution No. 1146-2012 Supporting Endorsing an Application for a Safe Routes to School Grant to Enhance the Safety of Pedestrian and Bicycle Facilities to Monument Middle School and Eagle Prairie Elementary

City Manager Henrickson noted that this grant requires a 10% local match and although the City can request a maximum of $450,000 for a total project cost of $500,000, the City cannot afford $45,000. He said a reasonable request would be $100,000 with a $10,000 match.

Community Development Director Caldwell further reported that California Department of Transportation (Cal-Trans) announced $45 million was targeted to be funded from the 2011-12 State Budget Act and the projected funding from the 2012/13 State Budget under the Safe Routes 2 School (SR2S) Program funding. He said funding is for projects that improve safety for children in grades K-12 who walk or bicycle to school. He stated that he was working with GHD Engineering to prepare an application for grant funding.

A meeting was held at the Rio Dell School where priorities were identified as follows:

- Flashing LED crossing sign at the intersection of Center Street and Wildwood Ave.
- Improvements to the intersection of Second Avenue and Davis Street
- Flashing LED crossing sign just west of the intersection of Fourth Ave. and Davis
- Completion of sidewalks along Davis Street
- Bike lanes along the eastern end of Belleview Avenue

Community Development Director Caldwell said GHD is preparing the application, preliminary plans and cost estimate and when the information is available he will bring it back to the Council for review and comment. He said the resolution is needed to endorse the application for the grant.

A public hearing was opened at 7:25 p.m. to receive public input on the proposed resolution.

Deborah Bare asked if there were plans to install additional street lights and bike lanes; Community Development Director Caldwell said included in the proposal is to install a bike lane along a portion of Belleview only however said there will be more public meetings where citizens are encouraged to attend and comment. He said the cost estimates will determine how much can be done.

Deborah Bare asked if fund raisers could be done to raise more money to help fund the improvements; Community Development Director Caldwell said they could be although it would be through a separate process stating the deadline for submittal of the application is March 30, 2012.

There being no further public comment, the public hearing closed at 7:27 p.m.

Councilmember Wilson stated he would recuse himself from voting on this item for the same reason as stated before.

Motion was made by Thompson/Leonard to approve Resolution No. 1146-2012 *Supporting Endorsing an Application for a Safe Routes to School Grant to Enhance the Safety of Pedestrian and Bicycle Facilities to Monument Middle School and Eagle Prairie Elementary.* Motion carried 3-0; 1 abstain.

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson stated he had nothing further to report at this time.

Finance Director Beauchaine stated she had nothing to report at this time.

Community Development Director Caldwell reported on recent activities in the planning department and stated he and Chief Hill would be attending a free Emergency Management

Agency Post Disaster Site Inspection Training on March 1, 2012 and invited any interested Council members to attend.

COUNCIL REPORTS/COMMUNICATIONS

Councilmember Thompson reported that HWMA offered to mediate for a cost neutral solution in regard to the Samoa Facility with removal of the lawsuit and he was informed today that they would be calling for a closed session on the subject without regard to the revenue neutral option.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:30 p.m. to the March 6, 2012 regular meeting.

_____
Julie Woodall, Mayor

Attest:

_____
Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager

DATE: March 6, 2012

SUBJECT: Plastic Bag Ban Proposed by HWMA

ATTACHMENT: Humboldt Waste Management Authority (HWMA) Staff Report – January 12, 2012

Council Action:

A. By motion move to express the City Council's support of HWMA's initiative to formulate a tiered model ordnance banning plastic bags.

B. By motion move to express the City Council's recommendation to HWMA to postpone any expenditure on formulation of a tiered model ordnance banning plastic bags until either State wide legislation is adopted or a clear legal precedent exists to support such a ban.

C. By motion move to express the City Council's recommendation to HWMA to cease expenditure of funds to formulate a tiered model ordnance banning plastic bags.

D. Take no action.

Background:

In 2008 the issue of a ban on plastic bags in Humboldt County was discussed by the County and HWMA and it was concluded to postpone consideration until a number of lawsuits brought against cities and counties that had enacted such bans

were resolved. Some of those cases have been resolved and others are under appeal.

As noted in the HWMA staff report attached the HWMA board has directed staff to once again explore the issue.

The difficulty with proceeding with any type of ban is that the Save the Plastic Bag Coalition is most likely to legally challenge it. To support such a ban environmentally it is proposed that HWMA spend between $55,000 and $100,000 to prepare CEQA documents.

What is not mentioned in the staff report is what the legal cost might be in defending the ban if the appeal process went as far as the California Supreme Court. Also not stated in the staff report is how much time and expense would be incurred by HWMA administrating both the formulation of an ordinance and its defense.

No mention in the staff report is made of alternative strategies to address the use of plastic bags such as user education. Note that only the cities and county can actually adopt a ban on plastic bags. If challenged I presume the legal cost to defend would fall on the city or county and not HWMA.

City Manager recommendation: At the Council's discretion.

HUMBOLDT WASTE
MANAGEMENT AUTHORITY

Staff Report

DATE: January 12, 2012

FROM: Patrick Owen, Executive Director (Interim)

SUBJECT: Item 7
Model Single-Use Plastic Bag Ordinance

RECOMMENDED ACTION: Voice vote.
Receive Update on Development of a Model Single-Use Plastic Bag Ordinance and Provide Additional Direction to Staff

DISCUSSION:
The Board directed HWMA staff to begin developing a model ordinance to ban single-use bags for adoption by our member agencies, along with the supporting environmental documents, at the April 14, 2011 board meeting by a vote of 6 to 0. The staff report from the April 2011 meeting (attached) gave background information on local plastic bag bans throughout California, and proposed that HWMA develop model ordinance language in-house and retain an outside consultant to prepare in draft the necessary California Environmental Quality Act (CEQA) documents. Cost estimates from local planning consultants were between $55,000 and $100,000 for the preparation of a full Environmental Impact Report (EIR). This lengthy, more conservative and costly CEQA approach was proposed in April 2011 because at that time the plastic industry had successfully challenged the City of Manhattan Beach in its adoption of a bag use ordinance on grounds that CEQA required preparation of a full EIR of the impacts from such a ban rather than a negative declaration that environmental impacts would be less than significant.

Within a month after receiving Board direction, staff had prepared model ordinance language drafts and a draft RFP soliciting a CEQA consultant. However, staff chose not to release an early-stage model ordinance or a RFP for a CEQA consultant, instead hoping the California Supreme Court would clarify whether adoption of an ordinance banning single-use bags would require a full EIR, or, alternatively, could be adopted subject to a negative declaration. Simply stated, negative declarations typically cost far less to complete than full Environmental Impact Reports. Although the July 2011 California Supreme Court ruling in the City of Manhattan Beach case found that the Manhattan Beach ordinance could be adopted with a negative declaration, the ruling was limited in its scope to the specifically anticipated environmental impacts from the Manhattan Beach ordinance as disclosed in an initial study.

Separately, in January 2011, the County of Marin adopted an ordinance banning the use of single-use plastic bags based on a determination that the ordinance adoption was categorically exempt from CEQA review. Although the use of this exemption was upheld by the trial court when challenged by the plastic bag industry, the Save the Plastic Bag Coalition has appealed the decision to the intermediate California Court of Appeal.

Additional relevant litigation is as follows:

- In October 2011, a lawsuit was initiated against the County of Los Angeles by a film plastics manufacturer on grounds that the County's bag ordinance requirement of a fee for paper bags violates Proposition 26, which mandates voter approval of some fees and charges.

- The City of San Francisco, the first city in the nation to adopt a ban on plastic single use bags, recently initiated changes to its 2007 plastic bag ordinance language to expand its application to all retailers and restaurants and to include a minimum charge on paper bags provided at the register. The City was served a notice of intent to litigate by the Save the Plastic Bags Coalition on arguments ranging from State food code violations to constitutional issues.

The timetable for court examination of core issues and appeals appears lengthy. HWMA staff is looking for additional input from the Board regarding our direction to take from this point forward. While it would be quicker and less costly to make Categorical Exemption findings similar to those made by Marin County, staff believes that development of a model ordinance using that tactic would not be prudent. By taking the riskier path, HWMA could be exposing its member agencies that choose to adopt such a model ordinance to unnecessary legal challenges, resulting in withdrawal of the ordinances or high cost legal defenses. HWMA legal and administrative staff is striving to define the model ordinance and associated CEQA requirements relating to this project, with careful consideration of each jurisdiction's needs. For example, a specific Categorical Exemption or Negative Declaration may be appropriate for a small member agency, where a larger population base would drive another agency to call for preparation of a complete EIR.

Staff recommends commencing a CEQA Initial Study. This will allow us to make the determination whether to pursue a CEQA Negative Declaration or a full EIR. However, staff seeks Board direction in developing a specific project description for CEQA analysis – we have six member jurisdictions, who may not all wish to pursue the same exact local bag ordinance. For example, staff sees multiple ordinance options: a ban on all single-use carryout bags, including paper bags; a ban on single-use plastic carryout bags while requiring a fee (e.g. 10 cents) for paper bags (with or without a given minimum post-consumer recycled content); limiting the bag ordinance to larger retailers (as measured by gross annual sales or square footage), or the granddaddy of all bans – no single-use bags of any kind, including those for produce and meat.

Staff proposes that we consult with each member agency to determine the components of a plastic bag ban that the agency is interested in adopting. A successful end product will be the creation of a draft model ordinance together with its supporting CEQA document to be used for adoption by the individual member agency if it so chooses.

Budget Impacts:

The current fiscal year 2011/12 budget does not include an allocation for the cost of a private consultant to prepare environmental documents for a model plastic bag ordinance. It is believed that an initial study would cost somewhere around $20,000, with additional costs to complete a Negative Declaration or full EIR.

675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager

DATE: March 6, 2012

SUBJECT: WWTP Upgrade and Disposal Project Bid Award

ATTACHMENT: Bid Opening Tally

Council Action:

A. By motion move to award the bid to the lowest responsive and responsible bidder Wahlund Construction, Inc. / Sequoia Construction Specialties, Joint Venture (Wahlund) and authorize the City Manager to execute contract documents.

B. Take no action.

Background:

On August 16, 2011, the City received five bids for construction of the WWTP Upgrade and Disposal Project. The bid tally is attached. On September 6, 2011, the City Council approved Resolution No. 1128-2011 Rejecting Mercer-Fraser Company's bid as non-responsive. Wahlund's bid was extended in writing from November 15, 2011 to January 15, 2012 and from January 15, 2012 to April 17, 2012.

On February 9, 2012 the City entered into financing agreement with the State Water Resources Control Board to fund the project.

City Manager recommendation: Approve bid award to Wahlund.

CITY OF RIO DELL - WWTP UPGRADE AND DISPOSAL PROJECT

August 16, 2011 - Preliminary Bid Results Summary

	Auburn Constructors, Inc.	Mercer-Fraser Company	Western Water Constructors, Inc.	Wahlund/Sequoia Joint Venture	K.G. Walters Construction	Engineers Estimate
Caltrans Confidentiality Agreement has been executed	x	x	x	x	x	
Acknowledgement of each Addendum issued	x	x	x	x	x	
Bid Form Section 00301	x	x	x	x	x	
Bid Security (Bid Bond)	x	x	x	x	x	
Subcontractor Listing	x	x	x	x	x	
Equipment Listing	x	x[1]	x	x	x	
Contractor Qualification Statement	x	x	x	x	x	
Disadvantaged Business Enterprise (DBE) documentation including EPA Forms 6100-3 (per Compliance Guidelines for CWSRF)	x	x[2]	x[2]	x	x	
Disadvantaged Business Enterprise (DBE) documentation including EPA Forms 6100-4 (per Compliance Guidelines for CWSRF)	x	x[3]		x	x	
Bid Item No. 1	$10,300	$50,000	$10,000	$5,000	$20,000	
Bid Item No. 2	$180,000	$55,000	$62,500	$87,500	$70,000	
Bid Item No. 3	$1,225,000	$1,150,000	$1,143,000	$1,080,000	$1,160,000	
Bid Item No. 4	$1,650,000	$1,600,000	$1,262,800	$1,500,000	$1,700,000	
Bid Item No. 5	$1,000,000	$610,000	$1,458,600	$795,000	$800,000	
Bid Item No 6	$10,000	$15,000	$39,000	$70,000	$15,000	
Bid Item No. 7	$50,000	$15,000	$55,900	$10,500	$45,000	
Bid Item No. 8	$6,880,000	$6,374,000	$7,336,200	$6,420,000	$6,764,900	
Bid Item No. 9	$577,000	$630,000	$746,400	$663,000	$588,000	
Project Total Bid Price	$11,582,300	$10,499,000	$12,114,400	$10,631,000	$11,162,900	$11,200,000

Listed Subcontractor, Location, & Work Description	Auburn Constructors, Inc.	Mercer-Fraser Company	Western Water Constructors, Inc.	Wahlund/Sequoia Joint Venture	K.G. Walters Construction
Hooven & Co., McKinleyville, CA - Paving and Earthwork	$620,000		-	-	$260,000
Cat 4 U, Healdsberg, CA - Site Work			$925,000[4]		
Traffic Solutions, Arcata, CA - Traffic Control					$110,000
Selby Erosion Control, Newcastle, CA - Hydroseeding				$51,000	
M&S Environmental Landscapes, Inc., Redding, CA - Hydroseeding	$70,000[5]				$70,200
Cal Kirk Landscaping - Erosion Control		$62,100[4]			
O&M Industries, Arcada, CA - Misc. Metals and Equipment Installation	$575,000			$712,000	
GR Sunberg Inc., Arcata, CA - Paving				$36,464	
Maples Plumbing, Eureka, CA - Plumbing		$374,455[4]		$370,000	
Design Air, Eureka, CA - HVAC			$92,000[4]		
Munson Pump Services, Cottonwood, CA - Bypass Pumping Assistance				$32,200	
Crawford Construction, Eureka, CA - Building		$273,780[4]	$60,000[4]		
Hanson Painting, Sacramento, CA - Painting	$66,800		$68,000[4]		$66,758
SJR Masonry, McKinleyville, CA - CMU Block				$19,000	
Cumblin Steel Services, Sacramento, CA - Rebar	$610,000	$610,000[4]	$610,000[4]	$610,000	$610,000
Penhall Co., Santa Clara, CA - Coring/Demolition	$93,400	$93,300[4]	$65,000[4]	$65,000	$93,400
West Coast Boring, Bakersfield, CA - Bore & Jack			$233,000[4]		
Solid Rock Construction, Redding, CA - HDD	$1,350,000		$780,000[4]	$600,000	$900,000
Redwood Electric, Eureka, CA - Electrical		$745,132.45[4]			
Auburn Constructors, Sacramento, CA - Electrical			$937,000[4]		
Parker Electric, Eureka, CA - Electrical				$800,000	$800,272

Notes:

1. Equipment listing did not specify an Indirect Sludge Dryer System.
2. EPA Form 6100-3 not filled out. Form submitted blank or not submitted.
3. EPA Form 6100-4 was signed and dated by prime contractor, but subcontractor names (DBE and non-DBE), addresses, phone numbers, email addresses, type of work to be performed, estimated dollar amounts and MBE/DBE certified were not filled out.
4. EPA Form 6100-4 not completed for listed subcontractor. See notes 2 and 3 above as applicable.
5. EPA Form 6100-3 did not specify if M & S Environmental Landscaping, Inc. is certified as an MBE or WBE under EPA's DBE program. M&S Environmental is not a DBE under K.G. Walters bid.

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

TO: Honorable Rio Dell City Council

FROM: Ron Henrickson, City Manager

DATE: March 6, 2012

SUBJECT: Wastewater Project #2 Agreement for Testing Services

ATTACHMENTS: - Engineering Service Agreement for Construction Testing and Inspection – Laco Associates
- Laco Associates Proposal
- SHN Proposal

Council Action:

By motion move to approve Laco Associates Engineering Service Agreement for Construction Testing and Inspection in an amount not to exceed $41,030.25 and authorize the City Manager to execute the agreement.

Background:

In anticipation of awarding a construction contract for the Wastewater Project #2 the City solicited bids for testing services in March 2011. Unfortunately, due to many reasons the award of the construction contract has been delayed, but is now proceeding. The City received two proposals: LACO Associates and SHN. After review it is recommended that the City enter into an agreement with LACO Associates.

Both LACO Associates and SHN have performed work for the City in the past and both firms are capable. LACO Associates proposal enables the City to enter into a stipulated price agreement.

Financial Impact:

The cost of testing services is a project cost to be funded by a loan through the State Revolving Fund.

City Manager Recommendation:

Approve the Laco Associates Agreement. The Agreement has been reviewed by the City Attorney.

LACO ASSOCIATES
ENGINEERS · GEOLOGISTS · ENVIRONMENTAL CONSULTANTS

PROJECT NO. 7448.00

ENGINEERING SERVICE AGREEMENT for Construction Testing and Inspection Services
City of Rio Dell, referred to as "CLIENT", requests, and LACO Associates, referred to as "LACO" agree to provide engineering services for the following project:

Project Name: Rio Dell Wastewater T&I

Project Location: Rio Dell, California

Description and Scope of Services to Be Provided
- Please refer to the attached Exhibit A dated September 14, 2011.

Description and Scope of Services Not Provided
- Please refer to the attached Exhibit A dated September 14, 2011.

Special Conditions and / or Assumptions
- Please refer to the attached Exhibit A dated September 14, 2011.

Estimated Date of Completion
- September 30, 2013

Prevailing Wage rates **do** apply to this project.

Payment Terms: Net 30

CLIENT agrees to pay at the hourly rates and to pay all other costs for the work or portion of work performed as set forth in the "SCHEDULE OF RATES" attached and made a part of this Agreement. These rates are subject to periodic revision, of which written advance notice will be provided. The time and material based estimated fee is: **$41,030.**

A retainer of 50 percent of the estimated fee is **$waived**.

This agreement includes the following attachments: GENERAL CONDITIONS, labeled GEN2007, Schedule of Rates, and others (if any) noted above.

This agreement is entered into this 3rd day of October, 2011, Eureka, Humboldt County, California.

SIGNED _____

LACO Associates
PO Box 1023
Eureka, CA 95502
(707) 443-5054
(707) 443-0553 Fx
Principal: Leonard M. Osborne
PM: Dale L. Romanini

RECEIVED ON ACCOUNT _____

SIGNED _____

DATE _____

CLIENT: City of Rio Dell
Ron Hendrickson

Address: 675 Wildwood Avenue
Rio Dell, CA 95562
Phone No.: 707-764-3532
Fax No.:
Email:

GENERAL CONDITIONS

LACO will perform only those services outlined in the agreed scope of work, except that CLIENT and LACO may subsequently agree in writing to provide for additional services to be rendered under this agreement for additional, negotiated compensation.

CLIENT has relied on LACO's judgement in establishing the workscope and fee for this project, given the project's nature and risks. CLIENT shall, therefore, rely on LACO's judgement as to the continued adequacy of this Agreement in light of occurrences or discoveries not originally contemplated or known. Should LACO call for contract renegotiation, LACO shall identify the changed conditions which, in LACO's judgement, make such renegotiation necessary, and LACO and CLIENT shall promptly and in good faith enter into renegotiation of this Agreement to help permit LACO to continue to meet CLIENT's needs. If renegotiated terms cannot be agreed to, CLIENT agrees that LACO has an absolute right to terminate this Agreement.

LACO agrees to strive to perform the services set forth in this Agreement in accordance with generally accepted professional practices, in the same or similar localities, related to the nature of the work accomplished, at the time the services are performed. LACO's services shall not be subject to any expressed or implied warranties whatsoever.

Invoices may be submitted to CLIENT as frequently as every four (4) weeks and/or upon completion of the work and are due and payable when presented. All accounts not paid in full within agreed payment terms will include a late payment charge from the date of the invoice, at the rate of 1.5% per month. If legal action is instituted on this account, the prevailing party shall be awarded such attorney's fees and other costs as the Court may adjudge to be reasonable.

If CLIENT for any reason fails to pay the undisputed portion of LACO's invoices fifteen (15) days after invoice due date, LACO has the right to cease work on the project, and CLIENT agrees to waive any claim against LACO for cessation of services, and shall defend and indemnify LACO from and against any claims for injury or loss stemming from LACO's cessation of service. CLIENT agrees to also pay LACO the cost associated with premature project demobilization. In the event the project is remobilized, CLIENT agrees to also pay the cost of remobilization, and shall renegotiate appropriate contract terms and conditions, such as those associated with budget, schedule, or scope of service.

In the event any bill or portion thereof is disputed by CLIENT, CLIENT shall notify LACO within ten (10) days of receipt of the bill in question, and CLIENT and LACO shall work together to resolve the matter within sixty (60) days of its being called to the attention of LACO. If resolution of the matter is not attained within sixty (60) days, either party may terminate this Agreement in accordance with condition contained herein.

In recognition of the inherent risk of claims associated with the services to be provided and in consideration of our Agreement to perform these services, CLIENT agrees to limit LACO's liability for CLIENT and any third parties arising from LACO's professional acts, errors or omissions, such that the total aggregate liability of engineer to all those named shall not exceed **$50,000** or LACO's total fee for services rendered on this project, whichever is greater. (If CLIENT wishes to discuss higher limits and charges involved, he should speak with LACO.) CLIENT further agrees to require of any contractors or subcontractors an identical limitation of LACO's liability for damages suffered by the contractor or subcontractor arising from LACO's professional acts, errors, or omissions. Neither the contractor, nor any of his subcontractors assumes any liability for damages to others which may arise on account of LACO's professional acts, errors or omissions except as otherwise stipulated herein. Limitations on liability and indemnities in this Agreement are business understandings between the parties, voluntarily and knowingly entered into, and shall apply to all theories of recovery, including but not limited to, breach of contract, warranty, tort (including negligence), strict or statutory liability, or any other cause of action, except for willful misconduct or gross negligence.

Both CLIENT and LACO agree that, to the extent allowed by law, they will not be liable to each other for special, indirect, or consequential damages arising out of or related to this Agreement, whether caused by negligence, errors, omissions, strict liability, breach of contract, breach of warranty or other cause or causes whatsoever.

By this Agreement, LACO specifically excludes, disclaims and is discharged from any responsibility or liability for all direct or indirect loss or harm resulting from the presence, failure to discover, interception, escape or discharge of hazardous or toxic materials of any kind, including the contamination of soil, water, air or other property as a result thereof. This exclusion included, but is not limited to, exploration, testing, analysis, or recommendations by LACO.

LACO's scope of work does not include the investigation or detection of the presence of any Biological Pollutants in or around any structure. CLIENT agrees that LACO will have no liability for any claim regarding bodily injury or property damage alleged to arise from or be caused by the presence of or exposure to any Biological Pollutants in or around any structure. In addition, CLIENT will defend, indemnify, and hold harmless LACO from any third party claim for damages alleged to arise from or be caused by the presence of or exposure to any Biological Pollutants in or around any structure, except for damages arising from or caused by LACO's sole negligence. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and the byproducts of any such biological organisms.

CLIENT waives any claim against LACO and agrees to defend, indemnify and hold LACO harmless for injury or loss which may arise as a result of (1) alleged cross-contamination of aquifers caused by sampling, (2) release of pollutants to the environment, (3) drill cuttings, fluids or other presumed hazardous materials being left on-site after containerization by LACO, (4) containing, labeling, transporting, testing, storing, or other handling of contaminated samples, (5) any work, error, omission or negligent act performed by contractors or others not under complete and direct supervision by LACO for the specific task required.

CLIENT is responsible for accurately delineating the locations of all underground structures and utilities. LACO will take reasonable precautions to avoid known subterranean structures, and CLIENT agrees to defend, indemnify and hold LACO harmless from any claim or liability for injury or loss, including costs of defense, arising from damage done to subterranean structures and utilities not identified or accurately located.

In the absence of special arrangements, all uncontaminated samples of soil or rocks will be disposed of by LACO sixty (60) days after submission of our report. Soil, water, rock and/or other waste materials generated during work on the project site shall remain the sole property and responsibility of CLIENT. It is CLIENT's sole responsibility to arrange for lawful disposal of all waste materials. Soil, water, rock and/or other waste materials generated during LACO's work efforts on behalf of the CLIENT which may be contaminated with hazardous or toxic materials or potentially hazardous or toxic materials will be containerized on the site in approved containers at such times as they may be generated. Such materials may be required by law to be characterized and disposed of within a limited time frame. Arranging for disposal of hazardous or toxic materials or potentially hazardous or toxic materials is specifically excluded from the scope of LACO's services. Upon written request from the CLIENT, LACO may assist in coordinating or facilitating lawful disposal procedures by an appropriately-licensed contractor employed by the CLIENT. Regardless of any coordination or facilitation of disposal of hazardous or toxic materials or potentially hazardous or toxic materials by LACO on behalf of the CLIENT, CLIENT agrees to indemnify and hold harmless LACO from any claim of liability for injury, loss or environmental damage, including cost of defense, arising from any disposal of hazardous or toxic materials or potentially hazardous or toxic materials.

LACO and CLIENT agree that discovery of unanticipated hazardous or toxic materials constitutes a changed condition mandating renegotiation or termination of services. LACO agrees to notify CLIENT as soon as practically possible should unanticipated hazardous materials or suspected hazardous or toxic materials be encountered. CLIENT agrees to make any disclosures required by law to the appropriate governmental agencies. CLIENT and LACO also agree that discovery of hazardous materials may make it necessary for LACO to take immediate action to protect health and safety. CLIENT agrees to compensate LACO for all costs required for such action and other costs incident to such unanticipated discovery of hazardous or toxic materials.

CLIENT agrees that construction contractors, subcontractors or others not affiliated with LACO are solely responsible for safety at and near the project site. LACO will have no responsibility or liability for methods of work performance, supervision including selection of equipment, selection or direction of contractor's employees, or sequencing of construction other than that done by LACO's own employees. LACO will not be responsible for excavation safety, temporary slopes, shoring, underpinning, dewatering, or other construction activities of the contractor(s) and subcontractor(s).

Unless otherwise agreed, CLIENT will furnish right-of-entry on land for planned field operations. CLIENT will notify any and all possessors of the project site the CLIENT has granted LACO free access to the site. LACO will take reasonable precautions to minimize damage to the site, but it is understood by CLIENT that, in the normal course of work, some damage may occur and the correction of such damage is not part of the Agreement unless so specified in the proposal or scope of work.

All documents, reports, boring logs, field and survey notes, tracings, and other documents prepared by LACO as instruments of service shall remain the property of LACO. All designs, information, reports, or recommendations prepared or issued by LACO are for the sole use of the CLIENT for the specific project for which they are prepared. CLIENT agrees not to provide such materials to any person or organization unless the person or organization agrees in writing to be bound by the conditions of this Agreement. CLIENT agrees to save and hold LACO harmless from any liability arising from any use made by CLIENT or any other party outside the intent of this Agreement.

All claims, disputes, and other matters in controversy between LACO and CLIENT arising out of or in any way related to this Agreement will be submitted to "alternative dispute resolution" (ADR) before and as a condition precedent to other remedies provided by law. If and to the extent that CLIENT and LACO have agreed on methods for resolving such disputes, then such methods will be set forth in the "Alternative Dispute Resolution Agreement" which, if attached, is incorporated into and made a part of this Agreement. If no specific ADR procedures are set forth in this Agreement, then it shall be understood that the parties will submit disputes to mediation as a condition precedent to litigation.

If a dispute at law arises from matters related to the services provided under this Agreement and that dispute requires litigation instead of ADR as provided above, then: (1) the claim will be brought and tried in the judicial jurisdiction of the Court of the county where LACO's principal place of business is located and CLIENT waives the right to remove the action to any other county or judicial jurisdiction, and (2) the prevailing party will be entitled to recovery of all reasonable costs incurred, including staff time, court costs, attorney's fees, and other claim-related expenses.

This Agreement may be terminated by either party upon ten (10) days written notice by certified mail, return receipt requested. If CLIENT elects to terminate this Agreement, CLIENT will be responsible for all charges, as computed under this Agreement, for work performed by LACO through the tenth day after mailing of the notice of termination.

The laws of the State of California will govern the validity of the terms, their interpretation and performance. If any of the provisions contained in this Agreement are held illegal, invalid, or unenforceable, the enforceability of the remaining provisions will not be impaired. Limitations of liability and indemnities will survive termination of this Agreement for any cause.

EXHIBIT A

Scope and Fee Estimate
Specialty Testing and Inspection Services
Rio Dell Wastewater Facility and Transmission Pipeline Project
Rio Dell, California
LACO Project No. 7448.00
September 14, 2011

LACO Associates (LACO) is pleased to submit this scope and fee estimate for specialty testing and inspection services. Based upon our review of the Project Plans and Specifications, services provided will generally consist of soil and concrete laboratory testing, soil compaction testing, field concrete sampling and testing, structural steel bolting and welding as needed. The general Scope of Services will be provided on a time and materials basis. The actual cost of services will be determined by the contractor's construction schedule and construction techniques.

Laboratory and Field Testing Summary

- **Lab Testing of Soil Backfill Materials** - We have anticipated the utilization of both native materials and imported materials and have budgeted for maximum density curves for up to four structural backfill soil types. We have assumed that the contractor's submittals will include lab tests verifying suitability of proposed materials.

  Estimated fee of $810

- **Compaction Testing of Force Main** - We have assumed 25 site visits averaging three hours each. The number of site visits is based upon the linear feet of pipeline. It is assumed that the Contractor will utilize boring in lieu of open trench for pipe placement and test locations will be limited to the bore pits and/or short distances of open trench. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed on an intermittent basis over the course of the project.

  Estimated fee of $9,970

- **Compaction Testing of Tank Backfill** - We have assumed two site visits, averaging four hours each. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed intermittently over the course of the project.

  Estimated fee of $980

- **Compaction Testing of Existing Building Slab Infill** - We have assumed two site visits, of eight hours each. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed intermittently over the course of the project.

  Estimated fee of $1,860

- **Concrete Cylinder Lab Testing for Compressive Strength** - We have assumed 33 sets of concrete cylinders will be required to meet the project requirement of one set per 50 yards of structural concrete or fraction thereof. This is based on the expectation that the contractor will pour the main tank slab in two large pours and the remaining concrete work to be completed intermittently over the course of the project. Compressive strength testing of each set is inclusive of lab testing, engineer review of results, and distribution of results to the owner, design team, and the contractor.

  Estimated fee of $6,200

- **Concrete Field Sampling and Testing of Tank Slab** - We anticipate two site visits of eight hours for the main tank slab pour. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $1,775

- **Concrete Field Sampling and Testing of Tank Walls** - We anticipate eight site visits of averaging five hours each for the tank wall pours. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $4,795

- **Concrete Field Sampling and Testing of Bridge Pipe Pedestals** - We anticipate ten site visits of averaging three hours each for the bridge pedestal pours. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $4,295

- **Concrete Field Sampling and Testing of Miscellaneous Structures** - We anticipate three site visits of averaging three hours each for miscellaneous structures. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $1,540

- **Grout Field Sampling of Existing Operations Building Wall Infill** - We anticipate one site visit of three hours for sampling of grout during masonry infill of existing operation building. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental.

  Estimated fee of $520

- **Structural Steel Bolting and Welding** - We anticipate three site visits of averaging two hours each for each canopy structure. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental.

  Estimated fee of $845

- **Asphalt Testing** - We anticipate bore holes and trenches in the roadway will have aggregate base backfilled on top and testing would have already been performed prior to the asphalt repair work that may need sampling and or testing. We have allotted a small budget if needed. We have assumed that the contractor will submit a mix design complete with lab results verifying mix meets project requirements. We will provide two site visits of four hours each to monitor temperature of mix and roller patterns. The project inspector may elect to perform these duties.

  Estimated fee of $855

- **Engineering Oversight, Administrative Processing, Project Management, and Team Meetings/Communications** - We will be in communication with the construction manager, geotechnical engineer, resident engineer, and city staff as needed and requested during the project to ensure quality assurance requirements are met. We understand there will be team meetings at critical junctures of the project such as at the beginning of the work, and we wish to participate in those meetings. Other project management tasks include certified payroll compliance, invoicing, budget monitoring, status reporting, resource scheduling, and internal LACO quality review procedures.

  Estimated fee of $6,585

Total estimated fee to provide the materials testing services listed in the Summary is: **$41,030**

Assumptions

- The actual sequencing of work by the contractor has the potential to significantly change the final cost of the services LACO will provide for this project. Costs could be reduced or increased depending on contractor performance.
- Each site visit represents a typical site visit, portal to portal, inclusive of labor, vehicle charges, and equipment charges.
- LACO will rely on the project inspector and resident engineer to coordinate the total number of site visits needed to meet the quality assurance and testing requirements of the project.
- LACO assumes submittals for imported backfill will include the proper documentation certifying that the materials meet the project requirements.
- Material testing performed by LACO in no way relieves the Contractor of their obligation to perform the work in accordance with the requirements of the Contract Documents.
- Prevailing wage rates for onsite time for LACO staff has been assumed. We will submit weekly certified payroll to the designated compliance person.
- LACO requests client or client representative assist in providing safe access during onsite visits to facilitate required field testing and sampling.
- Access to contract documents including project plans, specifications, and any changes to the documents during construction, erosion and sediment control requirements, environmental protection measures, and other pertinent construction documents.

LACO ASSOCIATES
ENGINEERS • GEOLOGISTS • ENVIRONMENTAL CONSULTANTS

SCHEDULE OF RATES – REGION 1

HOURLY RATES

Principal Engineer*	$133 - 160.00 per hour
Project Manager*	$115 - 140.00 per hour
Senior Engineer*	$92 - 145.00 per hour
Staff Engineer*	$77 - 123.00 per hour
Assistant Engineer*	$75 - 105.00 per hour
Junior Engineer*	$62 - 85.00 per hour
Senior Drafter/Technician	$67 - 97.00 per hour
Drafter/Technician	$49 - 67.00 per hour
Special Consultants (depends on qualifications)	$60 - 180.00 per hour
Senior Geotechnical Engineer	$165 per hour
Court Appearance/Depositions	(4 hour minimum) $300 - 400.00 per hour
Licensed Surveyor	$100 - 115 per hour
One-Man Party GPS – RTK	$140.00 per hour
One-Man Party - Prevailing Wage Rates	$155.00 - 165.00 per hour
One-Man Robotic Survey	$130.00 per hour
Two-Man Party GPS – Static	$160.00 - 190.00 per hour
Two-Man Survey Party - Prevailing Wage Rates	$200.00 - 230.00 per hour
Two-Man Survey Party	$155.00 - 185.00 per hour
Three-Man Survey Party	$200.00 - 230.00 per hour
Three-Man Survey Party - Prevailing Wage Rates	$270.00 per hour
Certified Public Accountant	$95.00 per hour
Project Administrator/Coordinator	$60.00 - 75.00 per hour
Clerical	$45.00 - 65.00 per hour

*Includes Designer, Geologist, Geotechnical Engineer, Planner, Environmental Scientist, or other specialties.

NOTES

1. The above rates are regular hourly rates and include payroll costs, overhead and profit. If overtime is requested by the client, it will be charged at 130% of the above hourly rates.
2. In accordance with State labor laws, prevailing wage rates may be required on State or Federally funded projects. These rates apply to survey party chief, rodman, chainman, soils field tester and materials field tester. The hourly rate differential is $25 to $27 dollars per hour per person depending on project location and labor classification. The differential will be added to the above hourly rates.
3. Outside services will be performed at Cost plus 15%
4. Subsistence will be calculated at Actual Cost plus 15% or agreed per diem rates.
5. All travel time will be charged at the regular hourly rates unless other written arrangements are made.

TRANSPORTATION

Automobile and pickup:*

Trip charge per day	$65.00 per day
Minimum charge, vehicle	$15.00
Over 80 miles	$25 minimum charge + $0.60 per mile
Other transportation, air travel, etc.	$ Cost + 15%

MATERIALS

Survey hubs, stakes, lath or guineas	$1.00 each
Survey markers, plain iron pipe	$5.00 each
Plan copies per sheet (11x17)	black & white $0.25 color $2.50 each
Plan copies per sheet (24x36)	black & white $5.00 mylar $20.00 color $21.25 each
All other materials or printing	$ Cost + 15%

* Minimum charge of 1/2-day on all equipment billed on daily basis.

** Plus Technician Rate

LACO ASSOCIATES
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SCHEDULE OF RATES

RATES FOR MATERIALS AND SOILS TESTING

Laboratory tests are performed on samples delivered to our lab in Eureka, California. Sample pick-up, special tests and unusual sample preparation are billed at the applicable hourly rate. Faxes of reports and duplicate mailings are available for $5 each. Reports requiring review and signature will be billed at the applicable rate.

A. AGGREGATE AND SOILS TESTING

100.	Sieve Analysis – coarse and fine, Caltrans 202, ASTM C-136	$100.00
101.	Sieve Analysis – coarse, Caltrans 202, ASTM C-136	$50.00
102.	Sieve Analysis – fine, Caltrans 202, ASTM C-136	$60.00
103.	Finer than #200, ASTM C-117	$50.00
104.	Particle Size Analysis, ASTM D-422***	$80.00
105.	Cleanness Value, Caltrans 227	$75.00
106.	Sample Preparation	$35.00
107.	USDA Textural Suitability Analysis (per point)***	$50.00
108.	Bulk Density, Leachfield System Suitability	$35.00
109.	Atterberg Limits, LL-PL-PI, ASTM 4318***	$100.00
110.	Sand Equivalent, Caltrans 217, ASTM D-2419	$60.00
111.	Specific Gravity – coarse, Caltrans 206, ASTM C-127	$60.00
112.	Specific Gravity – fine, Caltrans 207, ASTM C-128	$70.00
113.	Maximum Density of Soils, Caltrans 216, ASTM D-698 or D-1557	$150.00
114.	Maximum Density of Soils with Rock Correction, ASTM D-4718	$175.00
301.	Nuclear Density Gauge (hourly), Caltrans 231, ASTM D6938 **	$15.00
302.	Nuclear Density Gauge (daily), Caltrans 231, ASTM D6938 **	$85.00
116.	Organic Impurities, ASTM C-40	$75.00
117.	Moisture Content of Soils In Place, ASTM D-2216	$15.00
118.	Density of Soils In Place, ASTM 2937	$30.00
119.	Percent Crushed Particles, Caltrans 205, ASTM D-5821	$100.00
120.	Durability Index – coarse, Caltrans 229, ASTM D-3744	$70.00
121.	Durability Index – fine, Caltrans 229, ASTM D-3744	$70.00
125.	Consolidation, 3" dia., ASTM D-2435***	$280.00
127.	Direct Shear, ASTM D-3080 (3 points)	$275.00
128.	Direct Shear, ASTM D-3080 (per additional point)	$55.00
129.	Sample Preparation	$35.00
130.	Expansion Index, ASTM D-4829***	$150.00
131.	Pocket Penetrometer	$10.00
135.	Unit Weight, ASTM C-29	$60.00

For other testing not listed, please inquire.

B. CONCRETE AND FIELD TESTING

151.	Concrete Compressive Strength, Caltrans 521, ASTM C-39	$20.00
152.	Specimen Processing and Curing (each), ASTM C-31	$5.00
153.	Disposable Concrete Molds	(each) $3.00
154.	Concrete Mix Design, Preparation, Review, and Adjustment	$200.00
156.	Percent Entrained Air (Method ASTM C-231 or C-173)**	$20.00
157.	Shrinkage Test, ASTM C-157 (3 bars)	(per test) $250.00
158.	Concrete Rebound Test, ASTM C-805**	(per day) $25.00
159.	Coring; Concrete, CMUs and AC, 4-inch core **	$3.00 per inch length
161.	Coring; Concrete, CMUS and AC, 6-inch core **	$3.00 per inch length
163.	Splitting Tensile Strength, ASTM C-496	(per test) $90.00

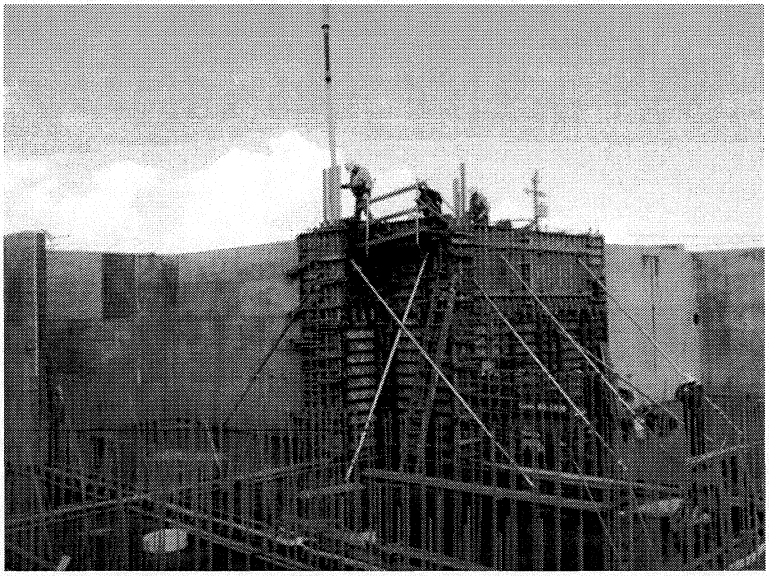
C. SPECIAL EQUIPMENT

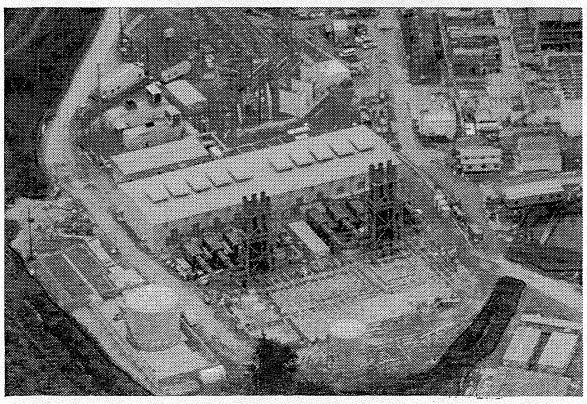
246.	Skidmore **	(per day) $60.00
303.	Core Drilling Machine**	(per day) $75.00
333.	Load Cell **	(per hour) $15.00
334.	Torque Wrench **	(per hour) $10.00
310.	Environmental Drill Rig with Operator(s)	(per hour) $135 - 180.00
300.	Geotechnical Drill Rig with Operator(s)	(per hour) $150 - 195.00
308.	Drill Push Rig with Operator(s)	(per hour) $150 - 195.00
311.	Drilling Support Truck *	(per day) $85.00
9901.	C-57 Licensed Well Driller	(per hour) $120.00
320.	Photoionization Hydrocarbon Vapor Detector *	(per day) $100.00
450.	Field Lab Analysis (Hanby)	(per test) $25.00
332.	Turbidity Meter *	(per day) $20.00
352.	Dissolved Oxygen Meter *	(per day) $40.00
245.	pH/T/K Meter *	(per day) $40.00
247.	Water Level Meter	(per day) $25.00
321.	Bladder Pump/2" Submersible Pump *	(per day) $45.00
224.	Cam/Portable Pump (12-volt)	(per well) $5.00
336.	Pressure Washer *	(per day) $45.00
323.	Steam Cleaner/Pressure Washer *	(per day) $75.00
456.	Rotary Hammer Boring System	(per boring) $25.00
452.	Hydro Punch	(per sample) $30.00
454.	Continuous Core Sampler	(per foot) $5.00
249.	Generator *	(per day) $40.00
244.	4-Channel Datalogger *	(per day) $115.00
354.	Hand Auger *	(per day) $25.00
22.	Traffic Control Cones (25) *	(per day) $8.00
31.	Barricade *	(per week) $5.00
23.	Passive Skimmer (1 liter)	(per week) $15.00
24.	Electric Skimmer	(per week) $125.00
326.	Submersible Pump *	(per day) $45.00
322.	Centrifugal Pump *	(per day) $100.00
252.	Confined Space Multi-Gas Meter (LEL, Oxygen, PID, Hydrogen Sulfate, CO)	(per day) $90.00

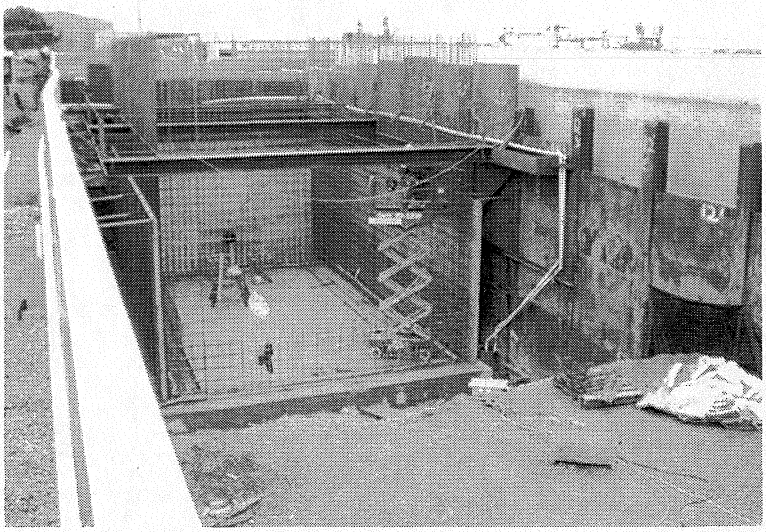
* Minimum charge of 1/2-day on all equipment billed on daily basis.
** Plus Technician Rate
*** Sample preparation not included

CITY OF RIO DELL

Proposal for Wastewater Treatment Facility
Specialty Testing and Inspection Services







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FRANK R. BICKNER · PG 7428
RONALD C. CHANEY, Ph.D · CE 29027/GE 00934

March 30, 2011

7448.00

City of Rio Dell
675 Wildwood Avenue
Rio Dell, California 95562

Attention: Ron Henrickson, City Manager

Subject: Proposal for Specialty Testing and Inspection Services

Dear Ron:

LACO Associates (LACO) is pleased to submit this letter of interest, qualifications, and fee estimate to perform Testing and Inspection Services for the City of Rio Dell Wastewater Treatment Plant. Working for HDR, LACO performed the Geotechnical consulting services, which gives us a deeper understanding of inspection concerns and soils issues for this project. Our geologist, Giovanni Vadurro worked cooperatively with Randy Jensen to develop a valued approach to utilizing recycled materials for the sprung steel structure at the wastewater plant. We look forward to maintaining this positive and productive relationship with the City during the course of this project. Giovanni will be available to the City for this project as demands arise.

The requested scope of services is well suited for our capabilities. We believe our familiarity with and previous work on the project site makes us uniquely qualified to perform the requested scope of services. Our in-house team is staffed with field inspectors and laboratory and field technicians with the necessary knowledge, experience, and understanding to effectively perform the Testing and Inspections required for the new Wastewater Treatment Plant. Our laboratory is Caltrans and DSA certified, AMRL and CCRL accredited, and is overseen by our Laboratory Manager as well as a licensed Civil Engineer, both of whom are responsible for assuring the quality of laboratory test results generated by testing of field samples obtained from the project site.

Our approach to the above listed project is based upon our ongoing success of performing similar work on both large and small projects for numerous government entities throughout Northern California. The cornerstones of those successes are:

- **Proactive Communication** - Effective communication between the City, the Architect, the Designer, the Contractor, and the Special Inspector/Testing Technicians anticipates and avoids potential problems during construction.
- **Team Building and Solution Focus** - LACO has a proven record of developing positive working relationships among the project stakeholders. This approach has

shown success, including projects constructed under the current Building Code where early coordination efforts between all parties involved has achieved project specific goals including required Testing and Inspection in a timely and cost effective manner.

- **Knowledge and Experience** - LACO's Certified Special Inspectors and Testing Technicians have the required knowledge, experience, and Certifications to perform the specified Testing and Inspection duties to assure that your projects are constructed in conformance with Project Specifications.
- **Flexibility and Resources** - LACO's office in Eureka, California is in close proximity to the proposed project site and allows us rapid response during project construction. The LACO team has the Special Inspection/Materials Testing and Laboratory resources needed to meet the demands of your project.

Thank you for considering LACO as a member of the team that will assist in the construction of this project for the City of Rio Dell. We are capable and ready to assist the City by ensuring the specified material and construction quality requirements of the project are met.

Please call me at (707) 443-5054, if you have any questions.

Sincerely,
LACO Associates

Leonard M. Osborne, PE
President

Attachments

P:\7400\7448 City of Rio Dell\7448.00 Wastewater T&I\01 Proposal Documents\7448.00 Proposal Cover Letter.doc

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Attachment 1: Project References
Attachment 2: Project Team Resumes

FIRM PROJECT EXPERIENCE

LACO has provided a wide variety of engineering and/or construction materials testing and inspection services for a multitude of projects in the local community as well as outlaying areas. Total construction costs for individual projects have ranged from a few thousand to several million dollars.

Our list of satisfied clients includes:

- Garberville Sanitary District
- City of Ukiah
- Ukiah Valley Sanitary District
- Stover Engineering (Crescent City Wastewater Pollution Control Facility)
- Manhard Consulting (Ferndale Wastewater Treatment Plant)
- Pinoleville Tribe
- Coyote Valley Tribe
- Ukiah Community Golf Course
- Lake County
- McKinleyville Union School District
- College of the Redwoods (multiple projects at main and Fort Bragg and Del Norte campuses)
- City of Eureka – Outfall
- PG&E (multiple projects) including Humboldt Bay Generating Station
- City of Arcata – Levee Repair
- Humboldt County Dept. of Public Works
- General Growth Inc., Bayshore Mall (multiple projects)
- Cher-ae Heights Casino (multiple projects)
- Bear River Casino
- Blue Lake Casino
- Winzler and Kelly Consulting Engineers
- State of California Department of Corrections
- Del Norte County Unified School District (multiple projects)
- Del Norte County
- Humboldt State University
- Mendocino College (Ukiah, Lake County)
- Mendocino Coast Recreation and Park District
- Mendocino Unified School District
- Safeway
- Fortuna Union School District

Services LACO has provided for our clients include one or more of the following:

- Special Inspections per the IBC and CBC Title 24
- Laboratory Materials Testing of soils, aggregates, rebar, and concrete
- Geological Investigations
- Geotechnical Investigations and Fill Certification
- Environmental Investigations and Remediation
- Civil Engineering and Design
- Structural Engineering and Design
- Geotechnical Engineering and Design
- Surveying
- Planning and Permitting

AVAILABLE STAFF RESOURCES

The following LACO staff members will be available to assist with this project.

Materials Testing and Special Inspections Staff

Leonard Osborne, PE

Principal-in-Charge

Mr. Osborne is LACO's firm principal overseeing the material testing lab. He has over 28 years experience in civil design and engineering materials testing and evaluation. Mr. Osborne will provide quality control, quality assurance, for LACO's efforts on all laboratory testing, field inspections, and project documentation.

Nathan Toews, PE

Staff Engineer / Lab Director

Mr. Toews has over nine years of experience performing structural design and soil evaluation services pertaining to constructability issues. Mr. Toews will provide quality control, quality assurance, and laboratory test data evaluation on all laboratory testing.

Richard Yahn, GE, PE

Geotechnical Engineer / Professional Engineer

Mr. Yahn has over 35 years of geotechnical investigation, design and inspection experience for schools, commercial and industrial facilities, and private development. Mr. Yahn will be available to perform assessment of onsite soil conditions during project construction on an as needed basis.

Dale Romanini, ACI, ICC

Laboratory Manager, Field Inspector, and Field Testing Technician

Mr. Romanini has over 11 years experience in laboratory and construction materials testing and Special Inspection. Mr. Romanini will be available to perform, concrete sampling and testing, soil compaction testing, mechanical and chemical anchorage testing, and laboratory testing of samples obtained from the project sites.

George Iakovkin, AWS CWI, ICC, ACI

Senior Special Inspector / Field Testing Technician

Mr. Iakovkin has over 15 years experience in construction materials testing, Special Inspection, and contractor Quality Control. Mr. Iakovkin will be available to perform, concrete reinforcement placement inspection, monitor concrete placement, concrete sampling and testing, soil compaction testing, masonry inspection and grout placement observation and testing, mechanical and chemical anchorage testing, and laboratory testing of samples obtained from the project sites.

Giovanni Vadurro, PG, CEG

Senior Geologist and Field Testing Technician

Mr. Vadurro is a Senior Staff Geologist with over 19 years of experience performing soil evaluation, including sub grade inspections in conformance with the project soils reports. Mr. Vadurro will be available to perform assessment of onsite soil conditions during project construction on an as needed basis.

Chad Christie, ACI

Special Inspector / Field Testing Technician

Mr. Christie has over seven years experience in laboratory and construction materials testing and Special Inspection. Mr. Christie will be available to perform concrete sampling and testing, soil compaction testing, mechanical and chemical anchorage testing, and laboratory testing of samples obtained from the project sites.

Brian Gerber, ACI

Special Inspector / Field and Laboratory Testing Technician

Mr. Gerber has with over six years experience in laboratory and construction materials testing and Special Inspection. Mr. Gerber will be available to perform concrete sampling and testing, soil compaction testing, mechanical and chemical anchorage testing, and laboratory testing of samples obtained from the project sites.

Additional Personnel

LACO has additional well qualified staff not included in this proposal that are available on an as needed basis to meet the project requirements.

COORDINATION OF TESTING AND INSPECTIONS

LACO has a long established history of effectively responding to and performing testing and inspection as a project team member or on an as needed basis. Effective and timely communication between the Resident Engineer, the Contractor, and LACO has always been a critical element in the scheduling of testing and inspection. The contractor informs the Resident Engineer or designated representative of testing and inspection needs and the required timeframe in which those tasks need to be performed. The Resident Engineer in turn coordinates with the testing laboratory to schedule testing and inspection. In instances where testing and inspection is required offsite for products to be delivered to the project site for installation, or for improved timelines on critical inspections, LACO has in the past communicated directly with the subcontractor performing the work with prior approval of the Resident Engineer while keeping the Resident Engineer informed on an ongoing basis of the offsite results. LACO has a reputation for quick and timely response regardless of the scheduling circumstances.

Despite the best intentions of all parties involved with coordinating observations and inspections on complex construction, changes and breakdowns can occur. Our inspectors, with the full support of a professional engineering staff behind them, have the ability to react accordingly to changing conditions during the construction process while holding the quality of construction as their top concern. Under these circumstances, experience, knowledge, and efficiency of coordination become critical. Our Inspectors draw upon their own knowledge and experience in order to consult with in-house engineers, the design team, and the Resident Engineer to develop special tests and inspections to meet the intent of building codes and project construction documents. To accomplish this, the normal pathway of information flow can be enhanced so that time-critical information can be provided to the field staff in order to facilitate appropriate testing and inspection in a timely manner. Communication is maintained with all parties involved in construction and the project required documentation is distributed in a timely manner.

An additional approach to coordination that many of our clients have found valuable in the past is a pre-bid review of testing and inspection requirements in the project documents. While many tests and inspections are required by code, we have found that we can typically reduce cost to our clients either in testing or construction cost by making recommendations to project designers regarding material or aggregate types, quality, or test method substitutions or approaches that do not change the intent of the Documents Approved for Construction or the quality of the construction. In the past these types of recommendations have resulted in savings to our clients.

SCOPE OF SERVICES

LACO Associates is pleased to submit this scope and fee estimate for specialty testing and inspection services. Based upon our review of the Project Plans and Specifications, services provided will generally consist of soil and concrete laboratory testing, soil compaction testing, field concrete sampling and testing, structural steel bolting and welding as needed. The general Scope of Services will be provided on a time and materials basis. The actual cost of services will be determined by the contractor's construction schedule and construction techniques.

Laboratory and Field Testing Summary

- **Lab testing of Soil Backfill Materials** - We have anticipated the utilization of both native materials imported material and have budgeted for maximum density curves for up to four structural backfill soil types. We have assumed that the contractor's submittals will include lab tests verifying suitability of proposed materials.

  Estimated fee of $810

- **Compaction Testing of Force Main** - We have assumed 25 site visits averaging three hours each. The number of site visits is based upon the linear feet of pipeline. It is assumed that the Contractor will utilize boring in lieu of open trench for pipe placement and test locations will be limited to the bore pits and/or short distances of open trench. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed on an intermittent basis over the course of the project.

  Estimated fee of $9,970

- **Compaction Testing of Tank Backfill** - We have assumed two site visits, averaging four hours each. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed intermittently over the course of the project.

  Estimated fee of $980

- **Compaction Testing of Existing Building Slab Infill** - We have assumed two site visits, of eight hours each. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. We have anticipated site work will be completed intermittently over the course of the project.

  Estimated fee of $1,860

- **Concrete Cylinder Lab Testing for Compressive Strength** - We have assumed 33 sets of concrete cylinders will be required to meet the project requirement of one set per 50 yards of structural concrete or fraction thereof. This is based on the expectation that the contractor will pour the main tank slab in two large pours and the remaining concrete work to be completed intermittently over the course of the project. Compressive strength testing of each set is inclusive of lab testing, engineer review of results, and distribution of results to the owner, design team, and the contractor

  Estimated fee of $6,195

- **Concrete Field Sampling and Testing of Tank Slab** - We anticipate two site visits of eight hours for the main tank slab pour. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $1,775

- **Concrete Field Sampling and Testing of Tank Walls** - We anticipate eight site visits of averaging five hours each for the tank wall pours. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $4,795

- **Concrete Field Sampling and Testing of Bridge Pipe Pedestals** - We anticipate ten site visits of averaging three hours each for the bridge pedestal pours. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $4,290

- **Concrete Field Sampling and Testing of Miscellaneous Structures** - We anticipate three site visits of averaging four hours each for miscellaneous structures. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of concrete cylinders from each pour has been included.

  Estimated fee of $1,540

- **Grout Field Sampling of Existing Operations Building Wall Infill** - We anticipate two site visits of three hours for sampling of grout during masonry infill of existing operation building. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental. Sample pickup of grout samples from each pour has been included.

  Estimated fee of $860

- **Structural Steel Bolting and Welding** - We anticipate three site visits of averaging two hours each, one for each canopy structure. Each site visit is inclusive of portal to portal labor, vehicle charge, and equipment rental.

  Estimated fee of $845

- **Asphalt Testing** - We anticipate bore holes and trenches in the roadway will have aggregate base backfilled on top and testing would have already been performed prior to the asphalt repair work that may need sampling and or testing. We have allotted a small budget if needed. We have assumed that the contractor will submit a mix design complete with lab results verifying mix meets project requirements. We will provide two site visits of four hours each to monitor temperature of mix and roller patterns. The project inspector may elect to perform these duties.

  Estimated fee of $1,015

- **Engineering Oversight, Administrative Processing, Project Management, and Team Meetings/Communications** - We will be in communication with the construction manager, geotechnical engineer, resident engineer, and city staff as needed and requested during the project to ensure quality assurance requirements are met. We understand there will be team meetings at critical junctures of the project such as at the beginning of the work, and we wish to participate in those meetings. Other project management tasks include certified payroll compliance, invoicing, budget monitoring, status reporting, resource scheduling, and internal LACO quality review procedures.

  Estimated fee of $6,095

Total estimated fee to provide the materials testing services listed in the Summary is: **$41,030**

Assumptions

- Geotechnical excavation and/or subgrade inspections are not included in this estimate. As Geotechnical Engineer of Record we recommend that LACO be retained to perform inspections as needed to verify sub soils are in compliance with project recommendations.
- The actual sequencing of work by the contractor has the potential to significantly change the final cost of the services LACO will provide for this project. Costs could be reduced or increased depending on contractor performance.

- Each site visit represents a typical site visit, portal to portal, inclusive of labor, vehicle charges, and equipment charges.
- LACO will rely on the project inspector and resident engineer to coordinate the total number of site visits needed to meet the quality assurance and testing requirements of the project.
- LACO assumes submittals for imported backfill will include the proper documentation certifying that the materials meet the project requirements.
- Material testing performed by LACO in no way relieves the Contractor of their obligation to perform the work in accordance with the requirements of the Contract Documents.
- Prevailing wage rates for onsite time for LACO staff has been assumed. We will submit weekly certified payroll to the designated compliance person.
- LACO requests that the Contractor or Owner's representative assist in providing safe access during onsite visits to facilitate required field testing and sampling.
- Access to contract documents including project plans, specifications and any changes to the documents during construction, erosion and sediment control requirements, environmental protection measures, and other pertinent construction documents, will be provided by City.

ESTIMATED COST OF T & I SERVICES FOR RIO DELL WASTEWATER FACILITY						
ITEM	DESCRIPTION OF SERVICES	INDIVIDUAL SERVICES	UNITS	RATE		COST
1	Soil Testing or Observation (LAB)	Max Density of Soils	1.00	150.00	$150.00	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal for each soil type			**$202.75**	
		Lab total for	**4.00**	**soil types**		**$811.00**
	Soil Testing or Observation (LABOR) **Force Main**	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
		PW Testing Technician (2 hrs onsite)	2.00	91.00	$182.00	
		Nuke Gauge (daily)	0.50	85.00	$42.50	
		Vehicle Charge (daily)	0.50	65.00	$32.50	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Administrative (hourly)	0.25	60.00	$15.00	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal per site visit			**$398.75**	
		Labor total for	**25.00**	**3 hour site visits**		**$9,968.75**
	Soil Testing or Observation (LABOR) **Tank backfill**	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
		PW Testing Technician (3 hrs onsite)	3.00	91.00	$273.00	
		Nuke Gauge (daily)	0.50	85.00	$42.50	
		Vehicle Charge (daily)	0.50	65.00	$32.50	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Administrative (hourly)	0.25	60.00	$15.00	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal per site visit			**$489.75**	
		Labor total for	**2.00**	**4 hour site visits**		**$979.50**
	Soil Testing or Observation (LABOR) **Exisiting bldg slab infill**	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
		PW Testing Technician (7 hrs onsite)	7.00	91.00	$637.00	
		Nuke Gauge (daily)	1.00	85.00	$85.00	
		Vehicle Charge (daily)	1.00	65.00	$65.00	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Administrative (hourly)	0.25	60.00	$15.00	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal per site visit			**$928.75**	
		Labor total for	**2.00**	**8 hour site visits**		**$1,857.50**
2	Concrete Testing or Observation (LAB) Yardage divided by 50	Compressive Strength Testing	4.00	20.00	$80.00	
		Concrete Curing & Processing	4.00	10.00	$40.00	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Administrative (hourly)	0.25	60.00	$15.00	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal for each cylinder set			**$187.75**	
		Lab total for	**33.00**	**sets of cylinders**		**$6,195.75**

	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
Concrete Testing or Observation (LABOR)	PW Testing Technician (7 hrs onsite)	7.00	85.00	$595.00	
	Sample Pickup	1.00	100.00	$100.00	
Tank slab	Vehicle Charge (daily)	1.00	65.00	$65.00	
	Engineer Review (hourly)	0.25	125.00	$31.25	
	Project Management (hourly)	0.25	86.00	$21.50	
	Subtotal per site visit			**$886.75**	
	Labor total for	**2.00**	**8 hour site visits**		**$1,773.50**
	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
Concrete Testing or Observation (LABOR)	PW Testing Technician (4 hrs onsite)	4.00	85.00	$340.00	
	Sample Pickup	1.00	100.00	$100.00	
Tank walls	Vehicle Charge (daily)	0.50	65.00	$32.50	
	Engineer Review (hourly)	0.25	125.00	$31.25	
	Project Management (hourly)	0.25	86.00	$21.50	
	Subtotal per site visit			**$599.25**	
	Labor total for	**8.00**	**5 hour site visits**		**$4,794.00**
	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
Concrete Testing or Observation (LABOR)	PW Testing Technician (2 hrs onsite)	2.00	85.00	$170.00	
	Sample Pickup	1.00	100.00	$100.00	
Bridge pedestrals	Vehicle Charge (daily)	0.50	65.00	$32.50	
	Engineer Review (hourly)	0.25	125.00	$31.25	
	Project Management (hourly)	0.25	86.00	$21.50	
	Subtotal per site visit			**$429.25**	
	Labor total for	**10.00**	**3 hour site visits**		**$4,292.50**
	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
Concrete Testing or Observation (LABOR)	PW Testing Technician (3 hrs onsite)	3.00	85.00	$255.00	
	Sample Pickup	1.00	100.00	$100.00	
Misc structures	Vehicle Charge (daily)	0.50	65.00	$32.50	
	Engineer Review (hourly)	0.25	125.00	$31.25	
	Project Management (hourly)	0.25	86.00	$21.50	
	Subtotal per site visit			**$514.25**	
	Labor total for	**3.00**	**4 hour site visits**		**$1,542.75**
	Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
Grout Testing or Observation (LABOR)	PW Testing Technician (2 hrs onsite)	2.00	85.00	$170.00	
	Sample Pickup	1.00	100.00	$100.00	
Operation building wall infill	Vehicle Charge (daily)	0.50	65.00	$32.50	
	Engineer Review (hourly)	0.25	125.00	$31.25	
	Project Management (hourly)	0.25	86.00	$21.50	
	Subtotal per site visit			**$429.25**	
	Labor total for	**2.00**	**3 hour site visits**		**$858.50**

3		CWI Inspector (1 hr mob & travel)	1.00	74.00	$74.00	
	Welding Testing or Observation (field)	CWI Inspector (1 hrs onsite)	1.00	98.00	$98.00	
		Testing Equipment	0.25	50.00	$12.50	
		Vehicle Charge (daily)	0.50	65.00	$32.50	
	1 site visit per canopy	Engineer Review (hourly)		125.00	$0.00	
		Administrative (hourly)		60.00	$0.00	
		Project Management (hourly)	0.75	86.00	$64.50	
		Subtotal per site visit			**$281.50**	
		Lab total for	**3.00**	**2 hour site visits**		**$844.50**
4		Testing Technician (1 hr mob & travel)	1.00	74.00	$74.00	
	Asphalt Testing or Observation (LABOR)	PW Testing Technician (3 hrs onsite)	3.00	91.00	$273.00	
		Nuke Gauge (daily)	0.50	85.00	$42.50	
	Patchwork if needed	Vehicle Charge (daily)	1.00	65.00	$65.00	
		Engineer Review (hourly)	0.25	125.00	$31.25	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal per site visit			**$507.25**	
		Labor total for	**2.00**	**4 hour site visits**		**$1,014.50**
5		Clerical (hourly)	0.25	60.00	$15.00	
	Project Management & Administratvie	Engineer Review (hourly)	0.25	125.00	$31.25	
		Project Management (hourly)	0.25	86.00	$21.50	
		Subtotal			**$67.75**	
		Project total for	**90.00**	**days of testing activity**		**$6,097.50**
		TOTAL				**$41,030.25**
		No Contingency				
	March 29, 2011	**TOTAL with NO contingency**				**$41,030.25**

EACH SITE VISIT ESTIMATE REPRESENTS A TYPICAL 4-8 HOUR PORTAL TO PORTAL SITE VISIT INCLUSIVE OF LABOR, VEHICLE CHARGES, AND EQUIPMENT CHARGES.

NOTE: The final cost may be subject to change due to contractor scheduling, construction techniques, weather delays, supplemental testing, number of retests, etc. The wage rates may vary depending upon staff availability at the time of the request. Material testing and special inspections performed by LACO in no way relieves the Contractor of their obligation to perform work in accordance with the requirements of the Contract Documents. Services beyond those listed above will be preapproved by client prior to performing additional work. Equipment rental not shown above will be billed per standard rate sheet.

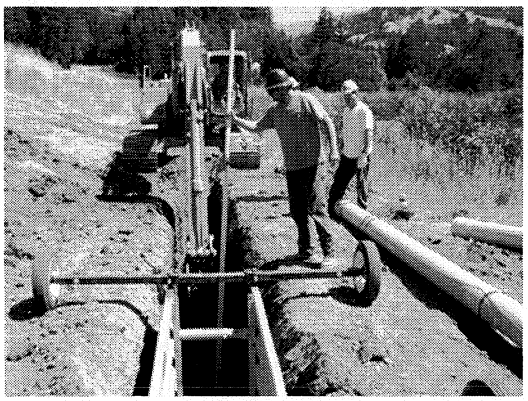
(1) The rate for each visit will be adjusted to reflect portal to portal time for the technician or inspector. Technician or inspector time in excess of 8 hours per day shall be invoiced at 1.3 times the stated rate.

Attachment 1
Project References

LACO ASSOCIATES
ENGINEERS & PLANNERS | ENVIRONMENTAL SCIENTISTS

PROJECT REFERENCE

GARBERVILLE SANITARY DISTRICT
CONSTRUCTION TESTING & INSPECTION SERVICES



KEY PERSONNEL

Leonard Osborne, PE
Principal Engineer
Dale Romanini
Materials Testing Lab Manager
Giovanni Vadurro
Professional Geologist
California Engineering Geologist
George Iakovkin
Senior Special Inspector

KEYS TO SUCCESS

- Professional geologist onsite during site earthwork and trenching operations
- Qualified personnel resources for meeting the material testing and Special Inspection project requirements
- Responded to client needs in a timely and effective manner with minimal notice
- Effective communication with contractors while maintaining quality assurance requirements

CLIENT CONTACT INFORMATION

Mark Bryant, Chief Administrative Officer
Herb Schwartz, Chairman, Board of Directors
Garberville Sanitary District
(707) 923-2223

PROJECT DESCRIPTION

LACO provided Special Inspection, field sampling and testing, and laboratory testing and analysis for improvements of an existing waste water treatment facility. Facility improvements included the construction of a new wastewater holding pond, placement of several thousand feet of pipeline and the construction of a new operations building. Construction was completed in February 2011.

Services provided included the following:

Special Inspection and Field Testing

- Site excavation and structural backfill observation
- Density testing of trench backfill through public right-of-ways and site structural backfill
- Special Inspection of reinforcing steel
- Field sampling and testing of structural concrete
- Special Inspection of structural steel field welding
- Non destructive testing of structural steel field welding

Laboratory Testing and Analysis

- Concrete mix design review and verification
- Compression testing of concrete field samples
- Moisture/density curve analysis to facilitate field density testing
- Sieve analysis of structural backfill materials
- Characterization of structural backfill materials

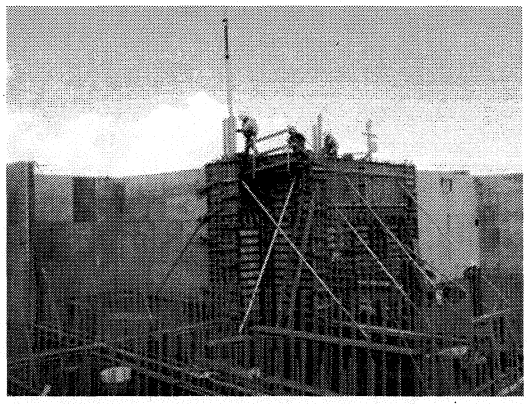
LACO also provided Construction Management and Resident Engineering services for the prior GSD Collection System Improvement project. Challenges for the construction staff were created by conditions within the CalTrans right-of-way of the US Highway 101 corridor. These challenges required rigorous coordination and resolution of issues to maintain safe travel through this vital corridor. LACO staff coordinated design changes with CalTrans and maintained completion of the project on schedule. LACO also performed pay request reviews and change order review and recommendations during the course of construction.

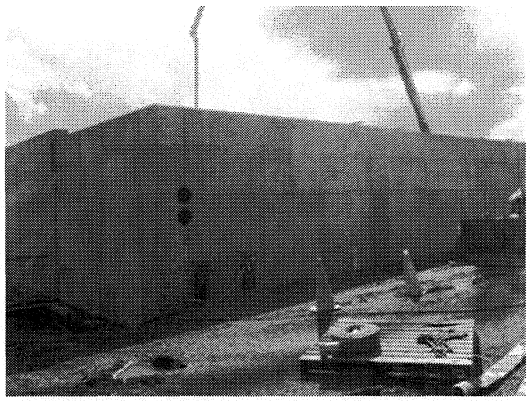
Additional efforts included construction inspection of:

- Bore and jac under Caltrans right-of-way
- Sewer collection mains in county right-of-way
- Cast-in-place dosing wet well
- New headworks facility building
- Sleeve and inverted siphon in Bear Gulch Bridge
- Decommissioning of aerial pipe spans crossing Eel River

PROJECT REFERENCE

FERNDALE WASTEWATER TREATMENT PLANT





KEY PERSONNEL

Dale Romanini
Materials Testing Lab Manager
George Iakovkin
Senior Special Inspector
Chad Christie
Special Inspector/Testing Technician
Brian Gerber
Special Inspector/Testing Technician

CURRENT KEYS TO SUCCESS

- Qualified personnel resources for meeting the material testing and Special Inspection project requirements
- Maintain positive relationship and proactive communication with project Resident Engineer
- Respond to client needs in a timely and effective manner with minimal notice
- Effective communication with contractors while maintaining quality assurance requirements

CLIENT CONTACT INFORMATION

Kent Hanford
Manhard Consulting
(775)225-9408
427 F St. Suite 236 Eureka, CA 95501

PROJECT DESCRIPTION

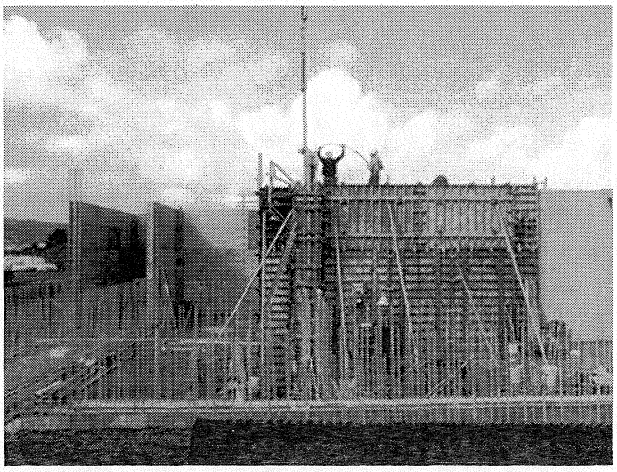
LACO is currently providing Special Inspection, field sampling and testing, and laboratory testing and analysis services for the construction of a new waste water treatment facility serving the community of Ferndale, Ca. scheduled for completion in 2012.

Services being provided include the following:

Special Inspection and Field Testing
- Special Inspection of reinforcing steel placement
- Field sampling and testing of structural concrete
- Density testing of trench backfill and site structural backfill

Laboratory Testing and Analysis
- Compression testing of concrete field samples
- Moisture/density curve analysis to facilitate field density testing

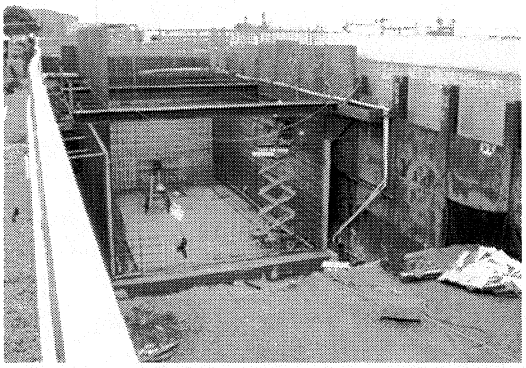
Anticipated services to be performed prior to project completion
- Special Inspection of high strength bolting
- Special Inspection of structural welding

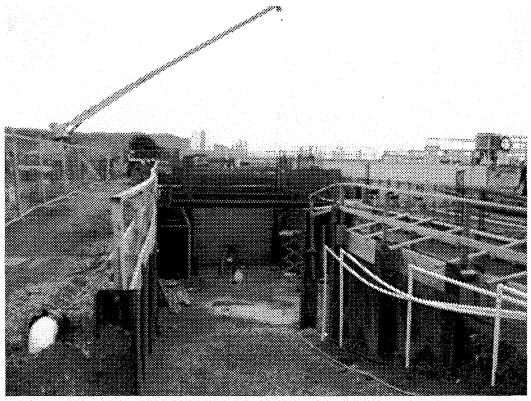


LACO ASSOCIATES
ENGINEERS • GEOLOGISTS • ENVIRONMENTAL CONSULTANTS

PROJECT REFERENCE

CRESCENT CITY WASTEWATER POLLUTION CONTROL FACILITY





KEY PERSONNEL

Dale Romanini
Materials Testing Lab Manager
George Iakovkin
Senior Special Inspector
Chad Christie
Special Inspector/Testing Technician
Brian Gerber
Special Inspector/Testing Technician

KEYS TO SUCCESS

- Qualified personnel resources for meeting the material testing and Special Inspection project requirements
- Maintained positive relationship and proactive communication with project Construction Manager
- Responded to client needs in a timely and effective manner with minimal notice
- Effective communication with contractors while maintaining quality assurance requirements
- Effective project management

CLIENT CONTACT INFORMATION

Ward Stover
Stover Engineering
(707) 465-6742
711 H Street, Crescent City, CA 95531

PROJECT DESCRIPTION

LACO provided Special Inspection, field sampling and testing, and laboratory testing and analysis for the construction of a new waste water treatment facility completed in 2010.

Services provided included the following:

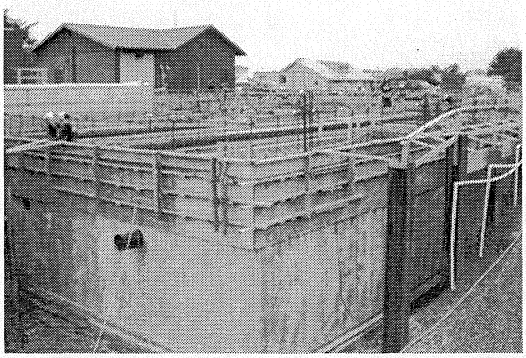
Special Inspection and Field Testing

- Field sampling and testing of structural concrete
- Fulltime batch plant inspection during concrete batching operations
- Field sampling and testing of mortar and grout during masonry construction
- Sampling of high strength grout placement at equipment bases
- Special Inspection of structural steel welding in shop and field
- Non destructive testing of shop welding fabrication
- Thickness testing of structural steel coatings
- Density testing of trench backfill and site structural backfill

Laboratory Testing and Analysis

- Compression testing of concrete and grout field samples
- Moisture/density curve analysis to facilitate field density testing
- Testing of concrete aggregates
- Sieve analysis of structural backfill materials
- Characterization of structural backfill materials

Estimated Construction Costs: $33 Million



LACO ASSOCIATES
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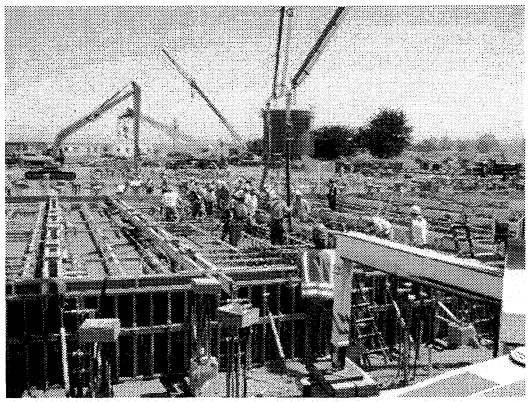
PROJECT REFERENCE

HUMBOLDT BAY GENERATING STATION



KEY PERSONNEL

George Iakovkin
Senior Special Inspector
Dale Romanini
Material Testing Lab Manager
Brian Gerber
Special Inspector/Testing Technician
Chad Christie
Field Testing Technician
Nathan Toews, PE
Professional Engineer
David Lindberg, CEG
Engineering Geologist

KEYS TO SUCCESS

- Proactive communication between LACO, design team, contractor, and client representative
- Active communication and coordination with onsite Project Inspection team
- Fulltime onsite Special Inspector to meet expanding Quality Assurance requirements
- Maintain on call testing services to meet Contractor's evolving schedule

CLIENT CONTACT INFORMATION

Joe Sutton
Pacific Gas & Electric
6-Wide Office Modular
1000 King Salmon Avenue
Eureka, CA 95503

PROJECT DESCRIPTION

LACO recently provided construction materials testing and Special Inspection services during site demolition and construction of a new natural gas fired 165 megawatt power plant located adjacent to Humboldt Bay.

Services provided included the following:

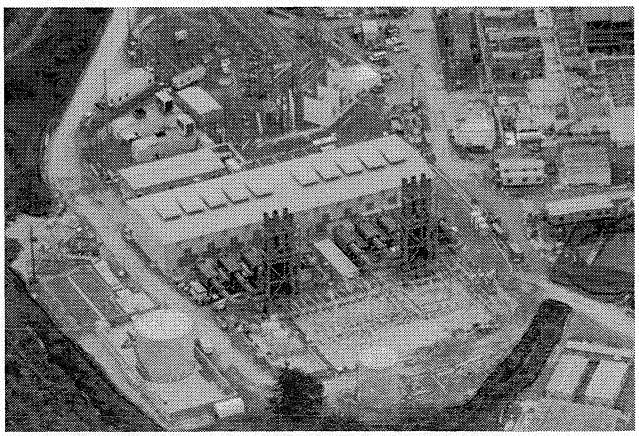
Special Inspection and Field Testing

- Special Inspection of approximately 2000 tons of structural reinforcing steel
- Placement observation, sampling and testing of approximately 8000 yards of structural concrete
- Special Inspection of erection and high strength bolting of approximately 1000 tons of structural steel
- Special Inspection of structural steel welding and mechanical piping welding
- Special Inspection of structural masonry construction
- Special Inspection during installation of approximately 5000 epoxy and mechanical anchors
- Special Inspection and sampling of grout placement at approximately 1000 steel column baseplates
- Special Inspection of seismic anchorage for electrical equipment and mechanical piping
- Density testing of trench backfill and site structural backfill
- Geotechnical inspections and recommendations for as found site soil conditions

Laboratory Testing and Analysis

- Compression testing of concrete and grout field samples
- Moisture/density curve analysis to facilitate field density testing
- Sieve analysis of structural backfill materials
- Characterization of structural backfill materials

Total Construction Costs: Approximately $600 million



LACO ASSOCIATES
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PROJECT REFERENCE

SAFEWAY INC.
NO. 2908 EUREKA TESTING & INSPECTION SERVICES

KEY PERSONNEL

Dale Romanini
Materials Testing Lab Manager
Bryan Dussell, PG
Staff Geologist
George Iakovkin
Senior Special Inspector
Brian Gerber
Special Inspector
Chad Christie
Special Inspector
Richard Yahn, RGE
Geotechnical Engineer
Nathan Toews, PE
Assistant Lab Director

KEYS TO SUCCESS

- Established relationship and active communication with Safeway and general contractor staff
- Effective project management
- Provided on call testing services to better document construction activities
- Utilize prior project experience to offer solutions for project concerns
- Increased role to hold client's quality assurance concerns

CLIENT CONTACT INFORMATION

Bill Eister
Safeway, Inc.
(916) 727-1994
7301 Greenback Lane, Citrus Heights, CA 95621

PROJECT DESCRIPTION

LACO is currently providing material testing and geotechnical support for the construction of a new 49,000 square foot store and 200,000 square feet of new parking lot . Phase 1 consists of site improvements including MSE retaining wall, stormwater detention/infiltration swale, underground utilities, and general parking lot improvements. The site has construction challenges due to fine-grained soils, perched groundwater and undocumented fill soils. LACO has worked in a proactive role with the Owner and Contractor to create solutions to these ongoing concerns to keep construction progressing, while insuring quality on the final product.

Our project team is working closely with the Safeway construction management staff, the general contractor, and his subcontractors to meet the project quality assurance requirements:

- County right of way utility improvements compaction testing
- Site grading, compaction testing, parking lot improvements
- Hilfiker retaining wall compaction testing and laboratory analysis of backfill materials
- Geotechnical inspection for compliance with project soils report
- Geotechnical recommendations for as found site conditions
- Investigation of detention/infiltration swale capacity per project plans
- Structural concrete placement, sampling, and rebar placement inspection

In addition, LACO will support the following quality control of Phase 2 of this project which is scheduled for completion in 2012.

- Geotechnical inspections of remaining site improvements including future footprint of 49,000 square foot store
- Compaction testing and observation of building pad
- Concrete reinforcement placement, concrete sampling and testing for new store building pad
- High strength bolting special inspections
- Welding special inspection of concrete tilt up panels and steel structural members
- Post installed concrete anchors special inspection and/or tension testing
- Laboratory testing of concrete, grout, and soils

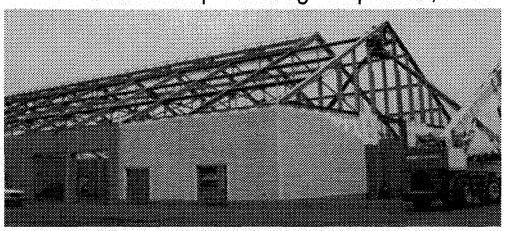
LACO ASSOCIATES
ENGINEERS · GEOLOGISTS · ENVIRONMENTAL CONSULTANTS

SELECT PROJECT EXPERIENCE

C.V. Starr Community Center & Sigrid and Harry Spath Aquatic Facility, Fort Bragg, CA

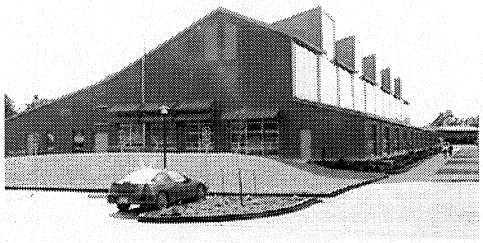
At the request of Tri-B Construction Management LACO provided Special Inspection services for the new Aquatic Center located in Fort Bragg, CA.

Services provided included field and shop welding inspection, non-destructive testing of structural steel weldments, and field welding inspection of steel decking.

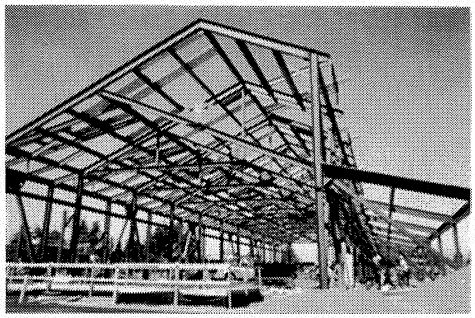


Total Construction Costs: Approximately $19 million

College of the Redwoods Learning Resource Center, Eureka, CA



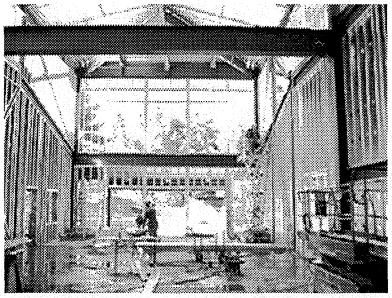
LACO provided engineering, construction materials testing, and Special Inspection services for a new 39,000 square foot single story building. The project consisted of a structural steel eccentric brace frame building with a cast-in-place reinforced concrete mat slab foundation.



Services provided included seismic and geotechnical site investigations, observation and testing during site excavations, compaction testing during backfill operations, sampling and testing of approximately 8,500 cubic yards of structural concrete, sampling and testing of concrete reinforcing steel, Special Inspection of structural steel welding (shop fabrication, field erection and welding, and non-destructive examination of completed welds), high strength bolting observation and testing, and chemical and mechanical anchorages.

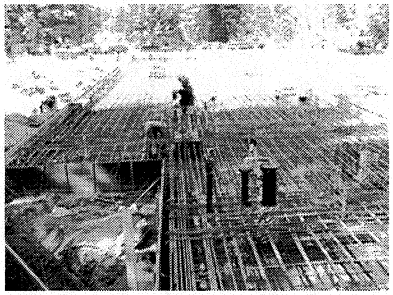
Total Construction Costs: $14 million

College of the Redwoods Child Development Center, Eureka, CA



LACO provided engineering, construction materials testing, and Special Inspection services for a new 15,000 foot single story building. The project consisted of a structural steel eccentric brace frame building with a cast-in-place reinforced concrete mat slab foundation.

Services provided included seismic and geotechnical site investigations, observation and testing during site excavations, compaction testing during backfill operations, sampling and testing of approximately 1,400 cubic yards of structural concrete, sampling and testing of concrete reinforcing steel, Special Inspection of structural steel welding (shop fabrication, field erection and welding, and non-destructive examination of completed welds), structural masonry, high strength bolting observation and testing, and chemical and mechanical anchorages.



Total Construction Costs: $4.4 million

Redwood Harley-Davidson, Eureka, CA

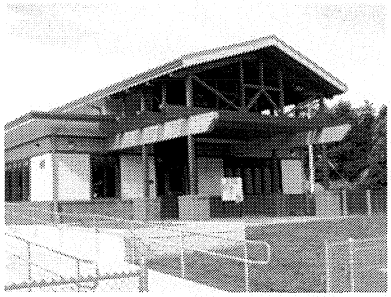
LACO provided construction materials testing and Special Inspection services for a new 20,000 square foot single story building. The project consisted of a prefabricated and shop fabricated structural steel frame building with a cast-in-place concrete slab-on-grade floor founded on continuous foundations.

Services provided included laboratory materials testing, compaction testing of structural backfill, concrete sampling, testing, and placement observation, and Special Inspections per the UBC Chapter 17 including concrete reinforcing steel placement and on-site structural steel welding.

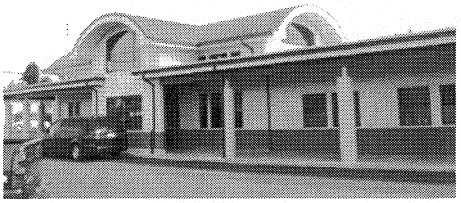
Total Construction Costs: $3.5 million

Eureka City Schools, Eureka, CA

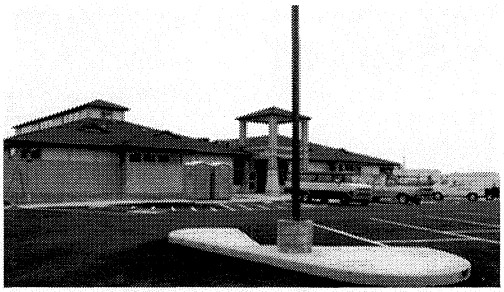
LACO provided construction materials testing and Special Inspection services for expansion and/or remodel of several elementary schools in Eureka.



Services provided included laboratory materials testing, compaction testing of structural backfill, concrete sampling and laboratory testing of samples, load testing of mechanical and chemical anchorages, and structural steel welding inspection (shop fabrication and field welding).



Del Norte County Unified School District Alternative Education Center, Crescent City, CA



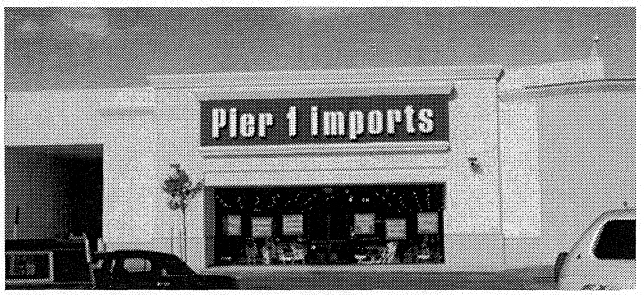
LACO provided engineering, construction materials testing, and Special Inspection services for a new 18,000 square foot building. The project consisted of a multi-story wood frame building with structural steel interior columns and a cast-in-place concrete slab-on-grade founded on continuous and isolated foundations.

Services provided included site survey and geological assessment, Storm Water Pollution Prevention Plan, civil design, laboratory testing and inspection of adjacent streets, internal roads, parking lots, grading, drainage, and utility improvements, and structural steel welding inspection.

Total Construction Costs: $1.5 million

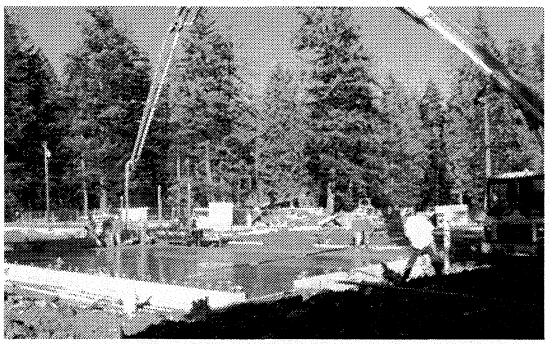
Pier 1 Imports – Bayshore Mall, Eureka, CA

LACO provided construction materials testing and Special Inspection services for a remodel and expansion of the Bayshore Mall for a new retail store.

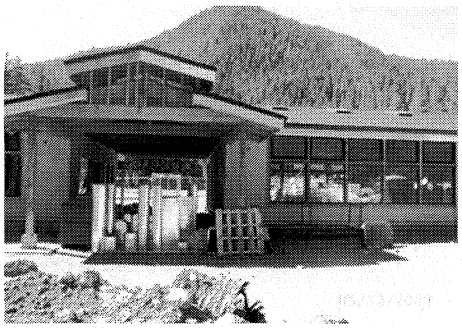


Services provided included laboratory materials testing, compaction testing of recompacted fill, concrete sampling and laboratory testing of samples, inspection of concrete reinforcing for a slab-on-grade floor and grade beams over piling, epoxy dowel placement inspection, inspection of structural steel welding of the roof extension and the roof support structure, and high strength bolting observation and verification.

Del Norte County Unified School District Gasquet Elementary School, Gasquet, CA



LACO provided engineering, construction materials testing, and Special Inspection services for a new elementary school. The project consisted of four new wood frame classrooms and an administration building using steel columns and a new structural steel frame gymnasium.



Services provided included geotechnical site investigation, civil design, laboratory materials testing, compaction testing of engineered fill, concrete sampling and laboratory testing of samples, structural steel welding inspection (shop fabrication and field erection), and high bolt sampling, testing, and observation.

Total Construction Costs: $1 million

Attachment 2

Project Team Resumes

LEONARD M. OSBORNE, PE

PRINCIPAL-IN-CHARGE

AREAS OF EXPERTISE

Project Management
Design and Construction Engineering
Hydrology
Hydraulic Calculations
Water Systems
Geotechnical Engineering

EDUCATION

BS in Civil Engineering, University of Utah, Salt Lake City, UT
Graduate Studies in Civil Engineering, University of Southern California, Los Angeles, CA

REGISTRATIONS & CERTIFICATIONS

California Civil Engineer - License No. 38573

PROFESSIONAL MEMBERSHIPS

American Society of Civil Engineers - Member
ASFE - Member
American Water Works Association - Member
American Council of Engineering Companies - California - Chapter Officer 2003 to Present, Current Chapter President

PROFESSIONAL EXPERIENCE

Mr. Osborne has over 28 years of experience in public and private project management, design and construction engineering, geotechnical engineering, environmental analysis, land development, project planning, feasibility assessment, and funding acquisition. His duties have included the design, management, direction, and coordination of professional design teams in the preparation of plans, specifications, estimates, reports, and construction management for a wide variety of projects. His accumulated project experience includes industrial facilities, quarries and gravel mines, roadways, structures, site development, pipelines, pumping facilities, dam rehabilitation, grading and drainage, treatment facilities, storage reservoirs, and project permitting. Mr. Osborne has developed a positive working relationship with government personnel and regulatory agencies throughout the region.

Mr. Osborne is a Firm Principal of LACO and serves as its President and CEO in addition to his project activities. In this capacity, he sets the general direction for the firm's performance, progress, and overall management. He oversees the work of approximately 50 employees involved in civil engineering, surveying, environmental engineering, geologic and geotechnical engineering, environmental planning, and special inspections and construction materials testing. Mr. Osborne's project management skills include project scheduling, resource allocation, project coordination, conflict resolution, budget and financing control, system and personnel administration. His broad experience includes project management and technical consulting associated with:

- Structures and site development up to $10 million
- Water infrastructure up to $5 million
- Sewer infrastructure up to $4 million
- Redevelopment projects up to $8 million
- Special inspection and DSA-approved materials testing on public buildings up to $11 million
- Land development projects up to $4 million
- Geotechnical engineering projects up to $9 million

Mr. Osborne served as a Principal Engineer and Senior Project Manager and Engineer on a variety of private and public works projects with other consulting firms. He managed permitting, design and construction management activities, geotechnical projects, materials testing laboratory, and geotechnical and environmental assessments. He also directed a staff of professional engineers and technicians involved in a variety of projects. In a prior role, Mr. Osborne was also the Dam and Tunnel Design Team Leader for Los Angeles Dept. of Water and Power. In this position he directed a team of professional staff involved with the design, analysis and construction or improvements to dams, spillways, pipelines, pump stations and other water infrastructure.

CURRENT PROJECT EXPERIENCE

GSD Wastewater System Improvements - Garberville, CA. Mr. Osborne was principal engineer for design of a multi-phased sanitary sewer system upgrade. During the project's first phase, LACO completed a $1.6 million project removing environmental risk associated with aged suspended aerial spans over environmentally sensitive areas, reducing risk to public health by providing hook-ups to failed septic systems, and by providing capacity for growth 20 years into the future. Mr. Osborne designed improvements to the collection system, a new transmission main in Caltrans right-of-way, a combined gravity/forcemain and lift station to deliver peak wet weather flows.

LEONARD M. OSBORNE, PE

PRINCIPAL-IN-CHARGE

BRB Tish-Non Village Wastewater System - Loleta, CA. Mr. Osborne was principal engineer to provide feasibility assessments, design, and engineering services for the project's wastewater collection, transmission, treatment, dosing lift station, forcemain, and disposal systems. This tribal community development project includes sixty residential lots, fifty-seven space RV park, commercial facilities, recreational facilities, community center, hotel and casino, and an assisted living facility on an 115 acre site. Our project team addressed local and regional hydrogeologic concerns resulting in a unique onsite disposal solution involving dosing and seasonal reclamation incorporated into a planned sports field. Onsite disposal is regulated by the EPA. The wastewater treatment plant is designed to produce wastewater effluent quality consistent with California Title 22 for unrestricted use.

Smith River Rancheria Dat-Naa-Svt Subdivision Project - Smith River, CA. Mr. Osborne was the principal engineer for the subdivision project and the scope also included preliminary design and location of a wastewater lift station to serve the 21 lots. During the course of design, and outside the project scope but within the same budget, LACO prepared a conceptual layout of home sites on two adjacent parcels owned by the Tribe. This conceptual layout produced added value for the Tribe by developing the concepts for future development and assessing loading and optimal location for the lift station to serve the 21 and future lots.

GSD Water Treatment Feasibility Study - Garberville, CA. Mr. Osborne is principal engineer for design of water system improvements including a new surface water treatment plant, 750,000 gallon storage tank, and booster pump station. The project includes a pre-existing Preliminary Engineering Report (PER); defining the preferred project alternative; developing preliminary design and project cost estimate; and completing NEPA and CEQA-PLUS documents to qualify the project for State Revolving Fund/Proposition 50 funding.

BRB Water Treatment Plant, Storage, and Distribution System - Loleta, CA. Mr Osborne is principal engineer for the Bear River Band of the Rohnerville Rancheria (BRB) to provide design and project management services for a potable water well pump station, treatment, and storage facility serving a tribal community development in Loleta, CA. Deliverables included a preliminary design including a 200,000 gallon glass-lined storage tank; submersible VFD-driven well pump; performance specifications for Manganese Greensand and activated carbon pressure filters; in-house architectural design for a CMU pump station building and attached operator office; and tie-in details to provide redundancy to the Tribe's existing system on an adjacent parcel.

Big Lagoon Water System Improvements – Big Lagoon, CA. As principal engineer, Mr. Osborne prepared a hydraulic model to assess the current fire flow capacity and to make recommendations for main line replacements which would provide the most benefit towards increasing the amount of water available for fire suppression. Deliverables included a full system hydraulic model using EPANet. The model incorporated domestic demand under maximum day conditions and used this information to develop anticipated hydrant capacity for each hydrant in the system.

PAST PROJECTS

- Private Development - Preliminary design of a private water distribution system that included fire protection for a 51-lot upscale development in the Fortuna foothills.
- Hydesville Community Water District - Completed a distribution system analysis and improvement recommendations and was also retained to provide detailed design; bid assistance and construction management for a 400,000 gallon welded steel reservoir and recommended main improvements to increase fire flow and improve system redundancy.
- Black Oak Facility - Completed water system rehabilitation for a private campground with 2550 persons per day capacity, work included surface intake design, pump and treatment system design, distribution system upgrades, and additional storage. The system was designed to comply with the Surface Water Treatment Rule.
- Parmallano Cheese - Completed design and construction inspection for a water system with stringent water quality performance process for use in cheese production.

While employed with other firms or agencies, Mr. Osborne's experience included: project engineering and management through design and construction of the Humboldt Community Services District's Freshwater area expansion; a 4.5 million dollar project involving distribution, pumping and storage installations; design and construction inspection of a gravity and high pressure sewer transmission system for Gualala Point Park; A Water source feasibility study that assessed both short and long term options for the City of Fort Bragg, and project management and funding acquisition for the $6.8 million Santa Barbara Water Reclamation project which involved a separate City-wide distribution system design and pumping and tertiary treatment facilities.

NATHAN K. TOEWS, PE

STAFF ENGINEER / LAB DIRECTOR

AREAS OF EXPERTISE

Structural Engineering
Design
Construction Management

EDUCATION

BS in Civil Engineering with Structural Engineering Pattern, California State University at Chico, Chico, California

REGISTRATIONS & CERTIFICATIONS

California Professional Engineer - License No. 70251
ACI Concrete Field Testing Technician - Grade 1

CONTINUING EDUCATION

University of Wisconsin, Madison — Slope Stability and Landslides
California Historic Building Code Seminar

PROFESSIONAL EXPERIENCE

Mr. Toews has over nine years of experience performing structural design and soil evaluation services pertaining to constructability issues. Mr. Toews will provide laboratory oversight of quality control and quality assurance, and laboratory test data evaluation and review on all laboratory testing.

Mr. Toews specializes in structural engineering, including light-frame residential and commercial construction, heavy structural steel framing, concrete and masonry construction, pre-engineered building foundations, retaining walls, and slope stability analysis.

SELECT PROJECT EXPERIENCE

Bear River Band - Community Center - Loleta, CA. Mr. Toews prepared the structural system design for a new 31,000 square-foot community center building. This building features green roofs, extensive skylights, large clear-spans, and a structural system composed of wood framing, structural steel, steel braced frames, and concrete shearwalls.

Basayo Village - Fortuna, CA. Mr. Toews prepared the site and utility design for a multi-family housing development consisting of two four-unit apartment buildings and associated parking, landscaping, and other site improvements. He was also responsible for bid-phase assistance, including bid meetings, responding to bidder requests for information, and bid evaluation. Other duties included complete inspection, materials testing, and construction management services in all phases of construction.

Riverview Terrace Subdivision - Fortuna, CA. Mr. Toews gathered soil and ground profile data and performed a rotational slope stability analysis for the Riverview Terrace Subdivision. He designed a slope drain system based on the results of the stability analysis, and he designed a soil testing schedule and paving system for site-specific soil conditions at new access road.

Mad River Bluffs Stability Analysis - McKinleyville, CA. Mr. Toews performed a slope stability analysis of a retreating portion of the Mad River bluffs. The analysis and conclusions were used by the Humboldt County Department of Public Works as guidance for installation of slope protection measures for protection of adjacent property and structures.

South Fork Eel River Flood Deflection Berm. Mr. Toews modeled approximately three miles of the South Fork Eel River using HEC-RAS software provided by the Army Corps of Engineers, and compared model results to published FEMA data. He also modeled the proposed flood deflection berm and used the resulting data to design the berm structural sections and perform stability analyses of the berm under 100-year flood conditions.

RICHARD E. YAHN, GE, PE

GEOTECHNICAL ENGINEER / PROFESSIONAL ENGINEER

AREAS OF EXPERTISE

Project Management
Geotechnical Engineering
Civil Engineering
Pavement Engineering
Materials Engineering

EDUCATION

BS in Civil Engineering (1976), California State University at Chico, Chico, CA

REGISTRATIONS & CERTIFICATIONS

Geotechnical Engineer (G.E. #913), CA, 1987
Professional Engineer- Civil (P.E. #31022), CA, 1979
Disaster Service Worker, California Safety Assessment Program (SAP63040), Expires 2013

PROFESSIONAL MEMBERSHIPS

American Society of Civil Engineers - Past President of Redwood Empire Branch
Construction Specifications Institute - Board of Directors Member of Redwood Empire Branch
Northern California Engineering Contractors Association - Member of Specifications Committee

PROFESSIONAL EXPERIENCE

Mr. Yahn has over 35 years of experience with performing geotechnical investigations, site soil assessments, and project managing construction materials testing and inspection services for public works, residential, educational, industrial and commercial projects. These projects include: pipelines, water tanks, water and wastewater handling/treatment facilities, wineries, hospitals, schools, subdivisions, apartments, office buildings/business parks, shopping centers, airports, warehouses, churches, geothermal plants, solar arrays, recreational parks, retaining walls, parking structures, roadways, and bridges. Key experience includes:

- Performing and/or supervising laboratory quality control testing of soils, concrete, asphalt concrete and other related construction materials.
- Performing and/or supervising subsurface explorations.
- Observing and/or testing during earthwork, and foundation construction, including pile installation.
- Identifying and defining scope, techniques and prices for project proposals including overseeing development of cost estimates from vendors.
- Providing consistently accurate and timely client and management communications including contract negotiation, invoicing and collections.
- Engineering analysis and report writing, including technical recommendations and decisions within project scope.
- Reviewing project plans and specifications for proposal pricing, and for conformance with technical report recommendations, codes and/or regulations.
- Maintaining a positive attitude, effectively communicating with regulators, and overseeing the work of junior staff and technicians.

SELECT PROJECT EXPERIENCE

WATER/WASTEWATER

Laguna Forcemain Sewer Replacement and Pump Station - Sebastopol, CA. Project manager and engineer for the geotechnical investigation for new 4,000-foot sewer line crossing the environmentally sensitive Laguna De Santa Rosa and State Highway 12, and a related deep wet well. Potentially detrimental site conditions included high groundwater and liquefiable sands. Evaluation included geotechnical constraints to installing an approximately 1,000-foot segment using directional drilling techniques.

Copeland Avenue Sewer Replacement and Pump Station - Petaluma, CA. Project engineer during geotechnical investigation for new sewer line crossing the Petaluma River and related deep wet-well. Potentially detrimental site conditions included high groundwater and liquefiable sands.

Presidio Reservoir - San Francisco, CA. Project engineer during geotechnical investigation for upgrade of an existing distressed reinforced concrete reservoir. Site conditions included variable depth and quality old fill along with saturated soil conditions due to leaking of the reservoir.

Skyhawk Water Tank - Santa Rosa, CA. Project engineer/manager during geotechnical investigation for a steel water tank with a storage capacity of 750,000 gallons. Performed stability and excavatability evaluation of a hillside site to accommodate pad grading including a cut slope of 65 feet in vertical height.

RICHARD E. YAHN, GE, PE

GEOTECHNICAL ENGINEER / PROFESSIONAL ENGINEER

City of Rohnert Park Water Tank - Rohnert Park, CA. Project engineer during geotechnical investigation for 300,000-gallon steel tank. Site is underlain by highly expansive "adobe" clay, and lower portion of tank was buried below grade.

Water Tanks #1 and #2 - American Canyon, CA. Project Engineer during geotechnical evaluation, design and construction for two 120-foot diameter welded steel tanks. The site is located approximately 1.2 miles from the West Napa fault, and is underlain by variable thicknesses of expansive clay. Geotechnical and seismic design parameters were provided, including foundation and grading recommendations, site specific seismic parameters, expansive soil mitigation and recommendations for pipeline loads, thrust blocks, excavation, shoring, and backfill.

DALE L. ROMANINI

MATERIALS TESTING LABORATORY MANAGER

CERTIFICATIONS

American Concrete Institute (ACI) Certifications:
Concrete Field Testing Technician - Grade 1
Aggregate Testing Technician-Level 1
Concrete Laboratory Testing Technician-Level 1
Concrete Strength Testing Technician
CalTrans Certifications:
17 CalTrans Test Methods including Field & Laboratory Testing of:
- Soil
- Aggregate
- Concrete
- Compaction Testing

ICC Certified Spray Applied Fireproofing Special Inspector
Hazardous Waste Site Operation Training (EPA) 40 hour - OSHA 29 CFR 1910.120

PROFESSIONAL EXPERIENCE

Mr. Romanini has been performing testing and Special Inspection of construction materials for over 12 years. His experience includes testing and inspection during construction of schools, hospitals, wastewater treatment plants, commercial buildings, industrial projects, and roadways throughout Northern California. His responsibilities also include managing the materials testing laboratory for the last nine years. As the Materials Testing Laboratory Manager, he is familiar with the full range of the specific soils and concrete testing procedures performed by the LACO materials testing laboratory.

Mr. Romanini responsibilities include assuring that the LACO quality assurance/quality control (QA/QC) laboratory protocol is maintained under AMRL, CCRL, DSA, and Caltrans accreditations, as well as maintaining certification and calibration of testing equipment for field and laboratory use.

In addition to managing the laboratory, Mr. Romanini directs both laboratory and field Inspectors/Testing Technicians in their various duties. He is responsible for coordinating field Testing and Inspection scheduling, tracking project schedules, project testing requirements, and budget expenditures to assure the mutual satisfaction of both the contractor and the contracting officer.

SELECT PROJECT EXPERIENCE

Concrete Sampling and Testing

- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Learning Resource Center at College of the Redwoods - Eureka, CA
- Child Development Center at College of the Redwoods - Eureka, CA
- Mendocino K-8 Campus Improvements - Mendocino, CA
- Del Norte High School - Crescent City, CA
- Washington Elementary School - Eureka, CA
- Freshwater Elementary School - Freshwater, CA
- Fortuna High School - Fortuna, CA
- College of the Redwoods Mendocino Campus - Fort Bragg, CA
- Coming Attractions Theatres Expansion - Eureka, CA
- Orleans Wastewater Treatment Plant - Orleans, CA
- Crescent City Wastewater Treatment Plant, -Crescent City, CA

Mass Grading Inspection and Soil Compaction Testing

- Mountain Elementary School - Gasquet, CA
- Orchard Lane Apartments - Redway, CA
- Scenic Drive Rehabilitation - Trinidad, CA
- Bear River Casino - Loleta, CA
- Various Road Projects - Humboldt County, CA
- Safeway #2908- Eureka, CA

High Strength Bolting

- Learning Resource Center at College of the Redwoods - Eureka, CA
- Child Development Center at College of the Redwoods - Eureka, CA
- Professional Building Retrofit - Eureka, CA
- Gasquet Elementary School - Gasquet, CA
- Healy Building Seismic Retrofit-Eureka, CA

GEORGE A. IAKOVKIN

SENIOR SPECIAL INSPECTOR / FIELD TESTING TECHNICIAN

CERTIFICATIONS

AWS Certified Welding Inspector (CWI)
ASNT and ACCP Certified Level 2 Ultrasonic and Magnetic Particle Testing Technician
Troxler Certified Nuclear Gauge Operator
CalTrans Certifications:
- Nuclear Density Gauge Operator

International Code Council (ICC) Certifications:
- Structural Welding Special Inspector
- Structural Steel and Bolting Special Inspector
- Reinforced Concrete Special Inspector
- Structural Masonry Special Inspector
- Spray Applied Fireproofing Special Inspector

DSA Certified Structural Masonry Special Inspector
American Concrete Institute (ACI) Certifications:
- Concrete Field Testing Technician - Grade 1

PROFESSIONAL EXPERIENCE

Mr. Iakovkin has been performing testing and Special Inspection of construction materials for over 15 years. His experience includes testing and inspection during construction of schools, hospitals, wastewater treatment plants, commercial buildings, industrial projects, and roadways and bridges throughout California, Nevada, Oregon, and southern Washington. His responsibilities as a Special Inspector have included structural steel welding, erection, and non-destructive examination of shop and field welds and weldments, reinforced concrete, structural masonry, spray applied and intumescent fireproofing, mass fill placement observation and compaction testing, and asphalt inspection and testing on numerous multi-million dollar projects.

SELECT PROJECT EXPERIENCE

Mass Grading Inspection and Soil Compaction Testing:
- Trinity County Juvenile Detention Facility - Weaverville, CA
- Various Road Projects City of Redding - Redding, CA
- Various Road Projects Humboldt County - Humboldt County, CA
- Hydesville Community Services District Waterline Upgrade - Hydesville, CA
- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Ferndale Wastewater Treatment Plant - Ferndale, CA
- Crescent City Wastewater Treatment Plant - Crescent City, Ca.
- Safeway No.2908, Eureka, CA

Concrete Sampling and Testing:
- College of the Redwoods Outreach Campuses - Fort Bragg & Crescent City, CA
- Ferndale Wastewater Treatment Plant - Ferndale, CA
- PG&E Humboldt Bay Generating Station - Eureka, CA
- Mendocino Unified School District K-8 Campus - Mendocino, CA
- Crescent City Waste Water Treatment Plant - Crescent City, CA

Reinforced Concrete Special Inspection:
- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Trinity County Juvenile Detention Facility - Weaverville, CA
- Turtle Bay Sundial Bridge - Redding, CA
- City of Medford Parking Structure #1, Medford, OR
- Simpson College Dormitory No. 3, Redding, CA

Structural Masonry Special Inspection, Sampling and Testing
- Mendocino Unified School District K-8 Campus - Mendocino, CA
- PG&E Humboldt Bay Generating Station - Eureka, CA
- City of Medford Parking Structure #1 - Medford, OR
- Trinity County Juvenile Detention Facility - Weaverville, CA
- Office Depot, Redding, CA

Welding Inspection, NDT, & High Strength Bolting Inspection:
- College of the Redwoods Learning Resource Center - Eureka, CA
- College of the Redwoods Child Development Center - Eureka, CA
- PG&E Humboldt Bay Generating Station - Eureka, CA
- Mendocino Unified School District K-8 Campus - Mendocino, CA
- Gasquet Elementary School - Gasquet, CA
- Crescent City Waste Water Treatment Plant, Crescent City - CA
- Paris Hotel Casino and High Rise - Las Vegas, NV
- Eiffel Tower - Las Vegas, NV
- Turtle Bay Sundial Bridge - Redding, CA
- Golden 1 Credit Union High rise - Sacramento, CA

GIOVANNI A. VADURRO, PG, CEG

SENIOR GEOLOGIST

AREAS OF EXPERTISE

Fluvial Geomorphic Mapping
Seismic Hazard Investigations
Landslide Mapping
Structural Geology
Soils

EDUCATION

Humboldt State University —Three semesters (20 units) of graduate-level course work
BS in Geology, Humboldt State University, Arcata, CA
Slope Stability and Landslides — University of Wisconsin — Madison College of Engineering
Geotechnical Site Investigation using Cone Penetration Testing— Gregg Drilling
GPS Real Time Surveying and Geomatics Software — Trimble
OSHA Competent Person (Excavation and Trench Shoring Safety)
Nuclear Gauge Safety and Operation — CPN Corporation
Hazardous Waste Operations and Emergency Response — OSHA 29 CFR 1910.120
Construction Inspection of Public Works Projects — U.C. Berkeley, ITS

REGISTRATIONS & CERTIFICATIONS

California Professional Geologist - License No. 7437
California Certified Engineering Geologist - License No. 2554

PROFESSIONAL EXPERIENCE

Mr. Vadurro joined LACO in June of 1997 and is currently a Senior Staff Geologist. His responsibilities include design of field data acquisition programs, conducting and supervising field work, data collection and interpretation, and preparation of technical reports.

His cumulative project experience includes:

- Geologic investigations of quarry sites
- Fault trench mapping and seismic hazard investigations for critical infrastructure and essential public facilities located along active faults including oil and gas pipelines, nuclear storage facilities, and public schools
- Landslide mapping and qualitative slope stability analysis for industrial timber harvest plans, hard rock quarries, and siting of commercial and residential facilities
- Aerial photographic mapping and interpretation
- Application of remote sensing and digital terrain mapping in engineering geology and hazards assessment
- Tectonic and fluvial geomorphologic mapping
- Surficial and bedrock mapping
- Structural geologic mapping and interpretation
- Soil profiling, mapping, and classification
- Hydrogeologic characterization conducting slug tests, bail-down tests, extended period pump tests, and percolation tests
- Geologic hazard assessment for foundations, roadways, retaining structures, slope stabilization measures, structural fills, and drainage layouts
- Geotechnical investigations for commercial and residential site development
- Installation and soil logging of geotechnical boreholes while performing simultaneously as field geologist and driller's helper on both rotary and direct-push drill rigs
- Commercial and residential waste water treatment system design
- ALTA, boundary, and topographic surveying; and construction staking

In addition to his professional experience with LACO, Mr. Vadurro has instructed a graduate-level course consisting of "Quaternary Tectonics and Paleoseismology" during spring semester 2001 at Humboldt State University. The teaching curriculum included three hours of lecture and three hours of field methods per week.

Mr. Vadurro served as a Geomorphologist for the California State Parks in 1997 and 1998 performing surficial and bedrock mapping, landslide inventorying, stream channel topographic surveying and data reduction, and preparation of technical reports.

In 1992 and 1994, Mr. Vadurro was a Physical Science Technician for the United States Geological Survey. His main responsibilities included aiding senior scientists in performing fault trench mapping, surficial and bedrock mapping, topographic surveying of fault scarps, and data reduction and interpretation for the siting of a nuclear storage facility at the Nevada Test Site in Mercury, Nevada.

CHAD A. CHRISTIE

SPECIAL INSPECTOR / FIELD TESTING TECHNICIAN

CERTIFICATIONS

American Concrete Institute (ACI) Certifications:
Concrete Flatwork Technician- Grade I
Concrete Field Testing Technician- Grade I
NRMCA Pervious Concrete Technician
Certified Nuclear Gauge Operator
CalTrans Certifications:
7 CalTrans Test Methods including Field & Laboratory Testing of:
- Soil
- Aggregate
- Concrete
- Asphalt Density Testing

40hr HAZWOPER

EDUCATION

BS in Concrete Industry Management, Construction Management, California State University at Chico, Chico, CA
Minor in Business Administration, California State University at Chico, Chico CA

PROFESSIONAL EXPERIENCE

Mr. Christie has been involved in building construction and testing and Special Inspection of construction materials for over 10 years. His experience includes testing and inspection during construction of schools, wastewater treatment plants, commercial buildings, industrial projects, and roadways throughout Northern California as well as Construction Management of materials testing projects. His responsibilities as a materials testing technician have included sampling, testing, and placement observation of structural concrete, concrete batch plant inspection during batching operations, and mass fill placement observation and compaction testing of compacted fill.

SELECT PROJECT EXPERIENCE

Concrete Sampling and Testing

- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Crescent City Wastewater Treatment Plant - Crescent City, CA
- Ferndale Wastewater Treatment Plant – Ferndale, CA
- Bear River Band Community Center – Loleta, CA
- Dows Prairie School – McKinleyville, CA
- Mendocino College Modular Building Relocation – Ukiah, CA
- Crescent Elk Elementary School – Crescent City, CA
- Bear River Band Residential Housing Project – Loleta, CA
- Healthsport Fitness – Eureka, CA

Mass Grading Inspection and Soil Compaction Testing

- Arcata Levee Repair – Arcata, CA
- Safeway #2908 - Eureka, CA
- Mendocino College Modular Building Relocation – Ukiah, CA
- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Bear River Band Residential Housing Project – Loleta, CA
- Scenic Drive Rehabilitation – Trinidad, CA
- Dows Prairie School – McKinleyville, CA
- Bear River Band Community Center – Loleta, CA

BRIAN J. GERBER

SPECIAL INSPECTOR / FIELD & LABORATORY TESTING TECHNICIAN

CERTIFICATIONS

American Concrete Institute (ACI) Certifications:
Concrete Field Testing Technician - Grade 1
CalTrans Certifications:
16 CalTrans Test Methods including Field & Laboratory Testing of:
- Soil
- Aggregate
- Concrete
- Compaction Testing

Certified Nuclear Gauge Operator
40hr HAZWOPER

EDUCATION

BS in Geology, Humboldt State University, Arcata, CA

PROFESSIONAL EXPERIENCE

Mr. Gerber has been performing testing and Special Inspection of construction materials for over 6 years. His experience includes site assessment of in place soils for suitability as engineered fill, field and laboratory testing and inspection during construction of schools, hospitals, wastewater treatment plants, commercial buildings, industrial projects, and roadways throughout California. His responsibilities as a Special Inspector have included reinforced concrete, mass fill placement observation and compaction testing, and asphalt inspection and testing on numerous multi-million dollar projects.

SELECT PROJECT EXPERIENCE

Mass Grading Inspection and Soil Compaction Testing
- Safeway #2908 - Eureka, CA
- Scenic Drive Rehabilitation – Trinidad, CA
- Bear River Band Community Center – Loleta, CA
- Bear River Band Hotel & Casino Expansion – Loleta, CA
- Ferndale Wastewater Treatment Plant – Ferndale, CA
- Fortuna Middle School New Gymnasium – Fortuna, CA
- Federal Express Warehouse – City of Industry, CA
- Sierra Madre Senior Housing – San Jaciento, CA
- Sycamore Canyon Warehouse Foundation – Riverside, CA

Reinforced Concrete Special Inspection:
- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Ferndale Wastewater Treatment Plant – Ferndale, CA
- Bear River Band Hotel & Casino Expansion – Loleta, CA
- Carpenters Union Training Center – Ontario, CA

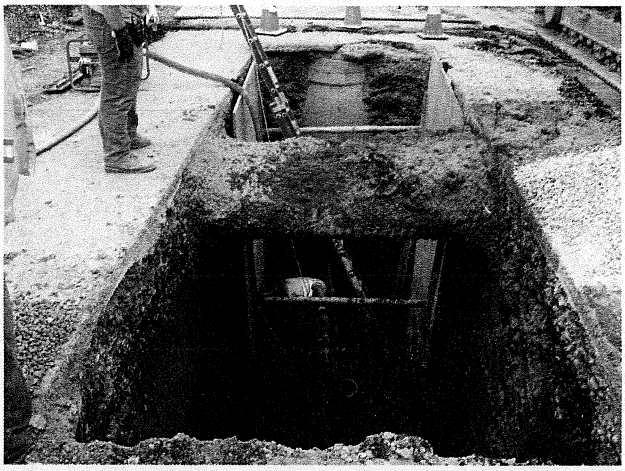
Concrete Sampling and Testing
- PG&E Humboldt Bay Generating Station - King Salmon, CA
- Ferndale Wastewater Treatment Plant – Ferndale, CA
- Bear River Band Community Center – Loleta, CA
- Healthsport Fitness – Eureka, CA
- Bear River Band Hotel & Casino Expansion – Loleta, CA
- Multistory Parking Structure California State University – San Bernadino, CA
- Palo Verde Community College Gymnasium – Blythe, CA
- Carpenters Union Training Center – Ontario, CA
- Saddleback Memorial Hospital Parking Structure – Laguna Hills, CA

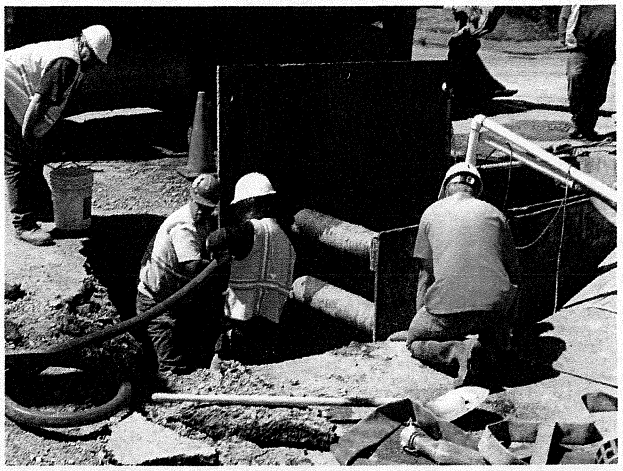
Proposal to Perform Materials Testing and Special Inspection

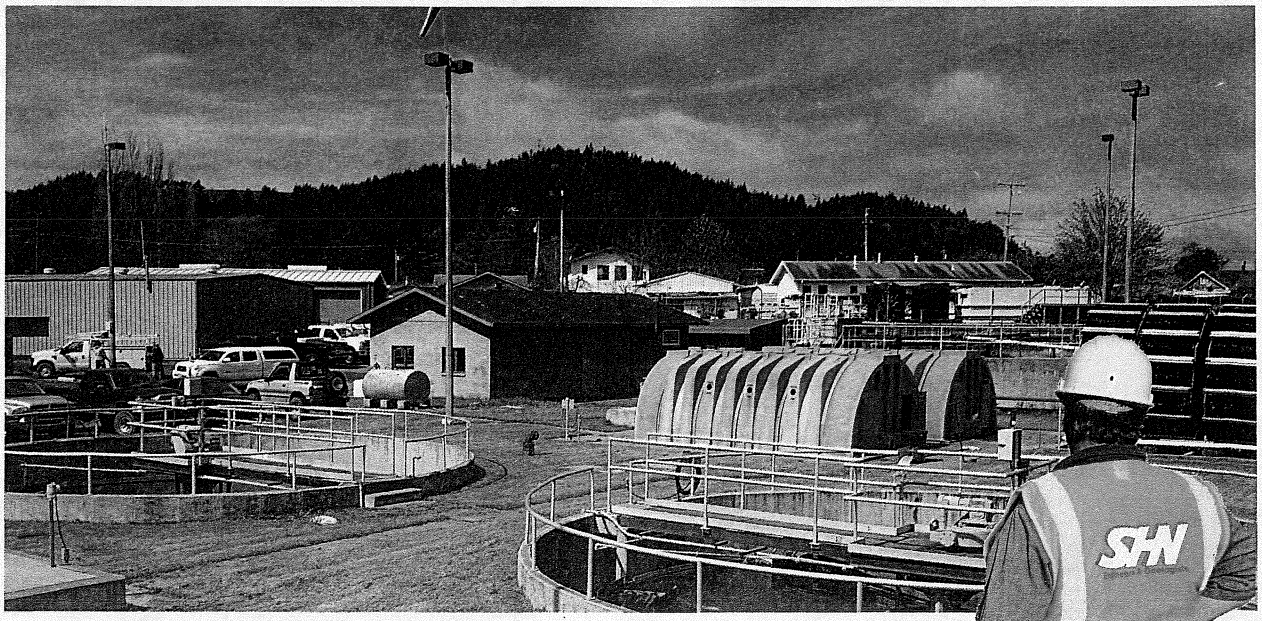
for the

Rio Dell Wastewater Treatment Plant Upgrade and Disposal Project

March 2011







Prepared For:

CITY OF RIO DELL CALIFORNIA

Prepared By:

SHN Consulting Engineers & Geologists, Inc.

CONSULTING ENGINEERS & GEOLOGISTS, INC.
812 W. Wabash • Eureka, CA 95501-2138 • 707-441-8855 • FAX: 707-441-8877 •shninfo@shn-engr.com

Reference: 011000.051

March 30, 2011

Ron Hendrickson, City Manager
City of Rio Dell
674 Wildwood Avenue
Rio Dell, CA 95562

Subject: Proposal for Materials Testing and Inspection Services for the Wastewater Treatment Plant Upgrade and Disposal Project

Dear Mr. Hendrickson:

Thank you for considering SHN Consulting Engineers & Geologists, Inc. (SHN) to provide materials testing and special inspection services for your upcoming Wastewater Treatment Plant Upgrade and Disposal Project.

Throughout the many phases of the City of Rio Dell's infrastructure improvement plan, SHN has been your firm of choice to provide materials testing and special inspection services. We have provided prompt, accurate services for projects that include the new Raw Water Intake Facility, the new aboveground water storage tanks, the Wastewater Treatment Plant Headworks improvements, and many roadway, underground utility and storm damage repair projects. Throughout all of these projects, SHN's qualified staff has assisted in streamlining the process to keep the project moving. As the following proposal illustrates, SHN's materials testing laboratory and technicians will work tirelessly to provide the City of Rio Dell the testing and special inspections necessary to ensure the quality of construction.

SHN's Qualifications and Experience

SHN's certified field technicians stand out because of their experience, qualifications, and commitment to quality. Our technicians are cross-trained, with multiple certifications, which provides depth in our capability to staff your project. This means that there will be no delays in waiting for special inspectors.

Our laboratory is **the only Northcoast laboratory** accredited by the American Association of State Highway and Transportation Officials (AASHTO) for meeting the requirements of American Society for Testing and Materials-International **(ASTM) E329** "Standard Specification for Agencies Engaged in Construction Inspection and/or Testing," which defines the minimum requirements for inspection agency personnel, testing laboratory personnel, and the minimum requirements for equipment and procedures used in the testing and inspection of construction materials. Quality assurance is critical to meeting funding requirements and providing the confidence that the completed project will function correctly. **This critical element of the project should only be done by a firm that is accredited for ASTM E329.**

We are **the only lab** in the North Coast region (from Ukiah to Redding, to the Oregon border) **that provides asphalt concrete mix designs and the full suite of asphalt testing required** during paving operations. While paving operations are a minor element of this project, impacts to the City's existing roadways need to be minimized. Property owners along the path of the alignment to be repaved are extremely sensitive to impacts on their properties; it has to be done right.

To further demonstrate our qualifications, we have selected five projects that are the most relevant to the Wastewater Treatment Plant Upgrade and Disposal Project and that highlight SHN's recent soils and materials testing experience. (See the "Representative Projects" section, below.)

As required, we demonstrate our qualifications to provide **construction management** in a separate proposal. But we feel it is important to point out that Rio Dell will save time and money with a combined construction management and materials testing team from a single source: communication will be streamlined; the support staff is cross-trained and can multitask; and we can cut turnaround time when reporting results.

In addition to material testing and construction management, SHN can also provide construction staking and surveying, labor compliance monitoring, and/or regulatory compliance for stormwater discharges, if necessary for the project.

Key Personnel, Background, and Experience

We have selected an extremely well-qualified team for Rio Dell's Plant Upgrade and Disposal Project. Greg Williston will serve as Project Manager (PM) and Quality Assurance Director (QA); Dave Gonzales will serve as Assistant Project Manager and field technician. Rick Hanford provides oversight of the materials testing laboratory and ensures technical accuracy. Joe Aufdermaur, Jason Baugh, and Leif Ayres will serve as lab technicians and primary field crew. Team members and their roles for this project are introduced below.

Greg Williston, Project Manager

Mr. Williston is SHN's Eureka Regional Manager and has been chosen to manage this project because of his 22 years of experience in the fields of geology, materials testing, and special inspection. His professional experience includes concrete, masonry, and reinforcing steel special inspection, as well as serving as senior laboratory technician and laboratory manager. As Project Manager, Mr. Williston will provide overall guidance and supervision and will maintain close involvement with the construction management team. He will serve as the City's primary contact. Mr. Williston will monitor budget, coordinate the schedule and provide quality review for all SHN work products.

Dave Gonzales, Assistant Project Manager, Materials Testing Technician, and Special Inspector

Mr. Gonzales is our Eureka Laboratory Manager, and has been selected to lead the team of materials testing personnel because of his more than 10 years of construction inspection and materials testing experience. He will ensure that all work is conducted in accordance with the project technical specifications, the geotechnical study, and the City's Quality Assurance Program (QAP). He has been primary special inspector and tester for projects that include roadway excavation and grading, pipeline installation, concrete and rebar placement, and masonry. Mr.

Gonzales is certified with the International Code Council (ICC) for special inspection of reinforced concrete and structural masonry. In addition, he is a Division of the State Architect (DSA) certified structural masonry inspector, American Concrete Institute (ACI) certified field technician, and is certified to perform in-place density testing using a nuclear density gauge.

Rick Hanford, P. E., G. E., Laboratory Technical Manager
Mr. Hanford has overall responsibility for the technical operations of the laboratory and performs periodic QC/QA of field and laboratory technicians. He works closely with Mr. Gonzales, our Laboratory Manager, in outlining procedures for new materials or tests, and will act as the technical liaison between the laboratory and the City's representative. Mr. Hanford will ensure that technical accuracy is maintained throughout the project.

Joe Aufdermaur, Materials Testing Technician and Special Inspector
Mr. Aufdermaur is SHN's Senior Lab Technician. He has been selected for this project because he has worked on the North Coast as a materials tester and has 16 years experience dealing with the challenges presented on earthwork projects in our area, has provided technical support and documentation of site conditions for Horizontal Directional Drilling contractors. Mr. Aufdermaur has vast experience in field testing and inspection that includes concrete, rebar, structural steel bolting, and earthwork. He is an ICC-certified Reinforced Concrete Inspector and NICET Level 1 Geotechnical Engineering Field and Laboratory technician, and maintains our high volume laboratory. In addition, Mr. Aufdermaur is certified to perform in-place density testing using a nuclear density gauge.

Jason Baugh, Materials Testing Technician and Special Inspector
Mr. Baugh has been selected because he brings more than 18 years of experience in various trades in the construction industry, including more than 10 years experience in building and development while working for general building contractors. Mr. Baugh is an ICC-certified Inspector for Structural Concrete and Masonry, and is certified with the National Concrete Masonry Association for sampling and testing materials used in masonry construction. He is an expert in the field of special inspection and testing of reinforcing steel, structural concrete, structural masonry, and drilled-in concrete anchors, which makes him a vital team member in our materials and testing department. In addition, Mr. Baugh is certified to perform in-place density testing using a nuclear density gauge.

Leif Ayres, Materials Testing Technician and Special Inspector
Mr. Ayres was chosen for this team because he is SHN's hot mixed asphalt specialist, with 3 years experience designing asphalt mix designs and providing quality control during paving projects. In addition to his full suite of asphalt qualifications through Caltrans, Mr. Ayres is an ACI-certified field technician and laboratory technician, and is certified to perform in-place density testing using a nuclear density gauge. He will provide field and laboratory testing for this project.

Jerry Frazier, Certified Welding Inspector
Mr. Frazier has been selected to serve as welding inspector for this project because of his 20 years of experience in welding, including 12 years as welder for a construction company and a fabrication shop in Humboldt County. Mr. Frazier is an American Welding Society Certified (AWS) Weld Inspector and is certified through the American Society for Non-Destructive Testing as a Level II NDT technician. He has been providing welding inspection services, concrete testing, soils

moisture/density testing, and quality assurance for a variety of projects including essential buildings, commercial structures, public works, and roads and highways for 8 years. In addition, Mr. Frazier is certified to perform in-place density testing using a nuclear density gauge.

SHN maintains International Code Council (ICC) Special Inspector Credentials that include Reinforced Concrete, Structural Masonry, Structural Steel and Welding, and Spray Applied Fire Proofing, as well as American Concrete Institute (ACI) certified laboratory and field technicians, and a full suite of Caltrans certifications.

A list of SHN's laboratory tests accredited by AASHTO can be found at the AASHTO Materials Reference Laboratory (AMRL) web site (www.amrl.net), SHN encourages you to research our full suite of certifications.

Approach to the Work

SHN will provide materials testing and inspection in accordance with the project technical specifications and Specialty Testing and Inspection table, and at the direction of the Construction Manager and Lead Inspector. Our technicians will sample and test proposed trench backfill materials; perform field density testing of trench backfill; and confirm appropriate compactive effort is producing the specified compaction results.

We will provide the qualified personnel and equipment required to perform special inspections for rebar, anchor bolt installation, and concrete placement, in addition to collecting concrete samples and performing compaction testing.

Certified masonry inspectors will provide special inspection during the Concrete Masonry Unit construction for the Blower Building and collect samples of materials used in the masonry construction.

SHN will provide weld inspection for the Generator Canopy and pipe welding at the Highway 101 undercrossing.

All of our materials testing and special inspection for this project will conform to the City's QAP, project specifications, and California Building Code requirements.

Representative Projects

SHN's materials testing team has built our reputation on public works projects, essential services buildings and critical infrastructure projects. Projects that are relevant to the Wastewater Treatment Plant Upgrade and Disposal project, and highlight our experience, are described below.

Raw Water Intake and Filter Modification Project, City of Rio Dell, CA
Throughout construction of the new infiltration gallery, pump station, and treatment plant, SHN's materials testing laboratory provided special inspection for rebar placement, concrete placement, anchor bolts, and high strength bolt connections. In addition, SHN provided compaction testing for fill materials and collected concrete samples.

Water System Improvements, Crescent City, CA
SHN provided construction inspection and quality assurance testing on this project, which involved more than 15,000 lineal feet of 24- and 16-inch diameter transmission piping, a 4-million gallon welded steel storage reservoir, and more than 40,000 feet of large diameter transmission pipe. Inspection services included concrete sampling and testing, compaction testing for trench backfill materials, and fill placement monitoring.

Rio Dell Wastewater Treatment Plant Facility Upgrade Project, City of Rio Dell, CA
This project was the start of the City of Rio Dell's major plan for upgrading its wastewater treatment capabilities. The treatment plant headworks facility was upgraded to increase the capabilities for processing wastewater, and a drying belt system was installed to maximize efficiency in handling solids treatment. SHN sampled concrete, performed compaction testing for earthwork, and conducted anchor bolt testing.

Elk River Wastewater Treatment Plant Biosolids Dewatering Facility and Trickling Filter Odor Control Project, City of Eureka, CA
These two projects increased the capabilities for the greater Eureka area to treat solids in addition to providing pretreatment and odor control for the Elk River Wastewater Treatment Plant. SHN supported the City of Eureka with concrete testing, compaction testing, weld inspection, and high strength bolting inspection for both projects.

Netarts Force Main Project, HDD Company Netarts, OR
SHN is providing construction oversight for the Horizontal Directional Drill Contractor for an influent and effluent pipeline project in Netarts, Oregon. The project is constructing two, 20-inch diameter and 16-inch diameter HDPE pipes, totaling a distance of 2,930 feet.

Schedule

We will conduct all testing at the direction of your representative and in coordination with the construction management team, the Project Engineer, and contractor's superintendent. SHN has 15 technicians qualified to operate a nuclear soil moisture/density gauge and 13 technicians certified to collect concrete samples, which will ensure that SHN can respond promptly to the City's needs while contractor's work progresses. Laboratory and field results can be communicated both

verbally and in writing to prevent delays in construction. Turnaround times of the lab test results are subject to the requirements of the test methodology, but SHN will work aggressively to ensure that the samples are being processed efficiently and no time is lost in the lab.

Fees

Field activities related to materials testing and inspection are prevailing wage work. The following table outlines the rates that will be applied to your project for both prevailing wage and non-prevailing wage activities. We have included a copy of our current rate sheet, which shows costs for associated lab testing that our facility provides (Attachment).

SHN Prevailing Wage and Non-Prevailing Wage Rates		
Prevailing Wage Technician Group 1 & 2	International Code Council (ICC) Certified Masonry, Rebar, Structural Concrete Inspector, American Welding Society (AWS) Certified Weld Inspector	$110/hr
Prevailing Wage Technician Group 3 & 4	Compaction Testing, Concrete Sampling, ICC Certified Fireproofing Inspector, Anchor Bolt Inspector	$100/hr
Non Prevailing Wage Technician	Sample Pickup and Delivery, Batch Plant Inspection, Structural Steel Shop Inspection	$75/hr
Project Manager	Submittal Review, Project Oversight, Final Reports	$135/hr
Assistant PM	Project Scheduling, QA/QC	$90/hr

When the project schedule is created, **SHN will be happy to work with you to incorporate our unit costs into the project schedule to help project an anticipated cost for materials testing and inspection services during construction.** SHN can provide the following services for this project as outlined in the advertised Request for Proposals (RFP).

- ✓ Soil and Earthwork
- ✓ Concrete and Reinforcing Steel
- ✓ Structural Steel
- ✓ Masonry Construction
- ✓ As Requested Special Inspection of Post Installed Anchors
- ✓ Project Management

We suspect that other firms will present a "bottom-price estimate" for materials testing for your project. But SHN believes in being straight forward, and the truth is that total costs for testing and special inspection cannot be accurately assessed until the construction schedule is set. The following tables outline SHN's unit fees as they relate to the disciplines outlined in the RFP. These costs can be anticipated for a typical trip to the project to perform the special inspections and testing required. Each table lists specific costs for each activity and these costs can be incorporated into the projected construction schedule. The information below is provided so you can equally review all proposals once a schedule is determined.

Soil and Earthwork	
Prevailing Wage Technician	$100/hr
Travel & mobilization	$75/hr x 1 hr/trip
Moisture Density Gauge	$15/hr
Moisture Density Compaction Curve	$150/material type
Mileage	$0.80/mile x 50 miles round trip

Concrete and Reinforcing Steel	
Sampling Technician	$100/hr
ICC Certified Inspector	$110/hr
Concrete Compressive Strength	$25/sample x 4 samples/set
Travel & mobilization	$75/hr x 1 hr/trip
Mileage	$0.80/mile x 50 miles round trip
Cylinder Pickup and Log in	$75/hr x 1.5 hrs per trip
Concrete Mix Design Review	$135 hr x 1 hr/mix design submittal
Rebar Tensile and Bend	$110/sample

Structural Steel	
Prevailing Wage Certified Weld Inspector (CWI)	$100/hr
Manufacturing Shop CWI	$75/hr
Travel & mobilization	$75/hr x 1 hr/trip
Non-Destructive Testing Equipment	$12/hr
Welder Qualification or Weld Procedure Submittal Review	$135/hr
Mileage	$0.80/mile x 50 miles round trip

Masonry Construction	
ICC Certified Inspector	$110/hr
Grout/Mortar Compressive Strength	$25/sample x 3 samples/set
CMU Prism Compressive Strength	$80/ sample x 3 samples/set
Travel & mobilization	$75/hr x 1 hr/trip
Sample Pickup and Log in	$75/hr x 1.5 hrs per trip
Mileage	$0.80/mile x 50 miles round trip
Rebar Tensile and Bend	$110/sample

As Requested Special Inspection of Post Installed Anchors	
Prevailing Wage Technician	$100/hr
Travel & Mobilization	$75/hr x 1 hr/trip
Anchor Bolt Load Cell	$10/hr
Calibrated Torque Wrench	$5/hr
Mileage	$0.80/mile x 50 miles round trip

Project Management
SHN is happy to manage the various phases of work outlined in the above cost analysis. Project management includes scheduling tests and inspections to meet your needs and providing the letters and reports required.

Why SHN?

- SHN is a leader in Humboldt County for getting **special inspection done right the first time.**
- We have the advantage over firms outside of Humboldt County–we do not have to travel and can be on the job immediately.
- SHN's materials testing laboratory is the only local lab that meets the minimum accreditation (ASTM E329).
- SHN's materials testing team has a reputation for knowledge of code requirements, competency in inspections procedures, and integrity.
- Our special inspection team is built on a **large group of technicians certified in multiple disciplines.** When the call comes, SHN will respond promptly.

We will be happy to work on an on-call basis under the direction of your Construction Manager and/or Lead Inspector.

If you have any questions, please call me at 707-441-8855.

Sincerely,

SHN Consulting Engineers & Geologists, Inc.

Dave Gonzales
Laboratory Manager
Materials Testing and Inspection

DJG:lms
Attachment: SHN Laboratory Billing Schedule

Attachment 1

Resumes

Dave Gonzales

Materials Laboratory Manager

Areas of Expertise

- Construction materials testing and field inspection
- Special inspection testing of reinforcing steel, structural concrete, structural masonry, drilled in anchors, and high strength bolting
- Contractor quality control inspection and testing supervision
- Contractor laboratory and field testing technician

Years of Experience: 11

Years with SHN: 11

Education

High School Diploma, Fortuna Union High School, CA; 1996

Professional Registrations

American Concrete Institute, Field Testing Technician, Grade I; 2001, 2003, 2008; #00062454

Radiation Safety and Use of Nuclear Soil Gauges, Pacific Nuclear Technology; 2006

Annual Certification of Caltrans Procedures for Caltrans

International Code Council, Masonry Special Inspector #5304462-84, Reinforced Concrete Special Inspector #5304462-49

Relevant Experience

Mr. Gonzales has more than 11 years of construction inspection and materials testing experience. He has been primary special inspector and tester for projects that include road subbase soils cuts and fills including Hilfiker type wall systems, base aggregates, and asphalt materials in addition to underground utility installation for sewer and water construction. He has experience working for Local Agencies on projects funded through the America Recovery and Reinvestment Act to assure that the project is completed in conformance with plans, specifications, and regulatory requirements.

He is an accomplished structural concrete special inspector: his experience includes 2 years as the lead special inspector on a $127 million hospital project. Mr. Gonzales has experience providing rebar placement inspection for complex wall and foundation systems and providing drilled- in-anchorage inspections, both epoxy installed and mechanical wedge or sleeve anchor testing. He has inspected structural steel connections in metal building construction, including high strength bolt testing and installation inspection. He is also a DSA- and ICC- certified special inspector in structural masonry and has worked with masonry building contractors to ensure materials compliance for mortar, grout, and block.

Representative Public Works Projects:

Raw Water Intake and Filter Modification Project, City of Rio Dell, CA. Provided quality assurance testing for $3.6 million project including infiltration gallery, wet well structure with associated pumps, piping, and structural components. Included several thousand feet of pipeline.

Rio Dell Wastewater Treatment Plant Facility Upgrade Project, City of Rio Dell, CA. Provided quality assurance testing for upgrade of headworks facility and installation of drying belt system.

Rio Dell Wildwood Avenue Repaving and Rehabilitation Project, City of Rio Dell, CA. Provided quality assurance testing for ARRA-funded pavement overlay streetscape improvement project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Water System Improvements, Crescent City, CA. Construction inspector and quality assurance tester on project involving inspection services for over 15,000 lineal feet of 24- and 16-inch diameter transmission piping, a 4-million gallon welded steel storage reservoir, and over 40,000 feet of large diameter transmission pipe.

Elk River Wastewater Treatment Plant Biosolids Dewatering Facility, City of Eureka, CA. Provided quality assurance testing for construction of the Biosolids Storage Building project.

Division of the State Architect (DSA Certified Masonry Special Inspector #5109

The National Concrete Masonry Association, Certified Concrete Masonry Testing Technician, 2006, 2008

Elk River Wastewater Treatment Plant Trickling Filter Odor Control Project, City of Eureka, CA. Provided quality assurance testing for project to provide pretreatment and odor control.

Covelo Wastewater Treatment Plant Sewer Collector Replacement, Covelo CSD, CA. Provided quality assurance for project which included over 5,400 linear feet of sewer main, 40 sewer service connections, and replacement of 20 manholes.

Harbor Sanitary District 12 inch Sewer Force Main Project, Brookings, OR. Provided quality assurance for installation of a sanitary sewer pump station. Project also included the installation of a 12-inch sewer force main along US Highway 101, an 8-inch sewer force main, a 12-inch Chetco River crossing using HDD construction, a 15-inch sewer gravity main and associated appurtenances.

Representative Roads and Highways Projects

Alderpoint Bluff Road, CA ERFO & PFH 150-1(1), Federal Highway Administration; Six Rivers National Forest, Trinity County, CA. Quality control supervisor for contractor in 1.2-km road reconstruction project that involved repair of 4 slide locations in the roadway. Project included one bridge, 42 meters of tieback wall, 50,000 cubic meters of reconstructed and reinforced earth embankment, 900 tons of asphalt concrete, a 50-meter-long rock buttress, 3 HDPE culverts, and stream bank restoration.

Mad River Road, Phase 1, CA PFH 149-1(1), Federal Highway Administration; Six Rivers National Forest, Trinity County, CA. Quality control and materials testing and inspection. SHN provided materials testing and inspection for the $8-million rural roadway realignment. 3.8 km road reconstruction project included one bridge, an MSE wall, grouted rock embankments, 4 box culverts, 31 HDPE pipe culverts, rock buttresses, 33,000 cubic meters of roadway excavation, and 4,600 tons of asphalt concrete.

Confusion Hill Realignment, California Department of Transportation. Provided materials testing for two bridges that together span nearly 2000 feet and reach 253 feet in height.

Riverview Terrace Subdivision, Fortuna, CA. 44,000 cubic yards of cut, and 31,000 cubic yards of fill placed. Provided compaction testing and associated laboratory testing.

Jason R. Baugh

Construction Inspector & On-site Materials Testing

Areas of Expertise

- Construction materials and soil testing
- Special inspection and testing of reinforcing steel, structural concrete, structural masonry, drilled in concrete anchors, and spray applied fireproofing.
- Collection and testing of geotechnical soils samples

Years of Experience: 19

Education

B.S., Industrial Technology, Minor Business Management, Humboldt State University, Arcata, CA; 2002

Professional Registrations

International Code Council (ICC), Reinforced Concrete Special Inspector, 2009

International Code Council (ICC), Structural Masonry Special Inspector, 2009

International Code Council (ICC), Spray-Applied Fireproofing Special Inspector, 2009

National Concrete Masonry Association (NCMA), Certified Concrete Masonry Testing Technician, 2009

Radiation Safety Training, Pacific Nuclear Technology, Antioch, CA 2007

Annual Certification of Caltrans Procedures -2007-2011

American Concrete Institute, Field Testing Technician, Grade I 2007

RSO Training, Pacific Nuclear Technology; Willits, CA; 2010

Relevant Experience

Mr. Baugh has more than 19 years of experience in various trades in the construction industry, of which, he spent more than 10 years working for general building contractors.

Mr. Baugh is well qualified to collect and test construction materials, perform soil testing, and collect and test geotechnical soils samples. He is an expert in the field of special inspection and testing of reinforcing steel, structural concrete, structural masonry, drilled-in concrete anchors, and spray-applied fireproofing, which makes him a vital team member in our materials and testing department.

Representative Construction Special Inspection and Materials Testing Projects

Rio Dell Wastewater Treatment Plant Facility Upgrade Project, City of Rio Dell, CA. Provided quality assurance testing for upgrade of headworks facility and installation of drying belt system.

Rio Dell Wildwood Avenue Repaving and Rehabilitation Project, City of Rio Dell, CA. Provided quality assurance testing for ARRA-funded pavement overlay streetscape improvement project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Fishermen's Terminal, City of Eureka, CA. Provided quality assurance testing for commercial fishing dock, public gathering area with sculpture garden, fish processing building and marketplace.

Alliance Road Rehabilitation, City of Arcata, Humboldt County, CA. Provided quality assurance testing for ARRA-funded pavement overlay project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Summer Street and Hodgson Street Asphalt Overlay Projects, City of Eureka, CA. Provided quality assurance testing for ARRA-funded pavement overlay project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Caltrans Confusion Hill Bridge, Hwy 101, Humboldt County, CA. Materials Testing Technician –provided special inspection and materials testing services.

Elk River Wastewater Treatment Plant Biosolids Dewatering Facility, City of Eureka, CA. Provided quality assurance testing for construction of the Biosolids Storage Building project.

Public Works:

- McDaniel Slough, Phase I,II, and III, Arcata, CA
- National Guard Armory, Eureka, CA
- Cock Robin Island Boat Launch, Loleta, CA
- Eureka Skate Park, Eureka, CA
- Point St. George Reef Lighthouse, Crescent City, CA

Roads and Highways:

- Klamath Beach Road/Bridge Repair, Del Norte County, CA
- Inner Harbor Dock and Boardwalk, City of Eureka, CA
- Fortuna Boulevard Paving, City of Fortuna, CA
- Prop 1B Paving. City of Blue Lake, CA
- Scenic Drive Paving, City of Trinidad, CA
- Caltrans:
  - Highway 36 Bypass, Alton, CA
  - Mad River Bridge, Arcata, CA

Essential Services Buildings:

- Humboldt Bay Power Plant (HBPP), PG&E, Eureka, CA
  - Concrete and Soil Compaction Testing, New Spent Fuel Rod Storage Facility
  - Construction testing of crane/hoist support structure built for decommissioning of old plant–necessitated 60-hour safety training for working on a radioactive site
- Construction Testing at Various PG&E Substations and Corporation Yards:
  - Mitchell Heights Substation, Humboldt County, CA
  - 6th and "I" Streets Substation, Arcata, CA
  - W. 14th Street and Railroad Avenue Corp Yard, Eureka, CA
  - Myrtle Avenue Corp Yard, Eureka, CA

Joseph M. Aufdermaur

Senior Materials Testing Technician

Areas of Expertise

- Construction materials and biological testing
- Special inspection and testing of reinforcing steel, structural concrete, structural masonry, drilled in concrete anchors, spray applied fireproofing, high strength bolting, and pilings, drilled piers, and caissons
- Collection and testing of geotechnical soils samples

Years of Experience: 16

Years with SHN: 15

Education

B.S., Industrial Arts and Technology, Humboldt State University, Arcata, CA; 1985

Professional Registrations

Radiation Safety Training, Washington State University; 1989; Boart Longyear, Spokane; 1992

OSHA Laboratory Safety Training, Reno, NV; 1990

Annual Certification of Caltrans: 1994-2011

American Concrete Institute, Field Testing Technician, Grade I; 1995, 2003, 2008

RSO Training, Pacific Nuclear Technology; Eureka; 1997

International Code Council (ICC), Spray-Applied Fireproofing Special Inspector, 2006, 2009

International Code Council (ICC), Reinforced Concrete Special Inspector, 2008

Relevant Experience

Mr. Aufdermaur has more than 16 years of construction materials testing and biological testing experience. He has served as Senior Technician responsible for geologic and geotechnical boring logs, soils sampling, and materials testing. He has worked for the U.S. Department of Agriculture, as Biological Sciences Technician in research service. In addition, Mr. Aufdermaur has managed and coordinated research field experiments, collected plant, soil, and water samples for analysis, and has been responsible for chemical extraction for various laboratory procedures. Mr. Aufdermaur is experienced in providing special inspection for structural concrete and rebar placement and brings 15 years of experience in earthwork projects on the North Coast.

Representative Construction Special Inspection and Materials Testing Projects

Raw Water Intake and Filter Modification Project, City of Rio Dell, CA. Provided quality assurance testing for $3.6 million project including infiltration gallery, wet well structure with associated pumps, piping, and structural components. Included several thousand feet of pipeline.

Wastewater Treatment Plant Facility Upgrade Project, City of Rio Dell, CA. Provided quality assurance testing for upgrade of headworks facility and installation of drying belt system.

Wildwood Avenue Repaving and Rehabilitation Project, City of Rio Dell, CA. Provided quality assurance testing for ARRA-funded pavement overlay streetscape improvement project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Force Main Project, HDD Company, Netarts, OR. Provided construction oversight for the Horizontal Directional Drill Contractor for an influent and effluent pipeline project which included construction of two 2,930 feet of HDPE pipe of 20" and 16" diameter.

Fishermen's Terminal, City of Eureka, CA. Provided quality assurance testing for commercial fishing dock, public gathering area with sculpture garden, fish processing building and marketplace.

Elk River Wastewater Treatment Plant Trickling Filter Odor Control Project, City of Eureka, CA. Provided quality assurance testing for project to provide pretreatment and odor control.

Wastewater Treatment Plant Improvements, Resort Improvement District No. 1, Shelter Cove, CA. Provided quality assurance testing $3.7 million project to construct new wastewater treatment plant and an ocean outfall.

City of Arcata, Alliance Road Rehabilitation, Humboldt County, CA. Materials Testing Technician –provided special inspection and materials testing services.

Bureau of Indian Affairs, Big Valley Rancheria Casino Roadway, County of Lake, CA. Materials Testing Technician –provided special inspection and materials testing services.

Caltrans Confusion Hill Bridge, Hwy 101, Humboldt County, CA. Materials Testing Technician –provided special inspection and materials testing services.

U.S. Department of Transportation, Federal Highway Administration, Mad River Road Realignment Project, Trinity County, CA. Quality Control Technician –provided special inspection and materials testing services; verified that all materials and construction procedures met Federal Highway Administration specifications.

U.S. Department of Transportation, Federal Highway Administration Mad River Road landslide repair, Trinity County, CA. Materials Testing Technician –provided special inspection and materials testing services.

Roads and Highways:

- Project Manager for City of Fortuna's Rohnerville Road TEA Project STPLR 5145(005); Fortuna, California
- U.S. Department of Transportation, Federal Highway Administration, Mad River Road Realignment Project; Trinity County, California
- U.S. Department of Transportation, Federal Highway Administration Mad River Road landslide repair, Trinity County, California
- Caltrans:
  - Highway 36 at Dinsmore, 1998 Storm Damage Repair Project
  - Highway 101 at Benbow, 1997 Storm Drain Repair Project
  - Highway 101 at Fortuna, 1997 Storm Drain Repair Project
  - Highway 299 at Blue Lake, 1997 Storm Drain Repair Project
  - Highway 299 at Titlow Hill, 1999 Storm Damage Repair Project
- City of Eureka's Highway 101 Beautification Project; Eureka, California
- City of Fortuna's Carson Woods Road Bridge, Beech Street, Rohnerville Road, and 12th Street Storm Drain repair projects; Fortuna, California

Leif Ayres

Materials Testing Technician

Areas of Expertise

- ACI Certified
- Construction materials testing
- Concrete testing
- Soils testing

Years of Experience: 3

Years with SHN: 3

Education

B.S., Oceanography (Minor in Chemistry), Humboldt State University, Arcata, CA; 2003

A.A., General Education, Shasta College, Redding, CA; 1998

Professional Registrations & Certifications

Annual Certifications of Caltrans Procedures, 2008-2011

American Concrete Institute, Aggregate Testing Technician, Grade I; 2009

American Concrete Institute, Concrete Strength Testing Technician Grade I; 2009

American Concrete Institute, Laboratory Testing Technician Grade I; 2009

American Concrete Institute, ACI Aggregate Testing Technician, Level 1; 2009

Pacific Nuclear Technology Co., Nuclear Gauge Operator Training; 2009

Relevant Experience

Mr. Ayres has more than three years of construction materials, soils, and concrete testing experience in an AASHTO-accredited laboratory in which he has been responsible for various tests at a variety of essential services buildings, public works projects, commercial structures, and Caltrans testing throughout Humboldt County.

Representative Materials Testing Projects

Rio Dell Wastewater Treatment Plant Facility Upgrade Project, City of Rio Dell, CA. Provided quality assurance testing for upgrade of headworks facility and installation of drying belt system.

Rio Dell Wildwood Avenue Repaving and Rehabilitation Project, City of Rio Dell, CA. Provided quality assurance testing for ARRA-funded pavement overlay streetscape improvement project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Fishermen's Terminal, City of Eureka, CA. Provided quality assurance testing for commercial fishing dock, public gathering area with sculpture garden, fish processing building and marketplace.

Alliance Road Rehabilitation, City of Arcata, Humboldt County, CA. Provided quality assurance testing for ARRA-funded pavement overlay project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Summer Street and Hodgson Street Asphalt Overlay Projects, City of Eureka, CA. Provided quality assurance testing for ARRA-funded pavement overlay project. Provided compaction testing for aggregate base, concrete sampling, hot mixed asphalt, mix design verification, and quality assurance.

Public Works:

- Humboldt County Office of Education, Ecotone Project; Eureka, CA
- Arcata Airport Expansion and Renovation, McKinleyville, CA
- Stewart Street Tanks, Fortuna, CA
- Redway Water Tanks, Redway, CA
- Willits WWTP, Willits, CA
- Elk River WWTP, Eureka, CA
- Fort Bragg High School, Fort Bragg, CA
- California Department of Transportation Confusion Hill Realignment

Attachment 2

Fee Schedule

CONSULTING ENGINEERS & GEOLOGISTS, INC.
812 W. Wabash Ave. • Eureka, CA 95501-2138 • 707-441-8855 • FAX: 707-441-8877 •gwilliston@shn-engr.com

2010 LABORATORY BILLING SCHEDULE

COMPACTION TESTING		
062	Nuclear Density Testing	$15/hour*
088	Compaction Curve	$150/test
092	Compaction Curve Check Point	$40/test
AGGREGATE TESTING		
071	Coarse Sieve Analysis	$45/ test
072	Specific Gravity Coarse Aggregate	$45/ test
065	Specific Gravity Fine Aggregate	$45/ test
073	Fine Sieve Analysis	$50/ test
090	Cleanliness Value	$75/ test
091	Durability, Coarse	$60/ test
093	Durability, Fine	$60/ test
096	Sand Equivalent	$50/ test
098	% Crushed Particles	$125/ test
179	Unit Weight of Aggregate	$30/ test
159	LA Rattler (Abrasion Resistance)	$150/ test
084	Sulfate Soundness	$80/cycle
064	Friable Particles	$80/test
104	Unconfined Compression of Rock Cores	$50/test
CONCRETE MATERIALS TESTING		
129	Mix Design	$200/each
132	Concrete Compressive Strength*ASTM C-39	$25/unit**
148	Concrete % Entrained Air	$10/test*
182	Concrete Linear Shrinkage (3 bars)	$200/ test
103	Compression of Drilled Cores	$25/ test
107	Sample Prep for Sawing Rocks and Concrete Cores	$30/unit
223	Unit Weight of Light Weight Concrete	$50/unit*
167	Concrete Moisture	$25/location*
219	Concrete Strength Rebound Hammer	$25/day
220	Disposable Concrete Molds	$2/each
ASPHALT TESTING		
229	HMA Job Mix Formula, Hveem Method	Upon request
163	Rice Specific Gravity	$70/ test
070	Bulk Specific Gravity of Compacted Mix	$30/ test
097	Asphalt Content by Nuclear Methods	$75/ test
095	Calibration of Asphalt Content Gauge	$190/each
243	Laboratory Mixing of HMA Samples	$75/each
085	Laboratory Compacting of HMA Samples	$50/each
230	Stabilometer of Premixed AC	$75/each
OTHER SERVICES		
133	Fireproofing Density	$50/test
142	Anchor Bolt Testing (load cell)	$10/hour*
172	Core Drilling Machine	$75/day*
173	Diamond Bit Core Barrel	$3/inch
109	Rebar Locating Device	$5/hour*

SOILS TESTING		
067	Leachfield Textural Suitability (USDA)	$50/test
070	Bulk Density	$20/test
069	Particle Size Analysis	$100/test
074	Moisture - Density	$25/test
079	Moisture Content	$15/test
075	Sieve Analysis (passing 200)	$45/test
086	Consolidation	$300/test
077	Percent Organics	$50/test
076	Liquid Limit	$75/test
078	Plastic Limit	$50/test
080	Plastic Index	$125/test
082	Unconfined Compressive Strength	$50/test
183	Swell Test	$55/point
176	Expansion Index	$150/test
166	R-Value	$225/test
DIRECT SHEAR		
156	Consolidated Drained (CD)	$130/point
157	Unconsolidated Undrained (UU)	$100/point
158	Consolidated Undrained (CU)	$115/point
162	Additional Cycles	$50/each
TRIAXIAL COMPRESSION		
321	TXUU (Unconsolidated Undrained)	$115/point
322	TXCU (Consolidated Undrained)	$385/ point
323	TXCD (Consolidated Drained)	$500/ point
325	TXCU -3 stage	$810/ point
326	TXCD-3 stage	$860/ point
MASONRY TESTING		
150	Masonry Block Compressive Strength	$65/unit
151	Masonry Block Absorption & Moisture	$50/unit
152	Masonry Block Linear Shrinkage	$85/unit
153	Masonry Block Prism Compressive Strength	$125/unit
181	Masonry Block Freeze-Thaw	$250/test
221	Masonry Core Shear Testing	$50/unit
	Grout Compression Strength	$30/each
STRUCTURAL STEEL/WELDING SERVICES		
174	Torque Wrench for High Strength Bolts	$5/hour*
175	Skidmore-Wilhelm Bolt Tension Calibrator	$40/day
044	Ultrasonic Test Device (Welding Flaw Detection)	$12/hour*
210	Magnetic Particle Testing	$10/hour*
211	Ultrasonic Thickness Testing of Materials	$100/day*

NOTES:
1. Soils described by Unified Soil Classification System (USCS; ASTM D-2487) unless otherwise noted.
2. Not all tests listed.

* Plus certified field technician ($75-$100/hr) and $0.80/mile door to door

** If concrete or core is sampled and delivered to lab by an outside contractor add $5/unit for specimen processing and curing per ASTM C-31

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532

TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager

FROM: Randy Jensen, Water and Roadways Sup. & Carla Ralston, P.W. Admin

DATE: March 1, 2012

SUBJECT: Cross Connection Control Ordinance

DISCUSSION ON THE DRAFT CROSS CONNECTION CONTROL ORDINANCE:

Discussion of the comments and questions regarding the First Draft of the Cross Connection Control Ordinance.

BACKGROUND AND DISCUSSION

On February 21, the updated Cross Connection Control Ordinance was presented for review. There was some new language added along with the current updated regulations released by the State of California. The main focus is to protect the City of Rio Dell's drinking water system from possible contamination. Property owners are to be responsible for the installation, maintenance and yearly testing of the backflow devices.

CITY OF RIO DELL
STAFF REPORT
CITY COUNCIL AGENDA
March 6, 2012

TO: Mayor and Members of the City Council

FROM: Rick Chicora, Wastewater Superintendent

THROUGH: Ron Henrickson, City Manager

DATE: March 1, 2012

SUBJECT: Sewer Ordinance

RECOMMENDATION

Receive staff report, open public hearing and receive public input, and make a motion to adopt and conduct second reading (by title only) of the updated Sewer Ordinance #286-2012.

BACKGROUND AND DISCUSSION

On February 7, 2011 the City Council approved the first reading of Ordinance 286-2012. The proposed Ordinance added some new Pre Treatment guidelines and an Oil and Grease section that will allow staff to inspect businesses and educate them about disposing of oil and grease properly. Another change was increasing the security deposit for sewer service to $200.00 which will go into effect May 1, 2011.

ATTACHMENTS:

Ordinance No. 286-2012
Minutes from February 7, 2011 Council Meeting

Chapter 13.10
SEWER RATES AND REGULATIONS

Sections:

Article I. In General

Definitions

13.10.010 Definitions.
13.10.020 Department rules and regulations – Modifying rates.
13.10.030 Settlement of disputes between consumer and City.

Article II. Connections – Installation of Service

13.10.050 Connections prohibited.
13.10.060 Distance of sewer or gas service from water service.
13.10.070 Repairs to sewer lines by the City.
13.10.080 Shutting off water.
13.10.090 Right of entry of City employees for the purpose of making inspections.
13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.
13.10.110 Unlawful use, injury, etc., of equipment.
13.10.120 Application for service – Form.
13.10.130 Fees for new sewer service connections.
13.10.140 Charges for installing sewer services.
13.10.150 Installations and connections outside City limits.
13.10.160 Reconnection fees.
13.10.170 Prerequisites to multiple service connections.
13.10.180 Use of sewer by contractors and other persons engaged in construction work.
13.10.190 Supplying to other than occupant of premises.
13.10.200 Consumers to accept service conditions.
13.10.210 Sewer system required.
13.10.220 Building sewers, laterals and connections.

Article III. Rates, Charges and Billing

13.10.230 Rates, charges and billings.
13.10.240 Discontinuance of service for nonpayment.
13.10.250 Procedure for restoring service after delinquency.
13.10.251 Pretreatment charges and fees.

-Article IV. Services

13.10.260 To remain City property – Repairs by City.
13.10.270 One service to lot or parcel of land – Exception.
13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.
13.10.290 Bill to be rendered after connection.
13.10.300 Liability of customer for damages to system.
13.10.310 Cutting off or interfering with sewer service.
13.10.320 Application for stopping sewer service bill to be rendered.
13.10.330 Nuisance abatement.
13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.
13.10.350 Abatement of contamination.
13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.
13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.
13.10.380 Abatement procedures.
13.10.390 Liability.

Article V. General Sewer Use Regulations

13.10.410 Discharges - Criteria.
13.10.420 Prohibitions.
13.10.421 Dilution.
13.10.422 City's right of revision.

Article VI. Pretreatment of Wastewaters

13.10.425 Pretreatment and screening.
13.10.426 Pretreatment Facilities.
13.10.427 Additional pretreatment measures.
13.10.428 Accidental discharge/slug control plans.
13.10.429 Tenant responsibility.
13.10.430 Hauled wastewater.
13.10.431 Federal categorical pretreatment standards.
13.10.432 Interceptors – Required.
13.10.433 Time of compliance.

13.10.434 Monitoring and reporting.

Article VII. Waste Discharge Permit

13.10.435 Wastewater survey.
13.10.436 Wastewater permit requirements.
13.10.437 Wastewater discharge permit application.
13.10.438 Wastewater discharge permit decisions.
13.10.439 Duration of permit; reissuance.
13.10.440 Permit contents.
13.10.441 Appeals.
13.10.442 Permit modification.
13.10.443 Transfer of permit.
13.10.444 Revocation of permit.

Article VIII. Reporting Requirements

13.10.445 Baseline monitoring reports.
13.10.446 Compliance schedule progress report.
13.10.447 Reports on compliance with categorical pretreatment standards deadlines.
13.10.448 Periodic compliance reports.
13.10.449 Reports of changed conditions.
13.10.450 Reports of potential problems.
13.10.451 Reports from nonsignificant industrial users.
13.10.452 Notice of violation repeat sampling and reports.
13.10.453 Notification of the discharge of hazardous waste.
13.10.454 Analytical requirements.
13.10.455 Sample collection; determination of compliance.
13.10.456 Record keeping.

Article IX. Administration and Enforcement

13.10.457 Duties of City Manager.
13.10.458 Compliance monitoring.
13.10.459 Publication of industrial users in significant noncompliance
13.10.460 Administrative enforcement remedies.
13.10.461 Judicial enforcement remedies.
13.10.462 Supplemental enforcement actions.

13.10.463 Remedies non-exclusive.
13.10.464 Affirmative defense to discharge violations.
13.10.465 Penalty.
13.10.466 Appeals.

Article X. Sewer Lateral Inspection at Time of Sale

13.10.467 Transfer of property and testing.
13.10.468 Sewer lateral testing.
13.10.469 Failure of test.

Article XI. Backflow Preventer and Cleanout Installation

13.10.470 Backflow protective device and cleanout riser.

Article I. In General

Definitions

13.10.010 Definitions.

ACT or *THE ACT*. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC 1251 et seq.

APPLICANT. An owner of property who applies for sanitary sewer service to such property (hereinafter referred to as "sewer").

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER.

(1) If the industrial user is a corporation, *AUTHORIZED REPRESENTATIVE* shall mean:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation facilities provided the manager is authorized to make management decisions that 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 individual wastewater discharge permit or general permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the industrial user is a partnership, or sole proprietorship, an *AUTHORIZED REPRESENTATIVE* shall mean a general partner or proprietor, respectively.

(3) If the industrial user is a federal, state or local governmental facility, an *AUTHORIZED REPRESENTATIVE* shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(4) The individuals described in subsections (1) through (3) of this definition may designate another *AUTHORIZED REPRESENTATIVE* if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which

the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Rio Dell Municipal Code (RDMC) 13.10.410 through 13.10.421. BMP also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five-day 20° centigrade expressed in terms of mass and concentration milligrams per liter (mg/l).

BUILDING. Any structure inhabited or used by human beings.

BUILDING SEWER OR LATERAL. A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL PRETREATMENT STANDARD or *CATEGORICAL STANDARD.* Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307 (b) and (c) of the Act (33 USC 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CITY. The City of Rio Dell, California or the City Council of Rio Dell.

CITY OF RIO DELL SANITARY SEWER SYSTEM. The sanitary sewer system owned by the City of Rio Dell.

CITY MANAGER or *MANAGER.* The person designated by the City to manage the operation of the POTW, and who is charged with certain duties and responsibilities by this chapter or his duly authorized representative.

COLOR. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent transmittance is equivalent to zero (0.0) optical density.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time.

CONSUMER. Any person to whom the City supplies sewer service under a contract, either expressed or implied, to make payment therefore.

COST. Labor, material, transportation, expense, supervision, engineering and other necessary overhead expense.

COUNCIL. City Council or the City Manager acting under authority of the City Council.

DEPARTMENT. The Sewer Department of the City.

DOMESTIC WASTEWATER. Wastewater derived principally from dwellings, business buildings, institutions and the like.

ENVIRONMENTAL PROTECTION AGENCY (EPA). The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Quality Control Board or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical pretreatment standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

EXTENSION. Sewer main extension, or system of collection lateral

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis without regard to the flow in the wastestream and without consideration of time.

GREASE HAULER. A person, firm or business that collects the contents of a grease interceptor and transports it.

GREASE INTERCEPTOR. A plumbing appurtenance or appliance that intercepts fats, oil and grease from a wastewater discharge.

INDIRECT DISCHARGE or *DISCHARGE.* The introduction of pollutants into the POTW from any nondomestic source.

INDUSTRIAL USER or *USER.* Any person who discharges or causes or permits the discharge of non-domestic wastewater into the POTW.

INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A discharge which alone or in conjunction with a discharge or discharges from other sources: inhibits or disrupts the POTW, its treatment processes, or operations or its sludge processes,

use, or disposal; and therefore is a cause of a violation of the City's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any 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.

LEGAL OR EQUITABLE OWNER. Any owner of record, mortgagee, trustee or contract purchaser of real property.

MAIN. A sewer main in the sewer collection system of the City without regard to sizing.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NEW SOURCE.

(1) 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 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) 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.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NONCONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

NUISANCE. Anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons although the extent of the annoyance or damage inflicted upon individuals may be unequal.

PASS THROUGH. A discharge which exits the POTW into waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit (including an increase in the magnitude or duration of a violation).

PERMIT Any written authorization required pursuant to this chapter or any other regulation of the City for the installation of the sewage system.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, or local governmental entities.

pH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater (i.e., pH, temperature, total suspended solids (TSS), turbidity, color, BOD, Chemical Oxygen Demand (COD), toxicity, odor).

PREMISES. A parcel of real estate, including any improvements thereon, which is determined by the City to be a single user for the purpose of receiving, using and paying for services.

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on an industrial user, other than a pretreatment standard.

PRETREATMENT STANDARDS or *STANDARDS.* Prohibitive discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or *PROHIBITED DISCHARGES.* Absolute prohibitions against the discharge of certain substances; these prohibitions appear in RDMC 13.10.410 through 13.10.420.

PUBLICLY OWNED TREATMENT WORKS or *POTW.* Any devices or storage, treatment, recycling or reclamation of sewage or industrial wastes and any conveyances which convey wastewater to a treatment plant. Also, the City's jurisdiction over the industrial users and responsibility for the operation and maintenance of the treatment works. Building sewers connecting building drains to the POTW are not public sewers although they may be partially located in a public right-of-way or easement.

PUBLIC SEWER. A sewer lying within a street or easement and which is controlled by or under the jurisdiction of the City.

SEPTIC TANK WASTES. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SERVICE CONNECTION OR LATERALS. The laying of pipes from the main to the property line inclusively. [Ord. 190 § 1, 1987.]

SEWAGE. Human excrement and gray water (household showers, dishwashing operations, and the like). A combination of water-carried wastes from residences, business buildings, institutions, and industrial establishments.

SEWAGE FACILITY. All facilities for collecting, pumping, treating, and disposing of sewage.

SIGNIFICANT INDUSTRIAL USER. Applies to industrial users subject to categorical pretreatment standards; any other industrial user that discharges an average of 25,000 gallons per day (gpd) or more of process wastewater, contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the treatment plant or, is designated as significant by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

SLUG LOAD. Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in RDMC 13.10.410 through 13.10.420 or any discharge of a non-routine, episodic nature, including but not limited to, an accidental spill or a non-customary batch discharge.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the "Standard Industrial Classification Manual" issued by the U.S. Office of Management and Budget.

STORMWATER. Any flow occurring during or following any form of natural precipitation including snowmelt.

SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in water, wastewater, or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANT. One of 126 pollutants, or combination by the EPA under the provision of Section 307 (33 USC 1317) of this Act.

TREATMENT PLANT EFFLUENT. Any discharge of treated wastewater from the POTW into waters of the state.

WASTEWATER. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW. Uncontaminated or contaminated waters discarded or discharged by users and no longer usable for industrial or domestic purposes, including but not limited to water or a combination of water and other substances described in RDMC 13.10.410 and 13.10.410. [Ord. 203, 1990; Ord. 190 § 58, 1987.]

WASTEWATER TREATMENT PLAN or *TREATMENT PLANT.* The portion of the POTW designed to provide treatment of sewage and industrial waste.

13.10.020 Department rules and regulations – Modifying rates.

The Council reserves the right and power from time to time to adopt rules and regulations for the operation and maintenance of the Sewer Department of the City, and for furnishing sewer service, and may likewise establish and modify the rates, charges and penalties established and imposed by this

chapter, and may from time to time prescribe rules for the extension of sewer collection within and beyond the boundaries of the City. [Ord. 190 § 2, 1987.]

13.10.030 Settlement of disputes between consumer and City.
If a dispute shall arise between any sewer customer and the City concerning sewer service or the amount of sewer billed to such consumer, the dispute may be settled subject to the approval of the Council by the City Manager or designee. The final decision and settlement of any such dispute shall be recorded in the minutes of the Council. The provisions and procedures provided for in this section are permissive only and shall in no way affect the other provisions of this chapter. [Ord. 190 § 3, 1987.]

13.10.050 Connections prohibited.
No person owning, occupying or having under his control any premises shall connect their vault, cesspool, privy, sewer or private drain with any waterway, watercourse or ditch in the City. [Ord. 190 § 5, 1987.]

13.10.060 Distance of sewer or gas service from water service.
No ditch, water pipe, gas pipe or any other service shall be installed or maintained nearer than two feet in any direction to any sewer service pipe or main. [Ord. 190 § 6, 1987.]

13.10.070 Repairs to sewer lines by the City.
The City shall, at its own expense, make all repairs necessary to sewer pipe lines connecting with mains. The City shall make no repair or do any work whatsoever on the sewer pipe line beyond the connection to private property. [Ord. 190 § 7, 1987.]

13.10.080 Shutting off water.
The City reserves the right to shut off the water supply to any premises at any time, for the purpose of making sewer line repairs, extensions or other necessary purposes or for any infraction of this chapter or any overdue payment or delinquency of payment of any City utility service billing. [Ord. 190 § 8, 1987.]

13.10.090 Right of entry of City employees for the purpose of making inspections.
Any authorized employee of the City shall have reasonable access to any premises with sewer service for the purpose of making inspections of the sewer system upon such premises. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the City, after service of notice of intention, shall have all water shut off to the said premises. [Ord. 190 § 9, 1987.]

13.10.100 Turning water off or on in an emergency – Rendering sewer service inoperable.
The City shall have the right in an emergency to turn the water off or on without notice, but it shall be the duty of the Water Department to make a reasonable effort to notify all consumers that the water is to be turned off or on. [Ord. 190 § 10, 1987.]

13.10.110 Unlawful use, injury, etc., of equipment.

It shall be unlawful for any person to open any manhole or to interfere in any manner with any street sewer service connection or any service pipe connected with mains or to tap any sewer service pipe, without paying the established costs therefore after having made written application therefore as provided by this chapter, or in any way to trespass upon the public property of the sewer department without written permission first being obtained from the City Manager or designee. [Ord. 190 § 11, 1987.]

13.10.120 Application for service – Form.

Before any sewer service will be supplied by the City to any person which requires a connection or reconnection to the City-owned mains of any real property, the owner of the property shall make a written application from such service and service connection upon a form provided by the City. Such form shall be substantially as shown in Exhibit A attached to the ordinance codified in this chapter and by reference incorporated herein. [Ord. 190 § 12, 1987.]

13.10.130 Fees for new sewer service connections.

(1) There shall be a new service connection fee of $950.00 required for each individual dwelling, residence, building, or separate service to any multiple use consumer on any parcel or parcels under the same ownership. This fee is levied in addition to any actual costs by the City to provide the new service and shall be received into the sewer fund for purposes of operational expenditures.

(2) New service connection fees for multi-use motels or hotels that provide nonhousekeeping sleeping rooms with no more than one bathroom facility per unit and no kitchen or other wastewater plumbing shall be required to pay a per unit fee of $190.00, which is levied in addition to any and all actual costs by the City in physically providing the new services. Further, the quantity of these unit connections to one or more private property side-sewers and the number of City-owned laterals connecting to the collection main shall be at the determination of the City Manager or designee, whose decision is final. [Ord. 194 § 1, 1988; Ord. 190 §§ 13, 13.A, 1987.]

13.10.140 Charges for installing sewer services.

There shall be a charge set apart from any other charge or fee for actual costs to the City for the installation of any sewer mains or system laterals to any private property or other consumer, provided further that such a charge shall be a minimum of $200.00 or actual costs, whichever is higher. Sizes, locations and connection methods shall be at the sole discretion of the City Manager or designee. [Ord. 190 § 14, 1987.]

Article II. Connections – Installation of Service

13.10.150 Installations and connections outside City limits.
Notwithstanding any other sections, the connection fees and installation charges for outside the City limits shall be 150 percent of those same fees and charges for inside the City limits. [Ord. 190 § 15, 1987.]

13.10.160 Reconnection fees.
There shall be herewith established a reconnection fee for use when abandoned services are requested to be reactivated, or when a service has been disconnected because of failure to pay City utility bills, and are delinquent or for other reasons such as vandalism of City-owned property, system piping, etc. (refer to RDMC 13.10.250). The reconnection fee shall be $200.00 plus the actual costs involved in the reconnection as will be billed by the City Manager or designee (refer to definition of "cost" in RDMC 13.10.010 and provisions of RDMC 13.10.250). [Ord. 190 § 16, 1987.]

13.10.170 Prerequisites to multiple service connections.
No sewer shall be served to two or more parcels of property separately owned through a common service pipe. When more than one occupancy is placed on the same parcel of property and each is conducting a separately established residence or business, a separate sewer line shall be required and installed for each occupancy.

Where there is a pre-existing multiple use sewer service, the City shall establish additional accounts and charges for each additional commercial, professional, dwelling, or living unit situated upon the premises not served by an individual sewer. [Ord. 190 § 17, 1987.]

13.10.180 Use of sewer by contractors and other persons engaged in construction work.
Contractors or any person desiring to use the sewer system in construction work where disposal must be made other than through a permanent sewer in each and every case must make written application for and obtain a written permit for the same from the Sewer Department before connecting with any main, and shall make the deposit required by the Sewer Department. Such permit shall be exhibited upon the work for which it has been issued during the full time the sewer is being used pursuant to such permit. [Ord. 190 § 18, 1987.]

13.10.190 Supplying to other than occupant of premises.
It shall be unlawful for any person to provide sewer service to any other person other than the occupants of the premises of such consumer as provided through an approved collection system. [Ord. 190 § 19, 1987.]

13.10.200 Consumers to accept service conditions.
All applicants for service connections or sewer service shall be required to accept such conditions of service as are provided by the system at the location of the proposed service connection and to hold the

department harmless from all damages arising from conditions or interruptions of service not expressly caused by the sewer system. [Ord. 190 § 20, 1987.]

13.10.210 Sewer system required.

It shall be unlawful to maintain or use any residence, place of business or other building or place where persons reside, congregate, or are employed which is not provided with means for the disposal of sewage, either by flush toilet connected with a sewage system approved by the City of Rio Dell City Manager or designee or, when it is judged permissible by the County Health Officer, a septic tank which meets the requirements of construction and maintenance as required by the said County Health Department.

It shall be unlawful for any person to construct or maintain any privy, cesspool, septic tank, sewage treatment works, sewer pipes or conduits, or other pipes or conduits for the treatment or discharge of sewage or impure waters or any matter or substance offensive, injurious or dangerous to health whereby they shall do any of the following:

(1) Overflow any lands whatever;

(2) Empty, flow, seep, drain into or affect any springs, streams, rivers, lakes or other waters within the City of Rio Dell; provided, however, with respect to existing septic tanks, sewage treatment works, sewer pipes or conduits or other pipes or conduits for the treatment or discharge of sewage or impure waters, if it would be impossible to comply with the provisions of this section, the County Health Officer shall have the power by special permit to allow such variations from the provisions contained in this section as will prevent unnecessary hardship or injustice and at the same time most nearly accomplish the general purpose and intent hereof.

It shall be unlawful for any person, firm or corporation to construct, build, or rebuild any place of residence or other building or place where persons congregate, reside or are employed which is not to be connected to an approved public sanitary sewer without first submitting plans of the means of sewage disposal to the City Manager or designee and obtaining a permit therefore as herein provided. Such plans shall include the plot plan of the premises with sufficient elevations, the size and type of septic tank, and a plan of the absorption field, giving all dimensions and other pertinent information. No sewage disposal installation shall be made without inspection. A copy of each inspection report shall be filed with the Health Officer. [Ord. 190 § 21, 1987.]

13.10.220 Building sewers, laterals and connections.

(1) Permit Required. No person shall construct a building sewer, lateral sewer or make a connection with any public sewer without first obtaining a written permit from the City and paying all fees and connection charges as required.

(2) Design and Construction Requirements. Design and construction of building sewers and lateral sewers shall be in accordance with the requirements of the City and to the approval of the City Manager or designee.

(3) Separate Sewers. No two adjacent buildings fronting on the same street shall be permitted to join the use of the same side sewer. Every building or industrial facility must be separately connected with a public sewer if such public sewer exists in the street upon which the property abuts or in an easement which will serve said property. However, two or more buildings located on property belonging to the same owner may be served with the same side sewer provided the property cannot be subdivided into smaller legal-sized lots.

(4) Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the City Manager or designee, to meet all requirements of the City.

(5) Cleanouts. Cleanouts in building sewers shall be provided in accordance with the rules, regulations and ordinances of the City. All cleanouts shall be maintained watertight.

(6) Down Spouts/Roof Drains. Down spouts or roof drains shall not discharge rainwater or storm runoff into the building lateral or any sewer connection.

(7) Sewer Too Low. In all buildings hereafter constructed in which any building sewer is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building sewer shall be lifted by artificial means, approved by the City Manager or designee, and discharged to the public sewer at the expense of the owner.

(8) Connection to Public Sewer. The connection of the building sewer into the sewer system shall be made at the applicant's expense. The applicant shall extend the building sewer to the property line, at which point it shall be the responsibility of the City to connect the building sewer to the City system lateral. Any damage to the lateral sewer shall be repaired at the cost of the applicant to the satisfaction of the City Manager or designee.

(9) Maintenance of Building Sewer. Building sewers shall be free of infiltration and be maintained by the owner of the property served thereby.

(10) Public Sewer Construction – Permit Required. No person shall construct, extend or connect to any public sewer without first obtaining a written permit from the City and paying all fees and connection charges and furnishing bonds as required. The provision of this section requiring permits shall not be construed to apply to contractors' construction sewers and appurtenances under contracts awarded and entered into by the City.

(11) Plans, Profiles and Specifications Required. The application for a permit for public sewer construction shall be accompanied by three complete sets of plans, profiles and specifications, complying with all applicable ordinances, rules and regulations of the City prepared by a registered civil engineer showing all details of the proposed work based on an accurate survey of the ground. The application, together with the plans, profiles and specifications, shall be examined by the City Manager or designee, who shall within 20 days approve them as filed or require them to be modified as he deems necessary for proper installation. When the City Manager or designee is satisfied that the proposed work is proper and the plans, profiles, and specifications are sufficient and correct, he shall order the issuance of a permit predicated upon the payment of all connection charges, fees and furnishing bonds as required by the City. The permit shall prescribe such terms and conditions as the City Manager or designee finds necessary in the public interest.

(12) Subdivisions. The requirements of this section shall be fully complied with before any final subdivision map shall be approved by the City Council. The final subdivision map shall provide for the dedication for public use of streets, easements or rights-of-way in which public sewer lines are to be constructed. If a final subdivision map of a tract is recorded and the work of constructing sewers to serve the tract is not completed within the time limit allowed in the permit, the City Council may extend the time limit or may complete the work and take appropriate steps to enforce the provisions of the bond furnished by the subdivider.

(13) Easements or Right-of-Way. In the event that an easement is required for the extension of the public sewer or the making of connections, the applicant shall procure and have accepted by the City a proper easement or grant of right-of-way having a minimum width of 10 feet sufficient in law to allow the laying and maintenance of such extension or connection.

(14) Persons Authorized to Perform Work. Only properly licensed contractors and City forces shall be authorized to perform the work of public sewer construction within the City. All terms and conditions of the permit issued by the City to the applicant shall be binding on the contractor.

(15) Compliance with Local Regulations. Any person constructing a sewer within a street shall comply with all State, County or City laws, ordinances, rules and regulations pertaining to the cutting or pavement opening, barricading, lighting, and protecting of trenches, backfilling and repaving thereof and shall obtain all permits and pay all fees required by the department having jurisdiction prior to the issuance of a permit of the City.

(16) Design and Construction Standards. Design and construction of sewers within the City must be approved by the City Manager or designee. Three complete sets of as-built drawings showing the actual location of all mains, structures, wyes, and laterals shall be filed with the City before final acceptance of the work.

(17) Completion of Sewer Required. Before any acceptance of any sewer line by the City and prior to the admission of any sewage into the system, the sewer line shall be tested and shall be complete to the satisfaction of the City Manager or designee. [Ord. 190 § 22, 1987.]

Article III. Rates, Charges and Billing

13.10.230 Rates, charges and billings.

~~(1) Rates, effective as determined with passage of the ordinance codified in this chapter, are composed of two separate elements for use in monthly billing:~~

~~(a) A uniform system fee applied to each service regardless of size and whether or not any service is used (a disconnected service shall not be required to pay this fee, but will be subject to a connection and reconnection fee as provided in RDMC 13.10.130 through 13.10.170). This fee shall be $2.50 monthly.~~

~~(b) A usage cost at the following rates:~~

~~User Classification~~	~~Monthly Charge~~
~~Residential~~	~~$11.50~~
~~Apartments~~	~~$11.50~~
~~Barber and Beauty Shops~~	~~$11.50~~
~~Retail Establishments~~	~~$11.50~~
~~Office Buildings~~	~~$11.50~~
~~Halls and Churches~~	~~$11.50~~
~~Mobile Homes~~	~~$11.50~~
~~Motels~~	~~$16.60/mo., plus $0.67 per 100 cu. ft. of water over 1,510 cu. ft.~~
~~Primary School~~	~~$23.20/mo., plus $0.39 per 100 cu. ft. of water over 4,290 cu. ft.~~
~~Elementary School~~	~~$23.20/mo., plus $0.53 per 100 cu. ft. of water over 3,150~~

	cu. ft.
Restaurants and Lounges	$15.40/mo., plus $1.92 per 100 cu. ft. of water over 600 cu. ft.
Bowling Alley	$26.50/mo., plus $0.64 per 100 cu. ft. of water over 3,125 cu. ft.
Grocery Stores	$14.60/mo., plus $1.93 per 100 cu. ft. of water over 1,225 cu. ft.
Service Stations and Garages	$15.20/mo., plus $0.71 per 100 cu. ft. of water over 1,225 cu. ft.
Laundries	$43.50/mo., plus $0.49 per 100 cu. ft. of water over 1,225 cu. ft.
Bars	$15.40/mo., plus $0.64 per 100 cu. ft. of water over 1,390 cu. ft.
Car Washes	$24.00/mo., plus $0.32 per 100 cu. ft. of water over 4,000 cu. ft.
Doctor's and Dental Offices, Clinics and Laboratories	$13.20/mo., plus $0.44 per 100 cu. ft. of water over 1,140 cu. ft.
Convalescent Homes	$13.20/mo., plus

	~~$0.59 per 100 cu. ft. of water over 1,140 cu. ft.~~
~~Recreational Vehicle Parks~~	~~$14.00/mo. plus $2.50 per space plus $0.15 per 10 cu. ft. of water over 10,750 cu. ft.~~
~~Industrial/Environmental~~	~~$95.00/mo. plus $3.50 per 100 cu. ft. of water over 500 cu. ft.~~

(1) All sewer billing shall be monthly to coincide with water billing, scheduled for posting and delivery on the first day of each month following water meter readings. Utility bills are due and payable from the first day of each month at the Rio Dell City Hall.

Utility bills not having been paid before the next following billing shall be considered to be delinquent and no further notice will be provided other than on the said next following billing reflecting that two months of service are outstanding.

Should water payment in full not be received within 10 calendar days from the said second billing, then shut-off notices shall be issued and the water service discontinued until payment of all outstanding billings is made in full (refer to RDMC 13.10.250); provided further, that no such shut-off will occur on a Friday unless specifically directed by the City Manager or designee.

(2) Sewer service billing shall be assessed against the person or persons who reside in or otherwise occupy the premises being served and identified as the person or persons having completed an application for sanitary sewer service as a non-owner resident of the premises, and after having deposited $200.00 as surety against any sewer service charges sustained during the said non-owner occupancy or control of the said premises, whereupon the depositor shall receive a numbered receipt which shall be required to be presented at demand of all or any part of a refund of any balance of deposit remaining after any and all current sanitary sewer service charges are satisfied.

However, and notwithstanding the above, owners of real property rented, leased, occupied or in any manner controlled by non-owners shall be liable for any unpaid sewer service not paid by the said non-owners, with such unpaid amounts due and payable prior to any continued use of any said premises, and the water to such premises shall therefore also be discontinued in order to cause the sewer service to become inoperable pending settlement of outstanding utility bills.

(3) In any case served by the Rio Dell sewer system, either inside or outside of the City limits, shall pay the following monthly rates as a minimum:

(a) Inside City limits, the same as subsection (1) of this section.

(b) Outside City limits, 150 percent of the total minimum rate in effect in subsection (1) of this section.

(4) All sewer billing is due and payable at the Rio Dell City Hall and payments not made before the next following billing shall be deemed to be delinquent and 10 calendar days thereafter, without benefit of further notice, delinquent services will be discontinued (refer to subsection (2) of this section).

(5) Any consumer required to pay for sewer services in accordance with this section who commences service on or after the sixteenth of any month shall pay a rate for that month of only 50 percent of the required rate for the full month.

Any consumer required to pay for sewer service in accordance with this section who discontinues service on or before the fifteenth day of any month shall pay a rate for that month of only 50 percent of the required rate for the full month. [Ord. 248 § 1, 2003; Ord. 231 § 1, 1995; Ord. 210 §§ 1, 2, 1991; Ord. 207, 1991; Ord. 190 § 23, 1987.]

13.10.240 Discontinuance of service for nonpayment.

In the event that any customer shall be delinquent in the payment of his sewer bill, the department shall have the right forthwith and without further notice to discontinue water service to the premises of such delinquent customer and water shall not again be supplied to him or to the premises until all delinquent City utility bills and charges for reconnection have been paid. [Ord. 190 § 24, 1987.]

13.10.250 Procedure for restoring service after delinquency.

If water service is cut off or discontinued for failure to pay delinquent City utility bills, such service may again be established only in the event the customer or the owner of the premises served pays all delinquent bills and charges as may be required by this chapter.

When an owner or customer has been delinquent in his sewer bills twice in succession or three times in any one 12-month period, he shall be required to pay a late payment fee of $10.00. Said late payment fee shall be increased by $10.00 for each succeeding late payment, up to a maximum fee of $200.00. Thereupon and not otherwise will water service again be made or established to the premises where the bill has been delinquent (thus allowing sewer service). [Ord. 190 § 25, 1987.]

13.10.251 Pretreatment charges and fees.

The Council may adopt reasonable charges and fees for reimbursement of costs of setting up and operating the City's pretreatment program which may include:

(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 collection and analyzing an industrial user's discharge, and reviewing monitoring reports submitted by the users.

(C) Fees for reviewing and responding to accidental discharge procedures and construction.

(D) Fees for filing appeals.

(E) Other fees as the City may deem necessary to carry out the requirements contained in this section. These fees relate solely to the matters covered by this chapter and are separate from all other fees, fines, and penalties chargeable by the City.

Article IV. Services

13.10.260 To remain City property – Repairs by City.
All sewer pipes in public property are the property of the City and the City will maintain and repair them when in its judgment such repairs are needed. [Ord. 190 § 26, 1987.]

13.10.270 One service to lot or parcel of land – Exception.
There shall be at least one sewer service on each lot or parcel of real property which is improved with a dwelling or building thereon; except where one building occupies more than one lot, then only one service for such building shall be required. [Ord. 190 § 27, 1987.]

13.10.280 Connection service pipe to system – Premises to be left as originally found upon completion of tests – Notice to City – Liability of plumber and customer.
Any plumber or any other person connecting private sewer service pipe to the property side of a City sewer must leave the City system in as good condition as found, and shall notify the City at the time the connection is made. Any damage caused by the negligence or carelessness of any plumber or other person to any part of the connection must be paid by such plumber or person to the City on demand. [Ord. 190 § 28, 1987.]

13.10.290 Bill to be rendered after connection.
The sewer department of the City may connect to any City sewer service pipe at any time it shall deem it expedient to do so, and render a corrected bill from the date of installation of such connection. [Ord. 190 § 29, 1987.]

13.10.300 Liability of customer for damages to system.
After the sewer service is so connected, any damage resulting from malice, carelessness or negligence of the customer or any member of his family, or anyone employed by him, and any damage which may result from hot water or steam from a boiler, or otherwise, shall be paid for by such customer to the City on presentation of a bill therefore; and in case such bill is not paid, the water shall be shut off to the premises without further notice, and the same shall not be turned on until all charges are paid. [Ord. 190 § 30, 1987.]

13.10.310 Cutting off or interfering with sewer service.
It shall be unlawful for any person to interfere with or cut off or remove a sewer service from where it has been installed without first receiving written permission from the City Manager or designee. Such permission shall be granted only for the purpose of tests, replacements, repairs or service pipes, readjustment of service or similar emergency. [Ord. 190 § 31, 1987.]

13.10.320 Application for stopping sewer service bill to be rendered.

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Upon the written notice of the owner of a building or premises to have the sewer service stopped, the City shall have the water shut off, and at the time record the reading of the meter and render a bill in a sum which shall be the amount according to the rates and charges provided for herein. [Ord. 190 § 32, 1987.]

13.10.330 Nuisance abatement.
Any nuisance, contamination, pollution, or infiltration as defined herein existing on any parcel of land in the City of Rio Dell may be abated as provided herein. The procedure for said abatement provided herein shall not be exclusive, but shall be cumulative and in addition to any other abatement procedure provided by the laws of the State of California or the ordinances of the City of Rio Dell. [Ord. 190 § 33, 1987.]

13.10.340 Sewage not to be discharged so as to result in contamination, pollution or nuisance.
No person shall discharge sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution or a nuisance. [Ord. 190 § 34, 1987.]

13.10.350 Abatement of contamination.
Whenever any local Health Officer or enforcement official finds that a contamination exists, the officer or official shall order the contamination abated, as provided in this chapter. [Ord. 190 § 35, 1987.]

13.10.360 Issuance of peremptory abatement order – Report to regional board – Prosecution of injunction proceedings.
The local Health Officer or enforcement official may issue a peremptory order requiring the abatement of a contamination and shall immediately furnish to the proper regional board a report of information and data relating thereto. Coincident with issuing such order, or if any order or regulation is not complied with, the local Health Officer or enforcement official may bring and prosecute an action for an injunction in the superior court of the County of Humboldt.

The local Health Officer of Humboldt County shall render to persons subject to such order all possible assistance in complying with the order including all possible assistance in securing any necessary funds for such purpose. [Ord. 190 § 36, 1987.]

13.10.370 Discharge of sewage or other waste resulting in contamination a misdemeanor.
Any person who discharges sewage or other waste in any manner which results in contamination is guilty of a misdemeanor. Any person, firm or corporation who violates or refuses or fails to comply with any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punished upon conviction of a fine of not less than $25.00 nor more than $500.00 or by imprisonment in the County Jail for not more than six months or by both such fine and imprisonment. [Ord. 190 § 37, 1987.]

13.10.380 Abatement procedures.
The procedure for abatement of a contamination, pollution, nuisance, or infiltration including but not limited to notice of such abatement, recordation of lis pendens, time and place of hearing, order of the Council, accounting of costs and receipts, hearing on account and proposed assessment, recordation of lien, and collection with ordinary taxes, shall follow essentially the same procedure as provided for in

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Chapter 8.10 RDMC, providing for the establishment of a procedure for the abatement of nuisances and making the cost of such abatement a special assessment upon a parcel of land so involved. [Ord. 190 § 40, 1987.]

13.10.390 Liability.

This chapter shall not be construed as imposing upon the City of Rio Dell any liability or responsibility for damage resulting from the defective construction of any sanitary disposal system as herein provided, nor shall the City of Rio Dell or any official or employee thereof or the Humboldt County Health Officer be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. [Ord. 190 § 42, 1987.]

Article V. General Sewer Use Regulations

13.10.410 Discharges – criteria.

It shall be unlawful for any person to discharge or cause to be discharged into any public sewer system which directly or indirectly connects to the City of Rio Dell sanitary sewer system any sewage if, in the determination of the City Manager or designee, such sewage may have an adverse or harmful effect on sewers, maintenance personnel, wastewater treatment plant personnel or equipment, treatment effluent quality, public or private property, or may otherwise endanger the public, local environment, or create a public nuisance. The City Manager or designee, in determining the acceptability of specific sewage, shall consider the nature of the sewage and the adequacy and nature of the collection, treatment and disposal system available to accept the sewage. [Ord. 203, 1990; Ord. 190 § 48, 1987.]

13.10.420 Prohibitions.

(A) 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) 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 a written application by the user and the payment of the applicable user charges and fees, the City issues a permit for such direct discharges.

(C) It shall be unlawful for any person to discharge or cause to be discharged any surface water, rain water, stormwater, ground water, street drainage, subsurface drainage, yard drainage, roof drainage, water from yard fountains, ponds or lawn sprays, cooling water, or any other uncontaminated water into any sewage facility which directly or indirectly discharges to a sanitary sewer system owned by the City of Rio Dell. [Ord. 203, 1990; Ord. 190 § 46, 1987; Ord. 38 § 1, 1965.]

(D) Specific Prohibitions.

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.

(2) Any wastewater having a pH less than 5.5 or more than 8.5, or otherwise causing corrosive structural damage to the POTW or equipment, or endangering City personnel.

(3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-inch or 25.4 millimeters in any dimension.

(4) Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, and the like), 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 either the POTW, or any wastewater treatment or sludge process; or which will constitute a hazard to humans or animals.

(5) Any wastewater having a temperature greater than 150° F (65.5° C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F (40° C).

(6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

(7) Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause worker health and safety problems.

(8) Any trucked or hauled pollutants, except at discharge points designated by the City in accordance with RDMC 13.10.430 of this chapter.

(9) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.

(10) Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the City's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10% from the seasonably established norm for aquatic life.

(11) Any wastewater containing any radioactive wastes or isotopes, except as specifically approved in writing by the City Manager or designee, in compliance with applicable state or federal regulations.

(12) Stormwater, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted industrial wastewater, unless specifically authorized in writing by the City Manager or designee.

(13) Any sludges, screenings, or other residues from the pretreatment of industrial wastes.

(14) Any medical wastes, except as specifically authorized in writing by the City Manager or designee in a wastewater discharge permit.

(15) Any wastewater causing the treatment plant's effluent to fail a toxicity test.

(16) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.

(17) Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/l.

(18) Any discharge of petroleum/mineral oil products is limited to 25 mg/l.

(19) Gasoline, benzene, naphtha, solvent, fuel oil or any liquid, solid or gas that would cause or tend to cause flammable or explosive conditions to result in the sewerage system.

(20) Waste containing toxic or poisonous solids, liquids or gases in such quantities that, alone or in combination with other waste substances, may create a hazard for humans, animals or the local environment, interfere detrimentally with wastewater treatment processes, cause a public nuisance, or cause any hazardous condition to occur in the sewerage system.

(E) Wastes prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW.

3.10.421 Dilution.

No industrial user or wastewater hauler shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation, unless expressly authorized by an applicable pretreatment standard or requirement. The City Manager or designee may impose mass limitations on industrial users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

13.10.422 City's right of revision.

The City's reserves the right to enter into special written agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. They may also request a variance from the categorical pretreatment standard from EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.

Article VI. Pretreatment of Wastewaters

13.10.425 Pretreatment and screening.

Domestic sewage consisting essentially of human waste may be passed into the sewers without screening. Industrial waste must be examined prior to discharge into the City sewer system by the City Manager or designee and, if he deems it necessary, such wastes must be given preliminary treatment and be screened prior to their discharge into the City sewer system. The type of treatment and screening shall be subject to the City Manager's or designee's sole discretion.

No person shall suffer or permit any premises belonging to or occupied by or under his control, any cellar, vault, cesspool, privy, sewer or private drain thereon, to become foul or offensive and detrimental to the health or public comfort. [Ord. 190 § 4, 1987.]

13.10.426 Pretreatment facilities.

Industrial users shall provide necessary wastewater treatment as required to comply with this chapter and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in this chapter within the time limitations specified by the EPA, the state, or the City Manager or designee, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the City shall be provided, operated, and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedure shall be submitted to the City for review, and must be approved by the City before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the City under the provisions of this chapter.

13.10.427 Additional pretreatment measures.

(A) Whenever deemed necessary, the City Manager or designee may require industrial users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the industrial user's compliance with the requirements of this chapter.

(B) Each person discharging into the POTW greater than 100,000 gallons per day shall install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a 24-hour period.

(C) Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(D) At no time shall any reading on a properly calibrated combustible gas detector at the point of discharge into the POTW, or at any point in the POTW, be more than 20% of the lower explosive limit (LEL) of the meter.

13.10.428 Accidental discharge/slug control plans.

The City Manager or designee may require any industrial user to develop and implement an accidental discharge/slug control plan. At least once every two years the City Manager or designee shall evaluate whether each significant industrial user needs such a plan. Any industrial user required to develop and implement an accidental discharge/slug control plan shall submit a plan which provides, at a minimum, the following:

(A) Description of discharge practices including non-routine batch discharges.

(B) Description of stored chemicals.

(C) Procedures for immediately notifying the POTW of any accidental or slug discharge. Such notification must also be given for any discharge which would violate any of the prohibited discharges in RDMC 13.10.410 through 13.10.420 of this chapter.

(D) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, 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.

(E) Procedures for immediately notifying the POTW of any changes affecting the potential

13.10.429 Tenant responsibility.

Where an owner of property lets premises to any other person as a tenant, if either the owner or the tenant is an industrial user, either or both may be held responsible for compliance with the provisions of this chapter. This provision is enforceable against the either or both the owner, tenant or both, without regard to any contractual arrangements as between the owner and tenant.

13.10.430 Hauled wastewater.

(A) Septic tank waste of residential origin may be accepted into the POTW at a designated receiving structure within the treatment plant area, and at such times as are established by the City Manager or designee, provided such wastes do not violate the provisions of this chapter or any other requirements established or adopted by the City. Wastewater discharge permits for individual vehicles to use such facilities shall be issued by and at the discretion of, the City Manager or designee, based on the interests and purposes to be served under this chapter.

(B) The discharge of hauled industrial wastes is prohibited without prior approval and a wastewater discharge permit from the City.

(C)Fees for dumping septage will be established as part of the industrial user fee system as authorized in this chapter.

13.10.431 Federal categorical pretreatment standards.

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

13.10.432 Interceptor requirements

Grease, oil and sand interceptors shall be provided when, in the opinion of the City Manager or designee, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City Manager or designee and shall be so located to be easily accessible for cleaning and inspection. All interception units shall be installed in accordance with the provisions of this chapter. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the owner at their sole expense. New and existing Users that are determined by the City Manager or designee to have a reasonable potential to adversely impact the POTW shall install a grease interceptor.

A. Users that are required to have a grease interceptor may be required to connect fixtures or drains that have a reasonable potential to allow fats, oils, and grease to be discharged to the POTW to an appropriately sized grease interceptor.

B. Users with garbage grinders shall discharge the garbage grinder to a grease interceptor with a minimum capacity of 1,000 gallons or remove the garbage grinder.

C. Users with dishwashers shall discharge the dishwasher directly to the POTW or to a grease interceptor with a minimum capacity of 750 gallons.

D. Accumulated grease and sediment shall be removed as required. At a minimum gravity grease interceptors and grease traps shall be cleaned when the combined depth of sediment and grease, equals or exceeds 25% of the total depth of the sediment, water, and grease. For multiple chambered interceptors the measurements of sediment and grease is to be performed in the final interceptor chamber prior to discharge. All other grease interceptors shall be maintained in accordance with the manufacturer's specifications.

E. Grease interceptors shall be kept free of non-food waste including, but not limited to grit, rocks, gravel, sand, eating utensils, cigarettes, trash, towels, and rags.

F. The addition of chemicals, enzymes, emulsifiers, live bacteria or other grease cutters or additives used for purposes of grease reduction to a grease interceptor is specifically prohibited.

G. If the City Manager or designee determines that a grease interceptor is not being adequately cleaned or maintained, a correction notice may be issued requiring the deficiency be corrected within seven working days. Maintenance programs including BMP's and defined cleaning frequencies may be mandated. Users that fail to adhere to a maintenance program may be required to install additional pretreatment devices.

H. The City will develop and implement a Fats, Oils, and Grease Policy.

I. Inspections and sampling. The City Manager or any person designated by the City Manager may inspect the facilities of any user of the City of Rio Dell sanitary sewer system, or any facilities in any way or manner connected to the City of Rio Dell sanitary sewer system, to ascertain whether the purpose of this chapter is being met and all requirements are being complied with. Persons or occupants of the premises where sewage or wastewater is created or discharged shall allow the City Manager or his designee ready access at all reasonable times and at all parts of the premises for the purposes of inspections or sampling, or in the performance of any of their duties. The City of Rio Dell shall have the right to set up on user's property such devices as are necessary to conduct sampling and metering operations. The refusal of reasonable access to the user's premises for inspection purposes or monitoring purposes of sanitary sewer system-related matters shall be grounds for immediate suspension of the Rio Dell sanitary sewer system service to the person refusing reasonable access to the user's premises, including immediate severance of the sewer connection as set forth in RDMC 13.10.460(G).

J. Interceptors – Maintenance.
All grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times. [Ord. 203, 1990; Ord. 190 § 50, 1987.]

13.10.433 Time of compliance.
All commercial facilities and food establishments that are required to have a sand and/or grease interceptor or grease trap according to RDMC 13.10.432 shall be required to install a sand and/or grease interceptor or grease trap within the sixty (60) day period after the first occurrence of any of the following events:

(a) Transfer of any ownership or interest in the commercial facility;

(b) The issuance by the County of any building permit for the construction, reconstruction or related work to be performed on the premises costing more than $5,000;

(c) The backup or discharge of raw sewage on or from the premises due to grease build up in their service lateral;

(d) Or ninety (90) days after receiving written notice from the City Manager or designee of the necessity for installation of such facilities.

13.10.434 Monitoring and reporting.

All establishments having a grease trap or interceptor shall maintain and clean this unit as recommended by the manufacturer. Each grease trap or interceptor shall be regularly maintained by the proprietor or property owner and records kept at the site for inspection by the City. Maintenance will vary depending upon the size of the unit and grease loading. The property owner or proprietor shall send a copy of the maintenance records to the City annually from the time of installation or some other agreed upon date by the City. At no time shall the unit be allowed to become clogged with grease so as to create damage to the City collection or treatment facilities. The Proprietor must develop a cleaning schedule sufficient to keep the unit functioning properly. Records of grease disposal to a collection agent must be made available to City personnel upon request.

13.10.435 Wastewater survey.

When requested by the City Manager or designee, all industrial users must submit information on the nature and characteristics of their wastewater by completing a wastewater survey prior to commencing their discharge. The City Manager or designee is authorized to prepare a form for this purpose and may periodically require industrial users to update the survey. Failure to complete this survey shall be reasonable grounds for terminating service to the industrial user and shall be considered a violation of this chapter, or for imposing penalties as set out in RDMC 13.10.457 through 13.10.466.

13.10.436 Wastewater discharge permit requirements.

(A) *Requirement.*

(1) It shall be unlawful for any significant industrial user to discharge wastewater into the City's POTW without first obtaining a wastewater discharge permit from the City Manager or designee. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this chapter and subjects the wastewater discharge permittee to the enforcement actions set out in this chapter. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.

(2) The City Manager or designee may require other industrial users, including liquid waste haulers, to obtain wastewater discharge permits as necessary to carry out the purposes of this chapter.

(B) *Existing connections.* Any significant industrial user which discharges industrial waste into the POTW prior to the effective date of this chapter and who wishes to continue such discharges in the future, shall, within 45 days after said date, apply to the City for a wastewater discharge permit in accordance with RDMC 13.10.437 of this chapter, and shall not cause or allow discharges to the POTW to continue after 90 days of the effective date of this chapter except in accordance with a wastewater discharge permit issued by the City.

(C) *New connections.* Any significant industrial user proposing to begin or recommence discharging industrial wastes into the POTW must obtain a wastewater discharge permit prior to discharging. An application for this wastewater discharge permit must be filed at least 45 days prior to the date upon which any discharge will begin.

(D) A Zero Discharge Permit may be issued to industrial users generating process wastewaters who would normally be subject to either RDMC 13.10.436 of this ordinance or subject to Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40CFR Chapter I, Subpart N but are not

discharging said wastestream(s) to the system. Zero Discharge Permit holders are subject to all applicable regulations under local, state, or federal laws. Pursuant to this ordinance, a statement of zero discharge must be submitted to the City annually.

13.10.437 Wastewater discharge permit application.

(A) *Contents.* All industrial users required to have a wastewater discharge permit must submit a completed wastewater discharge permit application. The City Manager or designee shall approve a form to be used as a permit application. Incomplete or inaccurate applications will not be processed and will be returned to the industrial user for revision.

(B) *Application signatories and certification.* All wastewater discharge permit applications and industrial user reports must contain the following certification statement and be signed by an authorized representative of the industrial user.

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.

(C) *Misleading, incomplete or false information.* Any application submitted with information that is at any time determined to be materially misleading, incomplete or false may result in termination of the permit, disconnection of service, penalties under this chapter, as well as any other remedies provided by law.

13.10.438 Wastewater discharge permit decisions.

The City Manager or designee will evaluate the data furnished by the industrial user and may require additional information. Within 45 days of receipt of a complete wastewater discharge permit application, the City Manager or designee will determine whether or not to issue a wastewater discharge permit. If no determination is made within this time period, the application will be deemed denied. The City Manager or designee may deny any application for a wastewater discharge permit.

13.10.439 Duration of permit; reissuance.

(A) Wastewater discharge permits shall be issued for a specified time period, not to exceed five years, at the discretion of the City Manager or designee. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(B) A significant industrial user shall apply for wastewater discharge permit reissuance by submitting a complete wastewater discharge permit application in accordance with RDMC 13.10.437 of this chapter a minimum of 45 days prior to the expiration of the industrial user's existing wastewater discharge permit.

13.10.440 Permit contents.

Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by the City Manager or designee to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the POTW.

(A) Wastewater discharge permits shall contain the following conditions:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

(2) A statement that the wastewater discharge permit is nontransferable.

(3) Effluent limits applicable to the user based on applicable standards in federal, state, and local law.

(4) Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, or local law.

(5) Statement of applicable civil, criminal, and administrative 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.

(6) Requirements to control Slug Discharges, if determined by the POTW to be necessary.

(B) Wastewater discharge permits may contain, but need not be limited to the following:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Limits on instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

(3) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(4) Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or routine discharges.

(5) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(6) The unit charge or schedule of industrial user charges and fees for the management of the wastewater discharged to the POTW.

(7) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(8) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(9) Other conditions as deemed appropriate by the City Manager or designee to ensure compliance with this chapter, and state and federal laws, rules, and regulations.

13.10.441Appeals.

Any person, including the industrial user, may petition the City to reconsider the terms of a wastewater discharge permit within ten days of its issuance.

(A) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(B) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reason for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(C) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal process.

(D) If the City fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

(E) If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, they may, within ten days after notification of such City action, file a written appeal to the Council. The written appeal shall be heard by the Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within ten days after the close of the meeting.

13.10.442 Permit modification

(A) The City Manager or designee may modify the wastewater discharge permit with good cause including, but not limited to, the following:

(1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

(2) To address significant alterations or additions to the industrial user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;

(3) To address change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) To address information indicating that permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters;

(5) For a violation of any terms or conditions of the wastewater discharge permit;

(6) For misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application nor in any required reporting;

(7) To address 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 wastewater discharge permit; and

(B) The filing of a request by the permittee for a wastewater discharge permit modification does not stay any wastewater discharge permit condition.

13.10.443 Transfer of permit.

(A) Wastewater discharge permits may not be reassigned or transferred to a new owner.

13.10.444 Revocation of permit.

(A) Wastewater discharge permits may be revoked for the following reasons:

(1) Failure to notify the City of significant changes to the wastewater prior to the changed discharge;

(2) Failure to provide notification to the City of changed condition pursuant to RDMC 13.10.449 of this chapter;

(3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the City timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges;

(10) Failure to meet compliance schedules;

(11) Failure to complete a wastewater survey or the wastewater discharge permit application;

(12) Failure to provide advance notice of the transfer of a permitted facility; or

(13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or the ordinance.

(B) Wastewater discharge permits shall be voidable upon nonuse, cessation of operations, or transfer of business ownership. All wastewater discharge permits are void upon the issuance of a new wastewater discharge permit.

13.10.445 Baseline monitoring reports.

(A) Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determined under 40 CFR 403.6(a)(4), whichever is later, existing significant industrial users subject to such categorical pretreatment standards, and currently discharging to or scheduled to discharge to the POTW, shall be required to submit to the City a report which contains the information listed in division (B) of this section. At least 90 days prior to commencement of their discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable categorical standard, shall be required to submit to the City a report which contains the information listed in division (B) of this section. A new source shall also be required to report the method of pretreatment it intends to use to meet applicable pretreatment standards. A new source shall also give estimates of its anticipated flow and quantity of pollutants discharged.

(B) The industrial user shall submit the information required by this section including:

(1) *Identifying information.* The name and address of the facility including the name of the operator and owners.

(2) *Wastewater discharge permits.* A list of any environmental control wastewater discharge permits held by or for the facility.

(3) *Description of operations.* A brief description of the nature, average rate of production, and standard industrial classifications 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.

(4) *Flow measurement.* Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(5) *Measurement of pollutants.*

(a) Identify the categorical pretreatment standards applicable to each regulated process.

(b) Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by the City) of regulated pollutants in the discharge from

each regulated process. Instantaneous, daily maximum and long-term average concentrations (or mass, where required) shall be reported. The sample shall be representative of daily operation and shall be analyzed in accordance with procedures set out in RDMC 13.10.454 of this chapter.

(c) Sampling must be performed in accordance with procedures set out RDMC 13.10.455 of this chapter.

(6) *Certification.* A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirement.

(7) *Compliance schedule.* If additional pretreatment and/or O&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&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out RDMC 13.10 446 of this chapter, and signed by an authorized representative as defined by RDMC 13.10.010.

(8) *Signature and certification.* All baseline monitoring reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

13.10.446 Compliance schedule progress report.

The following conditions shall apply to the schedule required by RDMC 13.10.445 of this chapter. 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 hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation). No increment referred to above shall exceed nine months. The industrial user shall submit a progress report to the City Manager or designee no later than 14 days following each date in the schedule and the final date of compliance. The report shall include at 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 industrial user to return to the established schedule. In no event shall more than nine months elapse between such progress reports to the City Manager or designee.

13.10.447 Report on compliance with categorical pretreatment standard deadlines.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any industrial user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in RDMC 13.10.445 (B) 4 through 6 of this chapter. For industrial users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long-term production rate. For all other industrial users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

13.10.448 Periodic Compliance Reports.

(A) Any significant industrial user subject to a pretreatment standard shall, at a frequency determined by the City Manager or designee, but in no case less than once per year (in December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with RDMC 13.10.437 (B) of this chapter.

(B) All wastewater samples must be representative of the industrial 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 an industrial user to keep its monitoring facility in good working order shall not be grounds for the industrial user to claim that sample results are unrepresentative of its discharge.

(C) If an industrial user subject to the reporting requirement in and of this section monitors any pollutant more frequently than required by the POTW, using the procedure prescribed in RDMC 13.10.454 through 13.10.455 of this chapter, the results of this monitoring shall be included in the report.

13.10.449 Reports of changed conditions.

Each industrial user is required to notify the City Manager or designee of any planned significant changes to the industrial user's operations or system which might alter the nature, quality or volume of its wastewater at least 45 days before the change.

(A) The City Manager or designee may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application.

(B) No industrial user shall implement the planned changed conditions until and unless the City Manager or designee has responded to the industrial user's notice.

(C) For purposes of this requirement, flow increases of 10% or greater, and the discharge of any previously unreported pollutants, shall be deemed significant.

13.10.450 Reports of potential problems.

(A) In the case of any discharge including, but not limited to, accidental discharge of non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the POTW (including a violation of the prohibited discharge standards of this chapter), it is the responsibility of the industrial user to immediately telephone and notify the City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective action taken by the industrial user.

(B) Within five days following such discharge, the industrial user shall, unless waived by the City Manager or designee, submit a detailed written report describing the causes of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial 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 industrial user of any fines, civil penalties, or other liability which may be imposed by this chapter.

(C) Failure to notify the City of potential problem discharges shall be deemed a separate violation of this chapter.

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

13.10.451 Reports from nonsignificant industrial users.

All industrial users not subject to categorical pretreatment standards and not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City Manager or designee may require.

13.10.452 Notice of violation; repeat sampling and reporting.

If sampling performed by an industrial user indicates a violation, the industrial user must notify the City within 24 hours of becoming aware of the violation. The industrial user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The industrial user is not required to resample if the POTW performs monitoring at the industrial user's at least once a month, or if the POTW performs sampling between the industrial user's initial sampling and when the industrial user receives the results of this sampling.

13.10.453 Notification of the discharge of hazardous waste.

(A) Any industrial user who commences the discharge of hazardous waste 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 names 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 industrial user discharges more than ten kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent information is known and readily available to the industrial users an identification of the hazardous constituents contained in the wastes, an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 30 days after the discharge commences. Any notification under this division (A) need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under RDMC 10.13.449 of this chapter. The notification requirement in this section does not apply to pollutants already reported under the self-monitoring requirements of RDMC 13.10.445, RDMC 13.10.447 and RDMC 13.10.448 of this chapter.

(B) In the 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 industrial user must notify the POTW, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

(C) In the case of any notification made under this section, 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.

(D) 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.

13.10.454 Analytical requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. 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 EPA.

13.10.455 Sample collection; determination of noncompliance.

(A) *Sample collection.*

(1) Except as indicated in subsection (2) and (3) of this division (A), the industrial 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 City Manager or designee. Where time-proportional composite sampling or grab sampling is authorized by the City, 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 the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, toxicity, sulfides, and volatile organic chemicals must be obtained using grab collection techniques.

(3) For sampling required in support of baseline monitoring and 90-day compliance reports required in RDMC 13.10.445 and RDMC 13.10.446 of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, 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 City Manager or designee may authorize a lower minimum. For the reports required by RDMC 13.10.448 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.

(B) *Determination of noncompliance.* The City Manager or designee may use a grab samples to determine noncompliance with pretreatment standards

13.10.456 Record keeping.

Industrial users shall retain, and make available for inspection and copying, all records and information required to be retained under this chapter. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this chapter, or where the industrial user has been specifically notified of a longer retention period by the City Manager or designee.

Article IX. Administration and Enforcement

13.10.457 Duties of City Manager.

Except as otherwise provided in this chapter, the City Manager shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed upon the City Manager may be delegated by the City Manager to other City personnel.

13.10.458 Compliance monitoring.

(A) *Inspection and sampling.* The City Manager or designee shall have the right to enter the facilities of any industrial user to ascertain whether the purpose of this chapter, and any permit or order issued hereunder, is being met and whether the industrial user is complying with all requirements thereof. Industrial users shall allow the City Manager or his representatives ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

(1) Where an industrial user has security measures in force which require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangement with its security guards so that, upon presentation of suitable identification, personnel for the City, state, and EPA shall be permitted to enter without delay, for the purposes of performing their specific responsibilities.

(2) The City, state, and EPA shall have the right to set up on the industrial user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

(3) The City may require the industrial user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the industrial user at its own expense. The monitoring equipment should normally be situated on the user's premises, but the City 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 and located so that the facility will not be obstructed by landscaping or parked vehicles. All devices used to measure wastewater flow and quality shall be calibrated yearly to ensure their accuracy.

(4) Any temporary or permanent obstruction to safe and easy access to the industrial facility to be inspected and/or sampled shall be promptly removed by the industrial user at the written or verbal

request of the City Manager or designee and shall not be replaced. The costs of clearing such access shall be borne by the industrial user.

(5) Unreasonable delays in allowing City personnel access to the industrial user's premises shall be a violation of this chapter.

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

(B) *Search warrants.* If the City Manager or designee has been refused access to a building, structure, or property or any part thereof, and if the City Manager or designee has demonstrated probable cause to believe that there may be a violation of this chapter or that there is a need to inspect as part of a routine inspection program of the City designed to verify compliance with this chapter or any permit or order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Attorney may apply to the appropriate court for a search and/or seizure warrant describing therein the specific location subject to the warrant. The warrant shall specify what, if anything, may be searched and/or seized on the property described. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant

13.10.459 Publication of industrial users in significant noncompliance.

The City shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the significant industrial users and categorical industrial users which, during the previous 12 months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

(A) Chronic violations of wastewater Discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

(B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6-month period 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);

(C) 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);

(D) Any discharge of pollutants that have caused imminent endangerment to the public or to the environment or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge;

(E) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

(F) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(G) Failure to accurately report noncompliance;

(H) Any other violation which the City determines will adversely affect the operation or implementation of the local pretreatment program.

13.10.460 Administrative enforcement remedies.

(A) *Notification of violation.* Whenever the City Manager or designee finds that any person has violated or is violating this chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment requirement, the City Manager or his agent may serve upon said person a written notice of violation. Within seven 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 person to the City Manager or designee. Submission of this plan in no way relieves the person 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 City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. The City Manager or designee has the option of providing a Warning Notice of Violation (Warning NOV). A Warning NOV is a verbal or written communication between the City Manager or designee and the industrial user regarding possible enforcement action for potential or actual noncompliance by the industrial user. The City Manager or designee must document the warning in writing and place a copy of the documentation in the user's file

(B) *Consent Orders.* The City Manager or designee may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any Person responsible for

noncompliance. Such documents shall include specific action to be taken by the Person to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to RDMC 13.10.460 (D) and RDMC 13.10.460 (E) of this ordinance and shall be judicially enforceable.

(C) *Show Cause Hearing.* The City Manager or designee may order a Person which has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the City Manager or designee and show cause why the proposed enforcement action should not be taken. Notice shall be served on the Person specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the Person 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) at least seven (7) days prior to the hearing. Such notice may be served on any Authorized Representative of the Person as defined in RDMC 13.10.010 (D) and required by RDMC 13.10.437 (B). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the Person.

(D) *Compliance Orders.* When the City finds that a person has violated or continues to violate this chapter, wastewater discharge permits or order issued hereunder, or any other pretreatment standard or requirement, he may issue an order to the person responsible for the discharge directing that the person come into compliance within 30 days. If the person does not come into compliance within 30 days, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor does a compliance order release the person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the person.

(E) *Cease and desist orders.*

(1) When the City Manager or designee finds that a person is violating this chapter, the person's wastewater discharge permit, any order issued hereunder, or any other pretreatment standard or requirement, or that the person's past violations are likely to recur, the City Manager or designee may issue an order to the person directing it to cease and desist all such violations and directing the person to:

(a) Immediately comply with all requirements;

(b) 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.

(2) Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the person.

(F) *Administrative fine.*

(1) Notwithstanding any other section of this chapter, any person that is found to have violated any provision of this chapter, its wastewater discharge permit, and orders issued hereunder, or any other pretreatment standard or requirement may be fined in an amount not to exceed $1,000. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

(2) Assessments may be added to the person's next scheduled sewer service charge and the City Manager or designee shall have such other collection remedies as may be available for other service charges and fees.

(3) Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 0.5% per month. A lien against the individual person's property will be sought for unpaid charges, fines, and penalties.

(4) Persons desiring to dispute such fines must file a written request for the City Manager or designee to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City Manager or designee shall convene a hearing on the matter within 30 days of receiving the request from the industrial person. In the event the person's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial person. The City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

(5) Issuance of an administrative fine shall not be a prerequisite for taking any other action against the person.

(G) *Emergency suspensions.*

(1) The City Manager or designee may immediately suspend a person's discharge (after informal notice to the person) whenever such suspension is necessary in order 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 City Manager or designee may also immediately suspend a person'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 person notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a person's failure to immediately comply voluntarily with the suspension

order, the City Manager or designee shall 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 City Manager or designee shall allow the person to recommence its discharge when the person has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings set forth in this chapter are initiated against the person.

(b) A person 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 City Manager or designee, prior to the date of any show cause or termination hearing as set forth in this chapter.

(2) Nothing in this division (E) shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

(H) *Termination of discharge.*

The City Manager or designee may immediately suspend the sewer and water service when such suspension is necessary, in the opinion of the City Manager or designee, to stop an actual or threatened discharge of wastewater, sewage or any substance into the sanitary sewer system which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, or causes interference or damage to the treatment works or sanitary sewer system.

(1) In addition to those provisions of RDMC 10.13.444, any person that violates the following conditions of this chapter, wastewater discharge permits, or orders issued hereunder, is subject to discharge termination.

(a) Violation of wastewater discharge permit conditions;

(b) Failure to accurately report the wastewater constituents and characteristics of its discharge;

(c) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

(d) Refusal of reasonable access to the person's premises for the purpose of inspection, monitoring, or sampling;

(e) Violation of the pretreatment standards in RDMC 13.10.410 through 13.10.421 and RDMC 13.10.431 of this chapter.

(2) Any person notified of the suspension of the sewer and water service shall immediately stop or eliminate the contribution. Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under division (C) of this section why the proposed action should not be taken. In the event of the failure of the person to comply voluntarily with the suspension order, the City Manager or designee shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage or endangerment to any individuals or to the sanitary sewage system. The City Manager or designee shall reinstate the sewer and water service upon proof of the elimination of the noncomplying discharge. [Ord. 203, 1990; Ord. 190 § 55, 1987.]

13.10.461 Judicial enforcement remedies.

(A) *Injunctive relief.* Whenever the person has violated a pretreatment standard or requirement or continues to violate the provisions of this chapter, wastewater discharge permits or orders issued hereunder, or any other pretreatment requirement, the City may petition the Superior Court for the issuance of a temporary or permanent injunction, as may be appropriate in restraining the continuance of such violation.

(B) *Civil penalties.*

(1) Any person which has violated or continues to violate this chapter, any order, or wastewater discharge permit hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of $6,000 per violation per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(3) When a discharge of wastes causes an obstruction, damage, or other impairment to the POTW, the City may assess a charge against the person for the cost of the work required to clean or repair the POTW and add such charge to the person's service charge.

(4) Filing a suit for civil penalties shall not be a prerequisite for taking any other action against a person.

13.10.462 Supplemental enforcement actions.

(A) *Water supply severance.* Whenever a person has violated or continues to violate the provisions of this chapter, orders, or wastewater discharge permits issued in this chapter, water service to the person may be severed. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply.

(B) *Public nuisances.* Any violation of this chapter, wastewater discharge permits, or orders issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the City Manager or his designee. Any person(s) creating a public nuisance shall be subject to the provisions of applicable state and City codes, ordinances, rules and/or regulations governing such nuisances, including recoupment by the City of any costs incurred in removing, abating or remedying said nuisance.

13.10.463 Remedies non-exclusive.

The provisions in RDMC 13.10.458 through RDMC 13.10.462 of this chapter are not exclusive remedies. The City reserves the right to take any, all or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City reserves the right to take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any non-compliant user. These actions may be taken concurrently.

13.10.464 Affirmative defenses to discharge violations.

(A) *Upset.*

(1) For the purposes of this section, *UPSET* means an exceptional incident in which there is unintentional and temporary non-compliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

(2) An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (3) of this division (A) are met.

(3) An industrial user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An upset occurred and the industrial user can identify the cause(s) of the upset;

(b) The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

(c) The industrial user has submitted the following information to the POTW and treatment plant operator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):

1. A description of the indirect discharge and cause of noncompliance.

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the industrial user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Industrial users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) The industrial user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(B) *Bypass.*

(1) For the purposes of this section,

(a) *BYPASS* shall mean the intentional diversion of wastestreams from any portion of an industrial user's treatment facility.

(b) *SEVERE PROPERTY DAMAGE* shall mean 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.

(2) An industrial user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections (3) and (4) of this division (B).

(3) Bypass notification

(a) If an industrial user knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten days before the date of the bypass if possible.

(b) An industrial user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the POTW within 24 hours from the time it becomes aware of the

bypass. A written submission shall also be provided within five 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 recurrence of the bypass. The POTW may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

(4) Bypass

(a) Bypass is prohibited, and the POTW may take enforcement action against an industrial user for a 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 back-up 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 preventive maintenance; and,

3. The industrial user submitted notices as required under subsection (3) of this division (B).

(b) The POTW may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three conditions listed RDMC 13.10.464 (B) 4 (a).

13.10.465 Penalty.

(A) Any person that willfully or negligently violates any provision of this chapter, any orders, or wastewater discharge permits issued hereunder, or any other pretreatment requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $500 per violation per day or imprisonment for not more than one year or both.

(B) Any person that willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least $500 per violation per day or imprisonment for not more than one year. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

(C) Any person that knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other documentation filed, or required to be maintained, pursuant to this chapter, wastewater discharge permit or order, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this chapter shall, upon conviction, be punished by a fine of not more than $500 per violation per day or imprisonment for not more than one year or both.

(D) In the event of a second conviction, a person shall be punished by a fine of not more than $2,000 per violation per day or imprisonment for not more than two years or both.

13.10.466 Appeals.

Any user, permit applicant or permit holder affected by any decision, action or determination, including cease or desist orders made by the City Manager or designee in interpreting or implementing the provisions of this chapter, or any permit issued pursuant to the provisions of this chapter, may file with the City Manager or designee a written request for reconsideration within 10 days of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration.

If the ruling made by the City Manager or designee is unsatisfactory to the person requesting reconsideration, the person may, within 10 days after notification of such City action, file a written appeal to the City Council. The written appeal shall be heard by the City Council within 30 days after the date of filing. The Council shall make a final ruling on the appeal within 10 days after the close of the meeting. The Manager's decision, action or determination shall remain in effect during the period of reconsideration. [Ord. 203, 1990; Ord. 190 § 56, 1987.]

Article X. Sewer Lateral Inspection at Time of Sale

13.10.467 Transfer of property and testing.

Whenever any property is to be sold or transferred to or vested in any other entity, the sewer lateral(s) to the property shall be tested for infiltration and all necessary repairs or replacements performed to prevent all infiltration.

a. This test will be set up by a licensed contractor, paid for by the property seller or buyer, and signed off by the City Manager or authorized representative. Test requirements are available at City Hall.

An inspection card signed by an authorized City Inspector must accompany title transfer proceedings. It is the responsibility of the property buyer or seller to repair, replace and conform to all infiltration requirements prior to transfer of property connected to the City sewer system.

Exceptions: This section shall not apply to:

a. Condominium or cooperative apartment buildings;

b. To all buildings where the City Manager, or authorized representative, determines that testing and repair or replacement of lateral(s) has been performed to City standards within the last three (3) years.

c. To all buildings where the City Manager, or authorized representative, determines that new sewer construction has been inspected and passed within the last three (3) years.

i. This determination shall be made by a test performed by City staff. Except for standard permit costs, there will be no charge to the property owner for this test. In the event that the test fails, refer to RDMC 10.13.469.

13.10.468 Sewer lateral testing.

The property owner or his/her appointed contractor shall obtain a plumbing permit for sewer lateral testing prior to commencing with the testing procedure. Testing methods and procedures shall conform to standard testing specifications (Sewer Testing Procedures) adopted by the City, copies of which are on file in the City Clerk's office. All conditions and access shall be made ready prior to scheduling an inspection. If an inspection is scheduled and cannot be performed because of inadequate condition or access to the sewer lateral, the City may recover costs.

13.10.469 Failure of test.

Should the lateral fail the test, the lateral shall be either repaired or replaced and retested. A plumbing permit will be required in order to perform the necessary repairs or replacement. This process shall continue until the lateral passes the required test. Lateral Certification. Once the lateral has successfully passed the testing procedure, the City Inspector witnessing the test will sign the permit inspection card as approved.

Lateral Certification. Once the lateral has successfully passed the testing procedure, the City Inspector witnessing the test will sign the permit inspection card as approved.

Article XI. Backflow and Cleanout Installation

13.10.470 Backflow protective device and cleanout riser.

All new building Laterals including Lateral replacements shall be equipped with a cleanout riser. All new building Laterals shall be also fitted with a backflow prevention device of type and materials as approved by the City. In addition, existing Buildings in which the elevation of the lowest floor is less than twelve (12) inches above the rim elevation of the nearest upstream manhole or junction structure in the reach of a City Main Sewer into which a Building Sewer, through a Lateral, connects shall be protected from backflow of Sewage by installing a backflow protective device of a type and in the manner prescribed by the City. Any such backflow protective device shall be installed by the owner of the property on which the building is constructed, and shall be located on the Building Sewer between the building and the property line, preferably at the location of the cleanout. The backflow protective device, if below grade, shall be enclosed in a suitable concrete utility box with removable cover and shall be readily accessible for inspection and maintenance. The installation of any such backflow protective device shall be at the sole cost and expense of the property owner. The maintenance of the backflow protective device shall be the sole obligation of the owner or the owner's successor in interest. The City shall be under no obligation to ascertain that the backflow protective device continues in operating condition.

Chapter 13.15
CROSS CONNECTION CONTROL

Sections:

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13.15.020 Application.
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13.15.050 Cross connections prohibited.
13.15.060 Installation of backflow prevention device.
13.15.070 Types of backflow prevention device required.
13.15.080 Location.
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13.15.100 Approved backflow devices.
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13.15.120 Right of entry for inspections.
13.15.130 Termination of services.
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13.15.010 Purpose.

The purpose of this chapter, in conjunction with Section 1003 of the Uniform Plumbing Code and the State of California Public Health Administrative Code, Title 17, is to protect the public health by the control and prevention of actual and potential cross connection (1) by requiring the proper installation and safeguarding of service lines leading to premises where cross connections exist or are likely to occur; (2) by periodic inspecting; (3) by regulating plumbing within premises to minimize the danger of contamination to the water system on the premises or the public water system itself. [Ord. 196 § 1, 1988.]

13.15.020 Application.

This regulation applies throughout the City to all premises and the owners and occupants thereof served by the City's water system. It applies to all systems installed prior to or after its enactment. Every owner and every occupant of premises covered by this regulation is responsible for compliance with its terms and shall be strictly liable for all damages incurring as a result of failure to comply with express terms and provisions contained herein. [Ord. 196 § 2, 1988.]

13.15.030 Enforcement.

The City Manager or designee will administer the provisions of this chapter. Any deviation, modification, changes from standard or approval of methods and material shall be by the Director. [Ord. 196 § 3, 1988.]

13.15.040 Definitions.

The following definitions will apply to interpretation of this chapter:

"Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level diameter of the supply pipe measured vertically above the flood level rim of the vessel. In no case may the gap be less than one inch.

"Auxiliary supply" means any water source or system other than the public potable water system that may be available in the building or on the premises.

"Backflow" means the reversal of flow, other than in the intended direction into the distribution of the public water system, from a service connection.

(a) "Back pressure" means the backflow caused by a pump, elevated tank, boiler, or other means that could create pressure within the system greater than the City water supply.

(b) "Back siphonage" means a form of backflow due to a negative or subatmospheric pressure within the water system.

"Backflow prevention device" means an approved device to counteract back pressure or prevent back siphonage.

"Cross connection" means any physical arrangement whereby a public water system is connected directly or indirectly with any other nonpotable water system sewer, drain, conduit, pool, storage, reservoir, plumbing fixture, or other device which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination into the public water system as a result of backflow. Bypass arrangements, jumper connections, moveable sections, swivel or changeover devices, or other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross connections.

"Double check valve assembly (DCVA)" means an approved assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Reduced pressure principle backflow prevention device (RPBD)" means an approved device incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, two shutoff valves, and equipped with the necessary appurtenances for testing. The device must operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water system side of the device. At cessation of normal flow, the pressure between the check valves must be less than the supply pressure. In case of leakage of either check valve, the differential relief valve must operate to maintain the reduced pressure by discharging to the atmosphere. When the inlet pressure drops below two pounds per square inch, the relief valve must open to the atmosphere, thereby providing an atmospheric zone between the two check valves. [Ord. 196 § 4, 1988.]

13.15.050 Cross connections prohibited.

Except as provided below, all cross connections, whether or not they are controlled by automatic devices such as check valves or by hand-operated mechanisms such as gate valves or stop cocks, are prohibited.

Failure on the part of persons, firms or corporations to discontinue the use of all cross connections and to physically separate cross connections is sufficient cause for the immediate discontinuance of public water services to the premises. [Ord. 196 § 5, 1988.]

13.15.060 Installation of backflow prevention device.

Backflow prevention devices shall be installed at the service connection or within any premises where in the judgment of the City Manager or designee the nature and extent of activity on the premises, materials used in connection with the activities or materials stored on the premises would present an immediate or potential hazard to the public's health should a cross connection occur, even though such cross connection does not exist at the time the backflow prevention device is required to be installed. This includes:

(1) Premises having an auxiliary water supply.

(2) Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impracticable to ascertain whether or not cross connections exist.

(3) Premises where entry is restricted so that inspection for cross connections cannot be made with sufficient frequency or at sufficiently short notice to ensure that cross connections do not exist.

(4) Premises having a history of cross connections being established or reestablished.

(5) Premises on which any substance is handled under pressure so as to permit entry into the public water system or where a cross connection could reasonably be expected to occur. This includes the handling of process waters and cooling waters.

(6) Premises with commercial or residential water softener units (backwash).

(7) Premises where materials of a toxic or hazardous nature are handled such that if backflow should occur, a serious health hazard may result.

(8) The following types of facilities will fall into one of the above categories where a backflow prevention device shall be installed at these facilities as set forth in the California Administrative Code, Title 17, Public Health, unless the City Manager or designee determines that no health hazard exists:

(a) Hospitals, mortuaries, clinics;

(b) Laboratories;

(c) Sewage treatment plants;

(d) Food and beverage processing plants;

(e) Chemical plants using a water process;

(f) Metal plating industries;

(g) Petroleum processing or storage plants;

(h) Radioactive material processing plants or nuclear reactors;

(i) Car washes;

(j) Any building or structure three stories or higher;

(k) Others specified by the certified cross connection specialist. [Ord. 196 § 6, 1988.]

13.15.070 Types of backflow prevention device required.

The type of prevention device required by the City of Rio Dell depends on the degree of hazard which exists, as follows:

(1) An air-gap separation or reduced pressure backflow prevention device shall be installed where the water supply may be contaminated by sewage, industrial waste of a toxic nature, or other contaminant which would cause a health hazard.

(2) In the case of a substance which may be objectionable but not hazardous to health, a double check valve assembly, air-gap separation or reduced pressure principle backflow prevention device shall be installed.

(3) Pressure type vacuum breaker units (spring loaded) are the approved units for City-supplied irrigation systems. The unit must be installed at least 12 inches above the highest fixture point of water usage and in such a manner that drainage will preclude back pressure. [Ord. 196 § 7, 1988.]

13.15.080 Location.

Backflow prevention devices required by this chapter must be installed at the meter, at the property line of the premises when meters are not used or at a location designated by the City Manager or designee. The device must be located so as to be readily accessible for maintenance and testing, and where part of the device will not be submerged or hidden from proper inspection. [Ord. 196 § 8, 1988.]

13.15.090 Installation.

Backflow prevention devices required by this chapter must be installed under the supervision of the DPW. [Ord. 196 § 9, 1988.]

13.15.100 Approved backflow devices.
Any protective device required by this chapter must be a model approved by a hydraulics testing laboratory recognized by the State Department of Health Services, such as the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research, as specified in their latest approved list of backflow devices. [Ord. 196 § 10, 1988.]

13.15.110 Inspections.
Backflow prevention devices must be inspected and tested annually or more often when inspections indicate any occasion of failure. An annual inspection fee will be charged. The device must be repaired, overhauled, or replaced whenever it is found to be defective. Inspections and tests must be made by a certified cross connection specialist or by the City's Water Department personnel and the device tagged. Repairs will be at the expense of the owner or occupant. [Ord. 196 § 11, 1988.]

13.15.120 Right of entry for inspections.
An authorized employee of the City shall have reasonable access to any premises supplied with water for the purpose of making inspections for cross connection control, inspections of the water system and water meters upon such premises. [Ord. 196 § 12, 1988.]

13.15.130 Termination of services.
The failure of the owner or occupant to cooperate in the installation, maintenance, testing or inspection of backflow prevention devices required by this chapter may have water service discontinued after service of 24 hours' notice of the intention of the City to do so. [Ord. 196 § 13, 1988.]

13.15.140 Rates.
Rates will be established or amended, whenever necessary, by resolution of the City Council. [Ord. 196 § 14, 1988.]

Chapter 13.25
UNDERGROUNDING OF UTILITIES

Sections:

13.25.010 Definitions.
13.25.020 Public hearing by Council.
13.25.030 Council may designate underground utility districts by resolution.
13.25.040 Unlawful acts.
13.25.050 Exception, emergency or unusual circumstances.
13.25.060 Other exceptions.
13.25.070 Notice to property owners and utility companies.
13.25.080 Responsibility of utility companies.
13.25.090 Responsibility of property owners.
13.25.100 Responsibility of City.
13.25.110 Extension of time.
13.25.120 Penalty.

13.25.010 Definitions.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" shall mean the Public Utilities Commission of the State of California.

"Person" shall mean and include individuals, firms, corporations, partnerships and their agents and employees.

"Poles, overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross-arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

"Underground utility district" or "district" shall mean that area in the City within which poles, overhead wires and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of RDMC 13.25.030.

"Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. [Ord. 65 § 1, 1969.]

13.25.020 Public hearing by Council.

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures

within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least 10 days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearings all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive. [Ord. 65 § 2, 1969.]

13.25.030 Council may designate underground utility districts by resolution.

If after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. [Ord. 65 § 3, 1969.]

13.25.040 Unlawful acts.

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in RDMC 13.25.030, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant or property prior to the performance by such owner or occupancy of the underground work necessary for such owner or occupant to continue to receive utility services as provided in RDMC 13.25.090, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter. [Ord. 65 § 4, 1969.]

13.25.050 Exception, emergency or unusual circumstances.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed 10 days without authority of the Council in order to provide emergency service. The Council may grant special permission, on such terms as the Council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. [Ord. 65 § 5, 1969.]

13.25.060 Other exceptions.

This chapter and any resolution adopted pursuant to RDMC 13.25.030 shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

(1) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Manager or designee.

(2) Poles or electroliers used exclusively for street lighting.

(3) Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

(4) Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

(5) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building as to an adjacent building without crossing any public street.

(6) Antennas, associated equipment and supporting structures, used by a utility for furnishing communication services.

(7) Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts.

(8) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects. [Ord. 65 § 6, 1969.]

13.25.070 Notice to property owners and utility companies.

Within 10 days after the effective date of a resolution adopted pursuant to RDMC 13.25.030, the City Clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to RDMC 13.25.030, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. [Ord. 65 § 7, 1969.]

13.25.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to RDMC 13.25.030, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the Commission. [Ord. 65 § 8, 1969.]

13.25.090 Responsibility of property owners.

(1) Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion to the service connection on his property between the facilities referred to in RDMC 13.25.080 and the termination facility on or within said building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to RDMC 13.25.030, the City Manager or designee shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after the receipt of such notice.

(2) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll and, when no address appears, to General Delivery, City of Rio Dell. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the City Manager or designee shall, within 48 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on said premises.

(3) The notice given by the City Manager or designee to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within 30 days after receipt of such notice, the City Manager or designee will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(4) If upon the expiration of the 30-day period the said required underground facilities have not been provided, the City Manager or designee shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Manager or designee shall in lieu of providing the required underground facilities have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Manager or designee, he shall file a written report with the City Council setting forth the fact that the required underground

facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than 10 days thereafter.

(5) The City Manager or designee shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protest against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(6) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(7) If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Manager or designee, and the City Manager or designee is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. [Ord. 65 § 9, 1969.]

13.25.100 Responsibility of City.

The City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to RDMC 13.25.030. [Ord. 65 § 10, 1969.]

13.25.110 Extension of time.

In the event that any act required by this chapter or by a resolution adopted pursuant to RDMC 13.25.030 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. [Ord. 65 § 11, 1969.]

13.25.120 Penalty.

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding $500.00 or by imprisonment not exceeding six months in the County Jail, or by both

such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this chapter. [Ord. 65 § 12, 1969.]

Chapter 15.05
CONSTRUCTION CODES

Sections:

15.05.010 Administration.
15.05.020 Building codes.
15.05.030 Fees for permits and inspections.
15.05.040 Person may do own work.
15.05.050 Penalty.

15.05.010 Administration.

(1) The position of Building Official in and for the City of Rio Dell is hereby created. Said Building Official shall report to the City Manager or his or her representative.

(2) It shall be the duty of the Building Official to administer and enforce the provisions of this chapter and all ordinances of the City and statutes of the State of California relating to the erection, construction, enlargement, alteration, repair, moving, removal, demotion, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell.

(3) Nothing in this chapter shall be construed as prohibiting the City from contracting with qualified persons, firms, or agencies for building plan review and/or inspection services. [Ord. 262 § 15.01.010, 2009.]

15.05.020 Building codes.

(1) The City of Rio Dell hereby incorporates by reference and adopts as its building standards and regulations applicable to all occupancies in the City of Rio Dell each and all of the terms, conditions, regulations, penalties, and provisions of the following codes as from time to time adopted, amended, added, and deleted by regulation of the California State Building Standards Commission:

(a) California Building Standards Administrative Code;

(b) California Building Code;

(c) California Electrical Code;

(d) California Mechanical Code;

(e) California Plumbing Code;

(f) California Energy Code;

(g) California Elevator Safety Construction Code;

(h) California Historical Building Code;

(i) California Fire Code;

(j) California Green Building Standards Code (CalGreen Code).

(2) The above-mentioned codes, new additions, and amendments thereto shall become effective and operative within the City of Rio Dell 30 days after the date of first publication of the State Building Standards Code by the State Building Standards Commission in the California Code of Regulations, the California Regulatory Notice Register or the California Regulatory Code Supplement.

(3) The above-mentioned codes, new additions, and amendments thereto shall be and hereby are adopted as the Construction Code of the City of Rio Dell for regulating and providing minimum standards for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, location, design, quality of materials, operation, installation, replacement, and maintenance of all buildings and/or structures; heating, ventilation, cooling, refrigeration systems; electrical systems; plumbing and drainage systems; signs; and solar systems in the City of Rio Dell and providing for the issuance of permits and the collection of fees therefore.

(4) Nothing contained herein shall be construed as prohibiting or limiting the authority of the City of Rio Dell from adopting or establishing more restrictive building standards than provided for in the above-mentioned codes and amendments thereto after making the findings required by Government Code Section 17958.7.

(5) The City shall maintain one current copy of all building standards codes on file. [Ord. 262 § 15.020.020, 2009.]

15.05.030 Fees for permits and inspections.

(1) Any person required to obtain a permit hereunder shall at the time of filing an application therefore pay to the City Clerk a deposit for plan review in the amount as set forth in the California Administrative Code referred to in RDMC 15.05.020. Notwithstanding any other provision of these regulations to the contrary, the City shall collect upon the issuance of any permit the actual cost of the plan review services rendered or the plan review fee as set forth in the California Administrative Code, whichever is greater.

(2) Where work is commenced prior to obtaining a permit, a double fee shall be charged.

(3) For the purpose of determining valuation of any work to be performed hereunder, the City may use the Valuation Data Table published by the International Code Council. The above-mentioned table, new editions, and amendments thereto shall become effective and operative within the City of Rio Dell 30

days after the date of first publication. The City may choose to modify the data published as determined by regional conditions, but will not exceed the costs as published. [Ord. 262 § 15.01.030, 2009.]

15.05.040 Person may do own work.

Nothing in this chapter shall be construed as prohibiting any person from doing his own work or employing any person to work on a building or structure to which the provisions of this chapter apply unless otherwise prohibited by law. [Ord. 262 § 15.01.040, 2009.]

15.05.050 Penalty.

Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any part of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than $500.00. Such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this chapter, or any part hereof, is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided. [Ord. 262 § 15.01.050, 2009.]