

Visalia Water Reclamation Facility Digester No. 9 Project Categorical Exemption Report

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1.0 INTRODUCTION

This report serves as the technical documentation of an environmental analysis performed by HELIX Environmental Planning, Inc. (HELIX) for the Visalia Water Reclamation Facility Digester No. 9 Project (project) in the City of Visalia (City), Tulare County (County), CA. The project would include improvements to the City's existing Water Reclamation Facility (WRF), including construction of a new fixed cover anaerobic digester (Digester No. 9) to provide necessary redundancy to the digestion system if the existing Digester No. 8 needs to come offline for routine maintenance. The intent of the analysis is to document the project's eligibility for a Categorical Exemption (CE) pursuant to the following sections of the California Environmental Quality Act (CEQA) Guidelines:

- Section 15301(e) (Class 1) – Existing Facilities
- Section 15303(d) (Class 3) – New Construction or Conversion of Small Structures
- Section 15304(a) (Class 4) – Minor Alteration to Land

However, even where a project qualifies for a CE, the City, as the CEQA Lead Agency, may not rely on it if any of the exceptions to the categorical exemptions set forth in the CEQA Guidelines Section 15300.2(a) through (f) apply. This report provides an explanation for each of the exceptions as to why the exceptions would not apply to the project and concludes that the project is eligible for a CE according to CEQA Guidelines Sections 15301(e), 15303(d), and 15304(a).

2.0 PROJECT BACKGROUND AND NEED

In 2017, the City constructed the Water Conservation Plant Upgrades Project (WCP project) at the City's WRF. The WCP project was proposed in response to the Central Valley Regional Water Quality Control Board's (CVRWQCB's) adoption of the updated National Pollutant Discharge Elimination System (NPDES), which increased regulation on processed wastewater discharge into Mill Creek. These upgrades were implemented to divert discharge from Mill Creek and included the construction of membrane bioreactor (MBR) treatment facilities, a new digester, sludge handling facilities, and disinfection facilities to support continued discharge to the Tulare Irrigation District for agricultural uses, along with reuse at the golf course. The WCP project made various improvements resulting in the ability to produce recycled water compliant with Title 22 of the California Code of Regulations (CCR); it was not intended to increase plant capacity, but rather to provide process equipment to support the more stringent wastewater effluent quality requirements. Improvements made to the treatment system were designed around an average annual daily flow (AADF) of 22 million gallons per day (mgd); however, to save overall costs, some of the equipment was sized to handle an AADF of 18 mgd (Carollo 2024). The City of Visalia certified an Environmental Impact Report (EIR) for the WCP project (City 2013; State Clearinghouse [SCH] No. 2010081057).

Since construction of the facility upgrades, the City has observed performance impacts caused by the increased influent loadings from the facility upgrade. The City hired Carollo Engineers, LLC (Carollo) under an emergency contract to perform a condition assessment and prepare a facility plan to address the WRF's current solids handling challenges. Carollo determined that, at current sludge flows, the digestion system would operate below capacity if the largest digester, Digester No. 8, is out of service, and recommended the construction of Digester No. 9 with the same digestion and sludge storage capacities as Digester No. 8. This new digester would allow the plant to meet the required hydraulic

retention time for Class B¹ biosolids if Digester No. 8 needs to be taken offline for routine maintenance and provide necessary redundancy to the digestion system.

3.0 PROJECT LOCATION AND DESCRIPTION

The project is located at the City's WRF, located at 7579 Ave 288, Visalia, CA 93277, in the western edge of the City. The WRF encompasses Assessor's Parcel Numbers (APNs) 118-020-031 and -032. The project would be located on a portion of APN 118-020-032. The WRF is located approximately 0.5 mile west of State Route (SR) 99 and one mile south of SR 198. The WRF is generally surrounded by agricultural land on all sides.

The project would involve the construction of a fixed cover anaerobic digester (Digester No. 9) built from reinforced concrete to match the specifications of the existing Digester No. 8. The new digester, Digester No. 9, would be sited on a developed portion of the existing WRF, immediately adjacent to the west of Digester No. 8. The structure would be 116 feet in diameter (approximately 10,568 square feet [sf]) with a tank volume of approximately 297,700 cubic feet (cf). The tank would include 73,980 cf of sludge storage volume and 184,950 cf of sludge digestion volume. The design of the associated structures to support Digester No. 9 would match the design of Digester No. 8 and would include pumps, valves, heat exchangers, and a 384-sf electrical building.

4.0 EVALUATION

A Class 1 CE consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. A Class 3 CE applies to the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. Lastly, a Class 4 CE consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.

Consistent with Sections 15301(e), 15303(d), and 15304(a) of the CEQA Guidelines, the project would include minor alterations to an existing public facility, new construction of small structures, sewage and electrical utility extensions of reasonable length, and minor alterations to land (grading on land with less than 10 percent slope). Additionally, as discussed above, at current sludge flows, the digestion system is below capacity with the largest digester (Digester No. 8), and the purpose of the project is to provide necessary redundancy to the digestion system if Digester No. 8 needs to come offline for routine maintenance.

¹ Class B biosolids are defined in 40 Code of Federal Regulations Section 503.32(b) as sewage sludge that has been treated to significantly reduce pathogens, demonstrated by a fecal coliform density of less than 2,000,000 Most Probable Number (MPN) per gram of total solids (dry weight basis), and that has undergone a pathogen-reduction process meeting the Class B requirements under the federal Part 503 Biosolids Rule.

5.0 EXCEPTIONS TO THE EXEMPTION

The applicability of all CEs is qualified by the exceptions listed in CEQA Guidelines Section 15300.2(a) through (f). In the discussion below, each exception is followed by an explanation of why the exception would not apply to the proposed project.

15300.2(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies.

The City proposes filing a Class 1, Class 3, and Class 4 CE for the proposed project; Classes 3 and 4 are qualified by consideration of where the project would be located. The project is located at the City's WRF, which is developed with existing wastewater treatment infrastructure. The project would include the construction of a new fixed cover anaerobic digester (Digester No. 9), which would be sited on a developed portion of the existing WRF immediately adjacent to the west of Digester No. 8. As discussed above, this new digester would allow the plant to meet the required hydraulic retention time for Class B biosolids if Digester No. 8 needs to be taken offline and provide necessary redundancy to the digestion system. In addition, as discussed under *15300.2(e) Hazardous Waste Sites* below, the project site is not located on a hazardous materials site pursuant to Government Code 65962.5. The project site is also not designated critical habitat for a special-status plant or wildlife species. Therefore, the proposed project would not have an impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, State, or local agencies, and this exception to a CE would not apply to the proposed project.

15300.2(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

There are no reasonably foreseeable future projects in the project vicinity that would result in significant cumulative impacts in combination with the project. Therefore, no significant cumulative impacts would result from successive projects in the same place over time, and this exception to a CE would not apply to the proposed project.

15300.2(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

As explained in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 (Berkeley Hillside), a two-part test applies to determine whether an unusual circumstance is present that excludes use of a categorical exemption. This two-part test requires the lead agency to first consider whether there are unusual circumstances ("whether a particular project presents circumstances that are unusual for projects in an exempt class is an essentially factual inquiry, founded on the application of the fact-finding tribunal's experience with the mainsprings of human conduct.") This inquiry is subject to the substantial evidence standard of review, which means that all evidentiary conflicts must be resolved in the agency's favor and all legitimate and reasonable inferences must be made to uphold the agency's

finding. Second, if a lead agency finds an unusual circumstance exists, the lead agency next asks if there is a reasonable possibility of a significant effect on the environment due to unusual circumstances. If this second inquiry is necessary, the lead agency applies the "fair argument" standard of review to determine whether the project may have a significant impact on the environment. In establishing this bifurcated test, the Court emphasized that circumstances do not become unusual merely because a fair argument can be made that they might have a significant effect. For environmental impacts to constitute an unusual circumstance, the lead agency must determine based on substantial evidence that the project will have a significant environmental effect.

As discussed in Section 3.0, Project Location and Description, the proposed project involves the construction of a new anaerobic digester (Digester No. 9) within the boundaries of an existing, developed WRF. The project consists of a reinforced-concrete digester structure designed to match the scale, function, appearance, and engineering characteristics of the existing adjacent Digester No. 8. All associated infrastructure, including pumps, valves, heat exchangers, and a small electrical building, are typical components of standard digester construction and are consistent with the design of existing Digester No. 8. The project footprint is located on previously disturbed, developed land within the WRF, and the construction of an additional digester with characteristics substantially similar to those already present at the WRF does not constitute a rare, atypical, or unusually complex project for a facility of this type. The project does not introduce new types of facilities, unusual design features, unprecedented processes, or development in an environmentally sensitive or hazardous location. Accordingly, the project does not present circumstances that are unusual for wastewater treatment plant improvements within this exemption class.

Furthermore, to apply to a project, the unusual circumstance exception requires findings of both unusual circumstances and a potentially significant effect. As no unusual circumstances are present, the City is not required to analyze the second inquiry further. Nevertheless, this analysis also demonstrates that the proposed project would not have the potential to result in any significant environmental impacts. For these reasons, the unusual circumstances exception is not applicable to the project.

15300.2(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

There are no officially designated State Scenic Highways in the City. The segment of SR 198 to the east of SR 99 – approximately one mile north of the WRF – is listed as an eligible State Scenic Highway; however, it is not officially designated. The nearest officially designated State Scenic Highway to the project is SR 180, located over 28 miles to the north (Caltrans 2026). Due to distance, the project site is not visible from SR 180. Therefore, the proposed project would not damage scenic resources within a designated State Scenic Highway, and this exception to a CE would not apply to the project.

15300.2(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State, local agencies, and developers to comply with CEQA requirements in providing information about the

location of hazardous materials release sites. Section 65962.5(a)(1) of the Government Code requires the California Department of Toxic Substances Control (DTSC) to compile and submit to the Secretary for Environmental Protection a list of all hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code (HSC). A database search of DTSC's EnviroStor Database shows the project is not located on a hazardous materials site pursuant to Section 65962.5 of the Government Code (DTSC 2026).

In addition, Government Code Section 65962.5(c) requires the State Water Resources Control Board (SWRCB) to submit to the Secretary for Environmental Protection a list of underground storage tanks (USTs) with unauthorized releases, solid waste disposal sites with hazardous waste migration, and cleanup or abatement sites. According to SWRCB's GeoTracker Database, the WRF is listed as an active Waste Discharge Requirement (WDR) site (WDR Order No. R5-2018-0046), which includes sites that operate under WDRs issued by the SWRCB or a Regional Water Quality Control Board (RWQCB). Although the site is listed in the SWRCB's GeoTracker database as a WDR facility, this designation does not place the site on the Cortese List. The Cortese List, established under Government Code Section 65962.5, is limited to hazardous waste facilities, hazardous waste properties, hazardous materials release sites, leaking underground storage tank releases, and sites subject to specific cleanup or abatement orders. Because the site is not subject to a cleanup order, not designated as a hazardous waste property, and not identified as a contaminated site under the statutory categories, it is not included on the Cortese List.

Therefore, the project is not located on a site included on lists compiled pursuant to Section 65962.5 of California Government Code, and this exception to a CE would not apply to the proposed project.

15300.2(f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the National Register of Historic Places (NRHP) as significant historical resources. Resources eligible for the NRHP are automatically listed on the California Register of Historical Resources (CRHR). Historical resources are further defined as "a resource listed or eligible for listing on the California Register of Historic Resources" (Public Resources Code, Section 5024.1; 14 CCR 15064.5).

The project would include the construction of a new fixed cover anaerobic digester (Digester No. 9), which would be sited on a developed portion of the existing WRF immediately adjacent to the west of Digester No. 8. The project would not cause a substantial adverse change in the significance of a historical resource. Therefore, this exception to a CE would not apply to the proposed project.

6.0 CONCLUSION

Based on substantial evidence and the analysis above, none of the exceptions to a CE would apply to the proposed project. Therefore, the proposed project is exempt from environmental review pursuant to CEQA Guidelines Sections 15301, 15303, and 15304.

7.0 REFERENCES

- California Department of Toxic Substances Control (DTSC). 2026. EnviroStor Map. Accessed March 5 at: <https://www.envirostor.dtsc.ca.gov/public/map/?myaddress=Visalia+Water+Reclamation+Facility>.
- California Department of Transportation (Caltrans). 2026. California State Scenic Highway System Map. Accessed March 5 at: <https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aaca>.
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