

# Regular Meeting Agenda

## Visalia City Council



Mayor: Bob Link  
Vice Mayor: Amy Shuklian  
Council Member: Warren Gubler  
Council Member: Mike Lane  
Council Member: Steve Nelsen

Monday, May 2, 2011

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

5:00 p.m.

### **SWEARING-IN CEREMONY - Firefighter Paramedics**

Brandon De La Cruz, Mike Herlihy, Jacob Huffman, Chris Okland

### **WORK SESSION AND ACTION ITEMS (as described)**

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council. Each speaker will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.*

5:10 p.m.



1. Amend the Plaza Drive Project Report and Design agreement with TRC to include additional scope required to complete the work. The current fees are \$1,945,933.00. Scope additions total \$884,359.00. The total amended contract would be \$2,830,283.00.

5:30 p.m.

2. Introduction and first reading of Ordinance 2011-08, to amend Chapter 13.08 of the Municipal Code, Sewer Service System, and invitation for public comment on the Local Wastewater Discharge Limits Study.

*The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

### **ITEMS OF INTEREST**

6:00 p.m.

### **CLOSED SESSION (immediately following Work Session)**

3. Conference with Legal Counsel - Existing Litigation (G.C. 54956.9)  
Name of Case: Solis v. City of Visalia -TCSC 09-232070
4. Conference with Legal Counsel - Existing Litigation (G.C. 54956.9)  
Name of Case: Kevin Long and Teamsters Joint Council 7 v. City of Visalia -TCSC 10-240546

5. Conference with Legal Counsel- Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) – two potential cases
6. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : To be determined  
Under Negotiation: Potential sites for groundwater recharge facilities and authority to negotiate price terms and conditions of acquisition of selected properties  
Negotiating parties: Steve Salomon, Andrew Benelli, Kim Loeb
7. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : Recycled water from Water Conservation Plant  
Under Negotiation: Price, terms and conditions of potential sale or exchange  
Negotiating parties: Steve Salomon, Andrew Benelli, Kim Loeb, Paul Hendrix, Dennis Keller
8. Conference with Real Property Negotiators (G.C. 54956.8)  
Property : 522 River Way (Stasio)  
Agency Negotiator: Steve Salomon, Alex Peltzer, James Koontz, Vince Elizondo  
Negotiating parties: Sandra L. Spens  
Under negotiation: Price, terms and conditions of potential purchase
9. Conference with Labor Negotiators (GC 54957.6)  
Agency representatives: Steve Salomon, Eric Frost, Diane Davis  
Employee organizations: Groups A, B, E and M

7:00 p.m.

## **CALL TO ORDER REGULAR SESSION**

### **PLEDGE OF ALLEGIANCE**

**INVOCATION** – Pastor Donn Shelton, Grace Community Church

### **SPECIAL PRESENTATIONS/RECOGNITION**

- Proclaim May 12, 2011 RED (Renew Energize Donate) Day in Visalia
- Proclaim May 2011 as Teen Pregnancy Prevention and Sexual Health Awareness Month

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

*This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.*

10. **CONSENT CALENDAR** - *Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*
- a) Authorization to read ordinances by title only.
  - b) Approve resolutions relating to the regular municipal election to be held Tuesday, November 8, 2011, requesting and consenting to consolidation of elections and setting specifications of the election order; and requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific services to the City of Visalia. **Resolutions 2011-18 and 2011-19 required.**
  - c) Consideration of changes to the appointment list of the General Plan Update Review Committee (GPURC).
  - d) Authorize the Mayor to send letters to appropriate state legislators expressing support for California Assembly Bills 66 and 579 and letters of opposition for Assembly Bills 400, 646, 1354, 438, 1220 and Senate Bill 469.
  - e) *Item removed at the request of staff.*
  - f) Approve the proposed funding and authorize the City Manager to award a construction contract up to \$350,000 to the low bidder and execute an agreement for the Mooney/Ferguson Intersection Repair Project.
  - g) Authorize hiring Mike Ramsey to facilitate outreach on major land use issues for the General Plan Update at a flat fee of \$7,500 to be paid out of salary savings in the current approved planning division budget.
  - h) Authorization to submit comments to the 2011 Advisory Committee on Redistricting regarding criteria for establishing new Board of Supervisor Districts as part of Tulare County's Redistricting process.

**REGULAR ITEMS AND PUBLIC HEARINGS** - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

11. **PUBLIC HEARING** - Order closing and vacating the right of way on Laurel Avenue from Shady Street to Woodland Street. **Resolution No. 2011-20 required.**

#### **CLOSED SESSION REPORT (if any)**

#### **Upcoming Council Meetings**

- Monday, May 16, 2011, 4:00 Work Session, 7:00 p.m. Regular Session – Convention Center, 303 E. Acequia
- Monday, June 6, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, June 20, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia

*Note: Meeting dates/times are subject to change, check posted agenda for correct details.*

*In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.*

*Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.*

*The City's newsletter, Inside City Hall, is published after all regular City Council meetings. To self-subscribe, go to [http://www.ci.visalia.ca.us/about/inside\\_city\\_hall\\_newsletter.asp](http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp). For more information, contact Community Relations Manager*

*Nancy Loliva at [nloliva@ci.visalia.ca.us](mailto:nloliva@ci.visalia.ca.us).*

**RED Day**  
**May 12, 2011**

*WHEREAS, RED Day recognizes the volunteer efforts of real estate professionals who serve their communities and promote RED Day as a day of volunteer service; and*

*WHEREAS, in 2008, Keller Williams Realty designated and sponsored one day to encourage and allow its employees, associates, and other real estate professionals to sponsor and conduct charitable acts, and has named and marketed that day as RED Day which stands for Renew Energize Donate; and*


*WHEREAS, as the second largest real estate franchise in the United States, our associates' combined efforts on RED Day last year provided results that would have taken one person fifty years to achieve; and*

*WHEREAS, RED Day has contributed over one-hundred and fifty thousand hours of volunteer service in a single day in the past year alone; and*

*WHEREAS, RED Day volunteers have helped rebuild houses, nursing homes, children's camps, animal shelters, cleaned parks, and provided meals and activities for the elderly.*


*NOW, THEREFORE, the City Council of the City of Visalia does hereby proclaim May 12, 2011 as RED Day, and ask the citizens of our city to show their support to this very worthy occasion.*

**Dated: May 2, 2011**

  
Bob Link, Mayor

  
Amy Shuklian, Vice-Mayor

  
E. Warren Gubler, Councilmember

  
Michael Lane, Councilmember

  
Steven A. Nelsen, Councilmember

*Teen Pregnancy Prevention and  
Sexual Health Awareness Month  
May 2011*

*WHEREAS, Teen Pregnancy Prevention Month is a national, statewide, and local campaign to bring attention to the issues of teen pregnancy and its consequences on individuals, families, and communities and to highlight the need for comprehensive, effective teen pregnancy prevention programs; and*

*WHEREAS, 25% of mothers have a second pregnancy within 24 months, 70% of teen mothers drop out of high school, more than 75% of all unmarried teens go on welfare within 5 years of first births, and less than 20% of unmarried teen mothers receive financial support from the child's father; and*

*WHEREAS, Tulare County has been designated as the highest Medi-Cal recipient county in California at 35%, with a critical shortage of medical providers, 25% of its population living in poverty, and 18.3% of the capable workforce unemployed; and*

*WHEREAS, by working together, all members of the community can provide the information, resources, and support necessary to affirm positive choices and empower young people to avoid early pregnancy, finish high school, and enjoy being a teenager. Teens across the nation are being reminded to "stop, think, and take responsible action."*

*NOW, THEREFORE, the City Council of the City of Visalia does hereby proclaim May 2011 as Teen Pregnancy Prevention and Sexual Health Awareness Month, and the City of Visalia asks the citizens of our city to show their support to this critical issue.*

**Dated: May 2, 2011**



Bob Link, Mayor



Amy Shuklian, Vice-Mayor



Michael Lane, Councilmember



E. Warren Gubler, Councilmember



Steven A. Nelsen, Councilmember

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Provide City Council with a project update of the Plaza Drive Widening Project and to amend the Plaza Drive Project Report and Design agreement with TRC to include additional scope required to complete the work. The current fees are \$1,945,933.00. Scope additions total \$884,350.00. The total amended contract would be \$2,830,283.00.

**Deadline for Action:** May 5, 2011

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Fred Lampe, Project Manager, 713-4270  
Adam Ennis, Assistant Director of Engineering, 713-4323

**Department Recommendation:** Staff recommends that City Council accept the update of the Plaza Drive Widening Project and to authorize amending the Plaza Drive Project Report and Design agreement with TRC to include additional scope required to complete the work. The current fees are \$1,945,933.00. Scope additions total \$884,350.00. The total amended contract would be \$2,830,283.00.

**Summary:** With growth of the City of Visalia's industrial park and increased traffic from the City of Dinuba and communities to the north it is necessary to widen Plaza Drive. Plaza drive is the entrance to the industrial park as well as the major north/south artery through the park.

Benefits to widening Plaza Drive and the Interchange at State Route 198:

- Better commercial access for existing and future businesses
- Aids expansion of the industrial park
- Enhances the City's ability to attract new businesses

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_.

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- Part of area wide transportation projects that will enhance access to the industrial park and surrounding area

Current Project Status:

- |  |                   |
|--|-------------------|
| • Project was programmed to the RTIP         | Mid 1990's        |
| • Initial Study – Project Study Report (PSR) | 1999              |
| • Environmental Study – CEQA, NEPA           | 2006              |
| • Final Study – Project Report (PR)          | 2011              |
| • Design Phase – Plans, Specifications       | Deadline 06/10/11 |
| • Right-of-Way Acquisition                   | Deadline 06/10/11 |
| • Construction – Award Contract              | Deadline 11/30/11 |
| • Construction – Completion                  | End of 2013       |

TRC was contracted by the City in August 2007 to produce the Project Report (PR) and Plans, Specifications and Estimates (PS&E) for the Plaza Drive Widening Project. The project widens Plaza Drive and the Interchange with State Route 198. The scope of their work was based on the Project Study Report (PSR) completed for the project in 1999. The preliminary PSR traffic analysis was based on a 20-year traffic projection to the year 2018 and the estimated project cost was about \$8.9M. Between the PSR completion and the analysis in the PR, the environmental work and other studies were being conducted for the project. The PR traffic analysis was required to be conducted for a 20 year projection beyond the anticipated construction year of 2012. Based on the increased traffic projection between 2018 and 2032, a much larger \$29M project needed to be designed by TRC.

Several other items also increased TRC's scope of work, such as:

- Auxiliary lanes on State Route (SR) 198 between SR99 and Plaza Drive were required to be added to the project by Caltrans
- The Plaza Business Park Development was constructed in the middle of the City's project during its design, requiring major coordination efforts between TRC and the development's design engineer.
- Changes in Highway Codes and Caltrans requirements required additional design work.
- An additional \$9.8M of funding was obtained for the project but required services from TRC to develop some of the information and documents to get the additional funding.
- Miscellaneous extra services to provide landscaping and irrigation design and additional studies and work on the PR for the project beyond that initially identified.



Therefore, an additional \$884,350 is being requested for TRC performing these extra services. Action on this amendment is critical to keeping this project on schedule to complete design and right-of-way to meet some of the funding deadlines. The Corridor Mobility Improvement Account (CMIA) funding has a deadline for completion of plans, specifications and right-of-way certification of June 10, 2011.

**Project Benefits:** Plaza Drive (Road 80) has both local and regional importance. It is the entrance to Visalia’s industrial park and is also a regional road linking the City of Dinuba and much of the north county with the City of Visalia, State Route 198, and State Route 99.

Access to the industrial park is critical to existing businesses and is important to new business locating in Visalia. The industrial park encompasses about 7,000 acres and is home to over 80 businesses. Plaza Drive is the main north/south arterial within the industrial park. It is becoming impacted by the amount of traffic and is in need of widening. Commuters, employees, customers, students, heavy and light trucks all use Plaza Drive. Plaza Drive is important to the economic viability of the industrial park. The need to provide adequate access to the industrial park is reflected in the \$2 million grant by the U.S. Department of Commerce, Economic Development Administration. The EDA recognizes the economic impact of widening Plaza Drive.

Growth of the industrial park continues. The construction of VF Industries and the significant expansion project at California Dairies Inc. are examples of recent growth. Future growth is already underway with plans moving forward to construct VWR facilities north of Riggan Avenue. Future growth is also supported by the expansion of the waste water treatment plant. The treatment plant expansion is the largest capital improvement project undertaken by the City of Visalia. Completion of the treatment plant expansion will assure capacity for growth in the industrial park

State and local transportation planners are aware of the needs of the industrial park and the surrounding area. The Plaza Drive Widening Project is one of several projects that will improve traffic flow in and around the industrial park area. Many of the projects have been planned for years and some are being constructed. The projects are listed in the table below and can be seen on Exhibit 2 attached to this report:

Project	Agency	Status	Budget
Plaza Drive Widening from Airport Drive to Goshen Avenue	City of Visalia	Design and Right-of Way Phase	\$29 m
Road 80 Widening from Goshen Avenue to Avenue 416	County of Tulare	Construction of Phase 1 Complete, Other Phases Underway	\$65 m
Riggen Avenue/Betty Drive Widening from Robinson Road to Plaza Drive	County of Tulare	Construction Underway	\$8 m
State Route 198 Widening from State Route 99 to the City of Hanford	Caltrans	Construction Underway	\$93 m
Betty Drive Railroad Grade Separation and Interchange Improvement	County of Tulare and Caltrans	Design and Right-of Way Phase	\$43 m

State Route 99 Widening from State Route 201 to the Town of Goshen	Caltrans	Design Phase	\$173 m
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**Background:** In the mid 1990's, concerns were raised that Road 80 (Plaza Drive) needed to be widened between Visalia and Dinuba. The project was listed in the Regional Transportation Improvement Program (RTIP) administered by the Tulare County Association of Governments (TCAG). The City of Visalia entered into a contract with Martin & Kane, Inc. to prepare a PSR for the City portion. The PSR is the initial planning study for large projects built within state right-of-way. The PSR analyzed the proposed widening of Plaza Drive (Road 80) between Airport Drive and Goshen Avenue based on the current and anticipated future traffic and evaluated possible alternatives for the project taking into account right-of-way, environmental and construction costs. Future traffic in the PSR was projected out 20 years to the year 2018. The City's PSR was approved by the California Dept. of Transportation in July, 1999.

In June, 2000, the Cities of Visalia and Dinuba and the County of Tulare entered into an agreement with Jones & Stokes Assoc. Inc. to perform all of the necessary environmental studies required in the PSR so that Road 80 (Plaza Drive) could be widened. In August, 2006, the Visalia City Council adopted Resolution 2006-73 supporting the Road 80 Mitigated Negative Declaration for the portion of the Road 80 Improvement Project within the Visalia Urban Area Boundary.

The next steps in widening Plaza Drive from Airport Drive to Goshen Avenue were to prepare a final planning document, the Project Report (PR), and then the Plans, Specifications and Estimates (PS&E) to be used for construction. In August 2007, City Council authorized the agreement to hire TRC to produce these documents. The scope of work was defined by the Project Study Report (PSR) which had been completed in 1999.

The final planning study, the PR, is required to project traffic to 20 years beyond the anticipated construction date of the project, which is 2032. Traffic studies completed by TRC indicated not only a wider bridge was needed but also more lanes on the ramps and auxiliary lanes on SR 198. The auxiliary lanes connect the ramps at the SR198-Plaza Drive Interchange to the ramps at SR 99. This connection reduces conflicts caused by lane changes and improves traffic safety and flow on SR 198.

Increased traffic load combined with changes in highway and regulatory codes since 1999 have led to a much larger project than the one envisioned in the initial planning study, the PSR. The larger structure, the additional land area, and newer codes require additional plan sheets, studies, reports, meetings, and coordination. The PSR total project cost estimate was \$8.9 million and the total project is now expected to cost \$29 million. Total project cost includes design, right-of-way and construction costs. With the increased size of the project the cost of planning and design has also increased

Funding Note: Construction financing is provided by:

State Transportation Improvement Program (STIPP)	\$16.0 M
Corridor Mobility Improvement Account (CMIA) Prop. 1B	\$7.8 M
U.S. Dept. of Commerce –	
Economic Development Administration (EDA) grant	\$2.0 M
<b>Total</b>	<b>\$25.8 M</b>

The CMIA portion of the funding came with strict completion deadlines. Agreements were signed between the City of Visalia and the California Transportation Commission and between the City of Visalia and Caltrans committing to the completion of right-of-way certification, plans and specifications by 6/10/11. Included in the agreements is a deadline to award the construction contract by 11/30/11. This amendment is critical to keeping the above project schedule.

No portion of the General Fund will be used on this project.

The following is a summary of the proposed additions to TRC's contract. Costs are included along with benefits gained by the additional work:

	Task	Agreement Cost	Need/Benefit
1	Auxiliary Lanes	\$279,109.00	Improve traffic flow on State Route 198. Unintended Benefit-added freeway work helped qualify the project for \$7.8 million CMIA funds
2	Business Park	\$75,432.00	Private Development able to move forward quickly
3	Larger Project Footprint at Interchange and Utility Avoidance	\$275,207.00	Meet requirements of most recent traffic studies. Saves \$2.0 Million in utility relocation costs. Unintended Benefit-added freeway work helped qualify the project for \$7.8 million CMIA funds
4	Updates to Codes and Requirements	\$91,880.00	Unforeseen work needed for project approval
5	Work needed to apply for additional funding and meet funding requirements	\$39,550.00	Additional CMIA funding and potential EDA funding
6	Miscellaneous Extras	\$123,172.00	Required to complete PR and PS&E and to add landscaping design to the project scope
	TOTAL	\$884,350.00	

The following is a detailed description of the tasks completed for each of the above additions:

1) Traffic studies produced for the PR indicated that traffic volumes in 2008 had increased since the PSR was completed in 1999. Caltrans required the addition of auxiliary lanes to State Route 198 between Plaza Drive and State Route 99. The auxiliary lanes reduce the merging and weaving movements from traffic entering and exiting State Route 198 between Plaza Drive and State Route 99. Cost includes additional field work, studies, environmental updating, geotechnical work, plans and specifications. Total: \$279,109

2) Inclusion of the Plaza Business Park Development in the scope of the project. In April 2008 the City of Visalia Planning Commission approved a conditional use permit to construct the Plaza Business Park. The Business Park is located within the project boundaries and affected the design of the Plaza Widening Project. TRC's work was put on hold as details such as the traffic signal at Crowley Avenue and the configuration of the median island and turn pockets were developed. In July 2008 the Mangano Company requested to design and construct the portion of Plaza Drive within the Plaza Business Park Boundaries. Final plans were approved

by the City of Visalia in May 2009. During the design of the Business Park Plans, TRC was asked by city staff to coordinate with Lane Engineers to insure that the Plaza Business Park improvements conformed with the overall Plaza Widening Project. Cost includes design coordination and plan checking \$64,932. Additional mapping was done for right-of-way acquisition ahead of the remaining project \$10,500. Total: \$75,432

3) Expansion of the project footprint at the interchange was caused by two factors. First the increase in traffic shown in the PR traffic studies required the bridge to be widened to seven (7) lanes instead of five (5) in the PSR. The traffic increase also required the on and off ramps to undergo additional widening. The second factor was the change in the Highway Design Standard for side slopes from 2:1 to 4:1. Any part of the interchange to be modified would have to conform to the new requirements. TRC applied for design exceptions to the new requirement and was granted relief at some locations but additional land was required throughout much of the interchange ramps and approaches. Costs associated with the larger project footprint include additional design fees of \$121,990, positive location of underground utilities \$6,600, structural design of retaining walls to avoid \$2M in utility relocation costs \$93,835, additional design exceptions \$41,135, resubmittal of the Project Report \$6,580, and miscellaneous expenses \$5,067. Total: \$275,207

4) From 1999 to the present, codes and requirements have changed. Recently seismic codes changed and FEMA updated flood maps. Extra work was done by TRC due to changes or updates to codes and requirements. The Structure Advance Planning Study completed in the PSR was updated and the project was rechecked against recent seismic code revisions, \$22,055. The Storm Water Data Report from the PSR was updated, \$24,760. Additional traffic analysis was done projecting to the year 2032 and the environmental document was revalidated, \$45,065. Total: \$91,880

5) Additional funding sources were identified during planning and design. Applications were made for Proposition 1B, Corridor Management Improvement Account (CMIA) \$7.8 million and U.S. Economic Development Administration (EDA) \$2.0 million. TRC provided technical support in making the grant applications. The CMIA grant was approved and the EDA grant was recently awarded to the City of Visalia. TRC also provided technical support for applications to the Army Corps of Engineers, California Department of Fish and Game, and the Regional Water Quality Board for permits required to widen the North Mill Creek culvert. TRC extras Total: \$39,550

6) Miscellaneous extras include exhibits produced for outreach efforts to inform local businesses and property owners of the median islands that will be installed, meetings between staff, TRC and subconsultants, utilities, and Caltrans. Also included is a landscape and irrigation plan that was not part of the original agreement. Total: \$123,172

**Prior Council/Board Actions:** 1999 – Approve PSR  
February 2006 – Approve time extension  
August, 2006 – Approve Mitigated Negative Declaration  
August, 2007 – Approve Contract with TRC

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Project Site Map – Exhibit #1

TRC Request For Contract Amendment – Exhibit #2

**Recommended Motion (and Alternative Motions if expected):** I move to authorize amending the Plaza Drive Project Report and Design agreement with TRC to include additional scope required to complete the work. The current fees are \$1,945,933.00. Scope additions total \$884,350.00. The total amended contract would be \$2,830,283.00.

***Environmental Assessment Status***

**CEQA Review:** Mitigated Negative Declaration – approved by council August 2006

**NEPA Review:** Finding of No Significant Impact – August 2006

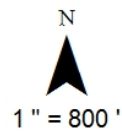
**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

Exhibit 1  
Project Site Map



# SR 198/Plaza Drive Widening Project



## Exhibit 2

# Industrial District Projects



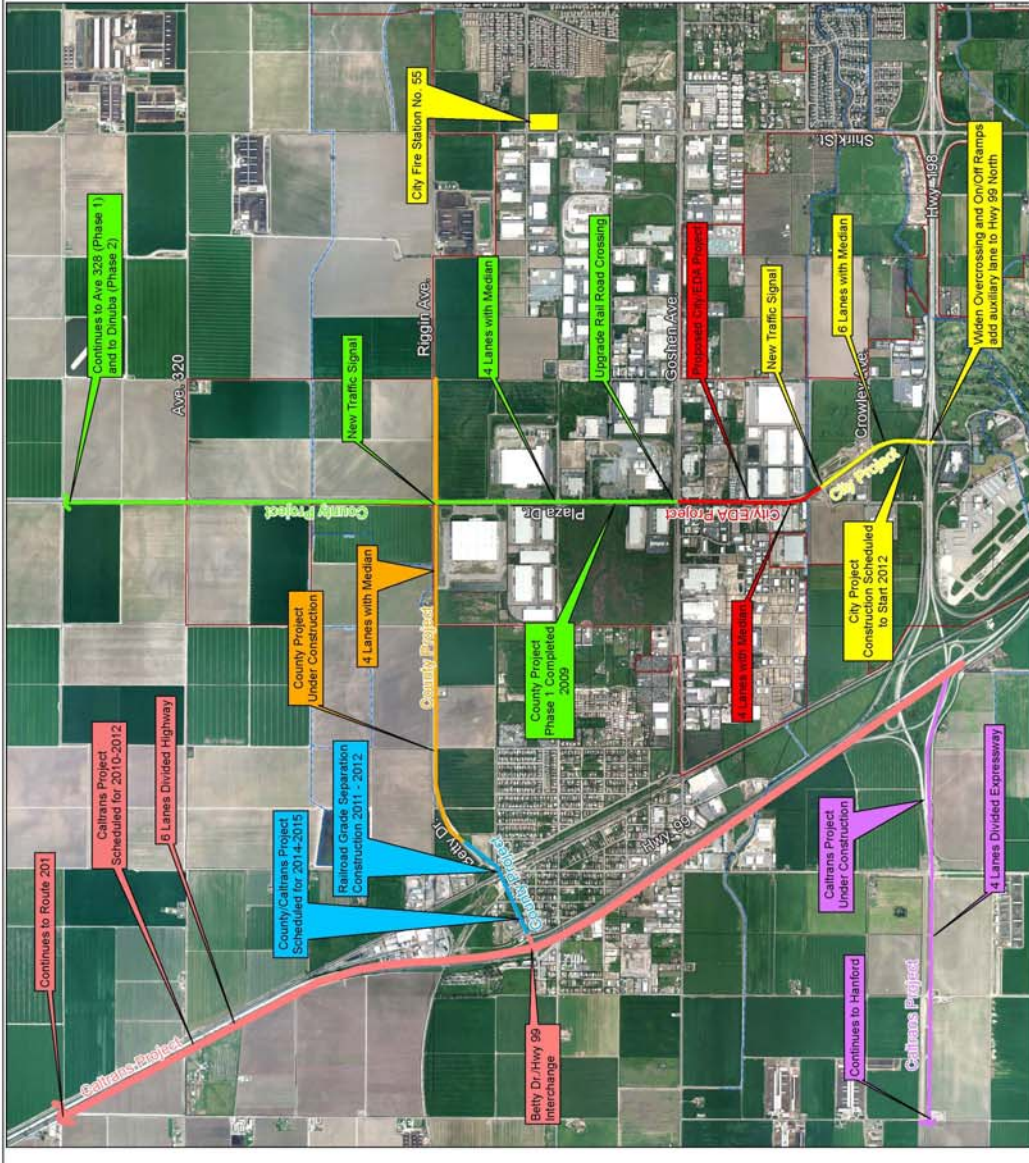
# CITY OF VISALIA INDUSTRIAL DISTRICT PROJECTS

## Plaza Drive / Road 80 Projects

- Legend**
- Plaza Drive Widening (\$26,000,000 Budgeted)
  - Road 80 Widening (\$65,479,000 Budgeted-All Phases)
  - Rogain Avenue Widening (\$5,017,000 Budgeted)
  - Highway 99 Widening (\$30,290,000 Budgeted)
  - Highway 99 Widening (\$17,242,000 Budgeted)
  - Betty Drive Upgrades (\$43,300,000 Budgeted)
  - Proposed City/EDA Project (\$5,000,000)
- Total Major Street Improvements \$426,966,000 Budgeted



Scale: 1" = 1,000 ft



Updated April 20, 2011

## Exhibit 3

# TRC Request for Contract Amendment

A summary of Amendment #2 tasks and benefits appears below.

Milestone/ Task	T&M or LS	Firm	Task Description	Budget	Benefit
<b>Task 1 – SR198 Auxiliary Lane Project Report and PS&amp;E</b>					
MS020/P081	T&M	PEG	X001 Auxiliary Lane Weaving Analysis	\$5,500	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
MS020/P082	LS	TRC	Task 3: Initiate Draft PS&E	\$1,760	Address expanded footprint of project
MS020/P088	T&M	TRC	X003 Auxiliary Lane Layout and Cost Estimate	\$12,160	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
MS020/P107	T&M	KLEI N	Auxiliary Lane Geotechnical Work	\$ 9,200	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
MS040/P146-9	LS	TRC	Incorporate Aux. Lanes in Project Report	\$4,545	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
MS160/P194-6	LS	TRC	Task 7: Revise Aux. Lane Language per Caltrans	\$3,990	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
MS160/P197	T&M	TRC	Task 13: Major Revision of Project Report for Aux. Lanes, Environmental Recertification, and Final per Caltrans	\$12,940	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99. Also required to update 5-year old environmental document.
P999	T&M	TRC	Meetings	\$3,060	Applicable to above tasks.
MS160/P197	T&M	TRC	Expenses	\$660	Applicable to above tasks.
D214-430	T&M	TRC	X007 Auxiliary Lane PS&E	\$119,935	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
D227	T&M	QUAD	Auxiliary Lane and Plaza Business Park Surveys & Base Mapping	\$62,230	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.

D214-430	T&M	PEG	X007 Auxiliary Lane PS&E (Traffic & Electrical Plans)	\$25,800	Enabled receipt of \$8.8M in CMIA funds. Required by Caltrans to allow proper and safe weaving between SR198, Plaza WB on ramp, and SR99.
D000	T&M	TRC	Project Management	\$7,230	Applicable to above tasks.
D999	T&M	TRC	Meetings	\$6,480	Applicable to above tasks.
D214-430	T&M	TRC	Expenses	\$3,619	Applicable to above tasks.
<b>Task 2 – Plaza Business Park Coordination and Accommodation</b>					
X004	T&M	All	Plaza Business Park Coordination	\$64,932	Needed as developer desired business park to be constructed in advance of our project.
MS224/D316	T&M	QK	Additional Plats & Legal Descriptions	\$10,500	Greater number required than were stated in agreement, some due to expanded footprint.
<b>Task 3 – Greatly Increased Project Footprint and Scope</b>					
MS010-160	LS	TRC	P057-P211, 10%	\$29,770	Address expanded footprint of project
MS020/P085	T&M	TRC/D HA	Design Exceptions	\$ 41,135	Due to expanded footprint, saves R/W acquisition cost and freeway interchange reconstruction by allowing steeper than standard slopes.
MS160/P194-7	T&M	TRC	Rewrite and Resubmit Project Report	\$6,580	
MS160/P197	T&M	TRC	Expenses	\$816	Applicable to above tasks.
MS200-480	LS	TRC	D212-D430, 10%	\$92,220	Address expanded footprint of project
X008	T&M	TRC	Utility Relocation Avoidance Walls	\$93,835	Needed to save over \$1.5M in avoiding utility relocation costs (AT&T fiber-optic, So. Cal Gas main).
MS260/D360	T&M	QK	Pothole Utilities	\$6,600	Needed for utility avoidance retaining walls. Needed to save over \$1.5M in avoiding utility relocation costs (AT&T fiber-optic, So. Cal Gas main).
D214-430	T&M	TRC	Expenses	\$4,251	Applicable to above tasks.
<b>Task 4 – Emergent Design Code and Requirement Changes</b>					
P024	T&M	TRC	Structure Advance Planning Study	\$12,745	Required as CT deemed 10-year old study dated plus expanded footprint (from 5 to 7 lanes on bridge) required new study and estimate.
MS020/P102	T&M	TRC	Stormwater Data Reports	\$24,760	SWDR wasn't done at PSR stage as was not a requirement at that time. Subsequent requirements are now to prepare SWDR at three stages.
P136	T&M	TRC	Environmental Document Recertification	\$37,300	Required due to 5-year age of document. Also required due to FEMA floodplain remapping. Assured flooding would not be exacerbated.

D381	T&M	TRC	Seismic Code Revisions	\$9,310	Necessitated due to changes in code to assure project up to current seismic standards.
MS020/P081	T&M	TRC	2012, 2032 Traffic Analysis	\$7,765	Needed due to delay in schedule to provide 20-year design year.
<b>Task 5 – Additional Funding Acquisition Work</b>					
X005	T&M	TRC	EDA Grant	\$9,690	Needed to qualify for new grant funding of \$2-3M.
X006	T&M	TRC	Risk Management	\$5,160	Implemented to assure schedule achieved for \$8.8M CMIA funding.
MS220/D298	T&M	Gibson & Skordal	Permits	\$24,700	Needed to expedite OCE permit acquisition to assure schedule met for \$8.8M CMIA funding.
<b>Task 6 – Landscaping &amp; Irrigation &amp; Miscellaneous Tasks</b>					
MS140/P178-9	T&M	TRC/QK	Public Hearing Exhibits (Damsen Lt. Turn)	\$1,804	Minor work to accommodate local land/business owner concerned about access to his parcel. He would have held up project protesting, thus risking achievement of our \$8.8M CMIA funding.
D000	T&M	TRC	Project Management (included elsewhere)	\$0	Applicable to above tasks.
P999, D999	T&M	TRC	Meetings	\$53,028	Was supplemental service in agreement but never approved. Also applicable to all extra work items.
MS300/D394-5	T&M	TRC/QK/DL252	Landscaping and Irrigation	\$68,340	Was extra service in agreement but never approved.

<b>Firm</b>	<b>Part 1: Fee</b>
TRC	\$ 628,794
Kleinfelder	\$ 23,878
Quad Knopf	\$ 107,502
Peters Engineering	\$ 39,766
Gibson & Skordal	\$ 24,700
Design Lab 252	\$ 53,300
Other	\$ 6,410
<b>Total</b>	<b>\$884,350</b>

# PLAZA DRIVE WIDENING

FROM AIRPORT DRIVE TO GOSHEN AVENUE

COUNCIL MEETING MAY 2, 2011

PRESENTED BY: FRED LAMPE, SENIOR CIVIL ENGINEER  
ENGINEERING DIVISION

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## PROJECT MILESTONES

These are the steps required to construct larger projects on state highways or when using state or federal highway funds. Dates for the Plaza Widening Project are shown.

- Identify Need – Mid 1990's
- Program project in the Regional Transportation Improvement Program (RTIP) – Mid 1990's
- Initial Study – Project Study Report (PSR) – 1999
- Environmental Study – CEQA, NEPA – 2006
- Final Study – Project Report (PR) –2011
- Design Phase – Plans, Specifications and Estimate (PS&E) – Deadline 6/10/2011
- Right of Way Acquisition – Deadline 6/10/2011
- Construction – Deadline to Award Contract 11/30/2011
- Estimated Completion of Construction – End of 2013

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## CITY / COUNTY PROJECT



- Overall City / County Project
- County from City of Dinuba to Goshen Avenue
- City from Goshen Avenue to Airport Drive

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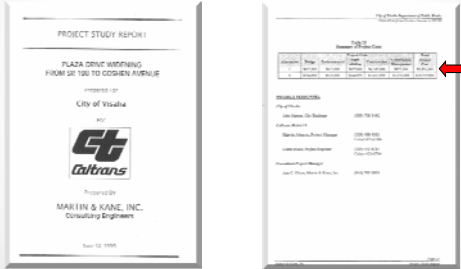
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# PROJECT STUDY REPORT



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# ORIGINAL SCOPE



- Widen Plaza Drive from Airport Drive to Goshen Avenue

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# ORIGINAL SCOPE

- Scope based on PSR Traffic Study projected to 2018
  - o No auxiliary lanes
  - o No signal at Plaza / Crowley intersection
  - o Overcrossing will widen to 5 lanes
  - o 2:1 Side slopes on all ramps and approaches
  - o ON/OFF ramps will have little widening
  - o No encroachment into underground utility easements
- Overall Project Cost \$8.9 Million

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## TODAY'S SCOPE

- Scope based on PR Traffic Studies projected to 2032
  - Add auxiliary lanes
  - Added signal at Plaza / Crowley intersection
  - Overcrossing will widen to 7 lanes
  - 4:1 Side slopes on some ramps and approaches
  - ON/OFF ramps will have additional widening
  - Retaining walls must be constructed to prevent encroachment into underground utility easements
- Overall Project Cost \$29 Million
- Consultant has continued work to meet critical funding deadlines

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## AUXILIARY LANES



- Need
  - Improve traffic flow on State Route 198.
  - Required by Caltrans
- Unintended Benefit
  - Added freeway work helped qualify the project for \$7.8 million CMIA Funds

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## AUXILIARY LANES

- Additional tasks to implement:
  - Supplementary traffic studies
  - Edit Project Report and Environmental Document
  - Additional field surveys
  - Additional geotechnical study
  - Major addition to design work with numerous plan sheet additions
  - Increased coordination and project management
- Additional TRC Cost \$279,190

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## PLAZA BUSINESS PARK



- Need
  - Private Development able to move forward quickly
- Additional TRC Cost \$75,432

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## INCREASE INTERCHANGE FOOTPRINT



- Need
  - Meet requirements of most recent traffic studies
- Benefit
  - Saves \$2.0 million in utility relocation costs
- Unintended Benefit
  - Added freeway work helped qualify the project for \$7.8 million CMAA Funds

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## INCREASE INTERCHANGE FOOTPRINT

- Additional tasks to implement:
  - Edit Project Report and Environmental Document
  - Submit additional design exceptions
  - Additional geotechnical study
  - Major addition to design work with numerous plan sheet additions
  - Locate existing underground utilities
  - Design additional retaining walls to protect underground utilities
  - Increased coordination and project management
- Additional TRC Cost \$275,207

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## CODES AND REQUIREMENTS

- Structural
  - Structure Advanced Planning Study updated
  - Design work to meet Revised Seismic Codes
- Storm Water Data Report Completed
- Traffic Analysis
  - Change traffic projection from 2030 to 2032. The adjustment was made to reflect changes in the construction date.
- Environmental Document Revalidated
  - Due to age of document and new FEMA maps
- Total Agreement Cost \$91,880

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## ADDITIONAL FUNDING SOURCES

- Proposition 1B, Corridor Management Improvement Account (CMIA)
  - \$7.8 Million Approved
- United States Economic Development Administration (EDA)
  - \$2.0 Million Approved
- Culvert Permits
  - Permits were needed in a timely manner to meet deadlines for CMIA funding
- Additional TRC Cost \$39,550

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## MISCELLANEOUS EXTRAS

- Exhibits for local outreach
- Meetings
  - City
  - Sub-consultants
  - Utilities
  - Caltrans
- Landscape and Irrigation plans added to scope
- Additional TRC Cost \$123,172

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## RECOMMENDATION

- Accept the Plaza Drive Widening Project Update and Amend the Plaza Drive Project Report and Design Agreement with TRC to include additional scope required by the increased size of the project and the deadlines imposed by funding requirements.

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# City of Visalia Agenda Item Transmittal

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 2

**Agenda Item Wording:** Introduction and First reading of Ordinance 2011-08, to amend Chapter 13.08 of the Municipal Code, Sewer Service System, and invitation for Public Comment on the Local Wastewater Discharge Limits Study.

**Deadline for Action:**

**Submitting Department:** Public Works

**Contact Name and Phone Number:** Jim Ross, Public Works Manager, 713-4466

**Department Recommendation:**

Staff recommends adopting Resolution 2011-08 adopting local wastewater discharge limits and amending Chapter 13.08 of the Visalia Municipal Code Sewer Service System, to establish discharge limitations, modify the administrative fine schedule, and other related items.

**Summary/background:**

The City of Visalia wastewater division is responsible for administering the City's wastewater pretreatment program. The pretreatment program is required by the Clean Water Act and is designed to enable the city to regulate the quality and quantity of wastewater discharged into the sewer system. This enables the City to efficiently and cost-effectively treat wastewater consistent with the capabilities of our Wastewater Treatment Plant. Chapter 13.08 of the Visalia Municipal Code (Sewer Service System), the City of Visalia Enforcement Policy Procedures Manual (EPPM), and various other documents compose the pretreatment program.

There are currently 13 users classified as significant industrial users (SIU: California Dairies, Provisions Food, Mission Uniform, Josten's, etc) and approximately 500 classified as non-significant industrial users (NIU: restaurants, print shops, dry cleaners, automotive shops, etc). These facilities are routinely inspected and sampled for compliance with the ordinance. In addition, regular self monitoring reports are received from the various industries.

The pretreatment program falls under the regulatory authority of the California State Water Resources Control Board (SWRCB) and annually undergoes a Pretreatment Compliance Inspection (PCI) for compliance with Federal and State standards. Recent inspections have identified deficiencies in the sewer ordinance. The proposed changes to the sewer use ordinance, discussed below, are intended to correct these deficiencies.

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 30

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- Local Limit Evaluation

The City is required to maintain and enforce local limits on the significant industrial users that discharge to the City's wastewater treatment facility. The existing local limits were developed in 1992. The Regional Water Quality Control Board is requiring the City to re-evaluate their local limits.

Local limits are designed to protect the operations of the treatment plant and to ensure that its discharges, whether liquid, solid, or air, comply with State and Federal requirements. The EPA published the *Local Limits Development Guidance* document in July 2004, which outlines the procedures to develop local limits.

In developing local limits the following factors must be considered:

- existing background conditions from residential, commercial, and industrial discharges,
- the treatment plant's efficiency in treating and removing pollutants;
- the treatment plant's history of complying with the Waste Discharge Requirements;
- receiving water beneficial uses,
- sludge disposal methods; and
- worker health and safety concerns.

Because these factors vary between systems, it is not appropriate to apply the local limits developed for one sewer system to another system: local limits are specific to each system. Nonetheless, a comparison of Visalia's local limits with those of Fresno and Tulare show that Visalia's limits are generally more restrictive than Fresno's, and generally less restrictive than Tulare's.

A list of potential pollutants of concern was developed based on available sampling and treatment facility data. A sampling plan was developed and implemented to collect additional data necessary to perform the local limits evaluation. Using the information collected, the local limits were evaluated.

In summary, the existing local limits will be retained for all pollutants, with the exception of boron and pentachlorophenol. Because historical data shows no evidence of these two constituents being discharged by any industrial user, they are being eliminated as pollutants of concern and, thus, the local limits eliminated.

It should be noted that the elimination of the local limit for these two compounds does not prevent the City from placing industry-specific limits in the future. This would be done through the industry's annual wastewater discharge permit.

### Local Limits Summary

Pollutant	Existing Local Limit	Proposed Local Limit
Arsenic	0.05 mg/L	0.05 mg/L
<b>Boron</b>	<b>1.60 mg/L</b>	<b>None</b>
Cadmium	0.02 mg/L	0.02 mg/L
Chromium	3.44 mg/L	3.44 mg/L
Copper	1.97 mg/L	1.97 mg/L
Cyanide	0.16 mg/L	0.16 mg/L
Lead	0.30 mg/L	0.30 mg/L
Mercury	0.02 mg/L	0.02 mg/L
Nickel	2.86 mg/L	2.86 mg/L
Silver	0.76 mg/L	0.76 mg/L
Zinc	0.64 mg/L	0.64 mg/L
<b>Pentachlorophenol</b>	<b>0.15 mg/L</b>	<b>None</b>
Oil & Grease	200 mg/L	200 mg/L
BOD <sub>5</sub>	18,161 lb/day	18,161 lb/day
TSS	41,633 lb/day	41,633 lb/day

- Administrative Fine schedule

The City's Enforcement Policy Procedures Manual (EPPM) was updated and approved by Council in March 2006. It is a document that outlines the progressive enforcement actions the City will take to enforce the provisions of the sewer use ordinance. Progressive enforcement is a system of escalating penalties that are applied to repeat violators of the ordinance if violations are not corrected. One of the more significant actions available to the City is the imposition of administrative fines. It should be clearly noted that the purpose of progressive enforcement actions is to bring an industry into compliance with its discharge permit and with the City's sewer use ordinance.

The existing administrative fine schedule in the sewer use ordinance allows for fines of up to \$1000 per violation. Though this is not an insignificant amount, it is not sufficient to compel an industry into discharge compliance. Existing City code Section 1.13.050(D) allows for the establishment of an

*“administrative penalty schedule providing for an administrative penalty in any amount not less than one hundred dollars (\$100.00) nor more than twenty-five thousand dollars (\$25,000.00) per violation.”*

Staff is recommending Section 13.08.1035 be amended to allow for administrative fines up to \$25,000 per violation to strengthen the City's ability to achieve compliance for significant and ongoing violations.

- Electrical Conductivity

Electrical conductivity (EC) is generally considered a measurement of salt content. There is currently no discharge limit in the ordinance for EC. However, the EC discharge limitation for the treatment plant is 500 umhos/cm over background concentrations. In practice, the City has passed this limit on to its industrial users. There has been concern that this limitation may be creating a disincentive for water conservation.

The sewer use ordinance is being modified to establish a maximum EC discharge of 500 umhos/cm over background. As an incentive for water conservation, a formula is being included that allows a proportionately higher EC discharge limit in exchange for documented water conservation measures.

- Mercury Best Management Practices

The EPA has, for years, focused on mercury in the environment. One potential source of mercury in wastewater streams is from dental amalgam wastes. The American Dental Association has developed a set of best management practices for handling amalgam wastes that prevents their entry into the environment. The sewer use ordinance is being modified to require dental offices to comply with the ADA best management practices, including the use of inline filters, amalgam traps, and amalgam waste recycling.

- Discharge temperature

The current discharge temperature limit is one "...which will cause the influent at the headworks of the treatment plant to exceed 104 degrees F (40 degrees C)." This is difficult to enforce and not necessarily protective of the collection system. This is being modified to include an end-of pipe maximum discharge temperature of 150 degrees F (65 degrees C). Discharges above in excess of this temperature have the potential to damage PVC pipe, which is commonly used in the City's sewer systems.

- Oil and Grease

The current discharge limitation for oil and grease is "two hundred (200) mg/l of oil or grease of *animal or vegetable* origin". All industrial permits are written to include a maximum discharge limitation of 200 mg/l of total oil or grease and all testing is done for total oil and grease. To maintain consistency, the ordinance is being modified to specify a maximum discharge concentration of 200 mg/l total oil and grease.

- Definition

A definition for "Significant non-compliance" is being added.

Because the Goshen Community Services District (Goshen CSD) discharges to Visalia's sewer system, Goshen CSD is required to make similar changes to its sewer use ordinance.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

Ordinance 2011-08

American Dental Association's Best Management Practices for Amalgam Wastes

Local Limits Report

**Recommended Motion (and Alternative Motions if expected):**

Move to introduce Ordinance 2011-08, to amend Chapter 13.08 of the Municipal Code, Sewer Service System.

Further move to invite Public Comments on the Local Wastewater Discharge Limits Study until June 6, 2011.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:  
Goshen Community Services District



## ORDINANCE 2011-08

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING AMENDMENTS TO CHAPTER 13.08 OF THE VISALIA MUNICIPAL CODE

#### BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

**Section 1:** Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. As part of that role the City owns and operates the wastewater collection and treatment system within the City and has passed municipal code ordinances concerning the operation of the sewer system which must be modified as necessary from time to time to meet applicable state laws and regulations as well as to more efficiently provide services to the citizens of Visalia. Therefore, the City Council of the City of Visalia hereby makes the amendments described herein to Title 13, Chapter 13.08 of the Municipal Code.

**Section 2:** Section 13.08.040 of the Visalia Municipal Code, which contains definitions of specific words and phrases used in Chapter 13.08 is hereby amended to add the following term “Significant Noncompliance” as a defined term:

*“Significant Noncompliance” occurs when one or more of the following criteria occur:*

- 1. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);*
- 2. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all the measurements taken for the same pollutant parameter during a 6-month period 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);*
- 3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);*
- 4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW’s exercise of its emergency authority under paragraph 40 CFR 403.8 (f)(l)(vi)(B) to halt or prevent such a discharge;*
- 5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;*
- 6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;*
- 7. Failure to accurately report non-compliance;*
- 8. Any other violation or group of violations, which may include a violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local Pretreatment Program.*

**Section 3:** Section 13.08.480 of the Visalia Municipal Code is hereby amended to read as follows (*italics denote the new provisions*):

**Section 13.08.480 Prohibitions on discharges.**

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.

No person shall discharge to a public sewer wastes which, in the opinion of the director, cause, threaten to cause, or are capable of causing either alone or by interaction with other substances:

- A. A fire or explosive hazard;
- B. Obstruction of flow in a sewer system or injury of the system or damage to the wastewater collection, treatment or disposal facilities;
- C. Danger to life or safety of personnel;
- D. A nuisance, or prevention of the effective maintenance or operation of the sewer system, through having a strong, unpleasant odor;
- E. Air pollution by the release of toxic or malodorous gases or malodorous gas-producing substances;
- F. . No person or industrial user shall discharge to the city's facilities any substance which has or contains:
  - 1. *an end-of-pipe discharge temperature in excess of one hundred fifty (150) degrees Fahrenheit (65.5 decrees Celcius), or a temperature which will inhibit biological activity in the treatment plant, but in no case heat which will cause the influent at the headworks of the treatment plant to exceed one hundred four (104) degrees F (forty (40) degrees C)*
  - 2. More than two hundred (200) mg/l of *total* oil or grease
  - 3. Any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas;
  - 4. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
  - 5. Any garbage that has not been properly shredded;
  - 6. Any ashes, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, wood, or any other solid, or viscous substance capable of causing obstructions to the flow in sewers or other interference with the proper operation of the sewage system;
  - 7. Any waters or wastes having a pH lower than 5.5 or higher than 9.0 or having any other corrosive characteristic capable of causing damage or hazard to structures, equipment or personnel of the sewage system;
  - 8. Any waters or wastes containing toxic or poisonous substances in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant;
  - 9. Any noxious or malodorous gas or substance capable of creating a public nuisance;
  - 10. No discharge to the sewer shall be permitted that when blended with the remaining city flow shall cause an excess of the following constituent levels in the discharge from the sewage treatment plant.

- a. Chlorides: one hundred fifty (150) mg/l,
  - b. Dissolved solids: six hundred (600) mg/l,
  - c. Sodium ratio: seventy (70) percent,
  - d. pH, outside limits: 6.5-8.5 ph units;
  - 11. Which exerts an excessive chemical oxygen demand or chlorine demand to such a degree that the total wastewater received at the sewage treatment plant exceeds treatable limits, as established by the city, for such wastewater;
  - 12. Which shall produce discoloration of the sewage treatment plant effluent;
  - 13. With a volume of flow or concentration of wastes constituting "slugs" as defined in Section 13.08.040;
  - 14. Any substance which may cause the treatment plant's effluent or any other product of the treatment plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to city's facilities cause the plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used;
  - 15. Any substance which may cause the treatment plant to violate its NPDES permit or the receiving water quality standards;
  - 16. Pollutants which create a fire or explosive hazard in the city's wastewater collection and/or treatment systems, including, but not limited to, wastestreams with a closed-cup flashpoint of less than one hundred forty (140) degrees F (sixty (60) degrees C) using the test methods specified in 40 CFR Part 261.21.
- G. A detrimental environmental impact or a nuisance in the waters of the state or a condition unacceptable to any public agency having regulatory jurisdiction over the city; discoloration or any other condition in the quality of the city's treatment works effluent in such a manner that receiving water quality requirements established by city's NPDES permit cannot be met;
- H. Conditions at or near the city's treatment works which violates any statute or any rule, regulation, or ordinance of any public agency or state or federal regulatory body;
- I. Quantities or rates of flow which overload the city's collection or treatment facilities or cause excessive city collection or treatment costs.

**Section 4:** Section 13.08.550 of the Visalia Municipal Code is hereby amended to read as follows (*italics denote the new provisions*):

**Section 13.08.550 Limitations on wastewater strength.**

A. No person or industrial user shall discharge wastewater containing in excess of the following instantaneous maximum allowable limitations:

<b>Pollutant</b>	<b>Instantaneous Maximum Allowable Discharge Limit (mg/l)</b>
Arsenic	0.05
Cadmium	0.02
Chromium	3.44

Copper	1.97
Cyanide	0.16
Lead	0.30
Mercury	0.02
Nickel	2.86
Silver	0.76
Zinc	0.64

B. No person or industrial user shall discharge wastes with an electrical conductivity in excess of the flow weighted average EC of the source water plus 500 umhos/cm or a total of 1000 umhos/cm, whichever is lower, except as provided for below.

C. To promote and encourage water conservation efforts, the maximum allowable electrical conductivity may be adjusted as determined by the following formulas and definitions

1. Definitions

“EC Regulatory” shall mean flow weighted average EC of the source water plus 500 umhos/cm or a total of 1000 umhos/cm, whichever is lower. Flow weighted average EC for source water shall be based on the local public or private water supplier’s annual water quality report.

“EC Industry” shall mean derived flow weighted monthly average EC permit limit for an industrial user. The maximum EC Industry value due to water conservation efforts is 1000 umhos/cm.

“EC Small Industry” shall mean derived flow weighted monthly average EC permit limit for an industrial user discharging less than 5000 gallons per day.

“Flow Industry” shall mean measured or estimated wastewater flow volume for an industrial user.

“Flow Conserved” shall mean documented and verified process wastewater flow volume reduction due to water conservation efforts.

“Flow Small Industry” shall mean measured or estimated wastewater flow volume for an industrial user that is less than 5000 gallons per day.

2. Formulas

$$EC\ Industry = \frac{[EC\ Regulatory \times (Flow\ Industry + Flow\ Conserved)]}{(Flow\ Industry)}$$

For Industries with measured or estimated wastewater flow that is less than 5000 gallons per day, the following formula is utilized.

$$EC\ Small\ Industry = \frac{[EC\ Regulatory \times (0.005\ MGD + Flow\ Conserved)]}{(Flow\ Small\ Industry)}$$

3 Those industries that have EC limits higher than those listed above resulting from a previous action are grandfathered with their existing limit. For grandfathered EC limits, no credit for water conservation measures may be taken to obtain a higher EC limit.

D. Notwithstanding the limitations that are set forth in subsection (A) of this section:

1. The city may impose more restrictive standards or requirements on discharges if it is deemed necessary to comply with the objectives of this ordinance, specific prohibitions or the terms of the city's NPDES permit;

2. The city may authorize discharges containing higher concentrations of specific pollutants on a site- specific basis, provided that the concentrations of such discharges shall not cause pass through or interference. Upon approval by the city, site-specific limitations shall be established through the terms specified in the discharger's industrial discharge permit. The city may impose mass limitations in addition to, or in place of, concentration based limitations. However, no special agreement shall be allowed to contravene federal, state or local pretreatment standards.

E. No person or industrial user 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 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.

**Section 5:** Section 13.08.655 of the Visalia Municipal Code is hereby added to incorporate the American Dental Association's Best Management Practices or Amalgam Wastes and reads as follows:

**Section 13.08.655 Dental Amalgam Wastes**

A. *No person shall discharge or cause to be discharged, any mercury or amalgam waste into the sewer system.*

B. *All dental practices discharging to the sewer system shall comply with the most recent Best Management Practices for Dental Amalgam Waste as published by the American Dental Association.*

**Section 6:** Section 13.08.870 of the Visalia Municipal Code is hereby amended to read as follows (italics denote the new provisions):

**Section 13.08.870 Collection.**

A. Billing for sewer service for those dischargers governed by Section 13.08.850(A) and 13.08.850(B), and payment thereof shall be to and by the person in whose name water service is rendered to the property, or the owner of the property on written application. In the case of a residence or commercial establishment using well water, the owner of the property is responsible for sewer service charges. The date charges begin to accrue for sewer service is the date water billing is started. In the case of a residence or commercial establishment using well water, the date charges begin to accrue for sewer service is the date of occupancy, title change, or annexation. The date charges for service end is the later of the date the water service or sewer service is terminated.

B. *The sewer service charges for dischargers governed by Section 13.08.850(C) shall be paid every month on the basis of measured flow, BOD and suspended solids for the previous month, as billed by the city to the discharger.*

C. All service charges shall be retained by the city irrespective of any intra-billing termination date of sewer service, to defer service and administrative costs. Upon written application by the property owner of tenant-occupied property, billing and payment may be to and by such property owner where the refuse service charge is similarly billed and paid.

**Section 7:** Section 13.08.880 Subsection (A) and (B) of the Visalia Municipal Code is hereby amended to read as follows, the remaining subsections of Section 13.08.880 remain unchanged, (italics denote the new provisions):

**Section 13.08.880 Late charges**

A. In the event that dischargers described in Sections 13.08.850(A) and 13.08.850(B) shall fail to pay any billing within thirty (30) days from the beginning of the calendar month which the billing covers, a late charge as set by resolution of the city council for each such billing month may be added to the bill, and the city may have no authority to accept any payment thereafter without collecting the late charge. This charge shall be collected to defray the cost of billing and bookkeeping involved in late payments. At the discretion of the city, service on outside owner-occupied accounts may be stopped and billed to the owner as a result of delinquency. A restart fee may be required.

*B. For each industrial sewer service charge, as defined in Section 13.08.850(C), emaining unpaid more than fifteen (15) days after its due date there may be added and collected therewith a late charge as set by resolution of the city council and any such unpaid charge, together with the late charge shall bear interest at the rate as set by resolution of the city council until paid.*

**Section 8:** Section 13.08.1035 of the Visalia Municipal Code is hereby amended to read as follows (italics denote the new provisions):

**Section 13.08.1035 Administrative fines**

A. When the city finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the city may fine such user in an amount not to exceed \$25,000. 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 shall be assessed for each day during the period of violation. *In determining the amount of the administrative penalty to be imposed, the department head shall consider factors including but not limited to:*

- 1. The seriousness of the violation;*
- 2. The responsible party's efforts to correct the violation;*
- 3. The injury/damage, if any, suffered by any member of the public;*
- 4. Any instances in which the responsible party has been in violation of the same or similar code provisions in the previous three years;*
- 5. The amount of city staff time which was expended investigating or addressing the violation;*
- 6. The amount of administrative penalties which have been imposed in similar situations;*
- 7. Necessity to mitigate the damage to the community that is caused by a particular violation; and*
- 8. Any other factors which justice may require.*

*B Payment of any penalty shall not excuse the failure to correct the violation(s), nor shall it bar further enforcement action by the city.*

C. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall

accrue thereafter at a rate of ten percent (10%) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

*D.* Users desiring to dispute such fines must file a written request for the city to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the city may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The city may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

*E.* Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

*F.* Revocation of Permit. In the event a discharger shall fail to make arrangements for corrective actions or to pay penalties, as required herein, and shall not have appealed as provided within the time allowed, then the director shall order such discharger's permit immediately suspended, and take such action as necessary to ensure that the discharger complies with the provisions of this section, including but not limited to physically blocking the discharger's access to the sewer system. All such measures shall remain in effect until the discharger has complied with the provisions of this section.

**Section 9: Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not have an effect on the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 10: Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section 11: Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Section 12: Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:



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## BEST MANAGEMENT PRACTICES FOR AMALGAM WASTE

American Dental Association  
October 2007

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## Dental Amalgam Waste

Dental amalgam waste can be recycled to help prevent the release of mercury to the environment. Following the simple suggestions outlined in this document will help protect the environment.

Concern about the effects of mercury in the environment has increased over the years. Mercury in the environment is bioaccumulative, which means that it can build up in fish and cause health problems in humans and other animals that eat fish. Many state health professionals recommend limiting fish consumption, especially for children and pregnant women.

Mercury is a naturally occurring metal; however, about half of the mercury released to the environment comes from human activity. Of that amount, 53% is emitted from combustion of fuels for energy production and 34% is from the combustion of waste.<sup>1</sup> Sources associated with manufacturers and consumers make up the remaining 13%, with dentistry contributing less than one percent.

Some mercury released into the air eventually collects in the waterways, where it enters the food chain. As a precautionary measure, U.S. regulators typically assume that all or most of the mercury released into the air or surface water may accumulate in fish. According to the EPA in 2000, metals (mainly due to the detection of mercury in fish tissue samples) were the second most common pollutant impairing 3.2 million acres of the 17.3 million acres of assessed lakes (the assessed lakes comprised 43% of the total lake acres).<sup>2</sup>

Although mercury in the form of dental amalgam is stable, amalgam should *not* be disposed of in the garbage, infectious waste “red bag,” or sharps container. Amalgam also should *not* be rinsed down the drain. These cautions are important because some communities incinerate municipal garbage, medical waste, and sludge from wastewater treatment plants. If amalgam waste ends up in one of these incinerated waste streams, the mercury can be released to the environment due to the high temperatures used in the incineration process. Increasingly, local communities are enacting restrictions on the incineration of wastes containing mercury.

The good news is that amalgam waste, kept separate from other waste, can be safely recycled. The mercury can be recovered from amalgam wastes through a distillation process and reused in new products. The ADA strongly recommends recycling as a best management practice for dental offices.

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<sup>1</sup> Office of Air Quality Planning and Standards, Office of Research and Development. Mercury Study Report to Congress. Volume II: An inventory of anthropogenic mercury emissions in the United States. Washington, D.C.: Environmental Protection Agency. Publication No. EPA-452/R-97-004. December 1997, p. ES-6.

<sup>2</sup> EPA. Quality of America’s Lakes. <http://www.epa.gov/owow/lakes/quality.html> (accessed April 2007).

The following information demonstrates how to manage and recycle dental amalgam waste to help protect the environment.


### Glossary of Amalgam Waste Terms

- **Amalgam capture device** is an apparatus such as a chair side trap, vacuum pump filter or amalgam separator that collects amalgam particles.
- **Amalgam sludge** is a mixture of liquid and solid material that collects within vacuum pump filters, amalgam separators or other amalgam capture devices that may be used.
- **Contact amalgam** is amalgam that has been in contact with the patient. Examples are extracted teeth with amalgam restorations, carving scrap collected at chair side, and amalgam captured by chair side traps, filters, or screens.
- **Dental Best Management Practices** are a series of amalgam waste handling and disposal practices that include, but are not limited to, initiating bulk mercury collection programs, using chair side traps, amalgam separators compliant with ISO 11143<sup>3</sup> and vacuum collection, inspecting and cleaning traps, and recycling or using a commercial waste disposal service to dispose of the amalgam collected.
- **Empty amalgam capsules** are the individually dosed containers left over after mixing precapsulated dental amalgam.
- **Non-contact amalgam (scrap)** is excess mix leftover at the end of a dental procedure.

The ADA recommends against the use of bulk elemental mercury, also referred to as liquid or raw mercury, for use in the dental office. Since 1984, the ADA has recommended use of precapsulated amalgam alloy.

If you still have bulk elemental mercury in the office, you should recycle it. Check with a licensed recycler to determine whether they will accept bulk mercury. **Do not** pour bulk elemental mercury waste in the garbage, red bag or down the drain. You also should check with your state regulatory agency and municipality to find out if a bulk mercury collection program is available. Such bulk mercury collection programs provide an easy way to dispose of bulk mercury.

<sup>3</sup> International Standards Organization 11143:1999. Dental Equipment – Amalgam Separators.



## Steps for Recycling Amalgam Waste

1. Stock amalgam capsules in a variety of sizes to minimize the amount of amalgam waste generated.
2. Amalgam waste may be mixed with body fluids, such as saliva, or other potentially infectious material, so use personal protective equipment such as utility gloves, masks, and protective eyewear when handling it.
3. Contact an amalgam waste recycler about any special requirements that may exist in your area for collecting, storing and transporting amalgam waste. If you need to find a recycler, check with your city, county or local waste authority to see whether they have an amalgam waste recycling program.
4. Store amalgam waste in a covered plastic container labeled "Amalgam for Recycling" or as directed by your recycler. Your recycler may have its own requirements, so ask your recycler about containers and what may be placed in them.
5. Look for recyclers who comply with the ADA-ANSI standard. This standard is meant to encourage recycling.

## Questions to Ask Your Amalgam Waste Recycler

Below is a list of questions you may want to ask your amalgam waste recycler. Note that not all recycling companies accept every type of amalgam waste, and the services offered by recyclers vary widely. The ADA recommends that you contact a recycler before recovering amalgam and ask about any specific handling instructions the recycler may have. Importantly, select a reputable company that complies with applicable federal and state law and provides adequate indemnification for its acts and omissions. Look for recyclers who comply with ANSI/ADA Specification 109: Procedures for Storing Dental Amalgam Waste and Requirements for Amalgam Waste Storage/Shipment Containers.<sup>3</sup> This standard is meant to encourage recycling.

### Ask Your Recycler ...

- What kind of amalgam waste do you accept?
- Do your services include pick up of amalgam waste from dental offices? If not, can amalgam waste be shipped to you?
- Do you provide packaging for storage, pick up or shipping of amalgam waste?
- If packaging is not provided, how should the waste be packaged?
- What types of waste can be packaged together?
- Do you accept whole filters from the vacuum pump for recycling?
- Is disinfection required for amalgam waste?
- How much do your services cost?
- Do you pay for clean non-contact amalgam (scrap)?
- Do you accept extracted teeth with amalgam restorations?



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- Does your company have an EPA or applicable state license?
- Does the company use the proper forms required by the EPA and state agencies?
- Do your procedures comply with ANSI/ADA Specification 109: Procedures for Storing Dental Amalgam Waste and Requirements for Amalgam Waste Storage/Shipment Containers?<sup>4</sup>

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<sup>4</sup>American Dental Association Council on Scientific Affairs. American National Standard/American Dental Association Specification No. 109. Procedures for storing dental amalgam waste and requirements for amalgam waste storage/shipment containers, 2006.



## Practical Guide to Integrating BMPs Into Your Practice

<p><b><i>Non-contact (scrap) amalgam</i></b></p> <ul style="list-style-type: none"><li>• Place non-contact, scrap amalgam in wide-mouthed, container that is marked “Non-contact Amalgam Waste for Recycling.”</li><li>• Make sure the container lid is well sealed.</li><li>• When the container is full, send it to a recycler.</li></ul>
<p><b><i>Amalgam capsules</i></b></p> <ul style="list-style-type: none"><li>• Stock amalgam capsules in a variety of sizes.</li><li>• After mixing amalgam, place the empty capsules in a wide-mouthed, airtight container that is marked “Amalgam Capsule Waste for Recycling.”</li><li>• Capsules that cannot be emptied should likewise be placed in a wide-mouthed, airtight container that is marked “Amalgam Capsule Waste for Recycling.”</li><li>• Make sure the container lid is well sealed.</li><li>• When the container is full, send it to a recycler.</li></ul>
<p><b><i>Disposable chair-side traps</i></b></p> <ul style="list-style-type: none"><li>• Open the chair-side unit to expose the trap.</li><li>• Remove the trap and place it directly into a wide-mouthed, airtight container that is marked “Contact Amalgam Waste for Recycling.”</li><li>• Make sure the container lid is well sealed.</li><li>• When the container is full, send it to a recycler.</li><li>• Traps from dental units dedicated strictly to hygiene may be placed in with the regular garbage.</li></ul>
<p><b><i>Reusable chair-side traps</i></b></p> <ul style="list-style-type: none"><li>• Open the chair-side unit to expose the trap.</li><li>• Remove the trap and empty the contents into a wide-mouthed, airtight container that is marked “Contact Amalgam Waste for Recycling.”</li><li>• Make sure the container lid is well sealed.</li><li>• When the container is full, send it to a recycler.</li><li>• Replace the trap into the chair-side unit (Do <i>not</i> rinse the trap under running water as this could introduce dental amalgam into the waste stream.</li></ul>
<p><b><i>Vacuum pump filters</i></b></p> <ul style="list-style-type: none"><li>• Change the filter according to the manufacturer’s recommended schedule. <i>Note:</i> The following instructions assume that your recycler will accept whole filters; some recyclers require different handling of this material, so check with your recycler first.</li><li>• Remove the filter.</li><li>• Put the lid on the filter and place the sealed container in the box in which it was originally shipped. When the box is full, the filters should be recycled.</li></ul>
<p><b><i>Amalgam separators</i></b></p> <ul style="list-style-type: none"><li>• Select an amalgam separator that complies with ISO 11143.</li><li>• Follow the manufacturer’s recommendations for maintenance and recycling procedures.</li></ul>
<p><b><i>Line cleaners</i></b></p> <ul style="list-style-type: none"><li>• Use non-bleach, non-chlorine-containing line cleaners, which will minimize amalgam dissolution, such as those listed in the <i>Additional Resources</i> section of this document.</li></ul>



### Best Management Practices for Amalgam Waste



DO	DON'T
<i>Do</i> use precapsulated alloys and stock a variety of capsule sizes	<i>Don't</i> use bulk mercury
<i>Do</i> recycle used disposable amalgam capsules	<i>Don't</i> put used disposable amalgam capsules in biohazard containers, infectious waste containers (red bags) or regular garbage
<i>Do</i> salvage, store and recycle non-contact amalgam (scrap amalgam)	<i>Don't</i> put non-contact amalgam waste in biohazard containers, infectious waste containers (red bags) or regular garbage
<i>Do</i> salvage (contact) amalgam pieces from restorations after removal and recycle the amalgam waste	<i>Don't</i> put contact amalgam waste in biohazard containers, infectious waste containers (red bags) or regular garbage
<i>Do</i> use chair-side traps, vacuum pump filters and amalgam separators to retain amalgam and recycle their contents.	<i>Don't</i> rinse devices containing amalgam over drains or sinks
<i>Do</i> recycle teeth that contain amalgam restorations. ( <i>Note:</i> Ask your recycler whether or not extracted teeth with amalgam restorations require disinfection)	<i>Don't</i> dispose of extracted teeth that contain amalgam restorations in biohazard containers, infectious waste containers (red bags), sharps containers or regular garbage
<i>Do</i> manage amalgam waste through recycling as much as possible	<i>Don't</i> flush amalgam waste down the drain or toilet
<i>Do</i> use line cleaners that minimize dissolution of amalgam	<i>Don't</i> use bleach or chlorine-containing cleaners to flush wastewater lines



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### *Additional Resources*

The following articles published in the *Journal of the American Dental Association* are available through the ADA Division of Science and also are available to ADA members online.

For information on proper mercury hygiene practices see "Dental Mercury Hygiene Recommendations". 2003:134(11);1498-9.

For information on choosing line cleaners that minimize the dissolution of mercury from amalgam see: "The effect of disinfectants and line cleaners on the release of mercury from amalgam" 2006:137(10);1419-25.

For information on amalgam separators see:

- "Laboratory evaluation of amalgam separators" 2002:133;577-89.
- "Evaluating amalgam separators using an international standard" 2006:137;999-1005.
- "Purchasing, installing and operating dental amalgam separators: Practical issues" 2003 134: 1054-65.

# **Local Discharge Limits Development**

Visalia, California

**DRAFT**

**March 16, 2011**

***Prepared for:***

City of Visalia

***Prepared by:***

Provost & Pritchard Consulting Group  
Clovis, California



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ABBREVIATIONS

ACGIH..... American Conference of Governmental Industrial Hygienists

AHL ..... Allowable Headworks Loading

BOD ..... Biochemical Oxygen Demand

CFR.....Code of Federal Regulations

CTR..... California Toxics Rule

EPA ..... United States Environmental Protection Agency

FOG ..... Fats, Oils, and Grease

GPD ..... Gallons Per Day

IPP ..... Industrial Pretreatment Program

IU..... Industrial User

MAHL ..... Maximum Allowable Headworks Loading

MAIL..... Maximum Allowable Industrial Loading

MGD ..... Million Gallons per Day

NIOSH..... National Institute for Occupational Safety and Health

OSHA ..... Occupational Safety and Health Administration

POC ..... Pollutant of Concern

PPB ..... Parts Per Billion

RWQCB ..... Regional Water Quality Control Board

SIU ..... Significant Industrial User

STEL ..... Short Term Exposure Limit

TSS ..... Total Suspended Solids

TWA-TLV ..... Threshold Limit Value – Time Weighted Average

WDR.....Waste Discharge Requirements

WQ ..... Water Quality

WQS..... Water Quality Standard

WWTF ..... Wastewater Treatment Facility

\* ..... Multiplication

## EXECUTIVE SUMMARY

The City of Visalia has an approved Industrial Pretreatment Program. As such, the City is required to maintain and enforce local limits on the significant industrial users that discharge to the City’s wastewater treatment facility. The existing local limits were developed in 1992. The Regional Water Quality Control Board is requiring the City to re-evaluate their local limits.

A list of potential pollutants of concern was developed based on available sampling and treatment facility data. A sampling plan was developed and implemented to collect additional data necessary to perform the local limits evaluation. Using the information collected, the local limits were evaluated. The results of this evaluation are summarized in Table ES-1.

**Table ES-1: Local Limits Summary**

Pollutant	Existing Local Limit	Calculated Local Limit	Allocation Method	Proposed Local Limit
Arsenic	0.05 mg/L	0.05 mg/L	Uniform	0.05 mg/L
Boron	1.60 mg/L	Not needed		None
Cadmium	0.02 mg/L	0.08 mg/L	IU Specific	0.02 mg/L
Chromium	3.44 mg/L	5.59 mg/L	Uniform	3.44 mg/L
Copper	1.97 mg/L	2.14 mg/L	IU Specific	1.97 mg/L
Cyanide	0.16 mg/L	36.97 mg/L	IU Specific	0.16 mg/L
Lead	0.30 mg/L	0.48 mg/L	IU Specific	0.30 mg/L
Mercury	0.02 mg/L	0.04 mg/L	IU Specific	0.02 mg/L
Nickel	2.86 mg/L	5.53 mg/L	IU Specific	2.86 mg/L
Silver	0.76 mg/L	12.40 mg/L	IU Specific	0.76 mg/L
Zinc	0.64 mg/L	9.12 mg/L	IU Specific	0.64 mg/L
Pentachlorophenol	0.15 mg/L	Not needed		None
Oil & Grease	200 mg/L	609 mg/L	Uniform	200 mg/L
BOD <sub>5</sub>	18,161 lb/day	89,538 lb/day <sup>1</sup>	Not applicable	18,161 lb/day
TSS	41,633 lb/day	41,633 lb/day <sup>1</sup>	Not applicable	41,633 lb/day

<sup>1</sup>Plant design capacity

**SECTION ONE****1 INTRODUCTION**

The City of Visalia operates a wastewater treatment facility (WWTF) that collects the municipal wastewater generated from the City of Visalia and the Goshen Community Services District. The WWTF treats typical domestic wastes as well as waste generated from commercial and industrial users. Several of the industrial users served by the WWTF meet the definition of a Significant Industrial Users (SIUs) as defined by the United States Environmental Protection Agency (EPA) in 40 CFR 403.3. SIUs are defined as:

- Industries subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N;
- Any industry discharging an average of 25,000 gallons per day (gpd) or more of process wastewater;
- Any industry that contributes a waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWTF; or
- Any industry designated by the Control Authority to have a reasonable potential to adversely affect the WWTF's operation.

Table 1-1 lists the current SIUs and the reason they are considered SIUs.

**Table 1-1: Current SIUs**

<b>SIU Name</b>	<b>SIU Reason</b>	<b>SIU Name</b>	<b>SIU Reason</b>
Advanced Food Products	Discharge volume	Mission Uniform	Discharge volume
Basic Chemical Solutions	Categorical – 40 CFR 442	Pregis Innovative Packaging	Potential to impact WWTF
California Dairies	Discharge volume	Provisions Food	Discharge volume
ATC Plastics (previously Heller Performance Polymers)	Potential to impact WWTF	Visalia Custom Chrome	Categorical – 40 CFR 433
JM Eagle	Potential to impact WWTF	Voltage Multipliers Inc.	Categorical – 40 CFR 469
Josten's Print. And Pub.	Potential to impact WWTF	Western Milling	Potential to impact WWTF
Kawneer Company	Categorical – 40 CFR 433		

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Due to the fact that there are SIUs discharging to the WWTF, the City of Visalia is required to have an approved Industrial Pretreatment Program (IPP). The City's IPP was approved by the Regional Water Quality Control Board (RWQCB) on May 5, 1983.

Part of the IPP requirements is the development and implementation of local limits. Local limits are designed to protect the operations of the WWTF and to ensure that its discharges, whether liquid, solid, or air, comply with State and Federal requirements. The EPA published the *Local Limits Development Guidance* document in July 2004. This document outlines the procedures to develop local limits. In developing local limits the following factors may need to be considered:

- the WWTF's efficiency in treating and removing pollutants;
- the WWTF's history of complying with the Waste Discharge Requirements;
- sludge disposal methods; and
- worker health and safety concerns.

The current local limits were developed in 1992. The purpose of this project is to re-evaluate those local limits and investigate the need for stricter or additional local limits.

### 1.1 WWTF Information

The WWTF treats sewage from the City of Visalia and the community of Goshen. The combined population is approximately 125,000 with a service area of 30 square miles. The WWTF has a design capacity of 22 million gallons per day (MGD). The average flow for the period of January 2007 to August 2010 was 12.18 MGD, with a maximum one day flow of 14.79 MGD.

Sewage from the main trunklines enters two wet wells prior to entering the headworks of the WWTF. The headworks consists of bar screens. From the headworks, the flow goes to a set of four primary sedimentation basins. From the primary basins, the wastewater is sent to one of four plastic media filled trickling filters. From the trickling filters the water is sent to the aeration basins. The aeration basins precede the secondary sedimentation basins. After the sedimentation basins, the water is chlorinated prior to discharge. The WWTF has the ability to discharge to Mill Creek, agricultural lands, and to onsite percolation ponds. A majority of the flow is discharged to Mill Creek, with the onsite percolation ponds being the discharge point when Mill Creek is not used.

Sludge collected from the primary and secondary treatment processes is thickened in a pair of gravity belt thickeners. After thickening, the sludge is fed to one of six anaerobic digesters. After digestion, liquid from the digesters is discharged to one of two sludge pits for settling of solids. Supernatant from the sludge pits is pumped back to the headworks. The solids from the digesters are pumped to thirty unlined sludge drying



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beds. After 60 to 90 days, the sludge is transferred to an onsite stockpile area. Once per year the stockpiled sludge is land applied to farmland in Merced County.

There are several streams from within the plant that are sent back to the wet wells prior to the headworks for treatment. These recycle streams are gravity thickener filtrate, secondary clarifier scum, supernatant from the sludge pits, decant from the sludge drying beds, and septage waste and chemical toilet waste. The samples obtained for the plant influent include these flows.

The WWTF accepts septage from licensed haulers. The waste from the septage haulers is discharged at a point prior to the headworks to assure treatment by the entire WWTF process. The WWTF accepts approximately 11,599 gallons per day of septage from haulers.

The processes employed in the treatment process will affect certain pollutant local limits due to inhibition levels that can disrupt the treatment process. Additionally, the ability of the WWTF to remove pollutants will affect the local limits. The interference and inhibition values are detailed in Section 2.4.3. The WWTF removal efficiencies are detailed in Section 3.1.

**SECTION TWO****2 POLLUTANTS OF CONCERN**

Pollutants of Concern (POCs) are those pollutants that need to be controlled to protect the WWTF, its workers, and the disposal of the treated wastewater effluent and biosolids. POCs are pollutants that may cause pass through or interference at the WWTF, cause problems in the collection system, or cause problems with the WWTF's ability to dispose of the generated biosolids.

The following sections discuss the various reasons a pollutant may be included in the list of POCs. There may be numerous reasons to consider a pollutant a POC. The fact that a pollutant is a POC does not mean that a local limit must be developed for it. Whether a local limit is needed for a POC is discussed in Section 4. If a pollutant is determined to be a POC, data must be collected for it and a detailed evaluation of the POC must be performed.

**2.1 EPA POCs**

The EPA has established 15 pollutants that are often found in treatment plant effluent and biosolids. The EPA considers these 15 pollutants to be POCs and need to be evaluated as part of any local limits evaluation. These pollutants are listed in Table 2-1.

**Table 2-1: EPA POCs**

<b>EPA POCs</b>	
Arsenic	Cadmium
Chromium	Copper
Cyanide	Lead
Mercury	Nickel
Silver	Zinc
Molybdenum	Selenium
BOD <sub>5</sub>	Total Suspended Solids
Ammonia	

**2.2 Existing Local Limits**

The City of Visalia has established local limits for several pollutants. These pollutants are also considered POCs. Table 2-2 lists the pollutants that the City of Visalia currently regulates through a local limit.

**Table 2-2: Existing Local Limits POCs**

<b>Local Limits POCs</b>
--------------------------

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Arsenic	Boron
Cadmium	Chromium
Copper	Cyanide
Lead	Mercury
Nickel	Silver
Zinc	Pentachlorophenol
Oil & Grease	

**2.3 Waste Discharge Requirement POCs**

On September 21, 2006, the RWQCB issued Waste Discharge Requirements (WDR) for the City of Visalia WWTF. The WDR contains pollutant limitations that the WWTF must comply with on the discharge to Mill Creek, the Use Area (agricultural lands), or to the onsite disposal ponds. The pollutants that are regulated on the effluent are considered POCs. Table 2-3 lists the pollutants that have limitations listed in the WDR.

**Table 2-3: WDR POCs**

<b>WDR POCs</b>	
BOD5	TSS
Oil & Grease	Chlorides
Lead	Ammonia

**2.4 Other Reasons for POCs**

There are several other reasons that a pollutant may be included on the POC list according to the EPA Guidance Manual, including: water quality criteria, biosolid land application restrictions, and treatment plant inhibitions. There are numerous pollutants that are listed under these criteria. However, to be considered a POC at least one of the following conditions must be met:

- The maximum pollutant concentration in the plant effluent is more than one-half the allowable effluent concentration required to meet a water quality criteria limit;
- The maximum pollutant concentration in the sludge is more than one-half the applicable biosolids residual disposal limit;
- The maximum pollutant concentration in a plant influent grab sample is more than one-half the inhibition threshold; or
- The maximum pollutant concentration in a plant influent grab composite sample is more than one-fourth the inhibition threshold.

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### 2.4.1 Water Quality Criteria

In the WDR for the WWTF, the RWQCB stated that Mill Creek's beneficial uses are warm freshwater habitat, water contact recreation, and human health protection (consumption of aquatic organisms only). There is normally no flow in Mill Creek upstream of the WWTF, so the discharge from the WWTF constitutes the flow in Mill Creek. Therefore, there is no dilution of the WWTF effluent in Mill Creek. There are numerous constituents that have limitations based on the beneficial uses in Mill Creek.

Additionally, the State of California has limitations for water used for agricultural uses. There are numerous constituents that have limitations based on the potential agricultural use of the treated effluent.

For both the beneficial and agricultural use protection, only pollutants in concentrations that are greater than 50% of the water quality standard are considered POCs.

### 2.4.2 Biosolids Land Application Criteria

The City of Visalia disposes of biosolids by land application. The WWTF must prohibit industrial users from discharging pollutants that could cause a violation of applicable sludge disposal regulations. The national sludge standards are contained in 40 CFR 503. These limitations are based on human health and environmental risks and include numerical pollutant limits, operational standards, management practices, and requirements for sampling, record keeping, and reporting. The State of California has adopted the federal standards in 40 CFR 503. Additionally, the State of California has land application standards set forth in Title 22. The pollutants contained in the 503 and Title 22 regulations are considered for evaluation as a POC. In order to be considered a POC, the maximum pollutant concentration in the sludge must be more than one-half the applicable biosolids residual disposal limit.

### 2.4.3 Interference and Inhibition Criteria

The pretreatment regulations set forth by the EPA in 40 CFR 403.5(a) state that there must be prohibitions against the discharge of pollutants from an industrial user that may cause interference at the WWTF. Interference, as defined by the EPA, means a discharge that inhibits or disrupts a treatment plant and causes a violation of the WWTF's WDR or biosolids sludge requirements. The EPA recommends that pollutants be considered POCs if they have caused interference in the past. Based on the City of Visalia WWTF historical data, there have been no pollutants that have caused interference at the plant in the past.

There are certain pollutants that may not cause an effluent discharge or biosolids disposal violation but that may cause disruptions to the WWTF operations. The EPA *Local Limits Development Guidance* document contains a list of pollutants and inhibition concentrations for various treatment plant processes. The pollutants that have inhibition concentrations are considered POCs if the following criteria have been met:

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- The maximum pollutant concentration in a plant influent grab sample is more than one-half the inhibition threshold; or
- The maximum pollutant concentration in a plant influent grab composite sample is more than one-fourth the inhibition threshold.

**2.4.4 Protection of Treatment Works, Collection System, and Workers**

Explosive and flammable pollutants can threaten the integrity of the collection system and the health and safety of the WWTF workers. Under the right conditions, the accumulation of such pollutants can produce explosions or fires. Local limits may be needed if these pollutants are expected to be discharged from industrial users.

The fume toxicity levels of certain pollutants indicate the likelihood that a WWTF worker will suffer adverse health effects when the level is approached or exceeded. Volatile organic compound vapors are the major concern because they can be toxic and carcinogenic, and may produce chronic health affects after various periods of exposure. The EPA *Local Limits Development Guidance* document list the concentrations for the various exposure levels set forth by the National Institute for Occupational Safety and Health (NIOSH), Occupational Health and Safety Administration (OSHA), and American Conference of Governmental Industrial Hygienists (ACGIH). Local limits may be needed if these pollutants are expected to be discharged from industrial users at concentrations that may pose a risk to WWTF workers.

**2.5 Summary of Controlling Limits**

Based on the criteria discussed in Section 2, several potential pollutants of concern and their associated controlling limit and inhibition limit were tabulated and summarized in Table 2-4.

**Table 2-4: Summary of Controlling Limits**

Primary Compound Name	Controlling Limit (ppb)	Source	Inhibition Criteria (ppb)	Treatment Process
Ammonia	3,500	Fresh Water Aquatic 4-day average (USEPA)	480,000 <sup>(4)</sup>	Activated Sludge
Arsenic	100	Agricultural WQ Limit	100 <sup>(1,2,3)</sup>	Activated Sludge
Boron	700	Agricultural WQ Limit		
Cadmium	0.27	Fresh Water Aquatic 4-day average (USEPA)	1,000 <sup>(2,3)</sup>	Activated Sludge
Chloride	106,000	Agricultural WQ Limit		

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Chromium VI			1,000 <sup>(2,3)</sup>	Activated Sludge
Copper	9.3	Fresh Water Aquatic 4-day average (CTR)	1,000 <sup>(1,2,3)</sup>	Activated Sludge
Cyanide (total)	5.2	Fresh Water Aquatic 4-day average (CTR)	100 <sup>(1,2,3)</sup>	Activated Sludge
Lead	3.2	Fresh Water Aquatic 4-day average (CTR)	1,000 <sup>(3)</sup>	Activated Sludge
Mercury			100 <sup>(2,3)</sup>	Activated Sludge
Molybdenum	10	Agricultural WQ Limit		
Nickel	52	Fresh Water Aquatic 4-day average (CTR)	1,000 <sup>(2,3)</sup>	Activated Sludge
Oil and Grease	10,000	Waste Discharge Requirements		
Selenium	5.0	Fresh Water Aquatic 4-day average (CTR)		
Silver	3.8	Fresh Water Aquatic Instantaneous Max (USEPA)	13,000 <sup>(3)</sup>	Anaerobic Digestion
Sodium	69,000	Agricultural WQ Limit		
Zinc	120	Fresh Water Aquatic 4-day average (CTR)	300 <sup>(3)</sup>	Activated Sludge
Biochemical Oxygen Demand (BOD)	30,000	Waste Discharge Requirements		
<b>Primary Compound Name</b>	<b>Controlling Limit (ppb)</b>	<b>Source</b>	<b>Inhibition Criteria (ppb)</b>	<b>Treatment Process</b>
Total Suspended Solids (TSS)	30,000	Waste Discharge Requirements		
Chloroform	60	Exposure Limits	1,000 <sup>(2)</sup>	Anaerobic Digestion
Ethylbenzene	1,659	Exposure Limits	200,000 <sup>(3)</sup>	Activated Sludge
Toluene	2,075	Exposure Limits	200,000 <sup>(3)</sup>	Activated Sludge

- 1) Jenkins, D.I., and Associates. 1984. *Impact of Toxics on Treatment Literature Review*.
- 2) Russell, L.L., C.B. Cain, and D.I. Jenkins. 1984. *Impacts of Priority Pollutants on Publicly Owned Treated Works Processes: A Literature Review*. 1984 Purdue Industrial Waste Conference.
- 3) Anthony, R.M., and L.H. Briemburst. 1981. *Determining Maximum Influent Concentrations of Priority Pollutants for Treatment Plants*. Journal Water Pollution Control Federation 53(10):1457-1468.
- 4) U.S. EPA. 1986. *Working Document; Interferences at Publicly Owned Treatment Works*. September 1986.

## 2.6 Evaluation of Existing Data

The City of Visalia provided the following data for the local limits evaluation:

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- Daily WWTF flow and influent/effluent sampling
- WWTF Priority Pollutant scans
- Biosolids sampling
- SIU sampling
- Septage sampling

The sampling data provided above was for the period of January 2007 to September 2010. This data is shown in Appendices A, B, C, and F.

The existing data was compared to the values in Table 2-4 and the criteria in Section 2.5. Table 2-5 lists the pollutants of concern and the reason the pollutant is being considered a POC.

**SECTION TWO****Local Discharge Limits Development****Table 2-5: Pollutants of Concern**

Pollutant	Effluent concentration more than half of effluent standard	Sludge concentration more than half of sludge disposal standard	Influent concentration more than 25% of inhibition concentration	Required by EPA	Existing local limit
BOD				X	X
TSS				X	X
Ammonia				X	
FOG					X
Arsenic				X	X
Boron					X
Cadmium				X	X
Chromium			X	X	X
Copper	X			X	X
Lead	X			X	X
Mercury				X	X
Molybdenum	X	X		X	
Nickel				X	X
Selenium	X			X	
Silver	X			X	X
Sodium	X				
Zinc		X	X	X	X
Chloride	X				
Cyanide	X		X	X	X
Bis (2-ethylhexyl) phthalate	X				
Pentachlorophenol					X
Tetrachloroethene	X				
Edosulfan II	X				
Endrin	X				
Heptachlor	X				
Bromodichloromethane	X				
Bromoform	X				
4,4' DDE	X				



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### 2.7 Sampling Plan

A review of the existing City of Visalia information showed there was additional information needed to complete the local limits evaluation.

The City of Visalia has no recent (last five years) monitoring data for residential or commercial users. A sampling plan was needed to address additional information needed for the evaluation. The residential samples were taken to cover every day of the week over at least a two week period (Week 1 – Monday, Wednesday, Friday, Sunday, Week 2 – Tuesday, Thursday, Saturday). The exact dates were adjusted as needed to fit into existing staff work schedules and the availability of the laboratory to perform the required tests. For the sampling at the WWTF, samples were obtained covering at least two different days. No sampling was performed within 48 hours of a measurable precipitation event. Commercial sampling required only one day of sampling. Table 2-6 lists the pollutants that should be monitored, the location, number of samples, test methods, and the preferred detection limit. Test methods listed are EPA test methods except those beginning with SM, which are Standard Methods test procedures.

#### Residential Sampling

The residential sampling was conducted to cover geographically diverse areas of the City. Based on the layout of the wastewater collection system the following locations were sampled to provide the residential sampling information:

- Comstock
- Hillsdale
- Evergreen
- Mary and County Center

#### Commercial Sampling

A majority of the commercial establishments within the City are restaurants. The sampling for the commercial loading was conducted at a commercial shopping area that includes some restaurants. The following location was sampled to represent commercial loading:

- Linwood
- Alley off Court

#### Treatment Plant

Samples and estimates of flow for the following processes were obtained:

- Plant influent
- Primary effluent
- Secondary effluent prior to chlorination
- Feed to anaerobic digesters

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- Plant final effluent

Treatment Plant Influent Return Flows

Samples and estimates of flow for the following processes were obtained:

- Scum funnels
- GBT Filtrate
- Supernatant Pit
- SRS (Septage) Station

In addition to the sampling information, the basis-of-design for the treatment plant is needed to ascertain the design loadings for the non-conservative pollutants (ammonia, BOD, and TSS).

**Table 2-6: Sampling Plan Information**

Pollutant	Residential (seven sampling events)	Commercial (one sampling event)	Treatment Plant (two sampling events)	Treatment Plant influent return flow streams (two sampling events)	Test Method	Preferred Detection Limit
BOD	X	X	X	X	SM 5210B	2 mg/L
TSS	X	X	X	X	SM 2540D	1 mg/L
Ammonia	X	X	X	X	350.1	1 mg/L
FOG (HEM)	X	X	X	X	1664	10 mg/L
Arsenic	X		X	X	200.8	1 ug/L
Boron	X		X	X	200.7	0.05 mg/L
Cadmium	X		X	X	200.8	0.05 ug/L
Chromium	X		X	X	200.8	1 ug/L
Copper	X		X	X	200.8	2 ug/L
Lead	X		X	X	200.8	0.5 ug/L
Mercury	X	X	X	X	1631	0.5 ng/L
Molybdenum	X		X	X	200.8	1 ug/L
Nickel	X		X	X	200.8	1 ug/L
Selenium	X		X	X	200.8	1 ug/L
Silver	X		X	X	200.8	1 ug/L
Pollutant	Residential (seven sampling events)	Commercial (one sampling event)	Treatment Plant (two sampling events)	Treatment Plant influent return flow streams	Test Method	Preferred Detection Limit

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			events)	(two sampling events)		
Sodium	X		X	X	200.7	1 mg/L
Zinc	X		X	X	200.8	5 ug/L
Chloride	X	X	X	X	300.0	2.0 mg/L
Cyanide	X		X	X	SM4500	5 ug/L
Bis (2-ethylhexyl) phthalate	X		X	X	625	5 ug/L
Pentachlorophenol	X		X	X	625	10 ug/L
Tetrachloroethene	X		X	X	624	0.5 ug/L
Endosulfan II	X		X	X	608	0.05 ug/L
Endrin	X		X	X	608	0.05 ug/L
Heptachlor	X		X	X	608	0.05 ug/L
Bromodichloromethane	X		X	X	624	0.5 ug/L
Bromoform	X		X	X	624	0.5 ug/L
4,4' DDE	X		X	X	608	0.05 ug/L

**SECTION THREE****3 MAXIMUM ALLOWABLE HEADWORKS LOADINGS**

After determining the POCs (Table 2-5) and gathering the additional sampling data, the maximum allowable headworks loadings (MAHLs) can be calculated. The MAHL is the estimated upper limit of a particular pollutant loading to the WWTF intended to prevent pass through or interference. The MAHL for each POC is calculated by the following steps:

1. Calculation of WWTF removal efficiency for the POC;
2. Calculate the allowable headworks loading (AHLs) for the various environmental criteria (such as WDR limits, water quality limits, sludge disposal limits, inhibition values);
3. Designate the MAHL as the most stringent allowable headworks loading for the POC.

**3.1 WWTF Removal Efficiencies**

Based on the sampling data collected from the City of Visalia WWTF, the removal efficiencies for the POCs were calculated. The removal efficiencies shown in Table 3-1 are the average removal percentages for each POC. The detailed data used to calculate the removal efficiencies is contained in Appendix A. For purposes of calculating the removal efficiencies, any reported concentration that was below the detection limit was assumed to be half the detection limit. Any negative removal efficiencies were assumed to be zero.

**Table 3-1: Summary of WWTF Removal Efficiencies**

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<b>POC</b>	<b>Removal Efficiency</b>	<b>Number of Samples</b>
BOD	98.81%	567
TSS	98.65%	919
Ammonia	44%	88
FOG	96%	4
Arsenic	29%	4
Boron	2%	6
Cadmium	67% <sup>1</sup>	6
Chromium	20%	6
Copper	88%	6
Lead	62%	6
<b>POC</b>	<b>Removal Efficiency</b>	<b>Number of Samples</b>
Mercury	95%	5
Molybdenum	35%	4
Nickel	37%	6
Selenium	40%	6
Silver	40%	6
Sodium	3%	5
Zinc	79%	6
Chloride	0%	5
Cyanide	69% <sup>1</sup>	5
Bis (2-ethylhexyl) phthalate	83%	6
Pentachlorophenol	0% <sup>2</sup>	6
Tetrachloroethene	0% <sup>2</sup>	6
Endosulfan II	0% <sup>2</sup>	4
Endrin	0% <sup>2</sup>	5
Heptachlor	0% <sup>2</sup>	5
Bromodichloromethane	0% <sup>2</sup>	6
Bromoform	0% <sup>2</sup>	6

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4,4' DDE	0% <sup>2</sup>	6
<sup>1</sup> EPA median removal percentage used since most results were below detection limit.		
<sup>2</sup> Influent and Effluent samples were all below detection limit.		

The sampling plan results showed that for all samples, pentachlorophenol, tetrachloroethene, endosulfan II, endrin, heptachlor, bromodichloromethane, bromoform, and 4,4' DDE were not present in the influent or effluent of the WWTF. Therefore, these pollutants were removed from consideration as POCs.

Bis (2-ethylhexyl) phthalate was detected above the detection limit in some of the regular monthly WWTF effluent samples. However, the field blanks obtained during those sampling events showed concentrations greater than the effluent sample values. This data is shown in Appendix B. Based on this information, the effluent concentrations for bis (2-ethylhexyl) phthalate are considered to be below the detection limit. Therefore, bis (2-ethylhexyl) phthalate was removed from consideration as a POC.

The sampling plan results also showed that the return of WWTF recycle flows to the headworks had a minimal impact on the headworks loading to the WWTF. The return flows are from the scum funnels, GBT filtrate, supernatant pit and the septage receiving station. These flows are estimated to make up approximately 2% of the headworks flow.

### 3.2 Discharge Permit and Water Quality AHLs

The RWQCB issued the WWTF Waste Discharge Requirements (WDR) that regulates the discharge from the plant. The AHL for POCs with WDR limitations is shown in Equation 1.

#### Equation 1 – AHL based on WDR limits

$$AHL_{wdr} = \frac{(8.34)(C_{wdr})(Q_{wwtf})}{(1-R_{wwtf})}$$

Where:

AHL<sub>wdr</sub> = AHL based on WDR limit, lb/day

C<sub>wdr</sub> = WDR permit limit, mg/L

Q<sub>wwtf</sub> = WWTF average flow rate, MGD

R<sub>wwtf</sub> = Plant removal efficiency, as decimal

8.34 = Conversion factor

Table 3-2 shows the allowable headworks loading for the POCs based upon the limitations contained in the WDR.

#### Table 3-2: WDR Based AHLs

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## Local Discharge Limits Development

Pollutant	WWTF Flow (MGD) (Q <sub>wwtf</sub> )	WDR Limit (mg/l) (C <sub>wdr</sub> )	Select Removal Efficiency (from list)	Removal Efficiency (%) (R <sub>wwtf</sub> )	Allowable Headworks (lbs/day)
Lead	12.18	0.05	User Entered	62.19	13.434
Ammonia	12.18	25	User Entered	43.89	4525.7652
BOD	12.18	30	User Entered	98.81	256354.5218
TSS	12.18	30	User Entered	98.65	226555.1037

The WDR issued does not contain limitations for all the POCs mentioned in Table 2-5. For the pollutants without limitation in the WDR, the EPA guidance recommends using AHLs based on State or Federal Water Quality Standards. The water quality standards can be based upon short term aquatic life affects (acute) or long term affects (chronic). Water quality standards can also be based upon human health effects. The human health effects can be from drinking of the water, recreational use of the water, or consumption of aquatic life. According to the WDR, the discharge to Mill Creek is protected for agricultural water supply, water contact and noncontact water recreation, warm freshwater habitat, and groundwater recharge. The criteria used for this comparison is discussed in Section 2.4. The AHL for POCs that have water quality standards is shown in Equation 2.

**Equation 2 – AHL based on Water Quality limits**

$$AHL_{wq} = \frac{(8.34)[(C_{wq})*(Q_{str}+Q_{wwtf}) - (C_{str}*Q_{str})]}{(1-R_{wwtf})}$$

Where:

- AHL<sub>wq</sub> = AHL based on water quality criteria, lb/day
- C<sub>wq</sub> = State or Federal water quality standard, mg/L
- C<sub>str</sub> = Receiving stream background concentration, mg/L
- Q<sub>wwtf</sub> = WWTF average flow rate, MGD
- Q<sub>str</sub> = Receiving stream (upstream) flow rate, MGD
- R<sub>wwtf</sub> = Plant removal efficiency, as decimal
- 8.34 = Conversion factor

The equation allows for instantaneous mixing of the discharge with the receiving stream. Since there is normally no flow in Mill Creek upstream of the WWTF discharge, the receiving stream concentration and receiving stream flow were considered to be zero.

Table 3-3 shows the allowable headworks loading for the POCs based upon the water quality standards.

**Table 3-3: Water Quality (Chronic) Based AHLs**

	WWTF	Receiving	Receiving Stream	Chronic	Removal	Allowable
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Pollutant	Flow (MGD) (Qwwtf)	Stream Flow (MGD) (Qstr1)	Concentration (mg/l) (Cstr)	WQS (mg/l) (Cwq)	Efficiency (%) (Rwwtf)	Headworks (lbs/day)
Arsenic	12.18	0.00	0	0.15000	28.98	21.4539
Cadmium	12.18	0.00	0	0.00027	67.00	0.0831
Copper	12.18	0.00	0	0.00930	88.14	7.9671
Cyanide	12.18	0.00	0	0.00520	69.00	1.7039
Lead	12.18	0.00	0	0.00320	62.19	0.8598
Mercury	12.18	0.00	0	0.00077	95.17	1.6183
Nickel	12.18	0.00	0	0.05200	37.22	8.4145
Selenium	12.18	0.00	0	0.00500	40.26	0.8501
Zinc	12.18	0.00	0	0.12000	79.37	59.0870
Ammonia	12.18	0.00	0	25.00000	43.89	4525.7652
Chloride	12.18	0.00	0	230.00000	0.00	23363.676

Table 3-4 shows the allowable headworks loading for the POCs based upon the agricultural water supply standards.

**Table 3-4: Water Quality (Agricultural Water Supply) Based AHLs**

Pollutant	WWTF Flow (MGD) (Qwwtf)	Receiving Stream Flow (MGD) (Qstr2)	Receiving Stream Conc (mg/l) (Cstr)	Agricultural WQS (mg/l) (Cwq)	Removal Efficiency (%) (Rwwtf)	Allowable Headworks (lbs/day)
Arsenic	12.18	0.00	0	0.10000	28.98	14.3026
Molybdenum	12.18	0.00	0	0.01000	35.00	1.5628
Boron	12.18	0.00	0	0.70000	1.85	72.4485
Chloride	12.18	0.00	0	106.00000	0.00	10767.6072

Table 3-5 shows a summary of the water quality based AHLs. The most restrictive (lowest) loading for each POC has been highlighted.

**Table 3-5: Summary of Water Quality Based AHLs**

Pollutant	Allowable Headworks (NPDES) (lbs/day)	Allowable Headworks (CHRONIC) (lbs/day)	Allowable Headworks (ACUTE) (lbs/day)	Allowable Headworks (WATER QUALITY) (lbs/day)
Arsenic	-	23.4539	14.3026	14.3026
Cadmium	-	0.0831	-	0.0831
Copper	-	7.9671	-	7.9671
Cyanide	-	1.7039	-	1.7039



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Lead	13.4337	0.8598	-	0.8598
Mercury	-	1.6183	-	1.6183
Molybdenum	-	-	1.5628	1.5628
Nickel	-	8.4145	-	8.4145
Selenium	-	0.8501	-	0.8501
Zinc	-	59.0870	-	59.0870
Ammonia	4525.7652	4525.7652	-	4525.7652
BOD	256354.5218	-	-	256354.5218
TSS	226555.1037	-	-	226555.1037
Boron	-	-	72.4485	72.4485
Chloride	-	23363.6760	10767.6072	10767.6072
FOG	22573.6000	-	-	22573.6000

**3.3 Biosolids Disposal Based AHLs**

The biosolids produced at the treatment plant are eventually land applied. The Federal sludge disposal regulations, 40 CFR Part 503, establish limitations for certain metals that are normally seen in industrial discharges. Additionally, California Title 22 contains additional pollutant limitations on the land application of biosolids. These limitations are converted to AHLs for the POCs using Equation 3.

**Equation 3 – AHL based on Biosolids Disposal limits**

$$AHL_{\text{bsol}} = \frac{(0.0022)(C_{\text{bsol}})(Q_{\text{bsol}})}{(1-R_{\text{wwtf}})}$$

Where:

AHL<sub>bsol</sub> = AHL based on biosolids disposal limit, lb/day

C<sub>bsol</sub> = Biosolids limitation, mg/kg dry sludge

Q<sub>bsol</sub> = Total sludge flow to disposal, dry metric tons per day

R<sub>wwtf</sub> = Plant removal efficiency, as decimal

0.0022 = Conversion factor

Table 3-6 shows a summary of the biosolids disposal based AHLs. Where a limitation existed for a pollutant in both 503 and Title 22, the most stringent (lowest) limit is used in the table. Details of the Title 22 land application calculations are contained in Appendix C.

**Table 3-6: Summary of Biosolids Disposal Based AHLs**

Pollutant	WWTF Flow	Sludge Flow to Disposal	Land Application Standard	Removal Efficiency	Allowable Headworks
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**SECTION THREE****Local Discharge Limits Development**

	(MGD) (Q <sub>wwtf</sub> )	(MTD) (Q <sub>bsol</sub> )	(mg/kg) (C <sub>bsol</sub> )	(%) (R <sub>wwtf</sub> )	(lbs/day) (L <sub>hw</sub> )
Arsenic	12.18	4.358636364	41 <sup>(1)</sup>	28.98	1.3568
Cadmium	12.18	4.358636364	17.86074 <sup>(2)</sup>	67.00	0.2556
Chromium	12.18	4.358636364	2833.905 <sup>(2)</sup>	20.41	133.173
Copper	12.18	4.358636364	1500 <sup>(1)</sup>	88.14	16.3185
Lead	12.18	4.358636364	300 <sup>(1)</sup>	62.19	4.6255
Mercury	12.18	4.358636364	17 <sup>(1)</sup>	95.17	0.1713
Molybdenum	12.18	4.358636364	18 <sup>(1)</sup>	35.00	0.4931
Nickel	12.18	4.358636364	420 <sup>(1)</sup>	37.22	10.8190
Selenium	12.18	4.358636364	35.21127 <sup>(2)</sup>	40.26	0.8387
Silver	12.18	4.358636364	566.781 <sup>(2)</sup>	40.42	13.4456
Zinc	12.18	4.358636364	2800 <sup>(1)</sup>	79.37	33.8280

(1)Based on 40 CFR Part 503 regulations.(2)Based on California Title 22 calculations.

**3.4 Inhibition Based AHLs**

Certain pollutant concentrations in wastewater or sludge can cause operational problems for biological treatment processes. The City of Visalia WWTF operates the following biological processes that may be subject to inhibition issues: activated sludge, trickling filters, and anaerobic sludge digestion. The WWTF has not had historical issues with pollutants causing upsets of the biological processes. The EPA guidance document contains inhibition values for pollutants that have the potential to upset biological treatment processes. These inhibition limitations are converted to AHLs for the POCs using Equation 4, Equation 5, and Equation 6.

**Equation 4 – AHL based on Activated Sludge Inhibition Values**

$$AHL_{act} = \frac{(8.34)(C_{act})(Q_{wwtf})}{(1-R_{prim})}$$

Where:

AHL<sub>act</sub> = AHL based on activated sludge inhibition, lb/day

C<sub>act</sub> = Inhibition criterion for activated sludge, mg/L

Q<sub>wwtf</sub> = WWTF average flow rate, MGD

R<sub>prim</sub> = Removal efficiency from headworks to primary treatment effluent, as decimal (assumed using EPA removal values)

8.34 = Conversion factor

Table 3-7 shows the calculated AHLs based on activated sludge inhibition values.

**Table 3-7: Activated Sludge Inhibition Based AHLs**

	Activated	Removal	Allowable	User
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## Local Discharge Limits Development

Pollutant	WWTF Flow (MGD) (Q <sub>wwtf</sub> )	Sludge Inhibition Level (mg/l) (C <sub>act</sub> )	Efficiency (%) (R <sub>prim</sub> )	Headworks (lbs/day) (L <sub>hw</sub> )	Entered Removal Efficiency (%)
Arsenic	12.18	0.1	91.90	125.4089	91.90
Cadmium	12.18	1	90.00	1015.812	90.00
Chromium	12.18	1	49.30	200.3574	49.30
Copper	12.18	1	96.10	2604.646	96.10
Cyanide	12.18	0.1	90.00	101.5812	90.00
Lead	12.18	1	80.00	507.9060	80.00
Mercury	12.18	0.1	93.20	149.3841	93.20
Nickel	12.18	1	55.20	226.7438	55.20
Zinc	12.18	0.3	96.00	761.8590	96.00
Ammonia	12.18	480	0.00	48758.98	0.00

Equation 5 – AHL based on Trickling Filter Inhibition Values

$$AHL_{tric} = \frac{(8.34)(C_{tric})(Q_{wwtf})}{(1-R_{prim})}$$

Where:

AHL<sub>tric</sub> = AHL based on trickling filter inhibition, lb/dayC<sub>tric</sub> = Inhibition criterion for trickling filters, mg/LQ<sub>wwtf</sub> = WWTF average flow rate, MGDR<sub>prim</sub> = Removal efficiency from headworks to primary treatment effluent, as decimal (assumed using EPA removal values)

8.34 = Conversion factor

Table 3-8 shows the calculated AHLs based on trickling filter inhibition values.

Table 3-8: Trickling Filter Inhibition Based AHLs

Pollutant	WWTF Flow (MGD) (Q <sub>wwtf</sub> )	Trickling Filter Inhibition Level (mg/l) (C <sub>tric</sub> )	Select Removal Efficiency (from list)	Removal Efficiency (%) (R <sub>prim</sub> )	Allowable Headworks (lbs/day) (L <sub>hw</sub> )	EPA Guidance Removal Efficiency (%)
Chromium	12.18	3.5	Default (Through Trick. Fil.)	55.00	790.076	55.00
Cyanide	12.18	30	Default (Through Trick. Fil.)	59.00	7432.77	59.00

Equation 6 – AHL based on Anaerobic Digestion Inhibition Values (Conservative Pollutants)

**SECTION THREE**

$$AHL_{dig} = \frac{(8.34)(C_{diginb})(Q_{dig})}{R_{wwtf}}$$

Where:

- AHL<sub>dig</sub> = AHL based on anaerobic digestion inhibition, lb/day
- C<sub>diginb</sub> = Inhibition criterion for sludge digester, mg/L
- Q<sub>dig</sub> = Sludge flow rate to digester, MGD
- R<sub>wwtf</sub> = Plant removal efficiency, as decimal
- 8.34 = Conversion factor

Table 3-9 shows the calculated AHLs based on anaerobic digester inhibition values for conservative pollutants.

**Table 3-9: Anaerobic Digester Inhibition (Conservative Pollutants) Based AHLs**

Pollutant	WWTF Flow (MGD) (Q <sub>wwtf</sub> )	Sludge Flow to Digester (MGD) (Q <sub>dig</sub> )	Anaerobic Digester Inhibition Level (mg/l) (C <sub>crit</sub> )	Removal Efficiency (%) (R <sub>wwtf</sub> )	Allowable Headworks (lbs/day) (L <sub>hw</sub> )
Arsenic	12.18	0.03833	1.6	28.98	1.7651
Cadmium	12.18	0.03833	20	67.00	9.5425
Chromium	12.18	0.03833	130	20.41	203.661
Copper	12.18	0.03833	40	88.14	14.5071
Lead	12.18	0.03833	340	62.19	174.764
Nickel	12.18	0.03833	10	37.22	8.5876
Silver	12.18	0.03833	13	40.42	10.2811
Zinc	12.18	0.03833	400	79.37	161.1051

**Equation 7 – AHL based on Anaerobic Digestion Inhibition Values (Non-Conservative Pollutants)**

$$AHL_{dig} = \frac{(C_{diginb}) * L_{inf}}{(C_{dig})}$$

Where:

- AHL<sub>dig</sub> = AHL based on anaerobic digestion inhibition, lb/day
- C<sub>diginb</sub> = Inhibition criterion for sludge digester, mg/L
- C<sub>dig</sub> = Existing pollutant level in sludge, mg/L
- L<sub>inf</sub> = WWTF influent loading, lb/day

Table 3-10 shows the calculated AHLs based on anaerobic digester inhibition values for non-conservative pollutants.

**SECTION THREE****Table 3-10: Anaerobic Digester Inhibition (Non-Conservative Pollutants) Based AHLs**

Pollutant	WWTF Flow (MGD) (Qwwtf)	Average Influent Conc (mg/l)	Average Influent Load (lbs/day) (Linf)	Digester Pollutant Conc (mg/l) (Cdig)	Anaerobic Digester Inhibition Level (mg/l) (Cdiginb)	Allowable Headworks (lbs/day) (Lhw)
Cyanide	12.18	2.50	253.9530	3.73	1	68.0839
Ammonia	12.18	95.50	9701.0046	4214.25	1500	3452.929

Table 3-11 shows a summary of the inhibition based AHLs. The most restrictive (lowest) loading for each POC has been highlighted.

**Table 3-11: Summary Inhibition Based AHLs**

Pollutant	Allowable Headworks (ACT. SLUDGE) (lbs/day)	Allowable Headworks (TRICK. FILTER) (lbs/day)	Allowable Headworks (DIG. - CONSERV.) (lbs/day)	Allowable Headworks (DIG. - NON-CONS.) (lbs/day)	Allowable Headworks (INHIB) (lbs/day)
Arsenic	125.4089	-	1.7651	-	1.7651
Cadmium	1015.812	-	9.5425	-	9.5425
Chromium	200.3574	790.0760	203.6605	-	200.3574
Copper	2604.646	-	14.5071	-	14.5071
Cyanide	101.5812	7432.770	-	68.0839	68.0839
Lead	507.9060	-	174.7642	-	174.7642
Mercury	149.3841	-	-	-	149.384
Nickel	226.7438	-	8.5876	-	8.5876
Silver	-	-	10.2811	-	10.2811
Zinc	761.8590	-	161.1051	-	161.1051
Ammonia	48758.97	-	-	3452.9292	3452.92

**3.5 POC Maximum Allowable Headworks Loadings**

The maximum allowable headworks loading is the lowest of the AHLs calculated for each POC. Influent loadings below the MAHL will lead to compliance with the AHLs based on all environmental and treatment plant criteria. Table 3-12 shows a summary of AHLs as well as the MAHL for each POC.

**SECTION THREE****Table 3-12: Maximum Allowable Headworks Loadings**

Pollutant	Allowable Headworks (WATER QUALITY) (lbs/day)	Allowable Headworks (INHIBITION) (lbs/d)	Allowable Headworks (SLUDGE) (lbs/d)	Maximum Allowable Headworks (MAHL - lbs/d)
Arsenic	14.3026	1.7651	1.3568	1.3568
Cadmium	0.0831	9.5425	0.2556	0.0831
Chromium	-	200.3574	133.1733	133.1733
Copper	7.9671	14.5071	16.3185	7.9671
Cyanide	1.7039	68.0839	-	1.7039
Lead	0.8598	174.7642	4.6255	0.8598
Mercury	1.6183	149.3841	0.1713	0.1713
Molybdenum	1.5628	-	0.4931	0.4931
Nickel	8.4145	8.5876	10.8190	8.4145
Selenium	0.8501	-	0.8387	0.8387
Silver	-	10.2811	13.4456	10.2811
Zinc	59.0870	161.1051	33.8280	33.8280
Ammonia	4525.7652	3452.9292	-	3452.9292
BOD	256354.5218	-	-	256354.5218
TSS	226555.1037	-	-	226555.1037
Boron	72.4485	-	-	72.4485
Chloride	10767.61	-	-	10767.61
FOG	22573.6000	-	-	22573.6000

## SECTION FOUR

## 4 DESIGNATING LOCAL LIMITS

After the calculation of the maximum allowable headworks loadings for the POCs, the POCs that require a local limit must be determined. The EPA guidance document recommends developing local limits for those POCs where the average influent loading exceeds 60% of the MAHL. Table 4-1 shows a comparison of MAHLs with the average headworks loadings for each POC. The highlighted POCs are those whose average influent loadings exceed 60% of the MAHL and will be evaluated for local limits.

**Table 4-1: Comparison of MAHLs with Average Headworks Loadings**

Pollutant	Maximum Allowable Headworks (MAHL - lbs/d)	Average Influent Loading (lbs/day)	Average Percent Loaded (%)
Arsenic	1.3568	1.0959	80.7732
Cadmium	0.0831	0.1060	127.5781
Chromium	133.1733	0.4472	0.3358
Copper	7.9671	4.0814	51.2283
Cyanide	1.7039	0.2541	14.9108
Lead	0.8598	0.4302	50.0408
Mercury	0.1713	0.0058	3.3700
Molybdenum	0.4931	0.2642	53.5811
Nickel	8.4145	0.5098	6.0590
Selenium	0.8387	0.0825	9.8349
Silver	10.2811	0.7183	6.9870
Zinc	33.8280	15.8541	46.8668
Ammonia	3452.9292	2471.1932	71.5680
BOD	256354.5218	33233.2884	12.9638
TSS	226555.1037	35048.0272	15.4700
Boron	72.4485	0.1075	0.1483
Chloride	10767.6072	5447.2961	50.5897
FOG	22573.6000	5793.2500	25.6638

Based on the information shown in Table 4-1, there is no local limit necessary for molybdenum, selenium, boron, and chloride. No local limit is necessary for ammonia since a review SIU data for ammonia shows little or no ammonia in the industrial discharge and the influent loading is 71.6% of the MAHL for ammonia.

## SECTION FOUR

### 4.1 Residential and Background Loadings

There are many other sources of wastewater to the WWTF besides the regulated industrial user flows. These other sources include domestic (residential) waste, storm water, inflow and infiltration, and commercial dischargers. Because the WWTF does not control the discharges from these sources, the loading contributed from these uncontrolled sources must be deducted from the MAHL to determine the loading available for industrial dischargers.

The City of Visalia has a separated sewer system so storm water is conveyed via a dedicated piping system to minimize the volume of storm water entering the sewer collection system and the WWTF. Additionally, the collection system does not have significant volumes of inflow and infiltration. Therefore, the loadings from storm water and inflow and infiltration to the WWTF are considered to be negligible.

The City of Visalia has performed sampling in residential and commercial areas to determine the expected loadings from these sources. This sampling data is contained in Appendix D. The loading from these sources is calculated by Equation 8.

#### Equation 8 – Residential and Background Loading Calculation

$$L_{unc} = (C_{unc}) * (Q_{unc}) * 8.34$$

Where:

$L_{unc}$  = Uncontrolled loading, lb/day

$C_{unc}$  = Uncontrolled pollutant concentration, mg/L

$Q_{unc}$  = Uncontrolled flow rate, MGD

8.34 = Unit conversion factor

### 4.2 Septage Loadings

The City of Visalia WWTF accepts septage waste from licensed haulers. Since the septage haulers are not subject to local limits like industrial users, the loading the WWTF receives from septage haulers needs to be subtracted from the MAHLs when determining the loadings available for industrial users. The City of Visalia samples some septage discharges and records the volume of septage received. This septage hauler information is shown in Appendix E. Equation 9 is used to calculate the loading from septage haulers.

#### Equation 9 – Septage Loading Calculation

$$L_{sep} = (C_{sep}) * (Q_{sep}) * 8.34$$

Where:

$L_{sep}$  = Septage loading, lb/day

$C_{sep}$  = Septage pollutant concentration, mg/L

$Q_{sep}$  = Septage flow rate, MGD

8.34 = Unit conversion factor



## SECTION FOUR

### 4.3 Maximum Allowable Industrial Loadings

Maximum Allowable Industrial Loadings (MAILs) are the amount of pollutant loadings that the WWTF can receive from controlled sources (permitted industrial users). The MAIL for each pollutant is calculated by Equation 10.

#### Equation 10 – MAIL Calculation

$$\text{MAIL} = \text{MAHL} (1-\text{SF}) - (\text{L}_{\text{unc}} + \text{SW} + \text{GA})$$

Where:

MAIL = Maximum allowable industrial loading, lb/day

MAHL = Maximum allowable headworks loading, lb/day

SF = Safety factor, decimal

$\text{L}_{\text{unc}}$  = Loadings from uncontrolled sources, lb/day

SW = Loadings from septage waste, lb/day

GA = Growth allowance, lb/day

#### 4.3.1 Safety Factor and Growth Allowance

The safety factor is a percentage of the MAHL set aside to account for variability in the data analyzed and other uncertainties. The EPA recommends at least a 10 percent safety factor be used. For the purposes of this local limits study, a 10 percent safety factor will be used for all pollutants.

Growth allowance is a part of the MAHL that can be held reserve to allow for potential growth or expansion within the service area. The growth allowance is normally used for those pollutants that the WWTF was designed to remove, such as BOD, TSS, and ammonia. The City of Visalia does not know of any major growth or expansions to the wastewater collection system. However, five percent will be set aside to allow for any growth that may occur during the life of the local limits. Setting aside the five percent will allow some growth without the need to revise the local limits.

### 4.4 Local Limits Allocations

There are two common approaches to allocating the available MAIL to the significant industrial users. The two common methods are uniform allocation and Industrial User specific allocation. Different allocation methods can be used for each pollutant.

#### 4.4.1 Uniform Allocation

The uniform allocation method yields one limit per pollutant that will apply to all SIUs. This allocation method requires that the MAIL for the pollutant be divided by the total flow from all SIUs, even those that do not discharge the pollutant. This method can be overly stringent because some IUs that do not discharge a pollutant will be given an allocation of the MAIL that they may not need. Equation 11 shows the method to calculate a local limit using the uniform allocation method.

#### Equation 11 – Uniform Allocation Calculation

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$$C_{lim} = MAIL / [(Q_{siu}) * 8.34]$$

Where:

$C_{lim}$  = Uniform concentration limit, mg/L

MAIL = Maximum allowable industrial loading, lb/day

$Q_{siu}$  = Total flow rate from SIUs, MGD

8.34 = Unit conversion factor

#### 4.4.2 IU Specific Allocation

There are two methods to divide the MAIL for each pollutant among only the SIUs that discharge that particular pollutant. These methods develop SIU-specific discharge limits. Any SIU that discharges at or below the background level is given a background allocation.

The SIU Contributory Flow method is similar to the Uniform Allocation method except that the portion of the MAILs above the background level is divided by the flow rate from those SIUs discharging the pollutant above background. Equation 12 shows the SIU Contributory Flow Allocation calculation.

#### **Equation 12 – SIU Contributory Flow Allocation Calculation**

$$C_{lim} = [MAIL - L_{back}] / [(Q_{siupol}) * 8.34]$$

Where:

$C_{lim}$  = Uniform concentration limit, mg/L

MAIL = Maximum allowable industrial loading, lb/day

$L_{back}$  = Background loading allocation for SIUs for which no contributory flow limit is being established for that pollutant, lb/day

$Q_{siupol}$  = Total flow rate from SIUs discharging the pollutant, MGD

8.34 = Unit conversion factor

#### 4.4.3 The Mass Proportion Allocation

The mass proportion allocation method allocates the MAIL to each SIU in proportion to the SIU's loading of that pollutant. To calculate the allowable loading for a SIU the portion of the MAIL above background is multiplied by the ratio of the current loading from SIU X to the current total loading of a pollutant from all SIUs. This calculation is shown in Equation 13.

Equation 14 shows the conversion of the mass allocation to a concentration.

**SECTION FOUR****Equation 13 – Mass Proportion Allocation Calculation**

$$L_{allX} = [L_{currX} / L_{currT}] * [MAIL - L_{back}]$$

Where:

$L_{allX}$  = Allowable loading allocated to SIU X, lb/day

$L_{currX}$  = Current loading from SIU X, lb/day

MAIL = Maximum allowable industrial loading, lb/day

$L_{back}$  = Background loading allocation for SIUs for which no contributory flow limit is being established for that pollutant, lb/day

**Equation 14 – Mass Proportion Conversion to Concentration Limit**

$$C_{limX} = L_{allX} / [(Q_X) * 8.34]$$

Where:

$C_{limX}$  = Discharge limit for SIU X, mg/L

$L_{allX}$  = Allowable loading allocated to SIU X, lb/day

$Q_X$  = Flow rate from SIU X, MGD

8.34 = Unit conversion factor

**4.5 Uniform Allocation of Local Limits**

Table 4-2 is a summary of the collected information and the proposed local limits based on the uniform allocation method. The details of the calculations in Table 4-2 are shown in Appendix F.

**SECTION FOUR**

**Local Discharge Limits Development**

**Table 4-2: Uniform Allocation of Local Limits**

Pollutant	Maximum Allowable Headworks (MAHL - lbs/d)	Safety Factor (%) (SF)	Growth Allowance (%) (GA)	Nonindustrial Concentration (mg/l) (Cdom)	Nonindustrial Flow (MGD) (Qdom)	Nonindustrial Loading (lbs/day) (Ldom)	Hauled Waste Concentration (mg/l) (Chw)	Hauled Waste Flow (MGD) (Qhw)	Hauled Waste Loading (lbs/day) (Lhw)	Allowable Industrial Loading (MAIL - lbs/day)	Local Limit (mg/l) (Cind)	Basis of Limitation
Arsenic	1.3568	10	10	0.0012	9.887966	0.0998	0.1587	0.011434	0.0151	0.9705	0.0510	Sludge
Cadmium	0.0831	10	10	0.0001	9.887966	0.0058	0.0383	0.011434	0.0036	0.0571	0.0030	Water Quality
Chromium	133.1733	10	10	0.0033	9.887966	0.2730	0.2521	0.011434	0.0240	106.2416	5.5857	Sludge
Copper	7.9671	10	10	0.0320	9.887966	2.6389	4.2631	0.011434	0.4065	3.3282	0.1750	Water Quality
Cyanide	1.7039	10	10	0.0009	9.887966	0.0709	0.0000	0.011434	0.0000	1.2922	0.0679	Water Quality
Lead	0.8598	10	10	0.0014	9.887966	0.1130	0.5129	0.011434	0.0489	0.5259	0.0277	Water Quality
Mercury	0.1713	10	10	0.0000	9.887966	0.0004	0.0118	0.011434	0.0011	0.1355	0.0071	Sludge
Molybdenum	0.4931	10	10	0.0010	9.887966	0.0825	0.0805	0.011434	0.0077	0.3044	0.0160	Sludge
Nickel	8.4145	10	10	0.0037	9.887966	0.3059	0.2572	0.011434	0.0245	6.4011	0.3365	Water Quality
Selenium	0.8387	10	10	0.0006	9.887966	0.0495	0.0390	0.011434	0.0037	0.6178	0.0325	Sludge
Silver	10.2811	10	10	0.0001	9.887966	0.0049	0.0035	0.011434	0.0003	8.2196	0.4322	Inhibition
Zinc	33.8280	10	10	0.1678	9.887966	13.8386	28.7321	0.011434	2.7399	10.4839	0.5512	Sludge
Ammonia	3452.9292	10	10	28.4300	9.887966	2344.4980	890.0000	0.011434	84.8700	332.9753	17.5064	Inhibition
BOD	256354.5218	10	10	305.68	9.887966	25208.0957	-	0.011434	0.0000	179875.5217	9457.0764	Water Quality
TSS	226555.1037	10	10	299.5	9.887966	24698.4581	-	0.011434	0.0000	156545.6248	8230.4914	Water Quality
Boron	72.4485	10	10	0.24	9.887966	19.7918	0.0005	0.011434	0.0000	38.1670	2.0067	Water Quality
Chloride	10767.6072	10	10	56.26	9.887966	4639.5167	650.0000	0.011434	61.9837	3912.5853	205.7068	Water Quality
FOG	22573.6000	10	10	76.52	9.887966	6310.2705	1650.0000	0.011434	157.3433	11591.2662	609.4186	Water Quality

## SECTION FOUR

### 4.6 IU Specific Allocation of Local Limits

Based on the uniform allocation method, the proposed local limits for some pollutants are significantly lower than the existing local limits. These pollutants are: cadmium, copper, cyanide, lead, mercury, nickel, silver and zinc. The proposed local limits for these pollutants are also significantly lower than the concentrations seen in the discharge from the SIUs. Sampling data for the SIUs is in Appendix G.

The City currently imposes silver local limits for Josten's Printing and Publishing and Voltage Multipliers of 4.0 mg/L and 1.0 mg/L, respectively. The mass loading associated with these two SIUs was subtracted from the MAIL before it was distributed amongst the remaining silver contributing SIUs.

IU Specific Allocated local limits are meant to be applied to all industrial users regulated by the IPP. In order to provide additional protection, only 80% of the MAIL will be allocated via the IU Specific Allocation method. This will allow an additional amount of safety in the case where an industry that has not historically discharged a pollutant may discharge that pollutant above background concentrations.

Table 4-3 is a summary of the collected information and the proposed local limits based on the IU Specific Allocation method. Details of the IU Specific Allocation calculations are in Appendix H.

**Table 4-3: IU Specific Allocation of Local Limits**

Pollutant	MAIL (lb/day)	Uncontrolled Discharge Conc (mg/L)	Total IU flow below Uncontrolled Conc (MGD)	Lback (lb/day) [Unc Conc x IU flow below Unc Conc]	Total IU flow above Uncontrolled Conc (MGD)	IU Specific Allocation Local Limit (mg/L)
Cadmium	0.0571	0.0001	2.2166	0.00129	0.0643	0.08
Copper	3.3282	0.032	2.164	0.5775	0.1166	2.14
Cyanide	1.2922	0.0009	2.2773	0.0163	0.0033	36.97
Lead	0.5259	0.0014	2.182	0.0249	0.0986	0.48
Mercury	0.1355	4.76x10 <sup>-6</sup>	1.9236	7.64x10 <sup>-5</sup>	0.357	0.04
Nickel	6.4011	0.0037	2.171	0.067	0.1096	5.53
Silver	8.2196	0.0001	2.1763	0.0011	0.0563	12.40
Zinc	10.484	0.1678	2.211	3.0944	0.0696	9.12

**SECTION FOUR****4.7 Comparison of Proposed and Existing Limits**

Table 4-4 shows a comparison of the proposed local limits to the existing local limits and calculated local limits. Existing local limits for boron and pentachlorophenol have been eliminated. Proposed local limits that are greater than the existing local limits are recommended to remain at the existing local limit value to prevent any lessening of local limits. Table 4-4 shows the recommended local limits based upon this evaluation.

**Table 4-4: Comparison of Existing and Proposed Local Limits**

Pollutant	Existing Local Limit	Calculated Local Limit	Allocation Method	Proposed Local Limit
Arsenic	0.05 mg/L	0.05 mg/L	Uniform	0.05 mg/L
Boron	1.60 mg/L	Not needed		None
Cadmium	0.02 mg/L	0.08 mg/L	IU Specific	0.02 mg/L
Chromium	3.44 mg/L	5.59 mg/L	Uniform	3.44 mg/L
Copper	1.97 mg/L	2.14 mg/L	IU Specific	1.97 mg/L
Cyanide	0.16 mg/L	36.97 mg/L	IU Specific	0.16 mg/L
Lead	0.30 mg/L	0.48 mg/L	IU Specific	0.30 mg/L
Mercury	0.02 mg/L	0.04 mg/L	IU Specific	0.02 mg/L
Nickel	2.86 mg/L	5.53 mg/L	IU Specific	2.86 mg/L
Silver <sup>1</sup>	0.76 mg/L	12.40 mg/L	IU Specific	0.76 mg/L
Zinc	0.64 mg/L	9.12 mg/L	IU Specific	0.64 mg/L
Pentachlorophenol	0.15 mg/L	Not needed		None
Oil & Grease	200 mg/L	609 mg/L	Uniform	200 mg/L
BOD <sub>5</sub>	18,161 lb/day	89,538 lb/day <sup>2</sup>	Not applicable	18,161 lb/day
TSS	41,633 lb/day	41,633 lb/day <sup>2</sup>	Not applicable	41,633 lb/day
<sup>1</sup> Josten's Printing and Voltage Multipliers retain silver limits of 4.0 mg/L and 1.0 mg/L, respectively. <sup>2</sup> Plant design capacity.				

## SECTION FOUR

### 4.8 Protection of the Treatment Works, Collection System, and Workers

#### 4.8.1 Fume Toxicity

There are certain pollutants that can cause a fire or explosion, corrosive structural damage at the treatment plant, obstruction of flow, inhibition of biological activity due to heat, or discharges that cause the formation of toxic gases, vapors, or fumes.

Explosive and flammable pollutants discharged to a WWTF can threaten the integrity of the collection system and the health and safety of the workers. Under the right conditions, the accumulation of such pollutants in treatment works can produce explosions or fires. There are no POCs listed in Table 2-5 that are listed in the EPA Guidance Manual as being potentially explosive.

The fume toxicity level of a pollutant discharged to a WWTF indicates the likelihood that a WWTF worker will suffer an adverse health effect when the level is approached or exceeded. This level can be measured by the time weighted average threshold limit value (TWA-TLV), which is the concentration to which a worker can be exposed for eight hours per day, 40 hours per week and not have any acute or chronic adverse health effects. Similarly, short-term exposure limits (STELs) are concentrations to which a worker should not be exposed for longer than 15 minutes or more than four times per day (with at least one hour between each exposure).

There were three POCs identified in Table 2-4 that have fume toxicity exposure limits that indicate they may create a toxicity exposure issue for collection system workers. The three POCs were chloroform, ethylbenzene, and toluene. The fume toxicity discharge screening level can be calculated using Equation 15. The discharge screening level is the concentration in the treatment works above which a local limit may be necessary.

#### Equation 15 – Calculation of Discharge Screening Level

$$C_{\text{vl}} = C_{\text{vap}} / H$$

Where:

$C_{\text{vl}}$  = Discharge screening level, mg/L

$C_{\text{vap}}$  = Exposure limit at 1 atm and 25°C, mg/m<sup>3</sup>

H = Henry's Law Constant, (mg/m<sup>3</sup>)/(mg/L)

#### Table 4-5: Fume Toxicity Discharge Screening Levels

**SECTION FOUR****Local Discharge Limits Development**

Pollutant	Exposure limit (mg/m <sup>3</sup> )	Henry's Law Constant (mg/m <sup>3</sup> )/(mg/L)	Discharge Screening Level (mg/L)	Maximum Concentration Sampled (mg/L)
Chloroform	9.76	163.5	0.06	0.028
Ethylbenzene	542.50	327.0	1.659	<0.0005
Toluene	565.50	272.5	2.075	0.0019

Based on the maximum concentrations sampled in the treatment works and the fume toxicity discharge screening levels, no local limits are needed for chloroform, ethylbenzene or toluene based upon the protection of the treatment works, collection system and workers.

#### 4.8.2 Oil and Grease

Based on the uniform allocation of the oil and grease maximum allowable industrial loading, the local limit would be 669 mg/L. This local limit is based upon protecting the WWTFs ability to meet the WDR oil and grease limitation.

However, by its very nature, grease will adhere to many types of surfaces with sewers especially vulnerable to grease build-up. The cool internal surfaces of sewers provide ideal locations on which thin layers of grease can build up. Over a period of time, clumps of grease will build up to the point that the sewer can be completely choked. Grease also accumulates due to cooling and dilution of surfactants, that allows the grease to separate and collect on all sewer system surfaces, including wetwells at pump stations, where controls can become fouled and prevent pumps from operating properly.

Based on the residential (background loading) monitoring data, the average background oil and grease concentration is 76.5 mg/L. The average SIU concentration for oil and grease is 133 mg/L. The average oil and grease concentration into the WWTF is 57 mg/L.

The most commonly used local limit for oil & grease is 100 mg/L. The City currently has a limit of 200 mg/L. The 100 mg/L limit is not based upon any empirical evidence but rather on general correlations and an industry consensus that this level limits the build up of oil and grease in the collection system. The federal pretreatment regulations, 40 CFR 403.5(b)(6), prohibit "petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through." In most municipalities, oil and grease limits of 100 mg/L to 300 mg/L are protective of the collection system. Limits may need to vary depending on different factors, such as the number of wet wells, type of sewers, slope of sewers, flow in sewers, maintenance of the sewers, and history of grease related clogs.



## SECTION FOUR

Based upon the concentrations of oil and grease from residential and industrial sources and the history of grease, the current local limit of 200 mg/L is protective of the collection system and should remain.

### 4.9 Public Participation

The EPA General Pretreatment Regulations encourages public participation by requiring public notices or hearings for local limits development. The City of Visalia must publish a notice (including a notice for a public hearing) in a newspaper of general circulation within the jurisdiction served by the WWTF. All comments regarding the proposed local limits as well as any request for a public hearing must be filed with the Approval Authority (the RWQCB) within 30 days. The Approval Authority is required to account for all comments received when deciding whether to approve or deny the proposed local limits. The decision is then provided to the City and other interested parties, and published in the newspaper. All comments received are made available to the public for inspection and copying.

The City should notify the existing SIUs and other interested parties, individually, of the proposed limits and announce a public comment period in the local newspaper. This public comment period can be open while the proposed limits are submitted to the Approval Authority for initial review. During the comment period, the public may present technical challenges to the rationale for a particular local limit.

### 4.10 Implementation

Upon approval from the RWQCB, the approved limits need to be added to the existing sewer use ordinance. Once integrated in the sewer use ordinance, the approved local limits can be included into the permits issued to the SIUs.

## SECTION FIVE

### 5 BIBLIOGRAPHY/REFERENCES

United States. Environmental Protection Agency. Local Limits Development Guidance. Washington, D.C., July 2004.

## **APPENDIX A – WWTF Sampling Data**

## **APPENDIX B – Bis (2-ethylhexyl) Phthalate Sampling Data**

## **APPENDIX C – WWTF Biosolids Data**

## **APPENDIX D – Residential Background Sampling Data**

## **APPENDIX E – Septage Hauler Sampling Data**

## **APPENDIX F – Local Limits Calculations (Uniform Allocation)**



## **APPENDIX G – SIU Sampling Data**

## **APPENDIX H – Local Limits Calculations (IU Specific Allocation)**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10b

**Agenda Item Wording:** City Council adoption of resolutions relating to the regular municipal election to be held on Tuesday, November 8, 2011. Approval of Resolution 2011-18 requesting and consenting to consolidation of elections and setting specifications of the election order and approval of Resolution 2011-19 requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific services to the City of Visalia.

**Deadline for Action:** June 2011

**Submitting Department:** Administration

**Contact Name and Phone Number:**  
Donjia Huffmon, Chief Deputy City Clerk 713-4512

**Department Recommendation:**

It is recommended that the Visalia City Council approve and adopt these resolutions to consolidate the regular municipal election to be held Tuesday, November 8, 2011 with other elections to be held in and administered by the County of Tulare on that date.

**Summary/background:**

For many years the City of Visalia has consolidated its municipal elections with other elections conducted by the County of Tulare. The Tulare County Office of the Registrar of Voters has done an efficient and effective job for the City of Visalia in previous elections. The current election will be conducted under the direction of Ann Turner, Election Division Manager; Irene Zacarias, Deputy Election Supervisor; Melissa Petty, Election Technician; Lynnda Boswell, Financial Technician; Kim Bobadilla, Election Clerk; and Maryalice Cypert, Election Clerk. The consolidation of the City's election with other elections conducted in the County of Tulare has resulted in tremendous cost savings for Visalia. In recent years, the County of Tulare has implemented automated voting equipment and processes which have increased the timeliness and accuracy of the elections process.

**Prior Council/Board Actions:** Adoption of these resolutions and consolidation of the upcoming elections will be consistent with past practice of the Visalia City Council.

**Committee/Commission Review and Actions:** N/A

**Alternatives:** N/A

**Attachments:** Resolutions 2011-18 and 2011-19

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Recommended Motion (and Alternative Motions if expected):**

Approve Resolution 2011-18 requesting and consenting to consolidation of elections and setting specifications of the election order; and approve Resolution 2011-19 requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specified services to the City of Visalia.

***Financial Impact***

**Funding Source:**

Account Number: 0011-10102-570500

**Budget Recap:**

Total Estimated cost: \$85,500	New Revenue:	\$
Amount Budgeted: \$85,500	Lost Revenue:	\$
New funding required: \$	New Personnel:	\$
Council Policy Change: Yes___	No_x___	

***Environmental Assessment Status***

**CEQA Review:** No

**NEPA Review:** No

RESOLUTION NO. 2011-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA REQUESTING AND  
CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFICATIONS OF THE  
ELECTION ORDER

**WHEREAS**, the City Council has ordered a Municipal Election to be held on Tuesday, November 8, 2009, to fill certain municipal offices; and

**WHEREAS**, other elections may be held in whole or in part of the territory of the City and it is to the advantage of the City to consolidate pursuant to Elections Code Section 10400; and

**WHEREAS**, Elections Code Section 10242 provides that the governing body shall determine the hours of opening and closing the polls; and

**WHEREAS**, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

**WHEREAS**, Elections Code Section 13307 requires that before the nominating period opens the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

**WHEREAS**, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that an election be held in accordance with the following specifications:

SPECIFICATIONS OF THE ELECTION ORDER

1. The Election shall be held on Tuesday, the 8<sup>th</sup> day of November, 2011. The purpose of the election is to choose successors for the following offices:

Two seats for the Visalia City Council:

Robert R. Link – Term of Office 12/07/2007 to 12/2/2011

Amy Louise Shuklian - Term of Office 12/07/2007 to 12/2/2011

Three seats for the Visalia Unified School District Governing Board:

William A. Fulmer, Area 5 – Term of Office 12/2007 to 12/2011

Larry Jones, Area 5 – Term of Office 12/2007 to 12/2011

Donna Martin, Area 5 – Term of Office 12/2007 to 12/2011

2. This City Council hereby requests and consents to the consolidation of this Election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code 10400.
3. The City hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.
4. The City will reimburse the County for the actual cost incurred in conducting the Election upon receipt of a bill stating the amount due as determined by the Elections Official.

5. The City Council has determined that the candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
6. The City requests that the Registrar of Voters publish the Notice of Election in the Visalia Times-Delta which is a newspaper of general circulation that is regularly circulated in the City of Visalia.
7. The City directs that a certified copy of this Resolution be forwarded to the Registrar of Voters and the Board of Supervisors of Tulare County.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.  
CITY OF VISALIA )

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution No. 2011-\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held on May 2, 2011.

DATED:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy

RESOLUTION NO. 2011-19

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA REQUESTING THE TULARE COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER SPECIFIC SERVICES TO THE CITY OF VISALIA

**WHEREAS**, pursuant to the Elections Code, the governing body of any City may, by Resolution, request the Board of Supervisors of the County to permit the County Elections Official to render specified services to the City relating to the conduct of an election; and

**WHEREAS**, the City has ordered an election be held with the boundaries of the City on November 8, 2011;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council:

The Board of Supervisors of Tulare County is hereby requested to permit the County Registrar of Voters to render services to the City of Visalia relating to the conduct of the November 8, 2011, Municipal Election as follows:

- a. Distribute and file nomination papers and candidate statements for City offices and Visalia Unified School Governing Board offices.
- b. Make all required publications.
- c. Prepare, print and mail to the qualified electors of the City of Visalia sample ballots and voter pamphlets.
- d. Provide vote by mail ballots for said Municipal Election for use by the qualified electors who may be entitled to vote by mail ballots in the manner provided by law.
- e. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officer concerning their duties.
- f. Conduct and canvass the returns of the election and certify the votes cast to the City.
- g. Receive and process Vote By Mail voter applications.
- h. Prepare, print and deliver to the polling places supplies, including the official ballots and a receipt for said supplies.
- i. Recount votes, if requested, in accordance with State law.
- j. Conduct the above election duties in accordance with the Voting Right Act of 1975.
- k. Perform all other pertinent services required to perform for said election other than the requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the City Clerk.

The City Clerk is hereby authorized and directed to transmit certified copies of this Resolution to the Board of Supervisors and to the County Registrar of Voters.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.  
CITY OF VISALIA )

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2011-\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held on May 2, 2011.

DATED: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10c

**Agenda Item Wording:** Consideration of changes to the appointment list of the General Plan Update Review Committee (GPURC).

**Deadline for Action:** None

**Submitting Department:** Community Development Department/  
Planning Division

**Contact Name and Phone Number:**

Brandon Smith, AICP, Senior Planner	713-4636
Paul Scheibel, AICP, Planning Services Manager	713-4369
Chris Young, Community Development Director	713-4392

**Department Recommendation:** It is recommended that the Visalia City Council affirm the following appointments on the GPURC:

- a. Affirm that Rob Cox be the North Visalia Neighborhood Advisory Committee representative.
- b. Affirm that Richard Garcia be the Waterways and Trails Committee alternate representative.
- c. Affirm that Stephen Peck be the Visalia Community Forum alternate representative.
- d. Affirm that Craig Van Horn be the Mooney Boulevard Merchants representative.

**Recommendation A:** The North Visalia Neighborhood Advisory Committee lost its representative to the GPURC when Bill Huott completed his final term with the Committee. During the North Visalia Neighborhood Advisory Committee meeting held on April 14, 2011, Rob Cox was selected to fulfill the role of GPURC representative. Rob Cox was previously affirmed as the alternate for the Committee, so he will be transitioning to a regular member.

**Recommendation B:** The Waterways and Trails Committee lost its alternate representative to the GPURC when Ben Filliponi completed his final term with the Committee. During a Waterways and Trails meeting, Richard Garcia was selected to fulfill the role of GPURC alternate representative. Bob Brown is the standing GPURC representative for the Waterways and Trails Committee.

**Recommendation C:** Stephen Peck was selected by the Visalia Community Forum board on March 28, 2011, to serve as the alternate representative to the GPURC. Darlene Mata is the standing GPURC representative for the Visalia Community Forum.

**For action by:**

- City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

- Work Session  
 Closed Session

**Regular Session:**

- Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 5

**Review:**

**Dept. Head** \_\_\_\_\_  
**(Initials & date required)**

**Finance** N/A  
**City Atty** N/A  
**(Initials & date required or N/A)**

**City Mgr** \_\_\_\_\_  
**(Initials Required)**

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.



**Recommendation D:** Don Wright has elected to step down as the representative for the Mooney Boulevard Merchants. Craig Van Horn, a fellow proprietor (A&W Root Beer restaurants), has agreed to replace Mr. Wright in this capacity.

**GPURC Background:** On November 3, 2008, the City Council authorized the formation of a GPURC, and expanded the Committee's composition to include representation from several key stakeholders. There are currently 24 persons on the Committee representing 22 community-based groups (see attached Exhibit "A" for roster) including the City's Environmental Committee. The GPURC held its first meeting on March 25, 2009, and has met approximately once a month since then. It has recently overseen the completion of Phase I (Background studies) of the General Plan Update process and will embark on Phase II (comparison of various Plan Alternatives) in upcoming months.

**Committee/Commission Review and Actions:** N/A

**Alternatives:** None

**Attachments:** Exhibit "A" – General Plan Update Review Committee Roster

**Recommended Motion (and Alternative Motions if expected):**

I move to authorize the appointments to serve on the General Plan Update Review Committee, as recommended.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

**Copies of this report have been provided to:**

GPURC Members

Exhibit "A"

General Plan Update Review Committee  
Committee Roster – May 2010

<u>AUTHORIZED GROUP</u>	<u>DESIGNATED REPRESENTATIVE</u>
Visalia City Council	Bob Link
Visalia City Council	Michael Lane
Citizens Advisory Committee	Dirk Holkeboer
College of the Sequoias	Eric Mittlestead
Downtown Visalians	Michael Kreps
Environmental Committee	Tyson Carroll
Hispanic Chamber of Commerce	[vacant]
Historic Preservation Advisory Committee	Steven Cullen
Kaweah Delta Hospital	Dena Cochran
Kaweah Delta Hospital Board of Directors	Carl Anderson (Jody Graves, alt.)
Mooney Boulevard Merchant's Organization	<del>Don Wright</del> <b>Craig Van Horn</b>
North Visalia Neighborhood Advisory Committee	<del>Bill Huett</del> (Rob Cox, alt.)
Parks & Recreation Commission	Carla Calhoun
Planning Commission	Larry Segrue
Planning Commission	Vincent Salinas
Tulare / Kings Home Builders Association	Mike Knopf
Tulare County Affordable Housing	Ken Kugler
Tulare County Association of Realtors	Brad Maaske
Tulare County Farm Bureau	Brian Blain
Visalia Chamber of Commerce	Josh McDonnell
Visalia Community Forum	Darlene Mata ( <b>Stephen Peck, alt.</b> )
Visalia Economic Development Council	Jim Robinson
Visalia Unified School District	Clarise Dilbeck (Nathan Deforest, alt.)
Waterways and Trails Committee	Bob Brown ( <del>Ben Filiponi</del> <b>Richard Garcia, alt.</b> )

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10d

**Agenda Item Wording:** Authorize the Mayor to send letters to appropriate state legislators expressing support for California Assembly Bills 66 and 579 and letters of opposition for Assembly Bills 400, 646, 604, 1354, 438, 1220 and Senate Bill 469.

**Deadline for Action:** None

**Submitting Department:** Administration

**Contact Name and Phone Number:** Michael Olmos, 713-4332, and Nancy Loliva, 713-4535

**Department Recommendation:** Authorize the Mayor to send letters to appropriate state legislators expressing support for California Assembly Bills 66 and 579 and letters of opposition for Assembly Bills 400, 646, 604, 1354, 438, 1220 and Senate Bill 469.

**Summary/background:** Below is a list of bills and recommended positions for the City of Visalia to take in letters of support or opposition to local legislators. The bills selected were included based on input from appropriate staff on the legislation's impact to not only the City of Visalia, but cities statewide and that could set an important precedent for future legislation.

**Employee Relations**

**AB 400 (Ma) Employment: paid sick days - Oppose**

Existing law authorizes employers to provide their employees paid sick leave. This bill would provide that an employee who works for 7 or more days in a calendar year is entitled to paid sick days, accrued at a rate of no less than one hour for every 30 hours worked. An employee would be entitled to use accrued sick days beginning on the 90th calendar day of employment. The bill would require employers to provide paid sick days, upon the request of the employee, for diagnosis, care, or treatment of health conditions of the employee or an employee's family member, or for leave related to domestic violence or sexual assault.

**Local impact** – If passed this bill would be detrimental to the City departments with hourly staff, particularly the Convention Center and Parks & Recreation. The bill would require the City to allow temporary, hourly employees to accrue sick leave. In doing so, the City will be forced to add an unfunded obligation for temporary workers. The additional cost of sick leave will discourage the City from using temporary workers and place a larger burden on permanent staff.

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**AB 646 (Atkins) Local public employee organizations: impasse procedures - Oppose.**

The Meyers-Milias-Brown Act contains various provisions that govern collective bargaining of local represented employees, and delegates jurisdiction to the Public Employment Relations Board to resolve disputes and enforce the statutory duties and rights of local public agency employers and employees. Under the act, if the representatives of the public agency and the employee organization fail to reach an agreement, they may mutually agree on the appointment of a mediator and equally share the cost. If the parties reach an impasse, the act provides that a public agency may unilaterally implement its last, best, and final offer. This bill would instead provide that if the parties fail to reach an agreement, either party may request that the board appoint a mediator, and would require the board, if it determines that an impasse exists, to appoint a mediator at the board's expense. The bill would authorize either party to request that the matter be submitted to a factfinding panel if the mediator is unable to effect settlement of the controversy within 15 days and declares that factfinding is appropriate. The bill would require that the factfinding panel consist of one member selected by each party as well as a chairperson selected by the board or by agreement of the parties. The factfinding panel would be authorized to make investigations and hold hearings, and to issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

**Local Impact** - Currently, the City is able to directly contact State Mediation and Conciliation Services upon declaration of impasse, who are easy to work with, respond quickly, and do not charge for their services. Adding a fact-finding step could hinder the process unnecessarily and limit the City's ability to move forward as expeditiously as possible.

**Public Safety**

**AB 66 (Chesbro) Taxation: vehicle license fees – Support.**

The Vehicle License Fee Law imposes an annual license fee for any vehicle subject to registration in this state in the amount of 1% of the market value of that vehicle, as provided, for a specified amount of time. Existing law also, until June 30, 2011, imposes an additional tax equal to 0.15% of the market value of specified vehicles, as determined by the Department of Motor Vehicles, to the vehicle license fee, to be deposited in the General Fund and transferred to the Local Safety and Protection Account, a continuously appropriated fund. This bill would repeal the provision relating to the sunset date and repeal of the additional 0.15% tax, thereby establishing a continuously appropriated fund.

**Local impact** – Fees from this tax assist in booking fee reimbursement and COPPS grants, from which the City receives \$100,000 annually to fund part-time positions in the Police Department. If this is repealed, the cost for booking arrestees would be the sole responsibility of the City at an annual cost in excess of \$225,000.

**AB 604 (Skinner) Needle exchange programs – Oppose.**

Existing law authorizes a city, county, or city and county to conduct a clean needle and syringe exchange project authorized by the public entity to combat the spread of HIV and bloodborne hepatitis. Existing law exempts providers participating in an exchange project from criminal prosecution for possession of needles or syringes during participation in the project. Existing law also provides a specified annual comment and reporting process relating to the needle and syringe exchange projects. This bill would authorize the State Department of Public Health to authorize, as specified, certain entities to provide hypodermic needle and syringe exchange services in any location where the department determines that the conditions exist for the rapid spread of HIV, viral hepatitis, or any other potentially deadly or disabling infections that are spread through the sharing of used hypodermic needles and syringes. The bill would require the department to establish and maintain on its Internet Web site the address and contact information of these programs.

**Local impact** – This bill would authorize the State Department of Health to establish needle exchange programs without the consent of affected cities. The ultimate considerations for local

health and safety impacts should be made by the city that understands local conditions and law enforcement issues. AB 604 undermines that local authority and autonomy.

### **Transportation and Public Works**

#### **AB 1354 (Huber) *Public works: progress payments: notice: retention proceeds – Oppose.***

Existing law provides that in a contract relating to the construction of a public works project, the percentage of retention proceeds withheld cannot exceed the percentage specified in the contract between the public entity and the original contractor. This bill would instead prohibit retention proceeds from exceeding 5% of the payment, as specified, for those contracts entered into on or after January 1, 2012, between a public entity and contractor.

**Local impact** – This bill makes substantive changes to public works contracts. One change is of particular concern to cities, regarding retention proceeds on contractor payments. Retention proceeds are percentages of payments temporarily withheld by the City to ensure completion of the contract work in a timely and acceptable manner.

### **Land Use and Housing**

#### **AB 579 (Monning) *Mobile home parks: liability: attorney's fees - Support***

Existing law permits a court to award attorney's fees to a successful party in an action that has resulted in the enforcement of an important right affecting public interest, but does not allow an award of attorney's fees in favor of public entities, except in limited circumstances. This bill would permit the award of attorney's fees and, in some cases, other litigation expenses, to a local governmental entity in an action brought by the owner of a mobilehome park to challenge the validity or application of a local ordinance, rule, regulation, or initiative measure that regulates space rent or is intended to benefit or protect residents in a mobilehome park, if the local governmental entity is determined to be the prevailing party.

**Local impact** - The proposed law applies to rent control, mobile home subdivisions, (where lots are subdivided and available for individual purchase – this has become very contentious in other jurisdictions but has not come up in Visalia) and a vague reference to enforcing laws that protect park residents. The City has limited code enforcement jurisdiction over mobile home parks but can get pulled into investigating park violations. This third category could be used by the City of Visalia. A recent zoning enforcement action against a mobile home park brought a nuisance lawsuit threat from the park owners. The administrative citation was eventually resolved in favor of the City but the proposed law, if passed, could be useful in the future.

#### **AB 1220 (Alejo) *Land use and planning: cause of actions: time limitations – Oppose.***

The Planning and Zoning Law requires an action or proceeding against local zoning and planning decisions of a legislative body to be commenced and the legislative body to be served within a year of accrual of the cause of action, if it meets certain requirements. Where the action or proceeding is brought in support of or to encourage or facilitate the development of housing that would increase the community's supply of affordable housing, a cause of action accrues 60 days after notice is filed or the legislative body takes a final action in response to the notice, whichever occurs first. This bill would authorize the notice to be filed any time within 5 years after a specified action pursuant to existing law.

**Local impact** – This bill would extend from one year to five years the time frame for opponents of Council actions on zoning matters to file legal challenges. This bill greatly expands risk and will have a negative effect on California's ability to recover from the recession.

#### **SB 469 (Vargas) *Land use: development project review: superstores - Oppose.***

The Permit Streamlining Act requires the lead agency that has the principal responsibility for approving a development project, as defined, to approve or disapprove the project within 6 months from the date of certification of an environmental impact report or within 3 months from the date of adoption of a negative declaration or the determination by the lead agency that the

project is exempt from the California Environmental Quality Act, unless the project proponent requests an extension of time. This bill would in addition require a city, county, or city and county, including a charter city, prior to approving or disapproving a proposed development project that would permit the construction of a superstore retailer, as defined, to cause an economic impact report to be prepared, as specified, to be paid for by the project applicant, and that includes specified assessments and projections including, among other things, an assessment of the effect that the construction and operation of the proposed superstore retailer will have on retail operations and employment in the same market area. The bill would also require the governing body to provide an opportunity for public comment on the economic impact report.

**Local impact** – This bill would impose yet another state mandate, thereby degrading the authority of local legislative bodies. The City currently requires economic impact studies for certain projects on a case-by-case basis. Making such studies mandatory singles out a certain class of projects to engage in a costly, time-consuming process regardless of whether the local jurisdiction determines the information is needed.

### **Community Services**

#### ***AB 438 (Williams) – County-free libraries: withdrawal – Oppose***

Existing law provides that the county boards of supervisors may establish and maintain, within their respective counties, county free libraries pursuant to specified provisions of law. Existing law provides that the legislative body of any city or the board of trustees of any library district may, on or before January 1st of any year, notify the county board of supervisors that the city or library district no longer desires to be a part of the county free library system, as specified. This bill would instead provide that the legislative body of a city or the board of trustees of a library district may, on or before January 1st of any year, notify the county board of supervisors that it no longer desires to be part of the county free library system, unless the legislative body of a city or the board of trustees of a library district intends to operate the city's or the district's library or libraries with the help of a private contractor that will employ library staff. The bill would require that if the legislative body of a city or the board of trustees of a library district intends to operate the city's or the district's library or libraries, with the help of a private contractor that will employ library staff, it must publish notice of the contemplated action, submit the question for voter approval, and, if the withdrawal is approved by the voters, notify the county board of supervisors, as specified. The bill would provide that the notice to withdraw shall not be operative until the next succeeding year,

**Local Impact** - The Assembly Local Government Committee's analysis noted correctly that AB 438 sets a dangerous precedent for local government by allowing for the first time a mandatory vote on a city contract. While Visalia is not contemplating the actions depicted in the legislation, the City Council should oppose the bill on the basis of degradation of local control. City Councils are elected by voters to make decisions on contracts without the need for the additional costs and burdens of additional elections.

**Prior Council/Board Actions:** NA

**Committee/Commission Review and Actions:** NA

**Alternatives:** NA

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the Mayor to send letters to appropriate state legislators expressing support for California Assembly Bills 66 and 579 and letters of opposition for Assembly Bills 400, 646, 604, 1354, 438, 1220 and Senate Bill 469.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to: NA

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10f

**Agenda Item Wording:** Approve the proposed funding and authorize the City Manager to award a construction contract up to \$350,000 to the low bidder and execute an agreement for the Mooney/Ferguson Intersection Repair Project.

**Deadline for Action:** None

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Adam Ennis, Assistant Director – Engineering, 713-4323  
Chris Young, Community Development Director, 713-4392

**Department Recommendation:** Staff recommends that Council approve the proposed funding and authorize the City Manager to award a construction contract up to \$350,000 to the low bidder and execute an agreement for the Mooney/Ferguson Intersection Repair Project. If the low bid is above the \$350,000 staff will return to Council for award of the contract or other possible considerations.

**Summary:** Pavement depressions have occurred twice in an area near the intersection of Mooney Boulevard and Ferguson Avenue during construction projects in that area. Currently, the site is safe and traffic lanes are diverted but open. However, the repairs need to be completed soon to restore the roadways to their normal operation. Several types of investigation have been used by staff to determine the possible causes of the pavement depressions so that a scope of work could be determined to repair the street damage.

City staff proposes to: 1) replace approximately 1000 feet of previously installed storm drain line due to shifting soils, 2) overexcavate and compact the soils in the area of the depressions and over the storm drain line and sanitary sewer trunkline to a depth of about 15 feet, 3) Remove asphalt, do exploratory excavations, repair discovered issues, backfill and prepare subgrade and 4) repave all of the above areas where earthwork is needed. The engineer's estimate for this work is \$350,000.

City staff proposes to use a portion of Measure R Local funds currently budgeted for the Shirk Street Widening Between SR198 and Goshen Avenue Project since the Shirk Street widening cannot occur until a sanitary sewer trunkline is installed in the street. Therefore, city staff recommends using \$350,000 budgeted for the Shirk Street widening project to repair the

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.



Mooney/Ferguson intersection now. The remaining \$4M budgeted for the Shirk Street widening project should cover the total cost of that project when the work is planned to occur. The repairs can be completed several weeks sooner if Council approves the proposed funding and authorizes the City Manager to award the construction contract up to \$350,000 and execute an agreement for the Project. If the low bid comes in above the \$350,000 staff will return to council for award or other possible considerations.

**Background:** From 2008 to present, city staff has been working on three separate improvement projects near the intersection of Ferguson Avenue and Mooney Boulevard; 1) Ferguson/Mooney Storm Drain (development), 2) Ferguson Extension from the Rinaldi Street alignment to Mooney Boulevard and 3) Mooney Storm Drain Project. During the Mooney Storm Drain Project heavy rains occurred and immediately after pavement subsidence began appearing adjacent to the storm drain line installed as part of Ferguson/Mooney Storm Drain Project (development).

The subsidence appeared to be excessive trench settlement, even though testing and inspection had occurred during the work. In addition, there were some areas outside the trench that also experienced some settlement and movement. At that time City staff felt that some storm water must have entered some of the surrounding soils during the storm event causing the additional settlement. The City contacted the contractor that had installed the storm drain line and the contractor agreed to check and repair any damage to the storm drain line and recompact the trench backfill at his cost. As part of the Mooney storm drain project the City added some additional earthwork and paving to the scope of work to finish making the repairs outside the storm drain line area.

In early November of 2010 another large storm event occurred and unexpected additional pavement subsidence occurred in the same area as before, after the tested and inspected repairs were completed. The site and traffic control was set-up to provide safety and keep all lanes and traffic movements open for the public while an investigation was conducted. Due to the amount of settlement that had occurred both times, City engineering staff suspected that there must be an unknown subgrade condition causing this amount of subsidence in this area. It appeared that below the ground surface soil was being removed from the area, resulting in subsurface voids. In addition, geotechnical engineers from BSK, the testing laboratory on the North Mooney Storm Drain Project, visited the site and reviewed the project history with City staff. The geotechnical engineers concurred with City engineering staff that an unknown subgrade condition must be causing the subsidence and that before repairs could be performed the condition causing the subsidence must be rectified. Since the condition causing the subsidence is below the ground surface locating the problem is somewhat of a challenge.

Mr. Bill Callahan, a resident near the site, raised several concerns in November of 2010 regarding safety issues at the site. City staff worked with the on-site contractor to address the safety issues expressed by Mr. Callahan. City staff has been updating Mr. Callahan on a weekly basis of the status of the construction and road repair. Site safety and traffic lanes and movements have been maintained throughout the process.

November 2010 through April of 2011, City staff used soil borings, pipeline video inspections, ground penetrating radar (GPR), excavations, water line leak testing and research of old aerial photographs, records, and plans to determine possible causes for the subsidence. The investigation was intended to either determine possible causes or eliminate some items as possible causes and investigate as much as possible without disturbing traffic flow and movements. Investigation of the site and completion of the Mooney Storm Drain Project was slowed down from late December and into February due to more rainstorm activity than normal. The contractor is currently completing punchlist items on the North Mooney Storm Drain project.

Initially there were many possible reasons for the pavement depressions and each of the above mentioned investigative methods were used to either confirm a possible issue or eliminate a possible issue. City staff has conducted all of the reasonable investigation possible without actually excavating in the roadway. The GPR has identified an area of “soft” soils in the eastern portion of the intersection of Mooney Boulevard and Ferguson Avenue. During the excavations conducted high moisture and soft soils were identified along a water line which extends from adjacent to the areas of subsidence through the area of “soft” soils. In addition the storm drain line also extends through the area identified with “soft” soils. Based on this information, it is possible that excess storm water has been following the water line and storm drain line trenches from the areas of the pavement depressions to this area of “soft” soils. This migration of water could also have resulted in the movement of some subsurface soils and could be causing some of the excessive settlement observed.

City engineering staff is now prepared to propose a scope of work, estimate of costs, and funding source to do the repair work. City staff proposes to: 1) replace approximately 1000 feet of previously installed storm drain line due to shifting soils, 2) overexcavate and compact the soils in the area of the depressions and over the storm drain line and sanitary sewer trunkline to a depth of about 15 feet, 3) Remove asphalt, do exploratory excavations, repair discovered issues, backfill and prepare subgrade and 4) repave all of the above areas where earthwork is needed. The engineer’s estimate for this work is \$350,000.

City staff proposes to use Measure R Local funds to fund the repair project. Currently, there is a project for the Shirk Street Widening Between SR198 and Goshen Avenue budgeted in Measure R Local for \$50,000 in 10/11 and \$300,000 in 11/12. This funding was intended to allow for design to begin early with an additional \$4M budgeted from 12/13 through 15/16 for the remainder of that project. However, construction of this road widening will probably not occur for another 2 to 3 years since a sanitary sewer trunkline must be designed and installed in this area prior to the street widening. Therefore, city staff recommends using the \$350,000 budgeted for the Shirk Street widening project to repair the Mooney/Ferguson intersection now. The remaining \$4M budgeted for the Shirk Street widening project should cover the total cost of that project when the work is planned to occur. The repairs can be completed several weeks sooner if Council approves the proposed funding and authorizes the City Manager to award the construction contract up to \$350,000 and execute an agreement for the Project. If the low bid comes in above the \$350,000 staff will return to council for award or other possible considerations.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:** None

**Alternatives:** None

**Attachments:** 1.) Vicinity Map

**Recommended Motion (and Alternative Motions if expected):** I move to approve the proposed funding and authorize the City Manager to award a construction contract up to \$350,000 to the low bidder and execute an agreement for the Mooney/Ferguson Intersection Repair Project. If the low bid is above the \$350,000 staff will return to Council for award of the contract.

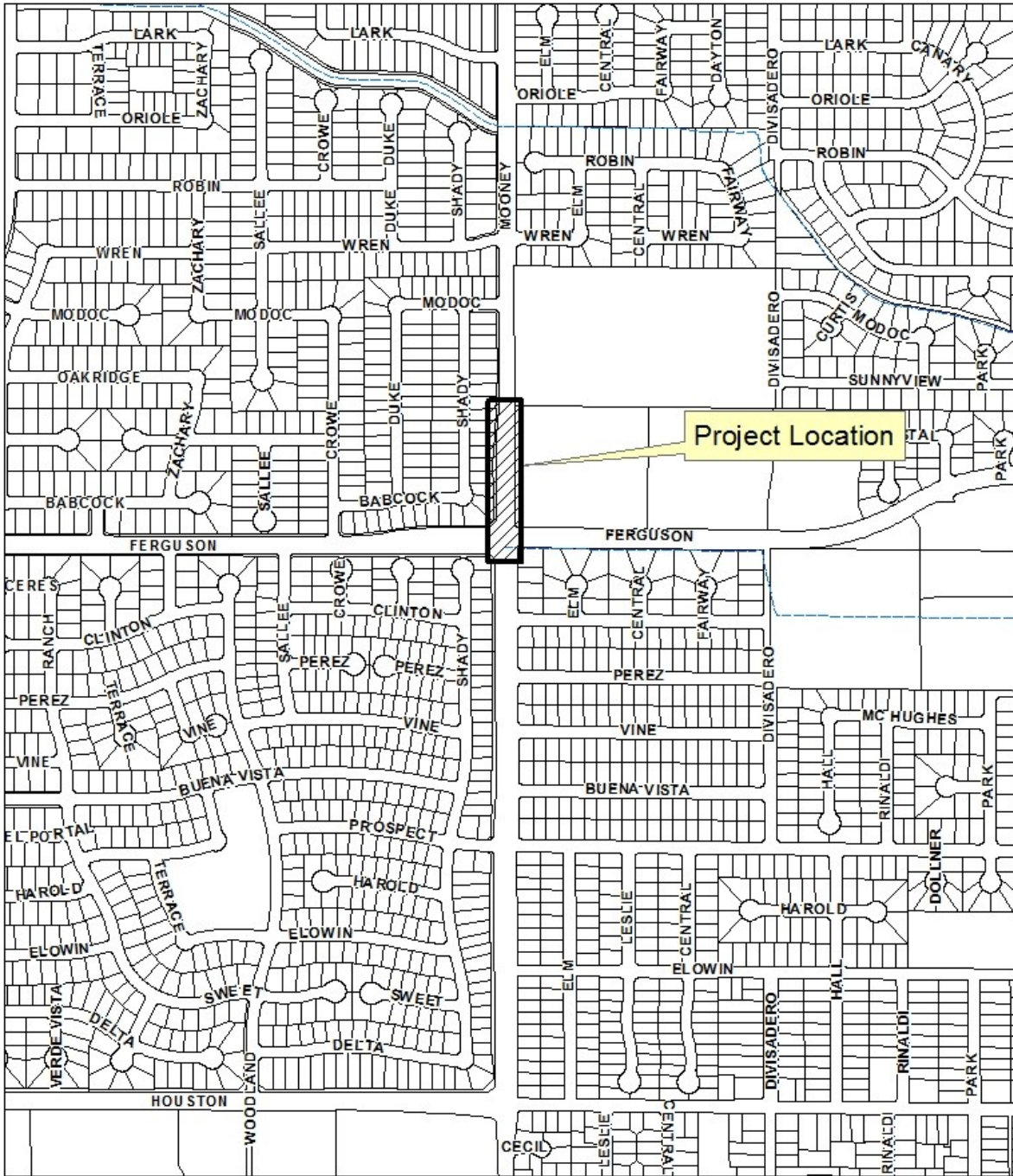
***Environmental Assessment Status***

**CEQA Review:** Categorically Exempt – Per Section 15301 Existing Facilities

**NEPA Review:** N/A

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:



**Mooney Boulevard  
 and Ferguson Avenue  
 Intersection Repair Project**



Scale: 1"=600'

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10g

**Agenda Item Wording:** Authorize hiring of Mike Ramsey to facilitate outreach on major land use issues for the General Plan Update at a flat fee of \$7,500, to be paid out of salary savings in the current approved Planning Division budget.

**Deadline for Action:** NA

**Submitting Department:** Administration

**Contact Name and Phone Number:** Mike Olmos 713-4332

**Department Recommendation:** Staff recommends that Council authorize hiring Mike Ramsey to assist in facilitating outreach on key community land use issues for the General Plan Update for a flat fee of \$7,500. Costs for this work will be paid out of salary savings in the current Planning Division budget.

**Summary/background:** The comprehensive General Plan Update (GPU) is progressing steadily and is on schedule. At this time, the General Plan Update Advisory Committee (GPURC) is reviewing a set of 3 land use concept maps that will help facilitate discussion and ideas for a "preferred" community land use plan during a series of four public workshops to be held in May. Input received from the public during the workshops will assist the GPURC and consultant in the formulation of GPU policies and a preferred land use concept map. The draft policies and preferred concept will be vetted with the community, Planning Commission and City Council, with the refined versions evaluated in the environmental impact report.

During recent discussions of land use concepts, several "big picture" issues have raised by representatives of the development community regarding long term community expansion. These include regional retail expansion (including along State Highway 99), industrial expansion, suitability of areas north of St. John's River for development, location of new regional facilities (such as a 4 year university), residential land use mix, projected growth rate determination, and others. While the GPURC and GPU consultant Michael Dyett (Dyett & Bhatia) have attempted to address these larger growth questions, the limited time available during GPURC meetings and the historical complexity of these concerns has not enabled the issues to be brought to satisfactory conclusion. However, because these issues are fundamental to long term growth decisions for the City, it is important that they be fully evaluated and conclusions incorporated into the preferred growth plan.

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Separate, in depth evaluation of these community issues is outside the scope of the GPU consultant's assigned tasks. Further, this work will require a strong understanding of the community's growth history and the ability to undertake stakeholder interviews and facilitate GPURC discussions with the GPU consultant to properly "frame" the issues in the context of the current General Plan update. In addition, in anticipation of strong and varied opinions on these matters, it is advisable that a person unassociated with the GPU process facilitate this work.

Staff believes that Mike Ramsey is well suited to undertake this detailed discussion of major community growth issues. Mr. Ramsey is former Community Development Director for the City of Visalia and former City Manager for the City of Pleasant Hill and City of Antioch. Mr. Ramsey is now retired from city management, living in Visalia, and providing services as a meeting facilitator. He has a keen understanding of Visalia's growth history and community planning. Mr. Ramsey has conducted several successful strategic planning workshops for Council and department heads and has demonstrated strong facilitation skills on complex urban planning and other community topics.

If this work is authorized by the City Council, Mr. Ramsey will work with representatives of stakeholder groups, GPURC and Mr. Dyett to identify and lead comprehensive discussions on key long term planning issues. The discussions are intended to conclude with consensus decisions on the issues by the GPURC for incorporation into GPU draft policies and preferred land use concept.

Staff recommends that a flat fee be set for Mr. Ramsey's work at \$7,500. Funding would be drawn from salary savings in the current approved Planning Division budget, which is funded by the General Fund. Mr. Ramsey's work will be done in parallel with the GPU consultant's efforts in developing draft GPU policies and preferred land use concept map during the next approximately 6 months.

**Prior Council/Board Actions:** NA

**Committee/Commission Review and Actions:** NA

**Alternatives:** Decline to initiate comprehensive evaluation of these issues.

**Attachments:** NA

**Recommended Motion (and Alternative Motions if expected):** Move to authorize hiring of Mike Ramsey to provide outreach facilitation on evaluation of major planning issues at a flat fee of \$7,500.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to: NA

# City of Visalia Agenda Item Transmittal

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 10h

**Agenda Item Wording:** Authorization to submit comments to the 2011 Advisory Committee on Redistricting regarding criteria for establishing new Board of Supervisor Districts as part of Tulare County's Redistricting process.

**Deadline for Action:** N/A

**Submitting Department:** Administration

**Contact Name and Phone Number:** Leslie Caviglia, 713-4317

### Department Recommendation

It is recommended that the Council consider staff's recommendations regarding optional criteria for establishing new Board of Supervisor Districts that could be submitted at the upcoming community outreach hearings being held next week by the 2011 Advisory Committee on Redistricting, an advisory committee appointed by the Board of Supervisors to make recommendations regarding the Redistricting process.

### Summary

After each census, each Board of Supervisor's in the State is required to adjust the boundaries of the supervisorial districts so that the districts are as equal in population as possible, while also complying the State Election's Code and the Federal Voter's Right Act which requires that the voting strength of minorities not be diluted.

Per the 2010 census, Tulare County has 442,179 people. Equally divided Supervisorial Districts would mean each district would have 88,435 people. The Election's Code suggests that criteria that could be considered when drawing district lines are topography, geography, cohesiveness, contiguity, integrity, compactness of territory, and community of interests of the districts. The law also allows the Supervisors to consider other criteria. Staff is recommending that in addition to criteria in the Election's Code, the following criteria be recommended:

1. That City and School District boundaries be used to establish district lines whenever possible.
2. That the deviation between the largest and smallest district population not exceed 2%
3. That no City or community be divided into more than two districts
4. Shared services and/or infrastructure be considered as cohesiveness and community of interests criteria

### For action by:

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

### For placement on which agenda:

Work Session  
 Closed Session

### Regular Session:

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

### Review:

**Dept. Head LBC 42711**

**Finance**

**City Atty**

**City Mgr**



**Department Discussion:**

**Advisory Committee:**

The Tulare County Board of Supervisors appointed an 11-member Advisory Committee to assist in the redistricting process. Visalia Supervisor Phil Cox appointed Stephen Peck and Phil Bourdette to represent his District, which is comprised entirely of Visalia. In addition, the eastern portion of Visalia is represented by Allen Ishida. He appointed Newel Bringham of Visalia and Bernice Doan. Steve Worthley, who represents a portion of northern Visalia, appointed Maggie Florez of Visalia. There is also one at-large member, Mary Lou Burbery, who is from Visalia. The Advisory Committee is charged by the Supervisors to do the following:

- A. Conduct public outreach and hold community meetings to solicit input on redistricting
- B. Recommend whether the boundaries should be redrawn
- C. If so, what criteria could be used, in order of priority
- D. Provide 3 redistricting option maps for the Board of Supervisors to consider, with the option of recommending one option if desired.

The Committee is advisory only; the Board of Supervisors is the body that determines what criteria are to be used to established the districts, and approve the final map. The Advisory Committee is soliciting input at 3 meetings, one that was held in Dinuba last week, in Visalia Tuesday, May 3 at the Visalia Convention Center at 6:30 p.m., and in Porterville May 4 at the CMHA Community and Conference Center at 6:30 p.m..

**Current Data:**

2010 Visalia population:	124,444
2010 Tulare County population	442,179
Optimum Supervisorial District Size based on 2010 census	88,435

Population in current Supervisorial District when created in 2002

District 1:	70,799
District 2:	76,387
District 3:	75,640
District 4:	72,879
District 5:	72,316

Population in current Supervisorial Districts and hometown of Supervisor

District 1 (Lindsay)	86,187
District 2 (Tulare)	94,166
District 3 (Visalia)	95,619
District 4 (Dinuba)	82,992
District 5 (Porterville)	83,207

Number of voters currently in each Supervisorial District

District 1:	27,777
District 2:	25,396
District 3:	37,669
District 4:	19,515
District 5:	23,326

**Recommendation Discussion:**

Based on the current situations, and given that the districts established now will be in place for another decade, staff is recommending the following:

1. That the deviation between the largest and smallest district population not exceed 2% - The law requires that the population be as "equal as possible." While this is somewhat vague, it is recognized that a variation of up to 10% is required to avoid judicial review. However, if a District starts with a large variation, growth over the ensuing 10 years can widen that gap.  
Requiring a 2% or less variation is not unusual, in fact, in Ventura and Santa Barbara Counties, both of which also have large rural areas, the deviation expectation is 1% or less.  
As indicated by the figures shown on the previous page, the percentage gap between the smallest and largest district in 2002 was nearly 8%. That percentage has only been exacerbated over time. There is now over a 15% gap between the largest and smallest district. Starting with a smaller variance were help ensure the integrity of the Districts over the next decade.
2. That City and/or School District boundaries be used to establish district lines whenever possible. Using established boundaries, such as city limits or urban boundaries, can lead to more equitable representation, lessen confusion amongst voters and sometimes simplify the election process. Hiley Wallis, Chief Deputy Treasurer/Tax Collector who oversees the Tulare County Election Division, has recommended to the Advisory Committee that school districts not be split in order to simplify the election process and staff concurs with this recommendation. While the size of Visalia will necessitate the school district being divided into more than one supervisorial district, it would be appropriate to use school district trustee boundaries, which are due to be finalized in Visalia later this month, for consistency. It would also seem prudent to use City boundaries, such as the urban boundary or city limits, if the larger school district boundaries are not appropriate to fit the other criteria. It would appear to be confusing to the citizenry, and a burden on the election's office, to add additional boundaries if it can be avoided.
3. That no City or community be divided in to more than two districts - While City staff recognizes that Visalia will have to be split into more than one district, splitting it into more, does not seem consistent with the suggested state criteria that recommends considering geography, cohesiveness, contiguity, compactness of territory, and community of interests. In the 2002 Advisory Committee criteria recommendations, the number one criteria was to avoid splitting cities whenever possible. However, Visalia was split in to 3 districts, and a very odd "dip" was included in District 4 to include a small portion of northern Visalia (see attached map). This "slicing and dicing" of a single community does not seem to be consistent with the state guidelines of encouraging the consideration of geography, cohesiveness, contiguity, compactness of territory, or community of interests of the districts, when developing the districts, especially since Visalia was the only city or community to be split in the entire County.

4. Shared services and/or infrastructure be considered as cohesiveness and community of interests criteria – Communities and/or cities that share infrastructure such as waste water treatment facilities or shared services such as transit, water providers, or solid waster providers would tend to have more in common than communities that do not have such links and should be considered when the districts are drawn.

**Timelines:**

The Tulare County Board of Supervisors has until November 1, 2011 to adopt a Redistricting Plan. They have a comprehensive timeline for the process which includes the Advisory Committing recommending criteria, whether the Districts should be changed and if the recommendation is to change the Districts, to present 3 map options by June 30, 2011. The Board will then holding public hearings on the options and begin the final adoption process early this fall.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Map of current supervisorial districts  
List of Advisory Committee Members

**Recommended Motion (and Alternative Motions if expected):**

Move to approve the staff recommendation to submit comments to the 2011 Advisory Committee on Redistricting regarding criteria for establishing new Board of Supervisor Districts as part of Tulare County's Redistricting process.

***Environmental Assessment Status***

**CEQA Review:**

This document last revised: 4/28/11 2:59:00 PM

By author: Leslie Caviglia

File location and name: H:\(1) AGENDAS for Council - DO NOT REMOVE\2011\5-2-2011\Item 10h Tulare County Redistricting.doc

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** May 2, 2011

**Agenda Item Number (Assigned by City Clerk):** 11

**Agenda Item Wording:** Resolution No. 2011 -20, Order closing and vacating the right-of-way on Laurel Avenue from Shady Street to Woodland Street.

**Deadline for Action:** May 2, 2011

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Jason Huckleberry, Engineering Services Manager, 713-4259  
Adam Ennis, Assistant Director – Engineering, 713-4323

**Department Recommendation:** Approve Resolution No. 2011-20, ordering the closure and vacation of the portion of Laurel Avenue between Shady Street and Woodland Street.

**Summary:** The abandonment of Laurel Avenue, between Shady Street and Woodland Street, is being requested by College of the Sequoias (COS). The street closure is being requested to facilitate the construction of a planned COS parking lot for the block bounded by Woodland Street, Laurel Avenue, Tulare Avenue, and Shady Avenue. The parking lot improvements are reflected in the COS Five Year Construction Plan (attachment #2) and COS Master Plan (attachment #3).

**Background:** This section of Laurel Street, is a local street previously serving residential neighborhood lots on the south and the COS parking lot on the north. COS has purchased and cleared the residential lots to facilitate their Five Year Construction Plan and Master Plan. The abandonment of this street right-of-way will allow for the expansion of the existing COS parking lot on the north side of Laurel Avenue south to Tulare Avenue.

The City of Visalia Planning Commission approved the COS parking lot expansion project (Conditional Use Permit No. 2011-04) on March 28, 2011, including the abandonment of Laurel Avenue, finding that the proposal was consistent with the City's General Plan.

Per the "Public Streets, Highways, and Service Easements Vacation Law", notices were posted along the section of Laurel Avenue to be abandoned and a copy of the resolution was published for two successive weeks in a newspaper of general circulation in the City of Visalia. Easements for public utilities will be reserved for all facilities currently existing within the abandoned street right-of-way.

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 15

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The City has reviewed and approved the improvement plans for the COS parking lot project. As part of that review, and consistent with the City's Circulation Element, the City is requiring a 12-foot Irrevocable Offer of Dedication along the north side of Tulare Avenue for future street widening improvements. COS must submit an executed Irrevocable Offer of Dedication for this right-of-way to the City's Engineering Division for review, processing, and recording. Subject to Council approval of the abandonment, the resolution will not be recorded, and therefore not effective, until this Irrevocable Offer of Dedication is submitted for recording.

**Prior Council/Board Actions:**

Resolution 2011-13 Declaring an Intent to Abandon – City Council approval, April 4, 2011

**Committee/Commission Review and Actions:**

Conditional Use Permit 2011-04 – Planning Commission approval, March 28, 2011

**Alternatives:** Council may elect to deny the request for the abandonment of Laurel Avenue. Council may also revise or add conditions to be fulfilled prior to the recording of the resolution ordering the closure of Laurel Avenue.

**Attachments:**

- 1.) Vicinity Map
- 2.) COS Five Year Construction Plan
- 3.) COS Master Plan Exhibit
- 4.) Proposed Resolution Ordering Closure and Vacation

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution No 2011 -20, ordering the closure and vacation of the portion of Laurel Avenue between Shady Street and Woodland Street.

***Environmental Assessment Status***

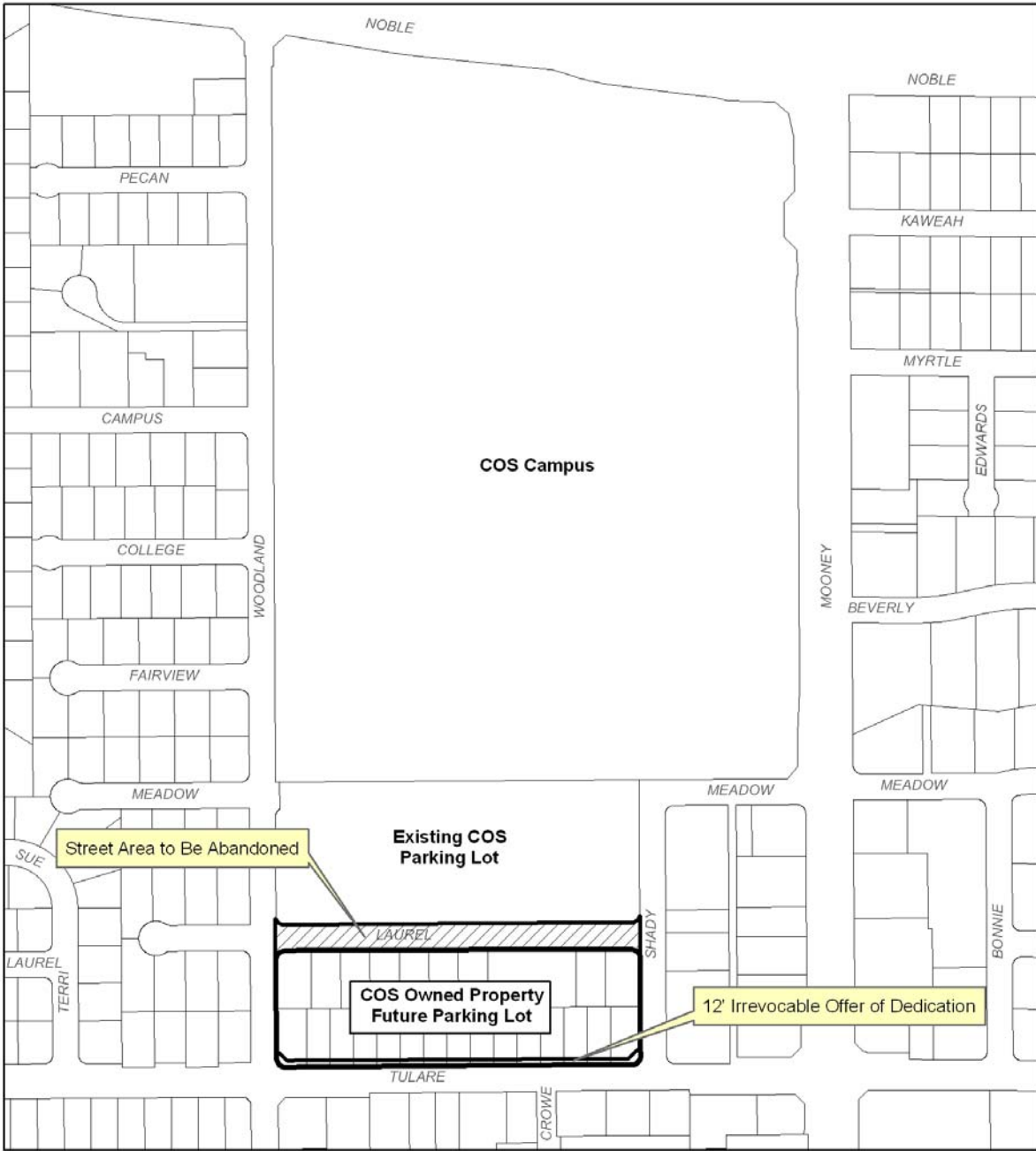
**CEQA Review:** Mitigated Negative Declaration – Adopted by COS Board of Trustees

**NEPA Review:** N/A

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**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:



# Laurel Ave Abandonment Location Map



Scale: 1" = 300'

**ATTACHMENT #1**

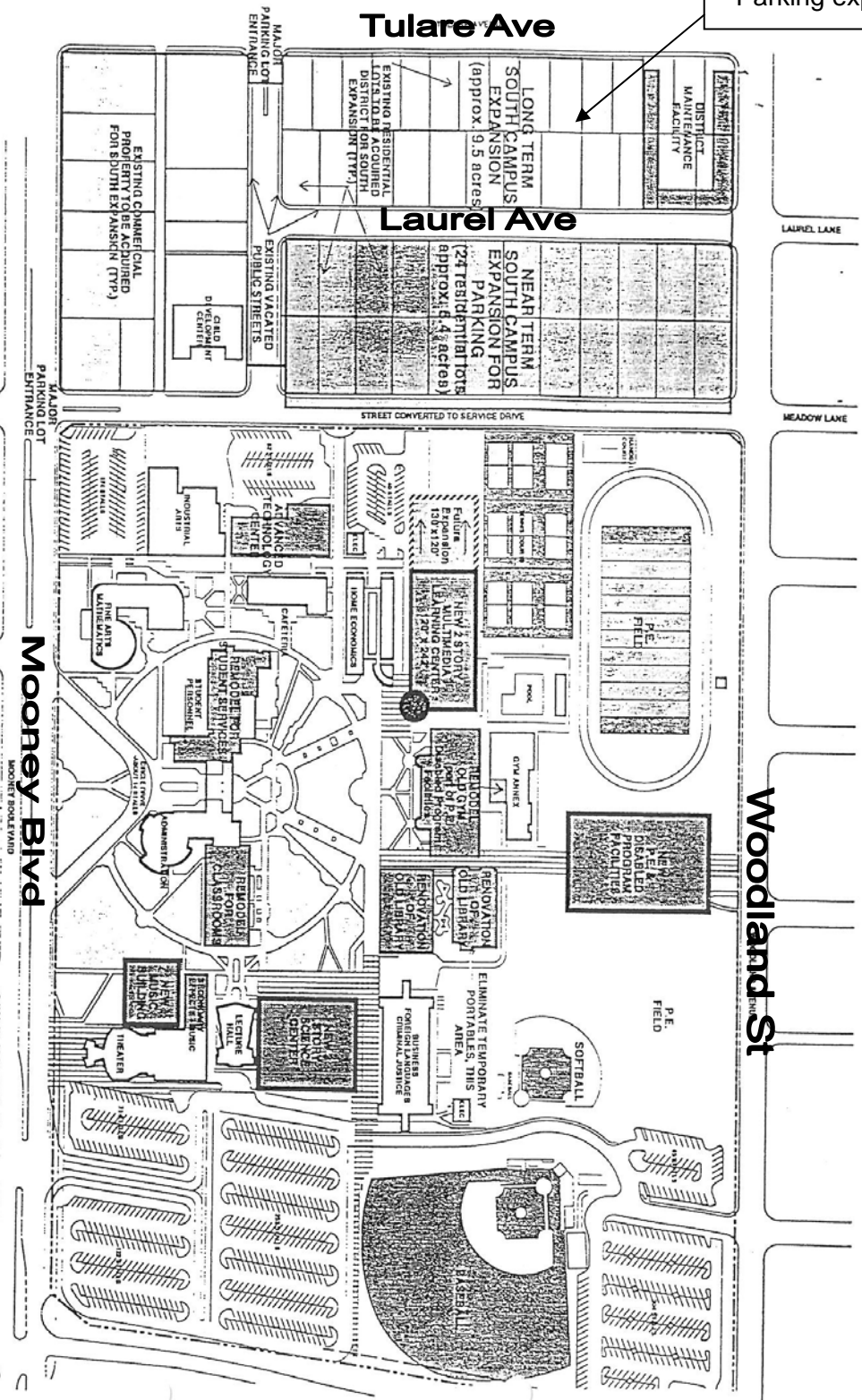


Parking expansion

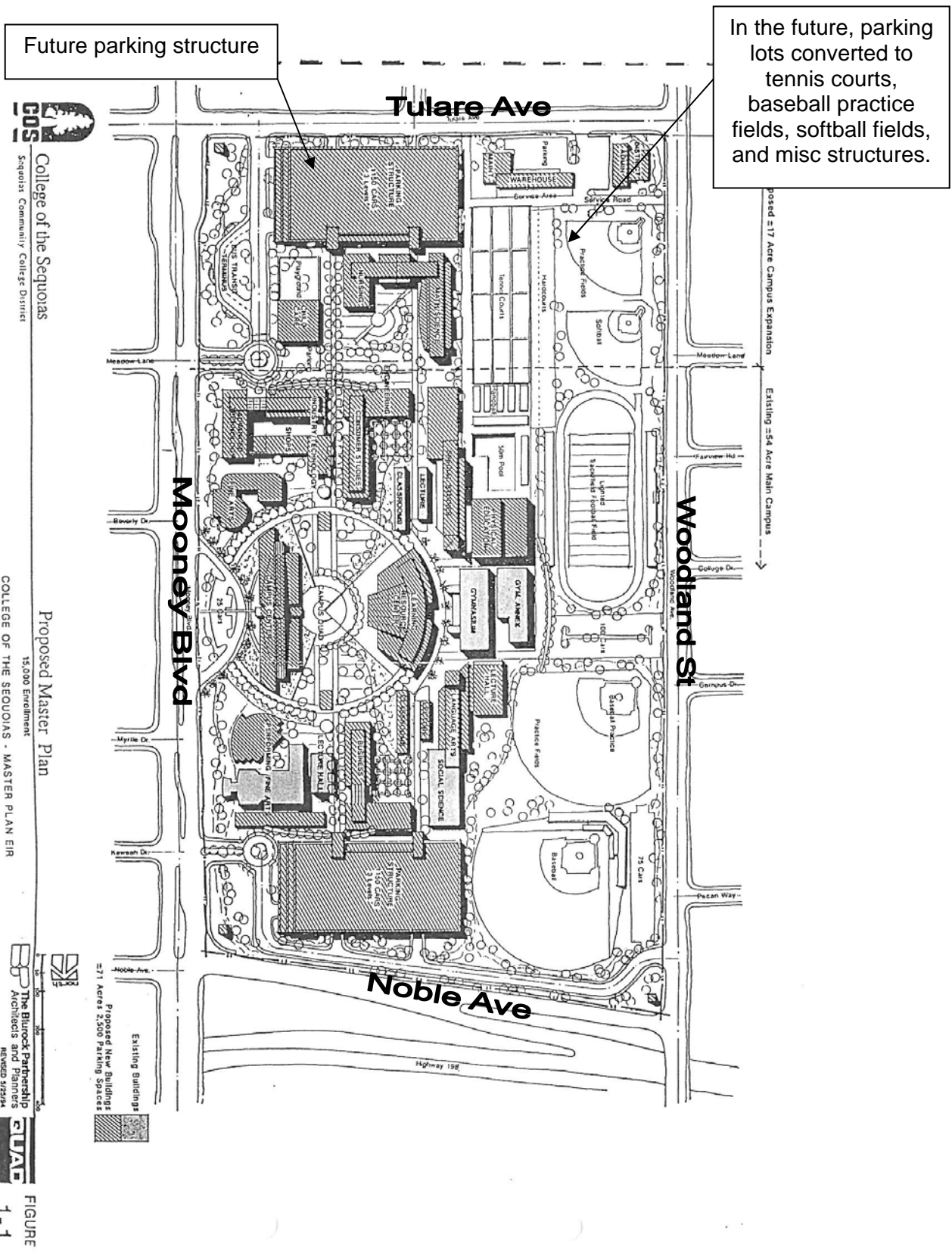
**COLLEGE OF THE SEQUOIAS**  
 BRUNSWICK MORRIS ASSOCIATES  
 ARCHITECTS & PLANNERS  
 NORTH

**FIVE YEAR CONSTRUCTION PLAN**

**FIGURE 1-2**



**ATTACHMENT #2  
 COS 5 YEAR CONSTRUCTION PLAN**



**ATTACHMENT #3  
COS MASTER PLAN**

**RESOLUTION NO. 2011- 20**

**ORDER CLOSING AND VACATING THE RIGHT-OF-WAY  
ON LAUREL AVENUE BETWEEN SHADY STREET  
AND WOODLAND STREET AS DESCRIBED IN  
EXHIBIT "A" ATTACHED HERETO.**

**WHEREAS**, the Council of the City of Visalia, State of California, did on the 4th day of April 2011, by Resolution No. 2011-13 declare its intention to order vacated and closed the street situated in the City of Visalia, hereinabove described, pursuant to the provisions of that certain act known as "Public Streets, Highways, and Service Easements Vacation Law"; and did by said resolution fix the 2nd day of May 2011, the hour of 7:00 P.M. of said day at the Council Chambers in the City Hall in the City of Visalia as the time and place for hearing all persons interested in or objecting to the proposed closing and vacating of said right-of-way; and

**WHEREAS**, this being the time and place for the hearing on said matter as provided in said resolution; and

**WHEREAS**, notice of said proposed closing and vacation of said excess right-of-way has been duly posted and published as provided in and required by the said "Public Streets, Highways, and Service Easements Vacation Law" ;and

**WHEREAS**, the Council having heard all evidence concerning said matter, finds that the said street is unnecessary for present use of prospective public street purposes and the Council having so found, further finds that no damage will result to anyone from the closing and vacating of said right-of-way; and

**WHEREAS**, this resolution of vacation shall not be recorded until all conditions related hereto have been completed.

**NOW, THEREFORE, BE IT ORDERED**, by the Council of the City of Visalia that said right-of-way as hereinbefore particularly described in this order, be and the same is hereby closed and vacated, and that the public easement on said right-of-way be and the same is hereby terminated, but subject to, and except for, the following reservation, to wit:

The easement and right at any time, or from time to time, necessary to maintain, operate, replace, remove, or renew sanitary sewers and storm drains and appurtenances, lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to the subject property, until such time as the public

utility affected by this reservation and exception relocates, removes or abandons said easement and right in favor of the parties holding the reversionary interest in said vacated areas.

**AND BE IT FURTHER ORDERED**, that a certified copy of this order, attested by the City Clerk of the City of Visalia, be recorded in the office of the County Recorder of the County of Tulare, State of California only after the following conditions have been met:

- 1) College of the Sequoias grant an irrevocable offer of right-of-way dedication for an additional 12 feet along the north side of Tulare Avenue from Woodland Street to Shady Street to allow for the future street widening per the City of Visalia approved Circulation Element.

**PASSED AND ADOPTED:**

## EXHIBIT A

A portion of Laurel Avenue located between Shady Street and Woodland Street as shown on the map for Oak Meadows recorded in Volume 19 of Maps at Page 90 of the Tulare County Records; and more particularly described as follows,

Being that portion of Laurel Avenue as shown on said map for Oak Meadows; lying west of the northerly prolongation of the west right-of-way line of Shady Street; and lying east of the northerly prolongation of the east right-of-way line of Woodland Street.