

ATTACHMENT B

STATEMENT OF OVERRIDING CONSIDERATIONS

State CEQA Guidelines Section 15093

for

City of Visalia Water Conservation Plant Upgrades Project

Final Environmental Impact Report (SCH No. 2010081057)

Lead Agency: City of Visalia

The California Environmental Quality Act (CEQA) requires a public agency to balance the benefits of a proposed project against its significant unavoidable adverse impacts in determining whether to approve the project. The City of Visalia Water Conservation Plant Upgrades Project would result in environmental effects that, although mitigated to the extent feasible by the implementation of mitigation measures required for the project, would remain significant and unavoidable adverse impacts, as discussed in the Final Environmental Impact Report (Final EIR) and CEQA findings of fact. These impacts are summarized below and constitute those impacts for which this statement of overriding considerations is made.

1. The proposed project would result in significant and unavoidable cumulative impacts to greenhouse gas emissions. Although the proposed project would reduce greenhouse gas (GHG) emissions by 37% compared with the “business as usual” scenario through the development of a new solar photovoltaic system and installation of microturbine electrical generators, it would still increase annual carbon dioxide equivalent (CO₂e) emissions by 7,980 tons per year compared with the existing condition at the plant. This increase in CO₂e emissions would contribute to the global increase in GHG emissions and is considered cumulatively significant.
2. Impact HYD-1 (Result in a Lowering of the Local Groundwater Table). The project would result in significant changes to the perched water table west of the water conservation plant’s current discharge point to Mill Creek (e.g., a substantial localized depletion of groundwater). Furthermore, it would interfere substantially with groundwater recharge for the perched aquifer, resulting in a lowering of the local groundwater table but not a net deficit in overall aquifer volume.
3. The proposed project would result in significant and unavoidable cumulative impacts to hydrology and water quality. The project would lower the local groundwater table

downstream of the plant but raise the water table in other areas of the basin. The localized change in the groundwater table is considered cumulatively significant.

4. Impact UTL-1 (Result in the Construction of New Wastewater Treatment Facilities Which Could Cause Significant Environmental Effects). The project would result in the construction of new water or wastewater treatment facilities or the expansion of existing facilities, the construction of which would cause significant environmental effects. Improvements to the existing wastewater treatment plant implemented under the proposed project would result in significant and unavoidable project-level and cumulative hydrology and water quality impacts and cumulative GHG emissions impacts.

Findings

This City Council finds and determines in recommending approval of the City of Visalia Water Conservation Plant Upgrades Project that it has considered the identified means of lessening or avoiding the project's significant effects. To the extent any significant direct or indirect environmental effects, including cumulative project impacts, remain unavoidable or not mitigated to below a level of significance after the application of mitigation, such impacts are at an acceptable level in light of the social, legal, economic, environmental, technological, and other project benefits discussed below. Therefore, this City Council finds and determines in recommending approval that such benefits override, outweigh, and make "acceptable" any such remaining environmental impacts of the project (CEQA Guidelines Section 15092(b)).

The following benefits and considerations outweigh the significant and unavoidable adverse environmental impacts. All of these benefits and considerations are based on the facts set forth in the findings, the final EIR, and the record of proceedings for the project. Each of these benefits and considerations constitute a separate and independent basis that justifies approval of the project, so that if a court were to set aside the determination that any particular benefit or consideration as justifying project approval, that the City Council would otherwise stand by its determination that the remaining benefits or considerations are sufficient to justify and substantiate project approval.

Facts

Each benefit set forth below constitutes an overriding consideration warranting approval of the project, independent of the other benefits, and the City Council determines that the adverse environmental impacts of the project are "acceptable" if any of these benefits would be realized. The project would provide benefits to the City of Visalia as follows:

1. The project would treat wastewater to California Code of Regulations, Title 22, Division 4, Chapter 3 (Title 22) Standards as well as denitrify the wastewater for groundwater protection and in anticipation of more stringent Central Valley Regional Water Quality Control Board constituent limitation requirements that are anticipated to be placed on the plant in the future.

2. The project would provide for recycled water and the reuse of effluent which is emphasized in the plant's current Waste Discharge Requirements Order No. R5-2006-0091.
3. The project would remove wastewater constituents, such as biochemical oxygen demand, suspended solids, nitrogen, and waterborne bacteria and viruses, to a greater extent, thereby improving subsurface water quality in the receiving groundwater basin relative to current conditions.
4. The project would provide the initial infrastructure to treat influent wastewater to Title 22 Standards and convey the recycled water for beneficial uses.
5. The project would provide a basic level of odor control to reduce the potential for unpleasant odors to leave the plant property.
6. Provide new source of surface water through exchange that can be used to mitigate overdraft of aquifer.