CITY OF CALISTOGA

STAFF REPORT

TO: CHAIR MANFREDI AND MEMBERS OF THE PLANNING COMMISSION

FROM: ERIK V. LUNDQUIST, SENIOR PLANNER

MEETING DATE: OCTOBER 8, 2014

SUBJECT: USE PERMIT UP 2014-10
CITY RECYCLED WATER STORAGE POND

ITEM

Consideration of a use permit to allow construction of a recycled water storage pond on City property, which is associated with the City's wastewater treatment plant located at 1100 Dunaweal Lane

PROJECT BACKGROUND

The City of Calistoga's Dunaweal Wastewater Treatment Plant (WWTP) is regulated by National Pollutant Discharge Elimination System (NPDES) Permit No. CA0037966 currently implemented as Order No. R2-2010-0104. The WWTP may discharge fully treated effluent to the Napa River from November 1 to June 15 as long as a minimum river to effluent flow ratio is maintained (i.e., 10:1 for tertiary effluent, 50:1 for secondary effluent). Due to extremely dry conditions over the last several years, the City has experienced two instances wherein river flows did not rise to the level required to conduct a significant river discharge of tertiary treated wastewater to the Napa River and tertiary effluent storage was fully utilized. In order to protect the storage pond levees and prevent an uncontrolled discharge to the Napa River, the City requested approval to bypass, which allowed spray fields to be irrigated at an equivalent rate as the WWTP influent flows.

City staff met with Regional Water Quality Control Board (RWQCB) staff on May 14, 2013 to discuss NPDES permit compliance issues, and potential bypass alternatives. Based on those discussions, one project that was agreed upon with the Regional Board was to increase effluent storage capacity to minimize bypass releases. The need for additional effluent storage capacity was further reinforced by Regional Board staff at the Mayor's Community Forum held on October 16, 2013.

On January 7, 2014, the City Council authorized and directed the City Manager to execute a contract with URS for engineering, design services, special inspections and environmental review for a new Recycled Water Storage Pond Facility.

ENVIRONMENTAL SETTING AND PROJECT DESCRIPTION

The project involves building a new recycled water storage pond to expand effluent storage. The effluent storage pond would be constructed on approximately 8 acres of City-owned land adjacent to the existing storage pond. The project area is currently used, and has been since 1973, for the spraying of treated effluent during times when discharges to the river are not permitted. The project area is reserved by the City solely for this purpose. The proposed expansion would add approximately 16 million gallons of capacity to the existing 10- and 20-million gallon ponds for a total capacity of approximately 46 million gallons. This additional capacity would provide approximately 32 days of additional storage during critical time periods.

The project area includes the effluent storage pond and the levee berms surrounding the basin. Light agricultural uses, vacant land and the Chateau Calistoga Mobile Home Park neighbor the project site. The level of excavation proposed for the installation of the water storage pond is 5 feet. Project components and descriptions of the same are outlined in Table 1, below.

Table 1
Calistoga Recycled Water Storage Pond Expansion Project Components

Component	Description
Construction of Effluent Storage Pond	The site would be excavated 5 feet below current surface level, and the excavated material would be used to create a 3 to 8.5 foot-high embankment around the periphery. The pond slide slopes will be built from native soils and sloped 2.3:1. The bottom would consist of native soil and allow percolation.
Construction Equipment	The equipment to be used during construction would consist of a hydraulic excavator, a backhoe, a self-propelled vibratory compactor/roller, paddle wheel scrapers, 10-wheel dump trucks and a three-quarter ton 4x4 highway truck.
Construction Duration	The construction is expected to take 4 months.
Source: URS 2014	

DISCUSSION

A. General Plan Consistency

Land Use Designation: The properties are designated Public/Quasi-Public in the General Plan Land Use Element. The Public/Quasi-Public designation is applied to existing and planned public facilities. The proposed storage pond is consistent with the land use designation.

Infrastructure: The Infrastructure Element anticipates the expansion of the storage reservoir capacity. General Plan Figure 1-3 indicates the new storage pond in the vicinity of the project site. Although the Figure does not show the planned storage pond on the particular property, the project is still consistent with the spirit and intent of the General Plan.

B. Zoning Ordinance Compliance

The properties are within the P Public Zoning District. Water and wastewater facilities are allowed in the P District with a use permit.

The P District development standards provide regulations for buildings and structures. Per the Zoning Code, the pond does not meet the definition of a building or structure and therefore is not subject to the floor area ratio or regulatory setbacks for structures and buildings.

C. FLOODPLAIN MANAGEMENT

Title 18, *Floodplain Management* of the Calistoga Municipal Code controls development within flood-prone areas. As shown on the Flood Insurance Rate Map, dated September 26, 2008, portions of the property are located within the Special Flood Hazard Area (SFHA). Placing fill within the SFHA must comply with flood hazard construction standards. A condition of approval would require soils to achieve 95% compaction.

D. STORMWATER POLLUTION PREVENTION

Table 2 lists Best Management Practices (BMPs) that would be required by condition of approval No. 7 to be implemented during construction. In addition, a Stormwater Pollution Prevention Plan (SWPPP) would also be required to be drafted and implemented during construction to reduce erosion and water quality issues.

Table 2
Calistoga Recycled Water Storage Pond Expansion Project Construction Best Management Practices

Component	Best Management Practices
Effluent Storage Pond	• An employee training program will be conducted before groundbreaking to explain all federal, state, and local regulatory and CPL company requirements, as well as measures to avoid or minimize effects on sensitive plant and animal species and their habitats. Workers will be informed about the importance of maintaining designated protected areas. Training of construction personnel will be documented using sign-in sheets. • Work will occur during daylight hours. • The access routes, staging areas, and the total area of the activity will be limited to the minimum necessary to achieve the proposed action goal. Routes and boundaries will be clearly demarcated. Site access will occur on existing roads to the extent feasible. • Vegetation clearing will be confined to the minimal area needed for construction. Removal or trimming of trees should be avoided. • No work will occur during or 24 hours following rain events. • All trash will be properly contained and removed from the action area and disposed of regularly. All construction debris and trash will be removed from the site when work activities are complete. • All contaminated soils and materials will be excavated and removed from the action area and disposed of appropriately. • Silt fencing or other appropriate erosion and sediment control measures will be installed. • All fueling and maintenance activities will be done at a designated maintenance area. This and all staging areas will be at least 100 feet from any aquatic areas, or as far away as available space allows in the construction area. Construction personnel will ensure that contamination of habitat does not occur and will have a plan and materials available on site to promptly address any accidental spills. A plan for the emergency clean-up of any spills of fuel or other material will be available onsite for the duration of the work. In the event of a spill, work will immediately stop and the appropriate agency will be notified. • An erosion control plan will be implemented prior to construction activities. • Erosion control materials will not include plastic mono-filament netting or similar

Table 2
Calistoga Recycled Water Storage Pond Expansion Project Construction Best Management Practices

	material, which could result in entanglement and death of small amphibians and reptiles within the material. • Any water seeping into areas of excavation will be pumped out through a silt bag placed in an upland area within the action area. Water will not be allowed to flow directly back into waters of the U.S. • If work will be performed during the nesting season of migratory birds and raptors (nesting season is approximately February 15 to August 31) a qualified biologist will conduct pre-construction nesting bird surveys in the construction area by (i.e., the biological monitor) 48 hours prior to ground disturbing activities. • In the event that a special-status species is encountered in the action area during preconstruction surveys or during construction, work activities in the action area will be halted immediately and the appropriate agency (i.e., USFWS, CDFW) will be contacted to discuss ways to proceed with construction and avoid take. No handling or relocation of special-status species is proposed as part of the project. • During excavation activities and prior to back-filling, holes and trenches will be covered overnight to prevent the entry of wildlife species. • In the event of accidental discovery of cultural resources, such as unusual amounts of bone or shell, artifacts, human remains, architectural remains, or historic archaeological artifacts, work will be suspended and City staff will be contacted. A qualified cultural resource specialist will be retained and will perform any necessary investigations to determine the significance of the find. In addition, pursuant to Sections 5097.97 and 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work will be halted and the County Coroner will be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission will be adhered to in the treatment and disposition of the remains.
***Ditches 1and 2**	• The City will avoid all impacts to the bed, bank, water quality, or habitat within Ditch 1 and Ditch 2 through the use of environmentally sensitive area fencing. • If construction activities occur in Ditch 1 or 2, a qualified project biologist will conduct a pre-construction survey within 48 hours prior to the start of work to inspect the area for special status wildlife such as western pond turtle, badger, or foothill yellow-legged frog. If construction activities occur in Ditch 1 or 2, banks within the project impact area will be inspected for signs of western pond turtle nests and badger dens. Aquatic areas will be inspected for all life stages of foothill yellow-legged frog, and juvenile and adult western pond turtle. • For construction activities outside of Ditches 1 and 2, exclusion fencing will be installed under the supervision of the qualified biologist follow wildlife clearance.
Construction Equipment	• All equipment will be cleaned prior to entering the action area to prevent the spread of invasive weeds. • Construction vehicles and equipment will be inspected and maintained to prevent contamination of soil or water (from external grease and oil or from leaking hydraulic fluid, fuel, oil, and grease). Equipment in poor repair will be prevented from entering the construction area. • Drip pans will be used during equipment maintenance activities, and all waste products will be disposed of in designated receptacles. All tanks for fuel and lubricants will have secondary containment. • In habitats that potentially support special-status species, the construction area will be clearly marked to prevent equipment from entering adjacent habitat areas.

Source: URS, 2014
*An approximately 22 foot wide channel is present along the western and southern boundaries of the proposed project area (Ditch 1 and Ditch 2). Although Ditch 1 and 2 are adjacent to the project limits, they outside the project area.

FINDINGS

To reduce repetition, all of the findings required for approval of the use permit are contained in the attached resolution.

PUBLIC COMMENTS

To date, no written comments have been received regarding the proposed project.

ENVIRONMENTAL REVIEW

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities). The proposed project is categorically exempt from environmental review under CEQA because the project involves negligible expansion of use beyond the existing one. The project is an existing 10-acre area temporarily being used as an irrigation field by the City. The expansion of the effluent storage pond on this site would involve minor alteration of the existing use as an intermittent irrigation field to a permanent wastewater storage pond. This would eliminate the need for spraying of treated effluent wastewater and would support the City remaining in compliance with NPDES permit. A Notice of Exemption was filed on June 25, 2014 in the Office of the Napa County Recorder – County Clerk.

The project area contains no important farmland, wetlands, wild and scenic rivers, officially-designated scenic areas, floodplains, or critical habitat. URS found that no rare plants, fully-protected wildlife species,or State Species of Special Concern occur within the project area or the adjacent ditches. Furthermore, no federal or state-listed endangered or threatened wildlife species are expected to occur onsite. A review of the localized habitat conditions indicates that no suitable habitat exists within the project site for these species.

The proposed project area is located on a flat parcel of land dominated by a perennial wetland. The wetland meets the criteria to be considered jurisdictional wetland and a water of the U.S. However, this wetland was formed solely by the regular inundation of the site with tertiary-treated wastewater. Lacking irrigation, this area would convert back into upland habitat. Under CWA 40 CFR 122.2, wastewater treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA are not waters of the U.S. Because of this, the wetland meets the federal definition of wastewater treatment system, and is thus not a water of the U.S. under the CWA and is not regulated under Section 404 or 401 of the CWA. Therefore, there would be no impact on biological resources.

The pedestrian survey conducted by URS archaeologists within the project area identified several obsidian flake artifacts surrounding the proposed pond, mainly along the periphery in the existing road berms. Three previously recorded prehistoric archaeological sites were also found to be located very near to the project parcel and neither were considered eligible as a historic property, historical resource, or unique archaeological site based on the NRHP or CRHR criteria. Given the ubiquitous background scatter of obsidian flakes in the upper part of the Napa Valley, and the

highly-disturbed nature of the surface within the project area, a limited subsurface testing by a qualified professional archaeologist was recommended. The archeologist concluded that the identified deposits do not qualify as a significant cultural resource per Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5(c) or 36 CFR Parts 60, 63, 800 of the NHPA. Therefore, the site is determined not to qualify as a historical resource or unique archaeological resource. Similar to any project requiring earthmoving, the project would rely on standard best management practices during construction including an on-site tribal monitor. Therefore, there would be no impact on cultural resources.

RECOMMENDATION

Approve use permit with condition

ATTACHMENTS:

1. Vicinity Map
2. Draft Use Permit Resolution
3. Notice of Exemption filed June 25, 2014
4. Project Plans dated September 5, 2014