

STATE OF CALIFORNIA  
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

STAFF SUMMARY REPORT (Elizabeth Morrison)  
MEETING DATE: October 13, 2010

**ITEM:** 6

**SUBJECT:** **Wal-Mart Stores, Inc., Walters Road Development Project,  
Suisun City, Solano County – Adoption of Waste Discharge Requirements  
and Water Quality Certification**

**CHRONOLOGY:** November 2007 – Application received for Water Quality Certification

November 2008 – Denial without Prejudice of the Application for Water  
Quality Certification

January 2009 – Submittal of Second Application for Water Quality  
Certification

April 2010 – Second Denial without Prejudice of the Application for Water  
Quality Certification

May 2010 – Applicant files Petition with the State Board for Reconsideration  
of the Second Denial without Prejudice – Appeal is still under consideration

June 2010 - Submittal of Third Application for Water Quality Certification

**DISCUSSION:** This item would adopt water quality certification and waste discharge requirements for Wal-Mart's proposed Walters Road Development Project (Project) in Suisun City. As indicated by the chronology above, Wal-Mart has been working to gain approval of the Project for several years. Based on numerous meetings since May, the application Wal-Mart submitted in June 2010 includes a revised project design that addresses the deficiencies in its earlier applications.

The Project is located within the Suisun Marsh watershed, on a 20.8-acre site at the intersection of Highway 12 and Walters Road in eastern Suisun City. The Project as proposed in June 2010 includes a supercenter store and restaurant with associated parking. The Project site contains approximately 3 acres of jurisdictional waters of the State and United States, including seasonal wetlands and a stream channel. Earlier applications proposed filling all of the site's waters. As proposed in June, the Project will permanently impact approximately 2.63 acres of waters: 2.35 acres of the wetlands and 0.28 acres (786 linear feet) of stream channel. The Staff Report (Appendix B) more fully describes the Project, its site, its application history, proposed impacts and mitigation, and proposed stormwater runoff controls.

A tentative order (TO) for the Project was circulated on August 23, 2010, (Appendix A), and the comment period ended October 1. Approximately 100 comment letters were received. Given the volume of material received, a link to the comment letters is provided as Appendix C instead of reproducing hard copies. Hard copies of all comment letters will be available for the Board and the public at the hearing. The number of comment letters precluded staff from completing a response to comments document for this Board packet, but the Staff Report describes the most significant issues raised and our initial response. Appendix D provides a link to correspondence received on the earlier applications for certification of the Project.

Most significant is that, since the TO was circulated for public comment, the Applicant has notified staff that its proposed mitigation site for stream channel impacts, identified in the TO as “Noonan Ranch”, is no longer a viable option. Since the Applicant had yet to provide the specifics of the mitigation plan, its implementation, and its monitoring to success, the TO already requires the Applicant to submit a Final Mitigation and Monitoring Plan in advance of Project construction. This Plan is subject to Board approval, rather than Executive Officer approval, to ensure that the public has the opportunity to review and comment on the specific mitigation proposed for the Project’s stream impacts and the plan for its implementation.

In sum, the TO will need to be revised to reflect these changes to the mitigation. Staff continue to work with the Applicant to try and identify an acceptable off-site mitigation parcel for stream channel impacts, and we will update the Board on this at the Board meeting.

Given the number of comments received, I expect testimony on the Project from the Applicant, representatives of the City, and the public at the Board hearing.

**RECOMMEN-  
DATION:**

I will have a recommendation at the end of the hearing.

**CIWQS Place  
Number:**

722750

**APPENDICES:**

A. Tentative Order

B. Staff Report

C. Link to “Comments Letters on current proposed Project”

[http://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agendas/2010/October/walmart/6\\_Comments.pdf](http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2010/October/walmart/6_Comments.pdf)

D. Link to “Correspondence received on previous Wal-Mart applications”

[http://www.waterboards.ca.gov/sanfranciscobay/board\\_info/agendas/2010/October/walmart/6\\_Previous\\_Comments.pdf](http://www.waterboards.ca.gov/sanfranciscobay/board_info/agendas/2010/October/walmart/6_Previous_Comments.pdf)