

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

STAFF SUMMARY REPORT (Elizabeth Morrison)
MEETING DATE: March 14, 2012

ITEM: 6

SUBJECT: **Wal-Mart Stores, Inc., Walters Road Development Project, Suisun City, Solano County** – Amendment of Waste Discharge Requirements Order No. R2-2010-0109

CHRONOLOGY: October 2010 – Board adopts Waste Discharge Requirements for the Project, which required Wal-Mart to submit a Final Mitigation and Monitoring Plan in advance of Project construction for Board approval.

November 2010 – California Healthy Communities Network, SF Baykeeper, and Citizens to Complete the Refuge file a petition of the Board's October 2010 with the State Board -- petition is still under consideration.

DISCUSSION: The Revised Tentative Order (Appendix A) would amend waste discharge requirements and water quality certification for Wal-Mart's proposed Walters Road Development Project (Project). The Project would construct a retail shopping center on a 20.8-acre site at the intersection of Highway 12 and Walters Road in eastern Suisun City.

Provisions in the 2010 Order required Wal-Mart to submit a revised Stormwater Control Plan for the Project site and a final Mitigation Monitoring Plan (Final MMP) to detail mitigation for the Project's stream channel impacts and. In August 2011, Wal-Mart submitted a revised Stormwater Control Plan. In November 2011, Wal-Mart submitted the Final MMP that proposes a creek restoration project in conjunction with the Solano Land Trust to meet the Project's mitigation requirements for stream channel impacts. Wal-Mart proposes to restore and enhance 1,637 linear feet of Lynch Creek and 1.43 acres of jurisdictional wetlands and waters on a 9.25-acre site at the Lynch Canyon Open Space in Solano County, owned and managed by the Solano Land Trust.

Adoption of the Revised Tentative Order would:

- Approve and require implementation of the revised Stormwater Control Plan;
- Approve and require implementation of the Final MMP, including specified terms and conditions to ensure protection of special status species at the mitigation site while restoring and enhancing Lynch Creek;
- Require proof of purchasing wetland creation credits from the Elsie Gridley Mitigation Bank;
- Update the Threat and Complexity rating for annual permit fees; and

- Require Wal-Mart to complete and submit the California Wetlands Form to facilitate tracking of restoration success.

We received two comment letters (Appendix B) on the tentative order that was circulated in December 2011 for public comment. The most significant comments focused on the Final MMP and the lack of a revised Biological Opinion (BO) from the U.S. Fish and Wildlife Service (USFWS) to address potential endangered species at the Lynch Creek restoration site; CEQA compliance related to endangered species at the Lynch Canyon restoration site; and the compliance status of the Elsie Gridley Mitigation Bank. As explained in our response to comments (Appendix C), in the absence of the USFWS issuing a revised BO, we have made the determination that implementation of the terms and conditions of the Final MMP will ensure that there are no significant impacts to endangered species. We have made the determination that the Final MMP is exempt from CEQA. We also regularly track the compliance status of the Gridley bank and expect that Wal-Mart will be able to demonstrate that it has purchased credits as required. Staff has initiated revisions based on these comments as described in the response to comments. All revisions are shown in the Revised Tentative Order.

**RECOMMEN-
DATION:**

Adoption of the Revised Tentative Order

**CIWQS Place
Number:**

722750

APPENDICES:

- A. Revised Tentative Order
- B. Comment Letters
- C. Response to Comments