

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

STAFF SUMMARY REPORT
STAFF: Richard K. McMurtry,
Dale Bowyer
MEETING DATE: January 11, 2006

ITEM: 6A

SUBJECT: **COUNTY OF SANTA CLARA, ELMWOOD COMMERCIAL
DEVELOPMENT, MILPITAS, SANTA CLARA COUNTY - ADOPTION
OF WASTE DISCHARGE REQUIREMENTS**

DISCUSSION: The County of Santa Clara is developing a commercial area known as the Elmwood Commercial Development on a 22-acre parcel in the City of Milpitas, located adjacent to the intersection of Interstate Highway 880 and Great Mall Parkway. The property contains 1.13 acres of isolated seasonal wetlands, subject to state but not federal jurisdiction, of which 0.46 acres will be filled during project construction. The County has submitted an application for Waste Discharge Requirements (WDRs), which includes a proposal to create 0.52 acres of seasonal wetlands to mitigate for those wetlands to be filled. From a straight acreage analysis, this level of mitigation is generally less than the Board has accepted in the past. However, in this instance, both the quality of the wetlands impacted and the increased wetland functions likely to be provided by the mitigation wetlands (largely due to the fact they will be contiguous to the remaining isolated wetlands) make the County's mitigation proposal appropriate for the anticipated impacts.

It is worth noting that prior to 2003, WDRs for a project with this level of impact to isolated wetlands could have been conditionally waived by the Executive Officer, under Board Resolution 83-3. Since Resolution 83-3 expired by law on December 31, 2002, the Board must now consider issuance of WDRs for projects impacting isolated wetlands more than 0.2 acres, when such wetlands are subject to state but not federal jurisdiction. For projects impacting less than 0.2 acres, the discharge could be permitted under the State Water Board's General WDRs for Impacts to Isolated Waters.

Staff did not receive any written comments on the Tentative Order and expect it to remain uncontested.

RECOMMEN-
DATION: Adoption of the Tentative Order

FILE Nos. 2188.07 (RKM)

APPENDIX: A: Tentative Order

APPENDIX A
Tentative Order