

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

**STAFF SUMMARY REPORT: Timothy Chen
MEETING DATE: June 10, 2026**

ITEM: 7

**Valley Water, Santa Clara County – Coyote Creek Flood Protection Project –
Issuance of Waste Discharge Requirements**

This Page Intentionally Left Blank

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

STAFF SUMMARY REPORT: Timothy Chen
MEETING DATE: June 10, 2026

ITEM: 7

**Valley Water, Santa Clara County – Coyote Creek Flood Protection Project –
Issuance of Waste Discharge Requirements**

DISCUSSION:

The Tentative Order (Appendix A) would issue Waste Discharge Requirements (WDRs) to the Santa Clara Valley Water District (Valley Water) to implement the Coyote Creek Flood Protection Project (Project) along Coyote Creek (Creek) in the City of San Jose (City). The Project will fill waters of the State to construct concrete floodwalls, passive barriers, and earthen berms. The Project will improve the Charcot Avenue Bridge and construct improvements to the City's stormwater collection system. The Project is designed to protect against flooding from up to the 20-year flow event, the estimated size of the event that caused flooding in 2017.

Waters of the State at the Project site include riparian waters. The project is subject to regulation by the Water Board under Water Code section 13263. No project activities and no discharges will occur below the Creek's ordinary high-water mark. As a result, the Project is not subject to regulation by the U.S. Army Corps of Engineers under Clean Water Act section 404.

The Project will permanently impact 0.40 acres of riparian waters due to fill. To mitigate for these impacts, Valley Water will purchase riparian enhancement and establishment credits from the Santa Clara Valley Habitat Plan In-Lieu Fee Program. Additionally, Valley Water will remove trash from four locations along the Creek in the vicinity of the Story Road overpass. The project will temporarily impact 1.29 acres of riparian waters. Mitigation for the temporary disturbance will be provided at the Project site.

The Project will create 1.16 acres of impervious surface associated with trails and maintenance roads that require post construction stormwater management. Impervious surfaces will be treated according to requirements of Municipal Regional Stormwater Permit (MRP) Provision C.3, either by drainage to appropriately sized vegetated areas for infiltration or by the other means prescribed by the permit.

We circulated the tentative order for a 45-day public comment period ending May 16, 2026. Two comment letters were received, one from Valley Water and one from Katja Irvin. As discussed in the Response to Comments (Appendix C), no changes to the Tentative Order are proposed.

APPENDICES:

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

The attachments to the Tentative Order and the comment letters received are available upon request to Tim Chen via email to Timothy.Chen@waterboards.ca.gov or at (510) 622-5048.

CIWQS Regulatory Measure Number: 459139

Appendix A
Tentative Order

Appendix B

Comment Letters Received

For a copy of the comment letters, please contact Timothy Chen via email to Timothy.Chen@waterboards.ca.gov or at (510) 622-2460.

Appendix C

Response to Comments