



Santa Ana Regional Water Quality Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF BOARD HEARING

TENTATIVE ORDER R8-2026-0034, NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT AND WASTE DISCHARGE REQUIREMENTS FOR DISCHARGES OF POLLUTANTS IN RUNOFF FROM THE MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4) IN THE COUNTIES OF ORANGE, RIVERSIDE, AND SAN BERNARDINO WITHIN THE SANTA ANA REGION

NOTICE IS HEREBY GIVEN that the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) is accepting public comments on Tentative Order R8-2026-0034 (Tentative Order), which is a region-wide Phase I MS4 Permit.

The Tentative Order is available on the Santa Ana Water Board's Tentative Orders webpage:

https://www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/index.html

PUBLIC HEARING

Following the conclusion of the public comment period, the Santa Ana Water Board will hold a public hearing to consider adoption of the Tentative Order. The public hearing will be held at the following date, time, and location:

DATE:	July 24, 2026
TIME:	9:00am
LOCATION:	300 E. Chapman Avenue Orange, CA 92866.

The public may participate either in person at the physical meeting location or virtually via the Zoom meeting platform. Instructions concerning how to participate virtually are available on the Santa Ana Water Board's [Remote Participation](#) webpage. For those

who do not intend to actively participate, the meeting will be livestreamed via [Cal-Span](#). The hearing will be recorded. A copy of the recording will become part of the administrative record

This proceeding is an adjudicatory proceeding subject to sections 648 – 648.5.1 of title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) does not apply to adjudicative hearings before the Santa Ana Water Board, except as otherwise specified in the above-referenced regulations. Presubmittal of witness lists and oral testimony is not required. No documentary evidence will be accepted at the hearing.

The Santa Ana Water Board's agenda for the Board meeting will be available on the Santa Ana Water Board's [Agenda](#) webpage at least ten days prior to the meeting. Please check the Santa Ana Water Board's website for the most up-to-date public hearing date and location, as they are subject to change.

At the hearing, the Santa Ana Water Board may adopt the Tentative Order as noticed or with revisions or may close the hearing and continue its consideration of the Tentative Order to a future meeting.

SUBMISSION OF WRITTEN COMMENTS

The Santa Ana Water Board accepted written comments on the Tentative Order from March 1, 2024, through September 13, 2024. Staff has revised the Tentative Order in response to comments. Staff has also updated the permit to reflect legal and regulatory changes since the 2024 draft was released and as otherwise necessary. All revisions are shown in redline/strikeout. The revised Tentative Order in redline/strikeout format is available online as noticed above or by request. The Response to Comments received during the public comment period is currently being finalized and will be made available upon request shortly after this Notice is posted.

The Santa Ana Water Board will accept written public comments regarding these revisions during a **45-day public comment period that ends on June 19, 2026**. Late comments will not be accepted unless the Santa Ana Water Board determines otherwise. No late comments will be accepted unless the commenter provides reasonable cause for the late submission and the Chair determines there is no prejudice to any party or the Board.

Comments unrelated to the revisions and comments on the Response to Comments will not be accepted and will not be included in the administrative record. This limitation does not apply to oral testimony or comments at the public hearing.

Written comments and documents less than 25MB may be submitted by email to:

rb8-stormwater.comments@waterboards.ca.gov

Documents that are 25MB or more may be uploaded to the Santa Ana Water Board's FTP site or transmitted on CD, DVD, or thumb drive and mailed to:

Santa Ana Regional Water Quality Control Board
Attention: Adam Fischer
3737 Main Street, Suite 500
Riverside, CA 92501

Please contact Hero Alexander (contact information below) to obtain login credentials for the FTP site.

Paper submittals are discouraged but may be mailed to the Santa Ana Water Board at the address provided or sent via facsimile (Attention: Adam Fischer) to (951) 781-6288.

The Santa Ana Water Board will provide written responses to significant comments on the Tentative Order that comply with this notice.

ADDITIONAL INFORMATION

For additional information, please contact Hero Alexander at Hero.Alexander@waterboards.ca.gov or at (951) 782-4419 with any questions or comments regarding this notice, or to request the Response to Comments document.

TENTATIVE ORDER AND SCOPE OF PROCEEDING

The Santa Ana Water Board has regulated pollution from urban areas through three separate permits issued to each of the three counties and their cities within the watershed. These permits were first issued in the 1990s and have been renewed four times since then. The permits are known as Municipal Separate Storm Sewer System (MS4) permits. An MS4 is a conveyance or system of conveyances (including roads with drainage systems, city streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) usually owned by a city or county.

The Santa Ana Water Board is preparing to renew the MS4 permits for a fifth time. Instead of issuing three separate permits, the Santa Ana Water Board is proposing to adopt a single MS4 permit for all the counties and cities in the Santa Ana River watershed. The Tentative Order will go through public review before the Santa Ana Water Board adopts it.

Once adopted, the Tentative Order would regulate discharges of pollutants in stormwater and urban runoff from cities in Orange, Riverside, and San Bernardino Counties that are within the Santa Ana River watershed. :

- Requirements to effectively prohibit certain non-stormwater discharges.
- Requirements for the control of trash.

- Requirements for minimum control measures found in 40 Code of Federal Regulations, section 122.26(d) (40 CFR § 122.26(d)). These include requirements for public education; inspections of industrial, commercial, and construction sites; inspections of municipal facilities; and requirements for pollution controls for new development and significant redevelopment.
- Requirements to attain waste load allocations for certain pollutants in the Big Bear Lake, Lake Elsinore/Canyon Lake, Newport Bay, and Middle Santa Ana River watersheds.

The Tentative Order includes provisions implementing numerous TMDLs. These TMDLs are either duly adopted regulations of the Santa Ana Water Board, TMDLs established by the United States Environmental Protection Agency, or TMDLs that the Santa Ana Water Board has approved but that require other agency approvals to take effect. The validity of these TMDLs is beyond the scope of this proceeding. Any written or oral comments or evidence attempting to challenge the validity of TMDLs are outside the scope of this hearing and will not be considered. Comments and/or evidence concerning whether and how the Santa Ana Water Board implements the TMDL provisions into the Tentative Order are appropriate.

PARTICIPANTS IN THIS PROCEEDING

Participants in this proceeding are either “parties” or “interested persons.” Designation as a party is not necessary to participate in this proceeding. Both interested persons and parties will have the opportunity to present oral comments about the Regional MS4 Permit and may be asked to respond to clarifying questions from the Santa Ana Water Board members, counsel, or staff, or others at the discretion of the board.

Interested persons include any person or organization that is interested in the outcome of the matter, but who has not been designated as a party. Interested persons may present oral comments at the hearing, but they may not present evidence. Oral comments include policy statements and/or arguments about the appropriateness, wisdom, or utility of the Tentative Order. Interested persons are not subject to cross-examination and may not cross-examine witnesses.

Parties to the hearing may present evidence or cross-examine other parties’ witnesses and are subject to cross-examination.

All entities named as Permittees in the Tentative Order are parties. Any other persons or organizations that wish to participate in the hearing as a party shall request party status by submitting a written request to the Santa Ana Water Board by email to rb8-stormwater.comments@waterboards.ca.gov with a copy to Lori.Okun@waterboards.ca.gov no later than 5:00 pm on **June 24, 2026**. All requests for designation as a party shall include the name, phone number, and email address of the person who is designated to receive notices about this proceeding. The request

shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the Tentative Order affect the person or organization). Those submitting requests for party status will be notified before the hearing whether the request is granted or denied. All parties will be notified if other parties are designated.

Santa Ana Water Board staff is not a party. This is a proceeding to consider the requirements of a permit, which does not involve investigative, prosecutorial, or advocacy functions. Staff's proposals, recommendations, and their participation in this proceeding exist for the purpose of advising and assisting the Santa Ana Water Board. Likewise, attorneys for the Santa Ana Water Board will advise and assist the board, which includes the board members and its entire staff.

HEARING TIME LIMITS

The Principal Permittees (the County of Orange, Riverside County Flood Control and Water Conservation District, and San Bernardino County Flood Control District) will each have twenty minutes to make individual presentations or one hour to make a combined presentation. Any visual presentations must be submitted to Vanessa.Fuerte@Waterboards.ca.gov with a copy to rb8-stormwater.comments@waterboards.ca.gov no later than 5 PM on **July 22, 2026**.

In addition, Parties that are not Principal Permittees will each have five minutes to present oral testimony and comments. A party may not cede time to another party without prior approval from the Santa Ana Water Board.

Interested persons will each have three minutes to present comments.

The Board Chair may grant additional time on a case-by-case basis to parties or interested persons. Requests for extra time or requests to combine time for a joint presentation must be submitted to Vanessa.Fuerte@Waterboards.ca.gov with a copy to Lori.Okun@waterboards.ca.gov no later than **July 6, 2026**.

Questions from Board members or the board's advisors and responses to those questions will not count toward time limits.

MAILING LIST

To receive further notices on the Tentative Order, parties and interested persons should enroll in the project mailing list. If you are already on this mailing list, no further action is needed. To enroll:

1. Go to the following website:
https://public.govdelivery.com/accounts/CAWRCB/subscriber/new?qsp=santa_an
a

2. Enter your email address.
3. Under the “Stormwater” tab, select the check box for “Region 8 – Stormwater – Regionwide MS4 Permit.”
4. Click “Submit.”
5. Enter your first name, last name, and county (optional but recommended).

EX PARTE COMMUNICATIONS

All communications to Santa Ana Water Board members are prohibited unless all parties have notice and an opportunity to participate in the communication. The only exception is for procedural matters that are not in controversy. (Ca. Gov. Code, §11430.10 *et seq.*) The exceptions in Water Code section 13287 do not apply to this proceeding. Parties and interested persons should direct all communications to Santa Ana Water Board staff.

DIRECTIONS AND PARKING

Please click on the link below for directions and public parking:
[City of Orange](#)

LANGUAGE SERVICES AND ACCESSIBILITY

This hearing will be offered in English. To request translation of written documents, interpretation services in another language, or sign language services, please use one of the following options at least ten (10) business days before the meeting:

- Submit a [Language Services Request](#) online
- Call the Office of Public Participation at (916)-341-5254
- Email the Office of Public Participation at:
 - opp-languageservices@waterboards.ca.gov

Users of a Telecommunications Device for the Deaf (TDD) may contact the California Relay Service at 800-735-2929 or the teletype (TTY) voice line at 800-735-2922.

Any person who requires reasonable accommodation to participate in the Santa Ana Water Board hearing should contact Vanessa Fuerte at Vanessa.Fuerte@Waterboards.ca.gov or (951) 782-4434 no later than July 15, 2026.