
Santa Ana Regional Water Quality Control Board

NOTICE OF OPPORTUNITY FOR PUBLIC COMMENT AND NOTICE OF BOARD WORKSHOP

PROPOSED ORDER R8-2024-0001, 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 proposed Order R8-2024-0001 (proposed Order), which is a region-wide Phase I MS4 Permit. The proposed Order is available on the Santa Ana Water Board's Tentative Orders webpage:

https://www.waterboards.ca.gov/santaana/water_issues/programs/stormwater/docs/2024/tentative_ms4_permit_2-29-24.pdf

Once adopted, the proposed 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. Key elements of the proposed Order include:

- 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.
- Allowing the use of Watershed Management Plans as an alternative method to comply with waste load allocations whose deadlines have not yet passed or

where a deadline was not established and to comply with receiving water limitations.

PUBLIC WORKSHOP

The Santa Ana Water Board will hold a public workshop on March 15, 2024, at 9:00am at 200 S. Anaheim Blvd, Anaheim, CA 92805. The workshop will occur as part of the regularly scheduled board meeting; however, if a quorum of the board is not present, the workshop will proceed as a staff-level workshop with board members present. The board will take no action at the workshop but board members may ask questions or provide direction to staff. This meeting will occur with both a physical meeting location and an option to participate from a remote location. Instructions for remote participation and other meeting details will be included in the agenda, which will be available at https://www.waterboards.ca.gov/santaana/board_info/agendas/2024_agendas.html at least 10 days before the meeting.

PUBLIC HEARING

Following the conclusion of the public comment period, the Santa Ana Water Board intends to consider adopting the proposed Order during a public hearing at a regularly scheduled Santa Ana Water Board meeting at a date and time to be determined. A separate notice will be provided to parties and interested persons when a public hearing is scheduled.

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 proposed Order. Interested persons are not subject to cross-examination and may not cross-examine witnesses.

Parties are generally expected to take a leadership role in presenting any evidence or argument about the nature of the matter under consideration. 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 proposed Order are parties. Any

other persons or organizations who wish to participate in the hearing as a party will have the opportunity to request party status before the hearing.

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.

MAILING LIST

To receive further notices on the proposed 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).

SUBMISSION OF WRITTEN COMMENTS

The Santa Ana Water Board will accept written comments on the proposed Order during a 60-day public comment period that begins on March 5, 2024, and ends on May 4, 2024. Comments must be received no later than 5:00 pm on May 4, 2024.

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 should be transmitted on CD or DVD and mailed to:

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

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.

For additional information, please contact Ray Akhtarshad at Ray.Akhtarshad@waterboards.ca.gov or at (951) 320-2024 with any questions or comments regarding this notice.

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.

LANGUAGE SERVICES AND ACCESSIBILITY

Any person who requires special accommodation, including oral interpretation, to participate in the Santa Ana Water Board hearing should contact Jessica Baenre at Jessica.Baenre@Waterboards.ca.gov or (951) 782-3285 no later than March 6, 2024.