

Santa Ana Regional Water Quality Control Board

TO: Parties and Interested Persons, Tentative Order R8-2026-0034

FROM: John Scandura 
Chair
Santa Ana Regional Water Quality Control Board

DATE: September 8, 2026

SUBJECT: RULING ON HEARING PROCEDURES REQUEST

On May 5, 2026, the Santa Ana Regional Water Quality Control Board (Board) issued a *Notice of Opportunity for Public Hearing and Notice of Board Hearing* (Hearing Notice) soliciting comments on the draft *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* (Tentative Order), and noticing a hearing on the Tentative Order for July 24, 2026 (July 24th Hearing).

At the July 24th Hearing, the parties and interested persons were provided an opportunity to orally address the Santa Ana Water Board on the Tentative Order. At that time, the Board took no action on the Tentative Order, and the hearing was closed. On August 21, 2026, the Board reopened the hearing for the Tentative Order and heard a presentation from staff and Principal Permittees and received final remarks from Principal Permittees and certain interested persons. The Board thereafter began deliberations. At the conclusion of the August 21, 2026 meeting, the Board directed staff to make a presentation at the September 11, 2026 meeting, on compliance and liabilities in the Tentative Order.¹

On August 28, 2026, the Board released the agenda for the September 11, 2026 board meeting. The agenda provided notice that the Santa Ana Water Board will consider adoption of the Tentative Order² and that no further public comment will be accepted at this meeting.

Subsequently, on September 3, 2026, the Riverside County Flood Control and Water Conservation District, on behalf of the Principal Permittees, made the following

¹ On September 1, 2026, the Santa Ana Water Board released written responses to significant comments received on the Tentative Order and issued a Ruling on Admissibility of Written Comments Received.

² Consistent with Board direction, a revised Tentative Order was released contemporaneously on August 28, 2026.

requests: 1) confirmation that the public hearing will be reopened when this item is heard; and 2) that the Order of Proceedings allow for a combined 20-minute time frame after the Board presentation so that the Principal Permittees can ask clarifying questions of Board staff.

The Chair, having reviewed the requests, rules as follows:

Ruling 1: To the extent Principal Parties are requesting that the hearing be reopened to accept further evidence from the parties, the request is denied.

Principal Permittees were granted time to speak during the hearings on July 24th and August 21st. Prior to each hearing, Principal Permittees requested and were granted additional time to speak at the hearings. The hearings were preceded by two formal written comment periods. The Principal Permittees have therefore had ample opportunity to raise clarifying questions to the Board and Board staff. Indeed, the proceedings in this matter are continuing to its third day based on questions and comments received during the first two days of the hearing. Accordingly, I do not intend to reopen the hearing to accept further evidence from the parties. The adjudicative proceeding to consider the Tentative Order will otherwise continue.

Ruling 2: The request for an additional 20 minutes to ask questions is denied.

During the August 21, 2026 proceedings to consider the Tentative Order, I closed the hearing after receiving final remarks, and the Board began its deliberations. On September 11, 2026, the Santa Ana Water Board will continue deliberations in this adjudicative proceeding to consider the Tentative Order. In response to questions and direction from the Board, Santa Ana Water Board staff will provide a presentation on the Tentative Order. The Board does not intend to reopen the hearing for the purpose of receiving additional evidence from the parties. However, the Board may ask staff and the Principal Permittees questions as it continues its deliberations in this proceeding. Accordingly, I request the Principal Permittees have representatives present at the meeting to address any questions from the Board. The Board may take final action on the Tentative Order at the meeting.