



Santa Ana Regional Water Quality Control Board

Notice Date

December 2, 2022

Hearing Date

February 3, 2023

Comment Deadline

January 2, 2023

Staff Contact

Claudia Tenorio

Claudia.Tenorio@WaterBoards.ca.gov

(951) 782-4963

Project

OC Reclamation Inert Waste Disposal
Operation (OC Reclamation Mine)

Project Location

5341 East Santiago Canyon Road
City of Orange

Dischargers

OC Reclamation, LLC
Chandler's Sand & Gravel, LLC

**NOTICE OF PUBLIC HEARING
AND OPPORTUNITY FOR PUBLIC COMMENT
and
NOTICE OF INTENT TO
ADOPT MITIGATED NEGATIVE DECLARATION
(Cal. Code Regs., tit. 14, § 15072)**

TENTATIVE RESOLUTION R8-2023-0007
ADOPTION OF MITIGATED NEGATIVE
DECLARATION FOR PROJECT

TENTATIVE ORDER R8-2023-0005
WASTE DISCHARGE REQUIREMENTS
FOR PROJECT

PROPOSED PROJECT

OC Reclamation, LLC and Chandler's Sand & Gravel, LLC (collectively, Dischargers) are proposing to re-grade the former sand and gravel excavation quarry located at 5341 East Santiago Canyon Road, Orange in Orange County (Facility). Once re-graded the Facility will be used as an Inert Waste Disposal Unit (IWDU) for receipt of exclusively "Inert Waste," as defined per California Code of Regulations, title 27, section 20230. Finally, the Facility will then be graded to match the elevation or adjacent parcels. No further land uses for the Facility are proposed at this time.

KRISTINE MURRAY, CHAIR | JAYNE JOY, EXECUTIVE OFFICER

The above-described activities (collectively, Project) would be conducted in accordance with Waste Discharge Requirements (WDRs) prescribed by the California Regional Water Quality Control Board, Santa Ana Region (Santa Ana Water Board) pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act), Water Code section 13000 et seq. To that end, the Santa Ana Water Board has prepared **Tentative Waste Discharge Requirements Order R8-2023-0005 (Tentative WDRs Order)** for consideration and adoption at an upcoming public meeting on **February 3, 2023**.

Per the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq., and the CEQA Guidelines (see Cal. Code Regs., tit. 14, § 15000 et seq.) the Santa Ana Water Board has prepared and intends to adopt an **Initial Study and Mitigated Negative Declaration (IS/MND)** determining that the above-described Project, with the implementation of the identified mitigation measures, will not result in a significant impact on the environment. The IS/MND will be considered for adoption via **Tentative Resolution R8-2023-0007 (Tentative Resolution)** at the same public meeting referenced above.

DOCUMENTS AVAILABLE FOR PUBLIC REVIEW

In accordance with Water Code section 13167.5 and CEQA Guidelines section 15073, the Santa Ana Water Board is hereby releasing the Tentative WDRs Order and Draft IS/MND for public review and comment. These documents may be accessed online via the following:

Santa Ana Water Board Website

[Tentative Orders Page](#)

(www.waterboards.ca.gov/santaana/board_decisions/tentative_orders/index.html)

State Water Board GeoTracker Database

[Facility Page, Global ID T10000017372](#)

(https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000017372)

State Clearinghouse (IS/MND only; SCH Number Pending)

[CEQA-Net Web Portal](#)

(<https://ceqanet.opr.ca.gov>)

Physical copies will also be provided upon request. Please contact **Claudia Tenorio** at (951) 782-4963 or Claudia.Tenorio@WaterBoards.ca.gov.

Comment Deadline
January 2, 2023

Hearing Date
February 3, 2023

SUBMITTAL OF WRITTEN COMMENTS

The Santa Ana Water Board will accept written comments on the IS/MND and Tentative Order during a 30-day public comment period beginning on December 2, 2022, and ending on **January 2, 2023**. All comments must be received no later than **5:00 pm** on January 2, 2023. Written comments received prior to this deadline will be included in the record and considered by the Board. Comments may be submitted as follows:

By Mail: Santa Ana Water Board
Attn: Claudia Tenorio
3737 Main Street, Suite 500, Riverside, CA 92501-334

By Email: Claudia.Tenorio@WaterBoards.ca.gov

HEARING PARTICIPATION

The Santa Ana Water Board will hold separate public hearings to consider adoption of the Tentative Resolution (IS/MND) and Tentative Order (WDRs),¹ as specified below.

Format: In-Person and Teleconference² (Gov. Code, § 11133)
Date: February 3, 2023
Time: 9:00 am
Location: *Physical Location to be Determined*³
See Instructions Below for Remote Participation

¹ The hearing on the Tentative Resolution (IS/MND) will precede the hearing on the Tentative WDRs Order. (Cal. Code Regs., tit. 14, § 15074, subd. (a).)

² Although the majority of Board Members will present for an in-person meeting, some members may be participating from a remote location via the ZOOM videoconferencing platform. Accordingly, this meeting has been preliminarily noticed as a teleconference.

³ As of the date of this Notice, the physical location has yet to be determined. This information will be posted on the Board's [website](http://www.waterboards.ca.gov/santaana) (www.waterboards.ca.gov/santaana) at least 10 days prior to the public meeting.

Remote Participation

Although the public meeting will be conducted in-person, the public will have the opportunity to participate remotely via the [ZOOM videoconferencing platform](https://zoom.us) (<https://zoom.us>), which is free to download. If you intend to speak, present oral comments or otherwise actively participate in this meeting, you will need to obtain ZOOM access prior to the meeting. For those who do NOT intend to actively participate, the meeting will be livestreamed via [Cal-Span](http://www.cal-span.org) (www.cal-span.org).

Please refer to the Santa Ana Water Board's [Remote Participation](https://www.waterboards.ca.gov/santaana/board_info/remote_meeting/index.html) page (https://www.waterboards.ca.gov/santaana/board_info/remote_meeting/index.html) for instructions on remote participation via ZOOM.

Oral Comments at Hearing

All persons interested in the Tentative Resolution (IS/MND) or Tentative Order (WDRs) will be provided the opportunity to orally present general policy statements and legal arguments during the respective hearings, provided that they have submitted Speaker Request Cards (or the equivalent for virtual participants). Such comments will be limited to three minutes, though the Board Chair may grant additional time on a case-by-case basis.

To ensure accuracy of the record, the Santa Ana Water Board requests that interested persons wishing to speak at the hearings provide a summary of their oral comments in writing before or during the hearings. However, interested persons do not need to submit written statements in order to speak.

If your comments will incorporate a short slideshow presentation or visual aids, please email these materials to **Jessica Baenre** (jessica.baenre@waterboards.ca.gov) no later than noon on the day before the meeting. These materials will not be admitted as evidence in the record.

HEARING PROCEDURE

Nature of Hearings

The Santa Ana Water Board's consideration of the Tentative Resolution (IS/MND) and the Tentative WDRs Order are adjudicative proceedings⁴ conducted in accordance with California Code of Regulations, title 23, section 648 et seq. The administrative record shall consist of all Board files, exhibits, and related agenda material. The Tentative Resolution and Tentative WDRs Order will be considered via an "informal hearing." (*Id.*, § 648.7; see also Gov. Code, § 11445.10 et seq.)

Parties to Proceedings

The "parties" to an adjudicative proceeding consists of the Dischargers (to whom the Tentative WDRs Order is directed), and any additional persons that the Executive Officer, in consultation with the Board Chair, determines should be a "party." (Cal. Code Regs., tit. 23, § 648.1, subd. (a).) Such additional persons are referred to as **Designated Parties**. Availability of administrative and judicial review is NOT limited to the "parties" in an adjudicative proceeding. (See Wat. Code, §§ 13320, 13330; Cal. Code Regs., tit. 23, § 2050 et seq.; see also Pub. Resources Code, § 21167 et seq.)

Unless they are formally recognized as a "Designated Party," **interested persons are NOT considered "parties" to the proceeding**. This means that interested persons will ordinarily not be permitted to present evidence (e.g., photos, eyewitness testimony, etc.) at the hearing for entry into the administrative record; again, oral comments are limited to general policy and legal statements. Interested persons are also not subject to cross-examination but may be asked to respond to clarifying questions from the Board Members. (*Id.*, § 648.1, subd. (d).) Unless specifically excluded by the Board, documentary evidence submitted by interested persons during the written comment period will be part of the administrative record.

To request "Designated Party" status, send a written application via email to Claudia Tenorio as soon as possible, but no later than January 2, 2023 (submitted concurrently with written comments and any proposed written evidence). The Executive Officer and

⁴ An "adjudicative proceeding" is one in which the Board conducts an evidentiary hearing for determination of facts, resulting in the formulation of a decision in the form of an adopted order. (Gov. Code, § 11405.20; Cal. Code Regs., tit. 23, § 648, subd. (a).)

Board staff will promptly respond to all timely applications and may request further information before the determination is made.

“Designated Party” status will only be granted if the applicant demonstrates that it is necessary and appropriate under the circumstances.⁵ An application will not be granted if it appears that such designation will impair the interests of justice and the orderly and prompt conduct of the proceeding. Additionally, the Executive Officer, in consultation with the Board Chair, may impose restrictions on the requestor’s hearing participation, including limiting or excluding the use of cross-examination and other procedures to promote the orderly and prompt conduct of the proceeding. (Gov. Code, § 11440.50, subd. (c).)

Order of Proceeding

Adjudicative proceedings are conducted in a manner deemed most suitable to the particular case with a view toward expeditiously securing relevant information without unnecessary delay and expense. (Cal. Code Regs., tit. 23, § 648.5, subd. (a).)

These proceedings will be conducted in the following order: (1) opening statements by Board Chair, summarizing the subject matter and purpose of the hearing; (2) identification of all persons wishing to participate in the hearing; (3) administration of oath for all persons intending to speak at the hearing, including interested persons making oral comments; (4) presentations by staff; (5) comments and/or presentations by parties; (6) comments from interested persons; (7) Board Members’ comments and discussion; (8) closure of hearing by Board Chair; and (9) voting by Board Members.

In the event that the Tentative Order will be contested, the Executive Officer, in consultation with the Board Chair, will determine time allotments prior to the hearing.

Submission of Evidence

To avoid the introduction of surprise testimony and exhibits (Cal. Code Regs., tit. 23, § 648.4, subd. (a)), and to minimize the need for oral argument and testimony at the

⁵ The Board’s decision may include the following considerations: (1) whether the applicant will be substantially affected by issues addressed in the hearing; (2) whether the parties will adequately represent the applicant’s interests; (3) whether the applicant would present their own written evidence or witness testimony at the hearing; and (4) whether the applicant will seek to cross-examine the other parties’ witnesses.

hearing, the parties shall submit all documentary evidence (*Id.*, § 648.4, subd. (c)), witness information (*Id.*, § 648.4, subd. (b)), and legal/technical memoranda to staff prior to the hearing date. As noted above, the administrative record will consist of materials in the Board file for the Facility (at time of hearing).

ACCESSIBILITY AND LANGUAGE NEEDS

Individuals who require special accommodations or interpreter services to participate in this meeting must contact **Jessica Baenre** at (951) 782-3285 at least 10 days prior to the scheduled meeting to indicate they will be utilizing these services. TTY users may contact the California Relay Service at 1-800-735-2929 or voice line at 1-800-735-2922.

ADDITIONAL INFORMATION

If you have questions concerning this matter, please contact **Claudia Tenorio** at Claudia.Tenorio@WaterBoards.ca.gov, or (951) 782-4963 or by email. Please bring the foregoing to the attention of anyone you believe may be interested in this matter.

UPCOMING PUBLIC MEETINGS

To receive the latest updates on upcoming Santa Ana Water Board public meetings, including meeting agendas, subscribe to the Board's [email subscription service](http://www.waterboards.ca.gov/resources/email_subscriptions/reg8_subscribe.html) (www.waterboards.ca.gov/resources/email_subscriptions/reg8_subscribe.html). Be sure to select the option for "Board Meetings."