



## San Diego Regional Water Quality Control Board

June 28, 2023

Andy Hall, City Manager  
City of San Clemente  
910 Calle Negocio  
San Clemente, CA 92673  
[HallA@san-clemente.org](mailto:HallA@san-clemente.org)

**Sent by Email Only**

**In reply refer to:**  
767737:jchhor

**Subject: Notice of Applicability (NOA), *General National Pollutant Discharge Elimination System (NPDES) Permit for Residual Firework Pollutant Waste Discharges to Waters of the United States in the San Diego Region from the Public Display of Fireworks*, Order No R9-2022-0002, NPDES No CAG999002 (General Order)  
City of San Clemente, San Clemente, CA 92673 (Project)**

Dear Andy Hall:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the June 5, 2023, Notice of Intent (NOI) application for coverage under the General Order submitted by the City of San Clemente (Discharger), with supplemental information provided on June 8, 2023. The San Diego Water Board has determined that the NOI is complete, and the Discharger is eligible for coverage under the General Order.

### Enrollment Information

The Discharger is hereby enrolled and authorized to discharge under the terms and conditions of the General Order and this NOA. The Discharger and Enrollment Information are summarized in Table 1 below.

**Table 1 - Discharger and Enrollment Information**

<b>WDID</b>	9 000002296
<b>Discharger</b>	City of San Clemente
<b>Discharger Contact</b>	Samantha Wylie; Beaches, Parks, & Recreation Director 949-429-8875
<b>Authorized Persons to Sign and Submit Reports</b>	Andy Hall, City Manager 949-361-8341
<b>Event Location:</b>	Latitude: 33.41801 Longitude: -117.62305
<b>Expected Event Date</b>	July 4 <sup>th</sup> Annually

<b>Mailing Address</b>	Samantha Wylie City of San Clemente 910 Calle Negocio San Clemente, CA 92673
<b>Billing Address</b>	Samantha Wylie City of San Clemente 110 N. Calle Seville San Clemente, CA 92672
<b>Type of Facility</b>	Fireworks Event
<b>Major or Minor Facility</b>	Minor
<b>Discharge Category</b>	3 – Lowest Threat to Water Quality
<b>Receiving Water</b>	Pacific Ocean
<b>This Enrollment is Effective as of:</b>	June 28, 2023

### **Discharge Specifications**

The Discharger proposes to host fireworks on July 4<sup>th</sup> each year on the San Clemente Pier. The event will use approximately 658.9 pounds of explosive for a 20-minute event. The Discharger shall implement the Fireworks Best Management Practices Plan (FBMPP), submitted with the NOI, as well as the FBMPP minimum elements described in section 5.2 of the General Order, to prevent and/or reduce the discharge of pollutants associated with the public display of fireworks. This includes, to the extent practical, collecting, removing, and managing debris found in the firing range and adjacent affected surface waters. The Discharger is advised to periodically review the FBMPP to ensure compliance with the General Order. For each fireworks event, the Discharger is required to conduct visual monitoring following the end of each fireworks event, maintain a Post-Fireworks Display Log, and complete a Display of Fireworks Post-Event Report Form.

### **Notifications**

This NOA may be modified to require technical or monitoring reports to assess the quality of the discharge and its potential impacts on the water quality and beneficial uses of the receiving water.

Failure to comply with the General Order may subject the Discharger to enforcement actions by the San Diego Water Board, including administrative enforcement orders requiring the Discharger to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation and \$10 for each gallon discharged but not cleaned up in excess of 1,000 gallons; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

### Petition for Review

Any person aggrieved by this action of the San Diego Water Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 *et seq.* The State Water Board must receive the petition by 5:00 p.m., 30 calendar days after the date of this letter. Copies of the law and regulations applicable to filing petitions may be found at [https://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality](https://www.waterboards.ca.gov/public_notices/petitions/water_quality) or will be provided upon request.

### Termination of Discharge

To terminate coverage from the General Order, the Discharger is required under section 2.8 of the General Order, to submit a Notice of Termination (NOT) form (Attachment I), to the San Diego Water Board, requesting the termination date of the discharge. The Discharger shall continue to submit reports in accordance with the reporting schedule until the NOT has been approved by the San Diego Water Board.

In the subject line of any response, please include the reference "767737:jchhor". If you have any questions, please contact James Chhor at [james.chhor@waterboards.ca.gov](mailto:james.chhor@waterboards.ca.gov) or (619) 521-5899.

Respectfully,

DAVID W. GIBSON  
Executive Officer

cc by email:

James Chhor, San Diego Water Board, [james.chhor@waterboards.ca.gov](mailto:james.chhor@waterboards.ca.gov)  
Samantha Wylie, City of San Clemente, [WylieS@san-clemente.org](mailto:WylieS@san-clemente.org)

Tech Staff Info & Use	
Order	R9-2022-0002
NPDES Permit	CAG999002
CW Place ID (San Clemente City - Fireworks Event Locations)	767737
CW Party/Organization ID (San Clemente City - Beaches, Parks & Recreation)	630513
CW Party/Person ID (Andy Hall)	640215
CW Party/Person ID (Samantha Wylie)	630514
CW Regulatory Measure (General Order)	447470
CW Regulatory Measure (Enrollment)	453197
WDID	9 000002296