



San Diego Regional Water Quality Control Board

February 23, 2023

Sherry Murphy, Recreation Manager
City of Dana Point, Recreation Department
33282 Golden Lantern
Dana point, CA 92629
smurphy@danapoint.org

Sent by Email Only

In reply refer to:
767675:dphan

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 R9-2022-0002, NPDES Permit CAG999002 (General Order)*

City of Dana Point, Dana Point CA 92629 (Project)

Dear Sherry Murphy:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the January 23, 2023, Notice of Intent (NOI) application for coverage under the General Order submitted by the City of Dana Point (Discharger), with supplemental information provided on January 26, 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

WDID	9 000002287
Discharger	City of Dana Point
Discharger Contact	Sherry Murphy, Recreation Manager, (949) 248-3533
Authorized Persons to Sign and Submit Reports	Same as Discharger Contact
Event Location	Latitude: 33.455444 N Longitude: 117.681944 W
Expected Event Date	July 4th, annually

Mailing Address	City of Dana Point, 33282 Golden Lantern Dana Point, CA 92629
Billing Address	Same as Mailing Address
Type of Facility	Fireworks Event
Major or Minor Facility	Minor
Discharge Category	3 – Lowest Threat to Water Quality
Receiving Water	Pacific Ocean
This Enrollment is Effective as of:	February 23, 2023

Discharge Specifications

The Discharger proposes to host fireworks on July 4th each year in the Pacific Ocean, offshore of Doheny State Beach. The event will use approximately 1,500 pounds of explosive for a 30-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 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 "767675:dphan". If you have any questions, please contact Debbie Phan at debbie.phan@waterboards.ca.gov or (619) 521-3359.

Respectfully,

DAVID W. GIBSON
Executive Officer

cc by email:

Debbie Phan, San Diego Water Board, debbie.phan@waterboards.ca.gov

Lisa Zawaski, City of Dana Point, lzawaski@DanaPoint.org

David Nett, City of Dana Point, dnett@DanaPoint.org

Tech Staff Info & Use	
Order	R9-2022-0002
NPDES Permit	CAG999002
CW Place ID (Dana Point City - Fireworks Event Locations)	767675
CW Party/Organization ID (Dana Point City)	11074
CW Party/Person ID (Sherry Murphy)	637012
CW Regulatory Measure (General Order)	447470
CW Regulatory Measure (Enrollment)	450930
WDID	9 000002287