



San Diego Regional Water Quality Control Board

March 15, 2023

Mark McAvoy, Director of Public Works and Utilities
City of Laguna Beach
505 Forest Avenue
Laguna Beach, CA 92651
mmcavoy@lagunabeachcity.net

Sent by Email Only

In reply refer to:
767547:jchhor

**Subject: Notice of Applicability (NOA), Order R9-2022-0002,
NPDES Permit CAG999002, *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 (General Order)*
City of Laguna Beach, CA 92651 (Project)**

Dear Mark McAvoy:

The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) has reviewed the February 21, 2023, Notice of Intent (NOI) application for coverage under the General Order submitted by the City of Laguna Beach (Discharger), with supplemental information provided on March 7, 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 000002289
Discharger	City of Laguna Beach
Discharger Contact	Mark McAvoy, Director of Public Works and Utilities, (949) 497-0797
Authorized Persons to Sign and Submit Reports	Same as Discharger Contact
Event Location:	Latitude: 33.54337 N Longitude: 117.79233 W
Expected Event Date	July 4 th , annually

Mailing Address	Mark McAvoy 505 Forest Avenue Laguna Beach, CA 92651
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:	March 15, 2023

Discharge Specifications

The Discharger proposes to host fireworks on July 4th each year at Heisler Park. The event will use approximately 300 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 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 "767547:jchhor". If you have any questions regarding this NOA Amendment, please contact James Chhor at 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

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

Mark Trestik, City of Laguna Beach, MATrestik@lagunabeachcity.net

Mary Vondrak, City of Laguna Beach, mvondrak@lagunabeachcity.net

Tech Staff Info & Use	
Order	R9-2022-0002
NPDES Permit	CAG999002
CW Place ID (Laguna Beach City - Fireworks Events Locations)	767547
CW Party/Organization ID (Laguna Beach City)	278717
CW Party/Person ID (Mark McAvoy)	638384
CW Regulatory Measure (General Order)	447470
CW Regulatory Measure (Enrollment)	451911
WDID	9 000002289