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VIA ELECTRONIC MAIL dgibson@waterboards.ca.gov
AND REGULAR MAIL
David W. Gibson
Executive Officer
California Regional Water Quality Control Board
9174 Sky Park Court – Suite 100
San Diego, CA 92123

In reply refer to:
Reg. Measure ID 375971: MMATA
Place 656901

Re: Tentative Order No. R9-2010-0124, General Permit No. CAG99902
General Waste Discharge Requirements for the Public Display of Fireworks

Dear Mr. Gibson:

This law firm represents the National Fireworks Foundation (“NFA”), and we write to respectfully request an extension of the public comment period and the hearing relating to Tentative Order R9-2010-0124 and General Permit CAG99902 for the following reasons.

The NFA writes to advise that Tentative Order No. R9-2010-0124 and General Permit CAG99902 is a first-in-the-nation regulation and, according to our membership and their customers, its adoption will have adverse impact upon fireworks displays nationwide. In addition to the direct consequences to be suffered by the display fireworks industry, there are also significant indirect consequences to be suffered by all the businesses (e.g., restaurants, hotels, charter boats) that earn revenues simply as a result of operating in proximity to a fireworks display. Locally, fireworks displays within the San Diego Region represent a primary source of revenues for local display fireworks businesses and their employees, in addition to being a lucrative source of revenues for scores of San Diego merchants, and all of this translates into a reliable source of jobs and generous tax revenues for the City.

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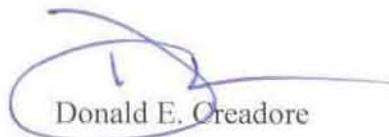
The NFA currently has nearly four hundred members nationwide, and our local members that conduct business in and around the San Diego Region have been fielding a large number of inquiries from their customers regarding the regulation contemplated by this Board. As this issue will likely influence fireworks display operators and their customers throughout the United States, any decision rendered by this Board will, according to a consensus of our members, definitively have a demonstrative adverse impact throughout the San Diego region; this harm is real and credible and has the potential to spread to countless other localities, in terms of cancellation of fireworks display contracts and the resultant loss of the revenues, jobs and taxes they generate for their local communities, as well. In this sense, the Board's decision has nationwide reach and, consequently, any final determination should be well-informed and well-considered.

In light of the foregoing, we urge this Board to exercise restraint in making any determination and permit a full dialogue and examination of all issues and remedies. To that end, we respectfully request that the October 18, 2010 deadline to submit responses, as well as the November 10, 2010 hearing, be adjourned. By virtue of the fact that there is no known exigent circumstance creating urgency to the matter or immediate threat to health or property of a demonstrable nature to weigh against an extension, the objectives of a fair and open forum are best served by adjusting the present deadlines. The present deadline, October 18, 2010, is only seventeen (17) business days after issuance of the proposed regulations, dated September 23, 2010, and the NFA contends that this time period is inadequate for it to acquire the facts and documents necessary to prepare and furnish this Board with a comprehensive and meaningful response.

The NFA respectfully makes the additional request that, in the interim, the Regional Water Quality Control Board consider holding a workshop to analyze the competing interests and to allow all stakeholders the opportunity to present all legal, scientific, civic and economic policy considerations not already in the record.

Thank you for your consideration of our requests.

Very truly yours,



Donald E. Creadore