



Public Works Department

April 11, 2011
File # 0780-85-KY181

California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

Attention: Michelle Mata
Reg Measure ID 375971 : MMATA
Place: 656901

SUBJECT: COMMENTS ON THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) TENTATIVE ORDER NO. R9-2011-0022 GENERAL PERMIT FOR RESIDUAL FIREWORK POLLUTANT WASTE DISCHARGE TO WATERS OF THE UNITED STATES IN THE SAN DIEGO REGION FROM THE PUBLIC DISPLAY OF FIREWORKS (DRAFT DATED 03/21/2011)

The City of Chula Vista appreciates the opportunity to provide comments on the Tentative Order No. R9-2011-0022, NPDES General Permit No. CAG999002. City staff has reviewed the Tentative Order and Attachments, and our comments are presented in Attachment A to this letter.

We trust that the Regional Board will give full consideration to our comments and recommendations in order to improve the Tentative Order, as well as to improve water quality in the San Diego Region.

Should you have any questions or if you need further information, please call me at (619) 397-6111. Thank you.

A handwritten signature in black ink, appearing to read "K. Aminpour".

KHOSRO AMINPOUR
SENIOR CIVIL ENGINEER

Attachment

c: Rick Hopkins, Director of Public Works
Matt Little, Assistant Director of Public Works
Silvester Evetovich, Principal Civil Engineer

ATTACHMENT A – Comments on Tentative Order No. R9-2011-0022, Dated 03/21/2011

1. General Comment – Permit fees and required monitoring will significantly increase total firework costs.

Recommendation – Consider Fourth of July firework events located within MS4 permitted areas as mobile commercial activities regulated under the MS4 permit. The operator will be responsible for the implementation of Best Management Practices (BMPs) in accordance with local ordinances, and the local jurisdiction will be required to regulate such activities. The money saved from permit fees and monitoring will be spent on more effective BMPs, which will result in better pollution prevention.

2. Section II.C, General Permit Application – This section requires application submittals even before the permit becomes effective on June 1, 2011. Still several questions remain regarding many aspects of permit compliance, and it is a concern that this accelerated schedule may compromise the quality of the Fireworks BMP Plan.

Recommendation – In order to provide reasonable time for developing Fireworks BMP Plans, our recommendation is to start permit coverage requirement at least 75 days after the permit effective date of June 1, 2011.

3. Section II.D, Notice of Enrollment – This section stipulates that the Notice of Enrollment may include specific conditions not stated in the Order, such as receiving water and sediment monitoring. To plan and implement such specific conditions require time before the date of the fireworks event.

Recommendation – It is recommended that the Notice of Enrollment be provided to the discharger at a reasonable time (for example 30 days) before the fireworks event date, to allow the discharger to plan and implement specific conditions included in the Notice of Enrollment. This minimum time period should be specified in the Order.

4. Attachment A, Definitions – In the definitions of Category 1 Discharger and Category 2 Discharger, it is not clear if the 1,000-pound threshold applies to the explosive weight per calendar year, per event, or per location. Assuming that a discharger submits an NOI for two locations and two events per year, what is the explosive weight limit per location and per event in order to remain in Category 1?

Recommendation – Please revise the definition within the Order and Attachments to clarify if the threshold weight of 1000 pounds is per calendar year, per event, or per location.

5. Attachment D, Section I.G, Bypass – The definition of Bypass in the context of fireworks is not clear.

Recommendation – Please provide further explanation of Bypass with a possible example.

6. Attachment D, Section IV.A, Standard Provisions – Records – This section appears to be related to sewage treatment plants.

Recommendation – Please revise or provide clarification.

7. Attachment D, Section V.E.2 – This section requires the reporting of any unanticipated bypasses that exceed any effluent limitations in the Order, while Section V.A of the Order shows that effluent limitations are not applicable.

Recommendation – Please clarify or revise the text.

8. Attachment E, Question No. 2, Are BMPs Adequate? – This question cannot be answered by water and sediment sampling and testing since background legacy pollution from other sources at each event location are unknown.

Recommendation – Please clarify or revise the question.

9. Attachment E, Section II, Monitoring Locations – This section requires Category 1 Dischargers under the Order to establish receiving water and sediment monitoring locations for discharges to Mission Bay and San Diego Bay. It is not clear how many monitoring locations are needed and if they are intended to be on a per event basis, or if they are supposed to look at San Diego and Mission Bays as a whole.

Recommendation – Please clarify the number of locations needed for sediment and receiving water monitoring and if monitoring is intended to be on a per event basis.

10. Attachment E, Section IX.A.3.b.ii.1, Sediment Sampling Frequency – This section requires that sediment sampling occur once every three years, but does not state when monitoring should begin.

Recommendation – Please clarify if sediment sampling is to be conducted in the first year of permit coverage or can be deferred to the second or third years. In addition, the timing of sediment sampling in relation to each fireworks event has not been specified.