

Michelle Mota



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October 13, 2010
Mr. David T. Barker
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court
Suite 100
San Diego, CA 92123-4353

Re: Reg Measure ID 375971: MMATA Place:656901: Tentative Order No. R9-2010-0124 (Fireworks)

Dear Mr. Barker,

Thank you for the opportunity to comment on Tentative Order No. R9-2010-0124 regulating public fireworks displays that discharge pollutant wastes to surface waters in the San Diego Region. Based on a review of the order we would like to make the following recommendations:

- Recommendation 1: Fireworks displays on land (where fire deposition zones are at least 50-feet from receiving waters) should be specifically exempted from this Order.
- Recommendation 2: Once-a-year events should be exempted from this Order, provided that minimum BMPs are incorporated.

Fireworks displays on the 4th of July are part of our cultural heritage. The City of Santee organizes a 4th of July fireworks display to foster unity and a sense of community identity, as well as to honor those who serve this country. The event is attended by over 7,000 community members. Over half of the attendees surveyed said that participation in this community event was important to them. Nearly half cited a need for an affordable activity. Many municipalities already find it challenging to provide such displays, and this tentative order unnecessarily adds to the burden without providing any net environmental benefit.

Comment 1

It is not clear when a fireworks display would be considered to be causing a discharge to inland surface waters. For example, the Order would apply if fireworks were being discharged over the San Diego River, but would it also apply if the fireworks and associated deposition zone were in an area of land within the San Diego River watershed?

Doc Scanned On: 10/14/10
T.S. Office Time: 1:04

Recommendation 1

Firework shows over land should be specifically exempted from this order. The exemption language should require that the Fire Permit issued by the local agency identify a firework deposition zone limit that maintains a 50 foot buffer from a receiving water and incorporate best management practices to promptly remove any debris originating from the display.

Comment 2

The requirements of the Order are not proportional to the activity. Costs to comply with this Order will effectively double the cost of a once a year fireworks show. The City's annual fireworks display costs \$22,500 and is funded by a private donation. A simple sediment sampling plan incorporating a QAPP, three locations sampled for chemical analysis and benthic macroinvertebrate assessment, and reporting, is estimated to cost at least \$16,000. The \$1,452 fee to obtain the permit and the associated paper work to demonstrate compliance with the permit is likely to take compliance costs close to \$20,000. As a result of this disproportionate cost, the Order will likely result in the cancellation of many fireworks shows in the County.

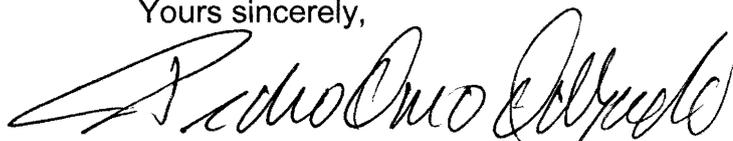
The requirements are not based on evidence that the activity at a once-a-year frequency is polluting in a measurable way. We recommend that the RWQCB take a close look at any data collected to date on fireworks activities (such as that collected to assess the discharges from the Sea World fireworks display that occur nightly during the summer). Based on these findings it may be appropriate to regulate more frequent displays. However it is unlikely to be practicable to measure any pollutants associated with a once-a-year show.

Recommendation 2

Once-a-year events (such as community 4th July displays) should be exempted from this tentative order, provided that minimum BMPs are incorporated.

We support minimum BMPs (section C.3a through g), which are similar to those used by the City of Santee. We support the text on the use of environmentally-friendly fireworks, as we understand that they are not widely available. The City of Santee shares the Regional Board's goal of protecting and improving water quality. It is important that this Order be revised to acknowledge the value of 4th of July fireworks and to recognize that data collected to date does not support any measurable environmental benefit from their elimination. Thank you again for the opportunity to comment on this tentative order. If you have any questions regarding these comments then please contact Helen Perry at (619) 258-4100 x177.

Yours sincerely,



Pedro Orso Delgado, P.E.

Deputy City Manager/Director of Development Services