



CITY OF MURRIETA

December 2, 2010

Mr. Dave Gibson
Executive Officer
California Regional Water Quality Control Board
San Diego Region
9174 Sky Park Court, Suite 100
San Diego, CA 92123-4353

RE: COMMENTS TO PROPOSED TENTATIVE ORDER NO. R9-2010-0124, PUBLIC DISPLAY OF FIREWORKS

Dear Mr. Gibson:

The City of Murrieta is pleased to have this opportunity to comment on the Tentative Order R9-2010-0124, regulating public display of fireworks. We have reviewed the draft permit and outlined our comments and concerns below:

1. The City of Murrieta has one firework show around the July 4th holiday at a park site. We do not believe there is any evidence gathered which concludes one firework show per year has a measurable effect on water quality.
2. Public entities with one firework show should be not be subject to the permit requirements. It is our understanding that one cause of the Tentative Order was Sea World which has been allowed to present 150 firework events per year! The Regional Board should not compare cities that have one firework event to a private enterprise that can have 150 events per year. Rather, require a permit for users who have multiple firework events per year.
3. The newly adopted Order R9-2010-0016 (MS4 Permit) already regulates illicit discharges and pollutants. It also requires street sweeping which the City already does. There is no need for another permit which consumes more staff time and revenue.
4. There are a number of the proposed BMP's in the Tentative Order that are related to skimming debris from the shore lines, use of barges, and docks which would not apply to firework displays over land. The other BMP's such as transporting fireworks safely, picking up debris, properly disposing of duds, inspecting the firing range are already required. A permit to detonate fireworks is required and the Fire Department inspects the firing during and after the event. The firework operator searches the firing area twice. Once immediately after the event at night and in the morning the following day. Duds and debris are removed during these two post inspections. **We feel that the Tentative Order should only apply to firework displays over large water bodies** which the City of Murrieta does not have.

If the Board will not exempt cities which have one firework event per year, then we ask that the following be incorporated as a worst case scenario:

- The permit fee should be for the permit term and not annually. This would be \$1,452 and not the number of years of the permit term times this amount.
- The language in the Tentative Order should be revised so a city can easily read and know without a doubt if the permit applies or not.
- The Tentative Order should list the exemptions in the permit.

The City of Murrieta is opposed to the Tentative Order. We have not seen scientific evidence that proves one firework event over land is a significant threat to water quality. There should be an exemption for firework events over land, and the current MS4 Permit already provides a mechanism to regulate pollutants.

Respectfully,

CITY OF MURRIETA


RICK DUDLEY
CITY MANAGER

CC: City Council
David Barker, Michelle Mata, San Diego Regional Board Staff