

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

**ORDER NO. R4-2023-xxxx**  
**GENERAL NPDES PERMIT NO. CAG994007**

**WASTE DISCHARGE REQUIREMENTS  
FOR DISCHARGES OF RESIDUAL FIREWORK POLLUTANTS  
FROM PUBLIC FIREWORKS DISPLAYS TO SURFACE WATERS  
IN LOS ANGELES AND VENTURA COUNTIES**

**Table 1. Administrative Information**

This Order was adopted Los Angeles Water Board on:	<b>May 25, 2023</b>
Enrollment to this Order shall become effective on:	<b>May 25, 2023</b>
This Order shall expire on:	<b>May 25, 2028</b>

The United State Environmental Protection Agency (USEPA) and the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) have classified discharges covered under this General National Pollutant Discharge Elimination System (NPDES) Permit as minor discharges.

I, \_\_\_\_\_, Executive Officer, do hereby certify the following is a full, true, and correct copy of an Order adopted by the Los Angeles Water Board on the date indicated above.

\_\_\_\_\_  
Executive Officer

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## **I. FACILITY/DISCHARGE INFORMATION**

This Order (also referred to as “General Permit”) is intended to authorize discharges from public firework displays (residual firework pollutants) into waters of the United States in the Los Angeles Region (Discharges). The Clean Water Act (CWA) prohibits the discharge of any pollutant to waters of the United States, except in compliance with an NPDES permit. Residual firework pollutants discharged into surface waters constitutes discharge of a pollutant. Therefore, coverage under an NPDES permit is required before residual firework pollutant discharges associated with the public display of fireworks can be lawfully discharged. Discharges authorized under this Order are subject to all applicable conditions set forth in this Order.

## **II. PERMIT COVERAGE AND NOTIFICATION REQUIREMENTS**

### **A. Permit Coverage**

This Order covers the discharge of residual firework pollutants to waters of the United States (Surface Waters) within the jurisdiction of the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board). Any person who proposes to discharge pollutants from the public display of fireworks to surface waters (Discharger) must obtain coverage under this Order prior to the public display of fireworks event. This Order does not cover 1) Discharges from private individuals who use consumer fireworks for personal display, 2) Discharges covered by individual or other NPDES permits or WDRs, or 3) Discharges over land and/or to the municipal separate storm sewer system (MS4).

### **B. Eligibility Criteria**

Any person who proposes to discharge pollutants from the public display of fireworks to surface waters (Discharger) must submit a Notice of Intent (NOI) to obtain coverage under this Order in accordance with the requirements of Part II.D of the Order.

### **C. Authorization**

Upon receipt of the application, the Executive Officer shall determine the applicability of this Order to such a discharge. If the discharge is eligible, the Executive Officer shall issue a notice of applicability (NOA) to the Discharger that the discharge is authorized under the terms and conditions of this Order noting any specific conditions that may be necessary to be in compliance with this Order. The Discharger shall comply with the requirements of this Order and other conditions prescribed in the NOA. For new discharges, the discharge shall not commence until receipt of the NOA for coverage under this Order or until an individual permit is issued by the Los Angeles Water Board.

### **D. Permit Application/Notice of Intent**

#### **1. Deadline for Submission**

A Discharger shall complete and submit the NOI form at least 45 days before commencement of the fireworks event unless a shorter deadline has been granted by the Los Angeles Water Board.

#### **2. Application Requirements**

The Discharger may be the fireworks event host, or the fireworks display operator, who agrees to be responsible for compliance with all conditions specified in this Order.

The NOI submittal may address multiple fireworks events at different locations throughout the Los Angeles Region. The Los Angeles Water Board may require the joint submission of an NOI from both the host and the person operating the fireworks event on a case-by-case basis.

The Discharger shall use the NOI form in Attachment C of this Order or the current version of the form available on the Los Angeles Water Board website at [https://www.waterboards.ca.gov/losangeles/publications\\_forms/forms/general\\_npdes\\_application\\_forms.html](https://www.waterboards.ca.gov/losangeles/publications_forms/forms/general_npdes_application_forms.html).

The Discharger, upon request, shall submit any additional information that the Los Angeles Water Board deems necessary to evaluate applicability and to determine whether any specific conditions are necessary to ensure compliance with the Order.

### 3. NOI Modification:

A Discharger may modify its NOI by submitting a modified NOI form (e.g., a mark-up of the original NOI form showing all changes and including a new signature and date) at least 30 days before the proposed change implementation date. The Discharger shall include a transmittal letter describing the changes, its purpose for changes, when the changes are to go into effect, and any new or different measures taken or planned to comply with this Order's requirements. Changes shall be authorized if and when the Executive Officer modifies or issues the NOA.

### 4. Annual Fee

Title 23 of the California Code of Regulations (CCR) requires that all discharges subject to waste discharge requirements shall pay an annual fee. Fireworks discharges require no treatment systems to meet the terms and conditions of this Order and pose no significant threat to water quality. As such, these discharges are classified as Category 3 pursuant to the fee schedule. The fees applicable to this Order are set forth in CCR, section 2200, subdivision (a)(10). The check or money order shall be made payable to the State Water Resources Control Board as described in section IV of Attachment B of this Order.

### 5. Notice of Termination (NOT)

Dischargers shall submit a Notice of Termination (NOT) when coverage under this Order is no longer needed. A NOT contains the Waste Discharge Identification Number (WDID) or Compliance Inspection (CI) number, and the name and address of the Discharger. The NOT shall be signed and dated by the Discharger, certifying that the discharge associated with Permit No. CAG994007 has been eliminated or that there has been a change in ownership. Upon submission of the NOT, the Discharger is no longer authorized to discharge wastewater associated with this Order.

### 6. Change of Ownership/ Notice of Transfer (NOTT)

Dischargers shall submit a Notice of Transfer (NOTT) when there has been a change in ownership. Coverage under this Order may be transferred in case of change of ownership of land or discharge facility provided the existing Discharger notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Dischargers containing a specific date of transfer of coverage, responsibility for compliance with this Order, and liability between them. The Los Angeles Water Board may require modification or revocation and reissuance of

coverage under the Order to change the name of the Permittee or to incorporate other requirements as may be necessary under the CWA and the California Water Code (CWC).

### III. FINDINGS

The Los Angeles Water Board finds:

#### A. Legal Authorities

This Order serves as waste discharge requirements (WDRs) pursuant to Article 4, Chapter 4 of the CWC (commencing with section 13260; see in particular section 13263, subd. (i) [general permits]). This Order also serves as an NPDES permit for discharges of residual firework pollutants from public displays of fireworks to Surface Waters within the jurisdiction of the Los Angeles Water Board, is issued pursuant to section 402 of the CWA, the implementing regulations adopted by the EPA, and Chapter 5.5, Division 7 of the CWC (commencing with section 13370).

#### B. Background

On September 22, 1989, EPA granted the State of California, through the State Water Resources Control Board (State Water Board) and the Los Angeles Water Board, the authority to issue general NPDES permits pursuant to Title 40 of the Code of Federal Regulations (40 CFR) parts 122 and 123.

40 CFR section 122.28(a)(2)(ii) provides for issuance of general NPDES permits to regulate a category of point sources, other than storm water point sources, if the sources within the category:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of waste;
3. Require the same effluent limitations or operating conditions;
4. Require the same or similar monitoring; and
5. In the opinion of the permitting authority, discharges are more appropriately controlled under a general NPDES permit rather than individual NPDES permits.

General NPDES permits and WDRs enable the Los Angeles Water Board to expedite the processing of requirements, simplify the application process for dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.

#### C. Rationale for Requirements

The Los Angeles Water Board developed the requirements in this Order based on applicable federal and state laws and regulations, information collected as part of previous investigations, input from prospective dischargers and environmental advocates, and other available information. The Fact Sheet (Attachment F), which contains background information and rationale for the requirements in this Order, is hereby incorporated into and constitutes Findings for the Order. Attachments A through E are also incorporated into this Order.

#### D. Notification of Interested Parties

The Los Angeles Water Board has notified the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and has provided them with an

opportunity to submit their written comments and recommendations. Details of the notification are provided in the Fact Sheet.

#### E. Consideration of Public Comment

The Los Angeles Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Details of the Public Hearing are provided in the Fact Sheet.

### **IV. DISCHARGE PROHIBITIONS**

- Discharges of any waste at a location different from the location(s) listed in the issued NOA are prohibited.
- Discharge of residual firework pollutants to waters of the United States so as to create, or to cause pollution, contamination, or nuisance as defined in Water Code section 13050 is prohibited.
- Discharge of plastic trash to waters of the United States is prohibited.

### **V. EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

Effluent limitations are not included in the Order. The Discharger shall implement the best management practices in accordance with Provision VII.C.

### **VI. RECEIVING WATER LIMITATIONS**

The discharge shall not cause or contribute to any of the following:

1. Floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses;
2. Alteration of suspended sediment in such a manner as to cause nuisance, or to adversely affect beneficial uses, or to cause detrimental increase in the concentrations of toxic pollutants in sediments or aquatic life;
3. Suspended material, including trash, in concentrations that cause nuisance or adversely affect beneficial uses;
4. Bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses;
5. Alteration of temperature beyond present natural background levels;
6. Coloration that causes nuisance or adversely affects beneficial uses;
7. Taste or odor-producing substances in concentrations that alter the natural taste, odor, and/or color of fish, shellfish, or other edible aquatic resources; cause nuisance; or adversely affect beneficial uses;
8. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
9. Toxic or other deleterious substances in concentrations or quantities that cause deleterious effects on wildlife, waterfowl, or other aquatic biota or render any of these unfit for human consumption, either at levels created in the receiving waters or as a result of biological concentration; or
10. Violations of any water quality standard for receiving waters adopted by the Los Angeles Water Board, State Water Resources Control Board (State Water Board), or USEPA as required by the Clean Water Act and regulations adopted thereunder.

## VII. PROVISIONS

This Order provides Standard Provisions and Special Provisions. Dischargers enrolled under the Order must comply with all Standard and Special Provisions. Standard Provisions applying to all NPDES permits in accordance with 40 CFR sections 122.41 and 122.42 are included in Attachment D of this Order.

A rationale for the special provisions contained in this Order is provided in Attachment F, Fact Sheet. Special Provisions provided in this Order are in sections VII. A. through VII.E. below.

### A. Standard Provisions

**Los Angeles Water Board Standard Provisions.** The Discharger shall comply with the following provisions. If there is any conflict, duplication, or overlap between provisions specified by this Order, the provisions stated herein prevail:

1. Oil or oily materials, chemicals, refuse, or other materials that may cause pollution in storm water and/or urban runoff shall not be stored or deposited in areas where they may be picked up by rainfall/urban runoff or wind and discharged to surface waters. Any spill of such materials shall be contained, removed, and cleaned immediately.
2. This Order neither exempts the Discharger from compliance with any other laws, regulations, or ordinances that may be applicable, nor legalizes the facility or activity.
3. The Discharger shall at all times properly operate and maintain all systems installed or used to achieve compliance with this Order.
4. Any Discharger authorized under this Order may request to be excluded from the coverage of this Order by applying for an individual permit.
5. The provisions of this Order are severable. If any provision of this Order or the application of any provision of this Order is found invalid, the remainder of this Order shall not be affected.
6. A copy of this Order shall be made available to all personnel/staff (including field staff or contractors and their agents and representatives) involved with the compliance of this Order.
7. Failure to comply with provisions or requirements of this Order, or violation of other applicable laws or regulations governing discharges of residual firework pollutants, may subject the Discharger to administrative or civil liabilities, criminal penalties, and/or other enforcement remedies to ensure compliance. Additionally, certain violations may subject the Discharger to civil or criminal enforcement from appropriate local, state, or federal law enforcement entities.
8. Violation of any of the provisions of this Order may subject the Discharger to any of the penalties described herein or in Attachment D of this Order, or any combination thereof, at the discretion of the prosecuting authority.

### B. Best Management Practices (BMPs)

The Discharger shall prepare a BMP (Plan) that describes procedures to ensure that residual firework pollutants discharges will not adversely affect receiving waters. The Plan shall be submitted as a component of the NOI to the Los Angeles Water Board. The

Discharger shall implement the BMPs in the approved Plan and it shall make the approved Plan available to all persons who request it.

The Plan shall include the following three elements to avoid and/or mitigate potential impacts to receiving water quality:

#### Pollution Prevention

Use alternative (e.g., biodegradable) fireworks materials and/or select an alternative debris fallout location to eliminate or reduce residual firework pollutant discharges to waters of the United States.

#### Pollutants Identification

Describe activities conducted within the firing range that have a potential to release pollutants and identify the potential pollutant sources associated with each activity.

#### Pollution Control

Provide measures of controlling pollutant discharges during the firework operations and cleaning up the fallout areas to minimize the potential adverse effects of pollutant discharges after the firework displays. These measures shall represent the best available technology that is economically achievable. At a minimum, the Plan shall include the following BMPs to the extent practicable and economically achievable:

Use alternative fireworks that replace perchlorate with other oxidizers and contain biodegradable components.

1. Use fireworks that do not contain plastic outer casings or have non-biodegradable inner components.
2. Use propellants that burn cleaner, produce less smoke, and reduce residual firework pollutant discharges to surface waters.
3. Select firing range locations and designs that reduce residual firework pollutant discharges.
4. Secure all pyrotechnic equipment and fireworks in a manner that minimizes the risk of such materials and objects entering receiving waters before, during, and after fireworks displays.
5. Inspect each firework launch area for potential safety issues on an ongoing basis.
6. Perform visual observations and monitoring activities to assess BMP performance.
7. Prior to fireworks displays, deploy containment measures to collect and control the mobility of fireworks debris, particulate matter, and waste from within the design firing ranges for all fireworks launch areas.
8. As soon as practicable after fireworks displays, conduct BMP effectiveness evaluations.
9. Remove all plastic and aluminum labels and wrappings from aerial shells and special effect pyrotechnic devices prior to use and before they are launched or detonated.
10. Describe in the Plan how shells and special effect pyrotechnic devices will be secured during the firework show and the plan to collect all firework related wastes following the fireworks event.
11. As soon as practicable, and no later than 12 hours following a public display of



fireworks, collect, remove, and manage particulate matter and debris from ignited and un-ignited pyrotechnic material including aerial shells, stars (small pellets of composition that produce color pyrotechnic effects), paper, cardboard, wires and fuses found during inspection of the entire firing range and adjacent affected surface water(s) in addition to complying with title 19 of the California Code of Regulations, section 1003 (operation of fireworks display).

12. Other than system firing cables and common or grounding wires intended to be recovered after the display, secure electric igniter wires used to trigger the fireworks to minimize the risk that the wires fall into the water during or after the discharge.
13. Immediately following the public display of fireworks, rake or sweep the decks of each barge or floating platform that contained fireworks to gather fireworks debris and prevent it from being deposited into the water. Collect all non-hazardous solid waste resulting from the set-up, firing, and strike of the public display, including wires, boxes, and packaging, and properly disposed of the solid waste.
14. Immediately following the public display of fireworks, handle and manage all hazardous fireworks waste, including duds, resulting from the set-up, firing, and strike of the public display, including live pyrotechnics waste, in accordance with applicable fireworks and hazardous waste laws and regulations.
15. Weigh the aerial shells and special effect pyrotechnic devices prior to use to determine net explosive weight. Indicate in the Plan what percentage of the total weight of fireworks-related waste will be created. Ensure that any non-biodegradable components of the fireworks-related waste are collected after the event.
16. Setup, discharge, and take down the fireworks and fireworks equipment in accordance with the laws and regulations applying to that display by a public display operator licensed by the State of California. Obtain all required permits, licenses and approvals from the authorities having jurisdiction over the fireworks display and comply with the requirements and conditions of those permits and licenses.
17. Package, transport, store, set-up, and handle firework in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6, Fireworks and Title 22, Chapter 33, Best Management Practices for Perchlorate Materials to prevent or minimize firework pollutant wastes from entering surface waters.

#### C. Reopener Provisions

1. Pursuant to 40 CFR sections 122.62 and 122.63, this Order may be modified, revoked and reissued, or terminated for cause, including, but not limited to:
  - a. Violation of any term or condition contained in this Order;
  - b. Obtaining this Order by misrepresentation, or by failure to disclose fully all relevant facts; or
  - c. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
2. This Order may be reopened if present or future investigations demonstrate that the discharges governed by this Order have or will have, or will cease to have, a reasonable potential to cause or contribute to adverse impacts on water quality or beneficial uses of the receiving waters.

3. If more stringent applicable water quality standards are promulgated or approved pursuant to section 303 of the CWA, or amendments thereto, the Los Angeles Water Board may revise or modify this Order in accordance with such standards.
4. This Order may be reopened if translator, dilution, or other water quality studies provide a basis for determining that a permit condition should be modified.
5. This Order may be reopened and modified to the extent necessary, to be consistent with new or revised policies, new or revised state-wide plans, new laws, or new regulations.
6. This Order may be reopened if an administrative or judicial decision on a separate NPDES permit or WDRs addresses requirements similar to those applicable to these discharges.
7. This Order may be reopened upon submission by the Discharger of adequate information, as determined by the Los Angeles Water Board. The filing of a request by the Discharger for an Order modification, revocation and issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.

#### D. Expiration and Continuation of this Order

This Order expires on May 25, 2028. If this Order is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in full force and effect.

#### E. Reauthorization

Upon reissuance of a new order, existing dischargers enrolled under this Order shall file a Notice of Intent or a new Report of Waste Discharge within 90 days of adoption of the new Order.

### **VIII. COMPLIANCE DETERMINATION**

This Order contains discharge prohibitions and requires the use of minimum BMPs to control and abate the discharge of pollutants from public fireworks displays to surface waters in the Los Angeles Region. Proper implementation of BMPs will ensure the protection of water and sediment quality within the receiving waters. Dischargers enrolled under this Order are expected to comply with all water and sediment quality objectives through the implementation of BMPs. Compliance will be determined by evaluating the proper implementation of the minimum stipulated BMPs and their effectiveness in preventing and minimizing pollutant loading from public fireworks events to surface waters. Compliance will also be evaluated using information obtained under the monitoring and reporting program of this Order.

## ATTACHMENT A- DEFINITIONS

### **Aerial Fireworks**

Aerial fireworks provide their own propulsion or are shot into the air in an aerial shell by a mortar using a black powder lift charge or propellant.

### **Aerial Shell**

Cylinder or spherical cartridge containing a burst charge and pyrotechnic or non-pyrotechnic effects, a fuse, and a black powder lift charge that is fired from a mortar (19 CCR § 980[a][1]). Aerial shells are typically designed to burst between 200 and 1,000 feet above ground level.

### **Alternative Fireworks**

Fireworks are produced with new pyrotechnic formulas that replace perchlorate with other oxidizers and propellants that burn cleaner, produce less smoke, and reduce residual firework pollutant loading to surface waters.

### **Barge**

Water vessel with from which fireworks are launched or ignited.

### **Best Management Practices (BMPs)**

Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices that prevent or reduce the pollution of water of the United States.

### **Break**

Individual burst from an aerial shell, producing either a visible or audible effect, or both, that may consist of a single burst or multiple effects (19 CCR § 980 (b)(7)).

### **Dud**

Pyrotechnic item that leaves the mortar and returns to earth without producing the intended burst or effect (19 CCR § 980 (d)(4)).

**Enclosed Bays** means indentations along the coast that enclose an area of oceanic water within distinct headlands or harbor works. Enclosed bays include all bays where the narrowest distance between the headlands or outermost harbor works is less than 75 percent of the greatest dimension of the enclosed portion of the bay. Enclosed bays do not include inland surface waters or ocean waters.

**Estuaries** means waters, including coastal lagoons, located at the mouths of streams that serve as areas of mixing for fresh and ocean waters. Coastal lagoons and mouths of streams that are temporarily separated from the ocean by sandbars shall be considered estuaries. Estuarine waters shall be considered to extend from a bay or the open ocean to a point upstream where there is no significant mixing of fresh water and seawater. Estuaries do not include inland surface waters or ocean waters.

### **Fallout Area**

Area in which firework debris and pollutants fall after a pyrotechnic device is burst. The extent of the fallout area depends on the wind and the angle of mortar placement.

**Fireworks**

Device containing chemical elements and chemical compounds capable of burning independently of the oxygen in the atmosphere and producing an audible, visual, mechanical, or thermal effect that is useful as a pyrotechnic device or for entertainment. The term “fireworks” includes, but it is not limited to, devices designated by the manufacturer as fireworks, torpedoes, skyrocketers, roman candles, rockets, Daygo bombs, sparklers, party poppers, paper caps, chasers, fountains, smoke sparks, aerial bombs, and fireworks kits (California Health and Safety Code § 12511).

**Fireworks Display**

See *Public Fireworks Display*.

**Firing Range**

Area over which fireworks may travel by design or accident and upon which residual firework pollutants may fall, including fireworks launch areas and adjacent shorelines, quays, docks, barges, and fireworks fallout areas.

**Ground Display Piece**

Pyrotechnic device that functions on the ground (as opposed to an aerial shell that functions in the air) and that includes fountains, wheels, and set pieces.

**Inland Surface Waters** are all surface waters of the State that do not include the ocean, enclosed bays, or estuaries.

**Low-level Fireworks**

Low-level fireworks consist of stars or other components that produce single or multi-colored fountain effects or sparks. They are designed to burn at less than 200 feet above ground level.

**Minimum Level (ML)**

Concentration at which the entire analytical system gives a recognizable signal and acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method specified sample weights, volumes, and processing steps have been followed.

**Misfire**

Pyrotechnic item that fails to function as designed after initiation (19 CCR § 980(m)(5)).

**Mortar**

Cylinder used to hold and fire public display or special effects pyrotechnic items or compositions (19 CCR § 980 (m)(8)).

**Multiple Break**

Aerial shell that has two or more breaks (19 CCR § 980(m)(11)).

**Net Explosive Weight**

Weight of all pyrotechnic compositions, explosives material, and fuse (22 CCR § 67384.3).

**Ocean Waters** are the territorial marine waters of the State as defined by California law to the extent these waters are outside of enclosed bays, estuaries, and coastal lagoons. Discharges to ocean waters are regulated in accordance with the State Water Board's California Ocean Plan.

**Persistent Pollutants** are substances for which degradation or decomposition in the environment is nonexistent or very slow.

**Pier**

Structure extending from the land out over a body of water to afford convenient passage for persons, property, and vessels.

**Pollutant Minimization Program (PMP)** means waste minimization and pollution prevention actions that include, but are not limited to, product substitution, waste stream recycling, alternative waste management methods, and education of the public and businesses. The goal of the PMP shall be to reduce all potential sources of a priority pollutant(s) through pollutant minimization (control) strategies, including pollution prevention measures as appropriate, to maintain the effluent concentration at or below the water quality-based effluent limitation. Pollution prevention measures may be particularly appropriate for persistent bio accumulative priority pollutants where there is evidence that beneficial uses are being impacted. The Los Angeles Water Board may consider cost effectiveness when establishing the requirements of a PMP. The completion and implementation of a Pollution Prevention Plan, if required pursuant to Water Code section 13263.3(d), shall be considered to fulfill the PMP requirements.

**Pollution Prevention** means any action that causes a net reduction in the use or generation of a hazardous substance or other pollutant that is discharged into water and includes, but is not limited to, input change, operational improvement, production process change, and product reformulation (as defined in Water Code section 13263.3). Pollution prevention does not include actions that merely shift a pollutant in wastewater from one environmental medium to another environmental medium unless clear environmental benefits of such an approach are identified to the satisfaction of the State or Los Angeles Water Board.

**Public Fireworks Display** (also referred to as Fireworks Display)

Entertainment feature where the public or a private group is admitted or permitted to view a display or discharge of fireworks (22 CCR § 67384.3).

**Pyrotechnic Operator**

Licensed pyrotechnic operator, who by examination, experience, and training, has demonstrated required skill and ability in the use and discharge of fireworks as authorized by the license granted (22 CCR § 67384.3).

**Pyrotechnic Compositions**

Combination of chemical elements or chemical compounds capable of burning independently of the oxygen of the atmosphere (California Health and Safety Code § 12525).

**Quay**

Wharf for loading and unloading goods carried by ships.

**Reporting Level (RL)**

ML (and its associated analytical method) chosen by the Discharger for reporting and compliance determination from the MLs included in this Order, including an additional factor if applicable as discussed herein. The MLs included in this Order correspond to approved analytical methods for reporting a sample result that are selected by the Los Angeles Water Board either from SIP Appendix 4 in accordance with SIP section 2.4.2 or established in accordance with SIP section 2.4.3. The ML is based on the proper application of method-based analytical procedures for sample preparation and the absence of any matrix interferences. Other factors may be applied to the ML depending on the specific sample preparation steps employed. For example, the treatment typically applied in cases where there are matrix-effects is to dilute the sample or sample aliquot by a factor of ten. In such cases, this additional factor must be applied to the ML in the computation of the RL.

**Roman Candle**

Heavy paper or cardboard tube containing pellets of pyrotechnic composition that, when ignited, are expelled into the air at several second intervals (19 CCR § 980 (r)(3)).

**Salute**

Aerial shell or another pyrotechnic item whose primary effects are detonation and flash of light (19 CCR § 980 (s)(1)).

**Star**

Small pellet of composition that produces a pyrotechnic effect. A single aerial firework shell could contain several hundred stars (22 CCR § 67384.3).

**Set Piece Fireworks**

Set piece firework devices are primarily static and typically do not launch into the air. They produce effects at less than 50 feet above ground level.

**Trash**

All improperly discarded solid material from any production, manufacturing, or processing operation including, but not limited to, products, product packaging, or containers constructed of plastic, steel, aluminum, glass, paper, or other synthetic or natural materials.

## ATTACHMENT B- NOTICE OF INTENT

This Notice of Intent form shall be completed and submitted to apply for Authorization to Discharge under NPDES Permit No. CAG994007 (Fireworks General Permit) to waters of the United States.

### I. DISCHARGER INFORMATION AND CERTIFICATION

This certification shall be signed in accordance with Attachment D section V.B.2. The Discharger hereby agrees to comply with and be responsible for all conditions specified in the Fireworks General Permit.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
Signature:	Date:
Printed Name:	
Title:	
Discharger Type (Check One) <input type="checkbox"/> Public <input type="checkbox"/> Private <input type="checkbox"/> Other, specify type: Discharger Name:	New or Previously Authorized Discharger (Check One) <input type="checkbox"/> New <input type="checkbox"/> Previously Authorized Discharger
Mailing Address:	
Legally Responsible Person (LRP): The following individual (or any individual occupying the position listed below) may act as the Discharger's duly authorized representative and may sign and certify submittals in accordance with Attachment D section V.B.3. The individual shall be responsible for the overall operation of the regulated facility or activity or an individual position having overall responsibility for environmental matters for the Discharger.	
LRP Name and Title:	
LRP Email:	
LRP Phone Number:	

Check here if additional Discharger information is attached to this form.

## II. BILLING INFORMATION

<input type="checkbox"/> Check this box if same as Section I (otherwise, complete this section).
Discharger Name:
Mailing Address:
Billing Contact Name and Title:
Billing Contact Email:
Billing Contact Phone Number:

## III. DISCHARGE INFORMATION

Receiving Water:
Discharge Frequency: <input type="checkbox"/> Once <input type="checkbox"/> Annual <input type="checkbox"/> Other (please describe): <input type="checkbox"/> <b>Project location (address, latitude &amp; longitude information)</b> Stating means of firework deployment (i.e., barge, and staging area necessary to determine the closest receiving waters).

Check here if information for additional discharge locations is attached to this form.

## IV. BEST MANAGEMENT PRACTICES PLAN

Attach a Best Management Practices Plan (Plan) as described in Provision VII.B of this Order.

## V. APPLICATION FEES AND MAILING INSTRUCTIONS

Submit check payable to "State Water Resources Control Board" for appropriate application fee to this address:

Los Angeles Regional Water Quality Control Board  
340 West 4th Street, Suite 200  
Los Angeles, CA 90013

For current fees for general NPDES permit category 3, see Water Code section 2200(b)(9) or visit [www.waterboards.ca.gov/resources/fees](http://www.waterboards.ca.gov/resources/fees).

Submit this form (with signature and attachments) via email [augustine.anijiello@waterboards.ca.gov](mailto:augustine.anijiello@waterboards.ca.gov) or as otherwise indicated on the Los Angeles Water Board's website:

[https://www.waterboards.ca.gov/losangeles/water\\_issues/programs/index.html](https://www.waterboards.ca.gov/losangeles/water_issues/programs/index.html)



## ATTACHMENT C- FIREWORKS DISPLAY REPORT FORM

The Fireworks Display Report shall be completed following each fireworks display. The Discharger may attach additional information as necessary. Fireworks Display Reports shall be made available to the Los Angeles Water Board upon request and shall be submitted with self-monitoring reports in accordance with section VIII.C of Attachment E, MRP.

### I. GENERAL EVENT INFORMATION

Discharger Name: Event Name:	
Event Contact Person Name:  Phone Number:  Email:	
Event Location Address:  GPS Coordinates:	
Receiving Water Name:	
Event Date:	Event Start and End Time:

### II. FIRING RANGE MAP

Attach an aerial or satellite map identifying the firing range, fireworks fallout area, affected receiving waters, and adjacent coastlines, barges, docks, piers, quays, and any other relevant features or landmarks.

### III. PYROTECHNIC OPERATORS

Name	License Number	Date Issued	Expiration Date

#### IV. FIREWORKS INFORMATION

##### Aerial Fireworks

##### Low Level Fireworks

##### Set Piece Fireworks

Shell Size	No. Single Breaks	No. Multiple Breaks	Type	No.	Type	No.
25 mm			Mines		Sets	
80 mm			Romans		Devices	
2"			Comets			
3"			Cakes			
4"						
5"						
6"						
8"						
9"						
10"						
11"						
12"						

Net Explosive Weight:	pounds (lbs)	
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	Were alternative fireworks used? If so, describe:
	<p>Were the entire firing range (including the fireworks launching area and adjacent coastline, quays, docks, and fireworks fallout area), barges (if used), and adjacent surface waters inspected and cleaned of particulate matter and debris from ignited and un-ignited pyrotechnic material within 24 hours following the display?</p> <p><input type="checkbox"/> Yes      Date: _____      Time: _____</p> <p><input type="checkbox"/> No</p> <p>If no, explain:</p>
	<p>Total amount of debris collected from receiving water: _____ lbs wet weight</p> <p style="text-align: right;">_____ lbs dry weight (if known)</p>
	<p>Total amount of debris collected: _____ lbs wet weight</p>

## V. CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature:

Date:

Printed Name:

Title:

Discharger Name:

Address:

Email:

Phone No.:

## ATTACHMENT D- STANDARD PROVISIONS

### I. STANDARD PROVISIONS – PERMIT COMPLIANCE

#### A. Duty to Comply

The Discharger must comply with all of the conditions of this Order. Any noncompliance constitutes a violation of the CWA and the CWC and is grounds for enforcement action, for permit termination, revocation and reissuance, or denial of a permit renewal application (40 CFR section 122.41(a)).

#### B. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a Discharger in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order (40 CFR section 122.41(c)).

#### C. Duty to Mitigate

The Discharger shall take all reasonable steps to minimize or prevent any discharge in violation of this Order that has a reasonable likelihood of adversely affecting human health or the environment (40 CFR section 122.41(d)).

#### D. Proper Operation and Maintenance

The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a Discharger only when necessary to achieve compliance with the conditions of this Order (40 CFR section 122.41(e)).

#### E. Property Rights

1. This Order does not convey any property rights of any sort or any exclusive privileges (40 CFR section 122.41(g)).
2. The issuance of this Order does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations (40 CFR section 122.5(c)).

#### F. Inspection and Entry

The Discharger shall allow the Los Angeles Water Board, State Water Resources Control Board (State Water Board), EPA, and/or their authorized representatives (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents, as may be required by law, to (33 U.S.C. section 1318(a)(4)(B); 40 CFR section 122.41(i); CWC sections 13267 and 13383):

1. Enter upon the Discharger's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Order (33 U.S.C. section 1318(a)(4)(B)(i); 40 CFR section 122.41(i)(1); CWC sections 13267 and 13383);
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(2); CWC sections 13267 and 13383);
3. Inspect and photograph, at reasonable times, any facilities, equipment (including

monitoring and control equipment), practices, or operations regulated or required under this Order (33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(3); CWC sections 13267 and 13383);

4. Sample or monitor, at reasonable times, for the purposes of assuring Order compliance or as otherwise authorized by the CWA or the CWC, any substances or parameters at any location (33 U.S.C. section 1318(a)(4)(B)(ii); 40 CFR section 122.41(i)(4); CWC sections 13267 and 13383).
5. Burden of proof. In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof (40 CFR section 122.41(n)(4)).

## **II. STANDARD PROVISIONS – PERMIT ACTION**

### **A. General**

This Order may be modified, revoked and reissued, or terminated for cause. The filing of a request by the Discharger for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Order condition (40 CFR section 122.41(f)).

### **B. Duty to Reapply**

If the Discharger wishes to continue an activity regulated by this Order after the expiration date of this Order, the Discharger must apply for and obtain a new permit (40 CFR section 122.41(b)).

### **C. Transfers**

This Order is not transferable to any person except after notice to the Los Angeles Water Board. The Los Angeles Water Board may require modification or revocation and reissuance of the Order to change the name of the Discharger and incorporate such other requirements as may be necessary under the CWA and the CWC (40 CFR sections 122.41(l)(3) and 122.61).

## **III. STANDARD PROVISIONS – MONITORING (NOT APPLICABLE)**

## **IV. STANDARD PROVISIONS – RECORDS**

- A. The Discharger shall retain records of all monitoring information, including copies of all reports required by this Order, and records of all data used to complete the application for this Order, for a period of at least three (3) years from the date of the sample, measurement, report or application. This period may be extended by request of the Los Angeles Water Board Executive Officer at any time (40 CFR section 122.41(j)(2)).
- B. Records of monitoring information shall include:
  1. The date, exact place, and time of sampling or measurements (40 CFR section 122.41(j)(3)(i));
  2. The individual(s) who performed the sampling or measurements (40 CFR section 122.41(j)(3)(ii));
  3. The date(s) analyses were performed (40 CFR section 122.41(j)(3)(iii));
  4. The individual(s) who performed the analyses (40 CFR section 122.41(j)(3)(iv));
  5. The analytical techniques or methods used (40 CFR section 122.41(j)(3)(v)); and

6. The results of such analyses (40 CFR section 122.41(j)(3)(vi)).
- C. Claims of confidentiality for the following information will be denied (40 CFR section 122.7(b)):
1. The name and address of any permit applicant or Discharger (40 CFR section 122.7(b)(1)); and
  2. Permit applications and attachments, permits and monitoring data (40 CFR section 122.7(b)(2)).

## **V. STANDARD PROVISIONS – REPORTING**

### **A. Duty to Provide Information**

The Discharger shall furnish to the Los Angeles Water Board, State Water Board, or EPA within a reasonable time, any information which the Los Angeles Water Board, State Water Board, or EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order or to determine compliance with this Order. Upon request, the Discharger shall also furnish to the Los Angeles Water Board, State Water Board, or EPA copies of records required to be kept by this Order (40 CFR section 122.41(h); CWC sections 13267 and 13383).

### **B. Signatory and Certification Requirements**

1. All applications, reports, or information submitted to the Los Angeles Water Board, State Water Board, and/or EPA shall be signed and certified in accordance with Standard Provisions – Reporting V.B.2, V.B.3, V.B.4, and V.B.5 below (40 CFR section 122.41(k)).
2. All permit applications shall be signed as follows:
  - a. For a corporation: By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR section 122.22(a)(1));
  - b. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively [(40 CFR section 122.22(a)(2)); or
  - c. For a municipality, State, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes: (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA) (40

CFR section 122.22(a)(3)).

3. All reports required by this Order and other information requested by the Los Angeles Water Board, State Water Board, or EPA shall be signed by a person described in Standard Provisions – Reporting V.B.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
  - a. The authorization is made in writing by a person described in Standard Provisions – Reporting V.B.2 above (40 CFR section 122.22(b)(1));
  - b. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company (a duly authorized representative may thus be either a named individual or any individual occupying a named position) (40 CFR section 122.22(b)(2)); and
  - c. The written authorization is submitted to the Los Angeles Water Board, State Water Board, or EPA (40 CFR section 122.22(b)(3)).
4. If an authorization under Standard Provisions – Reporting V.B.3 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Standard Provisions – Reporting V.B.3 above must be submitted to the Los Angeles Water Board, State Water Board or EPA prior to or together with any reports, information, or applications, to be signed by an authorized representative (40 CFR section 122.22(c)).
5. Any person signing a document under Standard Provisions – Reporting V.B.2 or V.B.3 above shall make the following certification:
  - a. “I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations” (40 CFR section 122.22(d)).

#### C. Monitoring Reports

1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program in this Order (40 CFR section 122.41(l)(4)).
2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by the Los Angeles Water Board or State Water Board for reporting results of monitoring of sludge use or disposal practices (40 CFR section 122.41(l)(4)(i)).

#### D. Twenty-Four Hour Reporting

1. The Discharger shall report any noncompliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time the Discharger becomes aware of the circumstances. A written submission shall also be

provided within five (5) days of the time the Discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance (40 CFR section 122.41(l)(6)(i)).

2. The following shall be included as information that must be reported within 24 hours under this paragraph (40 CFR section 122.41(l)(6)(ii)):

Any emergency that occurred which results in fireworks-related trash not being able to be collected following an event.

#### E. Planned Changes

The Discharger shall give notice to the Los Angeles Water Board as soon as possible of any alterations to the permitted activity (40 CFR section 122.41(l)(1)). Notice is required under this provision when:

1. The changes meet one of the criteria for determining whether a facility is a new source in 40 CFR section 122.29(b) (40 CFR section 122.41(l)(1)(i)); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in this Order, nor to notification requirements under 40 CFR section 122.42(a)(1) (see Additional Provisions—Notification Levels VII.A.1) (40 CFR section 122.41(l)(1)(ii)).
3. The alteration or addition results in a significant change in the Discharger's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application plan (40 CFR section 122.41(l)(1)(iii)).

#### F. Anticipated Noncompliance

The Discharger shall give advance notice to the Los Angeles Water Board or State Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with the requirements of this Order (40 CFR section 122.41(l)(2)).

#### G. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting V.E.3, V.E.4, and V.E.5 above at the time monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting V.E above (40 CFR section 122.41(l)(7)).

#### H. Other Information

When the Discharger becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in a permit application or in any report to the Los Angeles Water Board, State Water Board, or EPA, the Discharger shall promptly submit such facts or information (40 CFR section 122.41(l)(8)).

## VI. STANDARD PROVISIONS – ENFORCEMENT



- A. The Los Angeles Water Board and State Water Board is authorized to enforce the terms of this Order under several provisions of the CWC, including, but not limited to, sections 13268, 13385, 13386, and 13387.
1. The CWA provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed \$25,000 per day for each violation. The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the CWA, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than one (1) year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than two (2) years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than three (3) years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than six (6) years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions (40 CFR section 122.41(a)(2); CWC sections 13385 and 13387).
  2. Any person may be assessed an administrative penalty by the Los Angeles Water Board for violating section 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the CWA. Administrative penalties for Class I violations are not to exceed \$10,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$25,000. Penalties for Class II violations are not to exceed \$10,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$125,000 (40 CFR section 122.41(a)(3)).
  3. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Order shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment

of not more than 4 years, or both (40 CFR section 122.41(j)(5)).

4. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Order, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both (40 CFR section 122.41(k)(2)).

## **VII. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS**

### **A. Non-Municipal Facilities**

Existing manufacturing, commercial, mining, and silvicultural dischargers shall notify the Los Angeles Water Board as soon as they know or have reason to believe (40 CFR section 122.42(a)):

1. That any activity has occurred or will occur that would result in the discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR section 122.42(a)(1)):
  - a. 100 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR section 122.42(a)(1)(i));
  - b. 200  $\mu\text{g/L}$  for acrolein and acrylonitrile; 500  $\mu\text{g/L}$  for 2,4 dinitrophenol and 2 methyl 4,6 dinitrophenol; and 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR section 122.42(a)(1)(ii));
  - c. Five (5) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR section 122.42(a)(1)(iii)); or
  - d. The level established by the Los Angeles Water Board in accordance with 40 CFR section 122.44(f) (40 CFR section 122.42(a)(1)(iv)).
2. That any activity has occurred or will occur that would result in the discharge, on a non-routine or infrequent basis, of any toxic pollutant that is not limited in this Order, if that discharge will exceed the highest of the following "notification levels" (40 CFR section 122.42(a)(2)):
  - a. 500 micrograms per liter ( $\mu\text{g/L}$ ) (40 CFR section 122.42(a)(2)(i));
  - b. 1 milligram per liter ( $\text{mg/L}$ ) for antimony (40 CFR section 122.42(a)(2)(ii));
  - c. Ten (10) times the maximum concentration value reported for that pollutant in the Report of Waste Discharge (40 CFR section 122.42(a)(2)(iii)); or
  - d. The level established by the Los Angeles Water Board in accordance with 40 CFR section 122.44(f) (40 CFR section 122.42(a)(2)(iv)).

## **ATTACHMENT E - MONITORING AND REPORTING PROGRAM (MRP)**

40 CFR section 122.48 requires that all NPDES permits specify monitoring and reporting requirements. Section 13383 of the CWC also authorizes the Los Angeles Water Board to establish monitoring, reporting, and recordkeeping requirements. This MRP establishes monitoring and reporting requirements which implement the federal and California laws and/or regulations.

### **I. GENERAL MONITORING PROVISIONS**

- A. Visual and video monitoring locations shall be established where accurate visual and pictorial information can be obtained during and after the fireworks display.
- B. The Discharger shall monitor the implementation of best management practices in accordance with Provision VII.B of R4-2023-XXXX
- C. Each monitoring report shall state whether there was any change in the discharge as described in the Order during the reporting period.
- D. In the event wastes generated from the fireworks display are transported to a different disposal site during the report period, the following shall be reported in the monitoring report:
  - 1. Types of wastes and quantity of each type;
  - 2. Name and address for each hauler of wastes (or method of transport if other than by hauling); and
  - 3. Location of the final point(s) of disposal for each type of waste.

If no wastes are transported off-site during the reporting period, a statement to that effect shall be submitted.

### **II. MONITORING LOCATION**

The Discharger shall establish monitoring locations for each fireworks display event that covers the firing range and adjacent affected surface waters to access implementation and compliance with the BMPs.

### **III. EFFLUENT MONITORING REQUIREMENTS – N/A**

### **IV. WHOLE EFFLUENT TOXICITY TESTING REQUIREMENTS – N/A**

### **V. LAND DISCHARGE REQUIREMENTS – N/A**

### **VI. RECLAMATION MONITORING REQUIREMENTS – N/A**

### **VII. RECEIVING WATER MONITORING REQUIREMENTS – SURFACE WATER**

#### **A. Visual Monitoring:**

The Discharger shall conduct visual monitoring within one hour following the end of the fireworks event, if feasible and practical. Visual monitoring must be conducted latest in the morning of the day immediately following the fireworks event. Visual monitoring shall occur within and adjacent to the firing range, and at the area most likely to accumulate

fireworks debris based on the prevailing wind, current, and tides. Visual monitoring of the surface water conditions, such as wind (direction and speed), weather (cloudy, sunny, or rainy), direction of current, tidal conditions (high or low), discoloration, oil and grease, turbidity, odor, and floatable or suspended fireworks debris, if any, at the designated receiving water shall be recorded. The results of visual monitoring shall be submitted with the Display of Fireworks Post-Event Report Form in accordance with the schedule in section VIII.C of this MRP.

- B. Visual Monitoring applicable for fireworks display from Barges or vessels on Surface Waters.
- C. Discharger or its pyrotechnics company shall:
  - 1. Collect video footage of the event, with filming taking place on the barge to capture the extent of debris and potential fallout zone in the immediate vicinity of the barge.
  - 2. Monitor any discharge of fireworks into the water, (i.e., the base-level explosive material discharges), not the display itself;
  - 3. Use more than one video to capture any discharge in the water adjacent to the barge and the potential discharge from the barge itself.
  - 4. Take photos of the barge before and after the show to capture debris fallout.
  - 5. Take photos of the debris collected from the barge cleanup/sweeping efforts.
  - 6. Dive Team/Equivalent Monitoring Device. Take photographs of the bay floor prior to the fireworks display events and as soon thereafter as possible to capture visual evidence of suspended debris and/or debris deposition within the fallout zone.

## **VIII. REPORTING REQUIREMENTS**

- A. General Monitoring and Reporting Requirements
  - 1. The Discharger shall comply with all Standard Provisions (Attachment D) of Order R4-2023-XXXX related to monitoring, reporting, and recordkeeping.
  - 2. Each monitoring report shall contain a separate section titled "Summary of Non-Compliance" which discusses the compliance record and corrective actions taken or planned that may be needed to bring the discharge into full compliance with waste discharge requirements. This section shall clearly list all non-compliance with waste discharge requirements.
  - 3. The Discharger shall inform the Los Angeles Water Board well in advance of any proposed activity that could potentially affect compliance with applicable requirements.

- B. Fireworks Display Reports

The Discharger shall complete and maintain a Fireworks Display Report (see Attachment C) for each fireworks display. Fireworks Display Reports shall be submitted to the Los Angeles Water Board with the self-monitoring reports required by Section VIII.C. of this MRP within 60 days of conducting of the firework display event.

- C. Self-Monitoring Reports

1. The Discharger shall submit SMRs 60 days after each fireworks event. The Discharger shall submit SMRs via email to [losangeles@waterboard.ca.gov](mailto:losangeles@waterboard.ca.gov) . If there has been no discharge (i.e., no public fireworks display) during the previous calendar year (January 1 through December 31), the Discharger shall submit SMRs annually by February 15 stating that there was no discharge. SMRs shall include the following:
  - a. A cover letter with summary of non-compliance;
  - b. The Fireworks Display Report (Attachment C);
  - c. The list of fireworks displays and location(s),;
  - d. Discussion of performance and compliance of the fireworks operations in the reporting period, including any corrective actions taken or planned, such as changes to equipment or operations needed to achieve compliance and any other actions taken or planned that are intended to improve the performance and reliability of the Discharger's practices;
  - e. Identification of any violations of this Order or a statement that there were no violations in the reporting period, and detailed description of the causes of the violations and proposed time schedule for corrective actions taken or planned to resolve the violations and prevent recurrence (if previous reports address the corrective actions, then reference the earlier reports);
  - f. Visual and video monitoring report;
  - g. Evaluation of BMP performance; and
  - h. Signature in accordance with the standard provision on signature requirements in Attachment D of the Order.
2. If SMRs and documents are 10 MB or larger, the documents should be transferred to a disk and mailed to the address listed below.

LRWQCB – Los Angeles Region  
320 West 4th Street, Suite 200  
Los Angeles, CA 90013  
Attn: General Permitting Unit

3. At any time during the term of this General Permit, the State or Los Angeles Water Board may notify the Discharger to electronically submit Self-Monitoring Reports (SMRs) using the State Water Board's California Integrated Water Quality System (CIWQS) Program Web site <http://www.waterboards.ca.gov/ciwqs/index.html>). Until such notification is given, the Discharger shall email electronic copy of SMRs to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov). The CIWQS Web site will provide additional directions for SMR submittal in the event there will be service interruption for electronic submittal.

- D. Discharge Monitoring Reports (DMRs) (not applicable)
- E. Other Reports (not applicable)

F. Notifications:

At least 14 calendar days prior to each fireworks display; the Discharger shall notify the Los Angeles Water Board, via email to [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov), of its intent to conduct public fireworks display, providing date and location of the event.

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## ATTACHMENT F – FACT SHEET

The California Regional Water Quality Control Board, Los Angeles (Los Angeles Water Board) incorporates this Fact Sheet as findings of the Los Angeles Water Board supporting the issuance of this Order. This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. This Order has been prepared under a standardized format to accommodate a broad range of discharge requirements for Dischargers in the State of California (State). Only those sections of this Order that are specifically identified as “not applicable” have been determined not to apply to Dischargers under this Order. Sections of this Order not specifically identified as “not applicable” are fully applicable to this Discharger.

### I. PERMIT INFORMATION

The State Water Resources Control Board (State Water Board) has been authorized by the EPA, pursuant to Section 402 of the Clean Water Act (CWA), to administer the National Pollutant Discharge Elimination System (NPDES) program in California since 1973. The procedures for the State Water Board and the California Regional Water Quality Control Board, Los Angeles Region (Los Angeles Water Board) to issue NPDES permits, pursuant to NPDES regulations at 40 Code of Federal Regulations (CFR) Sections 122 and 1231, were established through the NPDES Memorandum of Agreement between the EPA and the State Water Board on September 22, 1989.

Section 122.28(a)(2)(ii) provides for issuance of general NPDES permits to regulate a category of point sources, other than storm water point sources, if the sources within the category: (a) involve the same or substantially similar types of operations; (b) discharge the same types of waste; (c) require the same effluent limitations or operating conditions; (d) require the same or similar monitoring; and (e) in the opinion of the permitting authority, are more appropriately controlled under a general NPDES permit rather than individual NPDES permits. General NPDES permits enable the Los Angeles Water Board to expedite the processing of requirements, simplify the application process for Dischargers, better utilize limited staff resources, and avoid the expense and time involved in repetitive public noticing, hearings, and permit adoptions.

When fireworks are detonated and combusted, firework combustion residue is produced in the form of smoke, airborne particulates, chemical pollutants, and debris including plastic, paper, cardboard, wires, and fuses. This combustion residue can fall into surface waters. Un-ignited pyrotechnic materials including duds and misfires can also fall into surface waters. Evidence gathered by the San Francisco and San Diego Water Boards as well as information submitted to the Los Angeles Water Board establishes that fireworks-related trash is discharged in connection with public fireworks displays.

Chemicals released from the firework combustion residues and un-ignited pyrotechnic materials include, but are not limited to, aluminum, antimony, barium, carbon, calcium, chlorine, cesium, copper, iron, potassium, lithium, magnesium, nitrates, perchlorates, phosphorus, sodium sulfur, strontium, titanium, and zinc. The fireworks residue fallout area on receiving water can vary depending on wind speed and direction, shell sizes (in general, the fallout area is 70 feet per inch of shell diameter), the angle of mortar placement, the type and height of firework explosions and other environmental factors. Once the firework residue enters a water body, it can be transported to waters and coastline outside the

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<sup>1</sup> All further statutory references are to title 40 of the Code of Federal Regulations unless otherwise indicated.



fallout area due to the horizontal water movements due to wind shear and tidal effects. However, several years of monitoring reports submitted to the Los Angeles Water Board in compliance with 13267 letters issued for fireworks displays in Long Beach Harbor and Alamitos Bay showed no evidence of sediment or water quality impairment to receiving waters from fireworks shows conducted during New Years Day and 4<sup>th</sup> of July celebrations.

Section 301(a) of CWA broadly prohibits the discharge of any pollutant to waters of the United States, except in compliance with an NPDES permit. Fireworks residue waste discharged into surface waters constitutes discharge of a pollutant. Therefore, coverage under an NPDES permit is required before residual firework pollutant discharges associated with the public display of fireworks can be lawfully discharged.

Effluent limitations and permit conditions are the two major mechanisms in NPDES permits to regulate discharge of pollutants from point-sources. Effluent limitation, as defined in Section 502(11) of CWA, refers to any restriction established by NPDES authorities in an NPDES permit on quantities, rates, and concentrations of chemical, physical, biological, and other pollutants. The restrictions are commonly effluent limits expressed in numerical values. In some cases, nonnumeric or narrative effluent limitations rather than, or in addition to, numeric limitations are applied in NPDES permits. This Order prohibits discharge of plastic trash associated with firework displays into surface waters, and requires implementation of best management practices (BMPs) in lieu of traditional effluent limitations, to ensure the discharges of residual firework pollutants do not cause pollution or nuisance conditions in surface waters within the Los Angeles Region.

## **II. DISCHARGE DESCRIPTION**

This Order covers residual firework pollutant discharges to waters of the United States associated with public fireworks displays. Dischargers enrolled under this Order conduct public fireworks displays for community celebrations, such as for Fourth of July and New Year's Eve, and entertainment associated with sporting, business, and school events.

Discharge Information

This Order regulates discharges of the residual pollutants from public firework displays (residual firework pollutants) to surface waters within the jurisdiction of the Los Angeles Water Board. Public displays of fireworks are conducted throughout the year at various locations within the Los Angeles Region as part of national and community celebrations and other special events. Additionally, firework displays and pyrotechnics special effects are periodically used in other venues such as business grand openings, special events, school events, sport events, and local fairs. The most significant and widespread use of fireworks displays in the Los Angeles Region are for annual Fourth of July and New Year's Eve events. Firework display sites on or adjacent to urban coastlines, and on surface waterbodies such as lakes are often the preferred setting to provide public access and avoid fire hazards associated with terrestrial display sites.

Fireworks are a class of low explosive pyrotechnic devices used to produce four primary effects: noise, light, smoke, and floating materials (e.g., confetti), for aesthetic or entertainment purposes. Fireworks may be designed to burn with colored flames and sparks including red, orange, yellow, green, blue, purple, and silver.

### **1. Firework Types**

Fireworks can be detonated at ground (set piece or lance work fireworks) or up to over 1,000 feet in the air (aerial fireworks), which decisively determines the sizes of the

residual fallout area. According to their design detonation height, fireworks are grouped into three general categories in this Order:

a. Aerial Fireworks

Aerial fireworks are typically shot into the air by a mortar using a black powder lift charge or propellant. The aerial shell typically consists of a cylinder or spherical cartridge, usually constructed of paper, plastic, or cardboard, and may include some plastic or paper internal components within the shell. The shell casing contains a burst charge, pyrotechnic material that emits prescribed colors and effects when burst, a fuse, and a black powder lift charge. Aerial shells are often combined in fireworks display to create a variety of shapes and colors upon detonation.

The lift charge and shell are placed at the bottom of a mortar partially buried in earth and or placed within a rack. Shells can be launched one at a time or in a barrage of simultaneous launches or launches in quick succession. Shells are typically designed to perform between 200 and 1,000 feet above ground level. Most of the incendiary elements and shell casings burn up in the atmosphere; however, portions of the casings and some internal structural components and chemical residue fall back to the ground or receiving waters.

b. Low-level Fireworks

Low-level fireworks devices consist of pyrotechnic pellets packed linearly within a tube. When the device is ignited, the pellets exit the tube in succession producing a fountain effect of single or multi-colored lights as the pellets burn through the course of their flight. Typically, the pellets burn rather than explode, thus producing a ball or trail of sparkling light to a prescribed altitude, then extinguish. Sometimes they may terminate with a small explosion similar to a firecracker. Other low-level fireworks devices emit a projected hail of colored sparks or perform erratic low-level flight while emitting a high-pitched whistle. Some emit a pulsing light pattern or crackling or popping sound effects. Generally, low-level launch devices and encasements remain on the ground or attached to a fixed structure and can be removed upon completion of the display. They are generally designed to produce effects between 0 and 200 feet above ground level.

c. Set Piece Fireworks

Set piece fireworks are primarily static and remain close to the ground. They are usually attached to a frame that may be crafted in the design of a logo or familiar shape, and illuminated by pyrotechnic devices, such as flares, sparklers, or strobes. Set pieces are typically used in concert with low-level effects or an aerial show, and sometimes act as a centerpiece for the display. Set pieces may have moving parts, but typically do not launch devices into the air. Set piece displays are typically designed to produce effects between 0 and 50 feet above ground level.

2. Firework Chemical Constituents

A partial list of chemical elements used in fireworks for fuels, oxidizers, binding agents, coloration effects and sound effects are provided in the following table. Although monitoring to date in the Los Angeles region has shown no impacts to water quality, public displays of fireworks over or adjacent to surface waters may result in the discharge of residual firework pollutants containing these chemical elements to surface waters at levels that could cause or contribute to cause to an exceedance of a water quality standard in the receiving water.

**Table F-1. Firework Chemical Constituents and Functions**

<b>Constituent</b>	<b>Function</b>
Aluminum (Al)	Creates silver and white flames and sparks.
Antimony (Sb)	Creates glitter effects.
Barium (Ba)	Creates green colors and stabilizes other volatile elements.
Carbon (C)	Provides fuel as a main component of black powder.
Calcium (Ca)	Enhances fireworks colors; calcium salts produce orange fireworks.
Chlorine (Cl)	Enhances volatility and light emission of color-producing metals.
Cesium (Cs)	Creates indigo colors.
Copper (Cu)	Creates blue colors.
Iron (Fe)	Creates sparks that vary in color according to the heat of the metal.
Lithium (Li)	Creates red colors; lithium carbonate is a common colorant.
Magnesium (Mg)	Creates white sparks or improves firework brilliance.
Phosphorus (P)	Creates glow-in-the-dark effects and burns spontaneously in air; found in some firework fuels.
Strontium (Sr)	Creates red colors and stabilizes fireworks mixtures.
Sulfur (S)	Provides fuel as a main component of black powder.
Titanium (Ti)	Creates silver sparks.
Zinc (Zn)	Creates smoke effects.

Various factors can affect the levels of firework chemical residues in surface waters adjacent to fireworks displays, such as the frequency of firework events, the overall number of ignited fireworks per event, efficiency of perchlorate oxidation which controls the mass of perchlorate introduced to the environment, wind direction, velocity which controls the dispersion and fall-out of firework particles, and number of duds or misfires. All of these factors associated with the detonation of fireworks have a potential to adversely affect or contribute to degradation of water and sediment quality within the receiving water.

### 3. Discharge Points and Receiving Waters

Under the General Permit, there may be multiple discharge points. Information regarding the discharge points and applicable receiving waters can be found in the completed NOI and will be included in the Notice of Applicability (NOA).

The following table summarizes administrative information related to the facility of dischargers covered under the Order.

**Table F-2. Facility Information**

Discharger	Any person discharging pollutants associated with the public display of fireworks to surface waters in the Los Angeles Region.
Major or Minor Facility	Minor
Threat to Water Quality	3
Complexity	C
Watershed	Watersheds within Los Angeles Water Board's Jurisdiction.
Receiving Water	Surface waters in Los Angeles and Ventura Counties
Receiving Water Type	Ocean waters, enclosed bays, estuaries, and inland surface waters

**4. Fees**

Section 2200 (Annual Fee Schedules) of Title 23 of the California Code of Regulations (CCR) requires that all discharges subject to waste discharge requirements shall pay an application fee and subsequent annual fees (if applicable). Section 2200 of the CCR provides Annual Fee Schedules based on threat to water quality and complexity of the discharge.

Residual firework pollutant discharges are classified as Category 3 pursuant to the fee schedule. This category is appropriate because this Order incorporates BMPs to control potential impacts to beneficial uses, requires no treatment systems to meet the Order's terms and conditions, and prohibits residual firework pollutants from causing excursions of water quality objectives. Residual firework pollutants discharges pose no significant threat to water quality.

The annual fee associated with this category can be found on the Water Quality Fees webpage under NPDES Permit Fees ([https://www.waterboards.ca.gov/resources/fees/water\\_quality/#npdes](https://www.waterboards.ca.gov/resources/fees/water_quality/#npdes)).

**III. APPLICABLE PLANS, POLICIES AND REGULATIONS**

The requirements contained in the Order are based on the requirements and authorities described in this section.

**A. Legal Authorities**

This Order is issued pursuant to section 402 of the CWA and implementing regulations adopted by the EPA and Chapter 5.5, Division 7 of the California Water Code (CWC) (commencing with section 13370). It shall serve as a NPDES permit for point source discharges of residual firework pollutants from public fireworks displays to surface waters under the jurisdiction of the Los Angeles Water Board. This Order also serves as WDRs pursuant to Article 4, Chapter 4 of the CWC (commencing with section 13260; see in particular section 13263, subd. (i) [general permits]).

States may request authority to issue general NPDES permits pursuant to 40 CFR section 122.28. The State Water Board has been authorized by the EPA to administer the NPDES program in California since 1973. The procedures for the State Water Board and

the Los Angeles Water Board to issue NPDES permits pursuant to 40 CFR Parts 122 and 123 were established through the NPDES Memorandum of Agreement between the EPA and the State Water Board on September 22, 1989.

B. California Environmental Quality Act (CEQA)

Under CWC section 13389, this action to adopt an NPDES permit is exempt from CEQA, (commencing with section 21100) of Division 13 of the Public Resources Code See also *County of Los Angeles v. State Water Resources Control Board (SWRCB)* (2006) 143 Cal.App.4<sup>th</sup> 985, 1007. Fireworks shows are also existing discharges.

C. State and Federal Regulations, Policies, and Plans

1. Water Quality Control Plans.

The Los Angeles Water Board's *Water Quality Control Plan, Los Angeles Region: Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties* (Basin Plan) designates beneficial uses, establishes water quality objectives, and contains implementation programs and policies to achieve those objectives for all waters addressed through the plan. The Basin Plan states that the beneficial uses of any specifically identified water body generally apply to its tributary streams.

2. California Ocean Plan

The State Water Board adopted the Water Quality Control Plan for Ocean Waters of California (California Ocean Plan) in 1972 and amended it in 1978, 1983, 1988, 1990, 1997, 2000, 2005, 2009, 2012, 2015, and 2018. The State Water Board adopted the latest amendment on August 7, 2018, the USEPA approved the amendments on March 22, 2019, and it became effective on March 22, 2019. The Ocean Plan is applicable, in its entirety, to point source discharges to the ocean.

3. California Thermal Plan.

The State Water Board adopted the Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Water and Enclosed Bays and Estuaries of California (Thermal Plan) on January 7, 1971, and amended this plan on September 18, 1975.

4. Sediment Quality

The State Water Board adopted the *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* on September 16, 2008, and it became effective on August 25, 2009. This plan contains a narrative water quality objective: "Pollutants in sediments shall not be present in quantities that, alone or in combination, are toxic to benthic communities in bays and estuaries of California." This objective is to be implemented by integrating three lines of evidence: sediment toxicity, benthic community condition, and sediment chemistry. The plan requires that if the Regional Water Board determines that a discharge has reasonable potential to cause or contribute to an exceedance of this objective, it is to impose the objective as a receiving water limit.

According to the sediment monitoring that SeaWorld conducted in San Diego's Mission Bay from September 2012 through September 2018, fireworks discharges are unlikely to cause or contribute to exceedances of the sediment quality objectives (Annual Fireworks Monitoring Report, SeaWorld, 2019). The potential impacts of fireworks displays in the Los Angeles Region are expected to be significantly less than those in Mission Bay due

to infrequency (once per year) and greater geographic distribution of the fireworks events. This is further supported by several years of monitoring reports submitted to the Los Angeles Water Board in compliance with 13267 letters issued for fireworks displays in Long Beach Harbor and Alamitos Bay. The reports showed no evidence of sediment or water quality impairment from fireworks shows conducted during New Year and 4<sup>th</sup> of July of each year. Therefore, this Order does not implement sediment quality objectives and does not establish sediment monitoring for discharges governed by this Order.

#### 5. National Toxics Rule (NTR) and California Toxics Rule (CTR).

EPA promulgated the NTR on December 22, 1992, and later revised it on May 4, 1995, and November 9, 1999. About forty water quality criteria in the NTR applied in California. On May 18, 2000, EPA promulgated the CTR (40 CFR section 131.38). The CTR promulgated new toxics criteria for California and, in addition, incorporated the previously adopted NTR criteria that were applicable in the state. The CTR was revised on February 13, 2001. These rules contain water quality criteria for priority pollutants.

#### 6. State Implementation Policy.

On March 2, 2000, the State Water Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (State Implementation Policy or SIP). The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria promulgated for California by the EPA through the NTR and to the priority pollutant objectives established by the Los Angeles Water Board in the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria promulgated by the EPA through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. The SIP establishes implementation provisions for priority pollutant criteria and objectives and provisions for chronic toxicity control.

#### 7. Antidegradation Policy.

40 CFR section 131.12 requires that the state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing quality of waters be maintained unless degradation is justified, based on specific findings. The Los Angeles Water Board's Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. As discussed in more detail later in this Fact Sheet, the permitted discharge is consistent with the antidegradation provision of 40 CFR section 131.12 and State Water Board Resolution No. 68-16.

#### 8. Anti-Backsliding Requirements.

Sections 402(o) and 303(d)(4) of the CWA and section 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed.

#### 9. Endangered Species Act.

This Order does not authorize any act that results in the taking of a threatened or endangered species or any act that is now prohibited, or becomes prohibited in the future,

under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the Federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). This Order requires compliance with requirements intended to protect the beneficial uses of waters of the state. The Discharger is responsible for meeting all requirements of the Endangered Species Acts.

#### 10. Trash Amendments.

The State Water Board adopted the “Amendment to the Ocean Plan and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California” (Trash Amendments) through Resolution No. 2015-0019, which was approved by the Office of Administrative Law (OAL) on December 2, 2015, and became effective upon U.S. EPA approval on January 12, 2016. The Trash Amendments established a narrative water quality objective and a prohibition on the discharge of trash, to be implemented through permits issued pursuant to CWA section 402(p), waste discharge requirements, or waivers of waste discharge requirements.

The Trash Amendments apply to all surface waters of the State, with the exception of those waters within the jurisdiction of the Los Angeles Water Board where trash or debris Total Maximum Daily Loads (TMDLs) were in effect prior to the effective date of the Trash Provisions. The Trash Amendments identify plastic trash, in particular, as a priority, and targeted reductions in marine debris, due to the facts that plastics do not readily biodegrade, constitute the larger percentage of floating trash, and can serve as a transport medium for pollutants and sorb persistent organic pollutants in the marine environment. Ingestion of plastics by birds and marine mammals has been identified as “detrimental,” posing a “significant threat,” and causing fatalities. The Trash Amendments also acknowledge the threat of micro-plastics, which occur as the result of breakdown of plastic trash in the environment. The Trash Amendments authorize NPDES permitting authorities, such as the Los Angeles Water Board, to require dischargers to implement any appropriate trash controls in areas or facilities that may generate trash. This Order incorporates the requirements of the Trash Amendments through discharge prohibitions and requirements to develop and implement BMPs to prevent the discharge of trash, in particular plastic trash, to surface waters.

#### D. Impaired Water Bodies on CWA Section 303(d) List

The State Water Board prepared the California 2020 and 2022 Integrated Report based on a compilation of the Los Angeles Water Boards’ Integrated Reports. These Integrated Reports contain both the Clean Water Act (CWA) section 305(b) water quality assessment and section 303(d) list of impaired waters. In developing the Integrated Reports, the Water Boards solicit data, information, and comments from the public and other interested persons. On January 19, 2022, the State Water Board approved the CWA Section 303(d) List portion of the State’s 2020 and 2022 Integrated Report (State Water Board Resolution No. 2022-0006). On May 11, 2022, the EPA approved California’s 2020 and 2022 list of water quality limited segments requiring a TMDL under CWA section 303(d) for the Los Angeles Region as well as the rest of California. The CWA section 303(d) list can be found at the following link:

[https://www.waterboards.ca.gov/water\\_issues/programs/water\\_quality\\_assessment/2020\\_2022\\_integrated\\_report.html](https://www.waterboards.ca.gov/water_issues/programs/water_quality_assessment/2020_2022_integrated_report.html)

The Los Angeles Water Board has adopted trash TMDLs for fifteen watersheds and water bodies: Los Angeles River Watershed, Ballona Creek, Malibu Creek Watershed, Santa Monica Bay Nearshore and Offshore, San Gabriel River

East Fork, Revolon Slough and Beardsley Wash, Ventura River Estuary, Machado Lake, Lake Elizabeth, Lake Hughes, Munz Lake, Peck Road Park Lake, Echo Park Lake, Lincoln Park Lake and Legg Lake. The discharges regulated through this Order are not expected to contribute to any water quality impairment because the requirements of Provision VII.B of this Order will sufficiently control potential pollutant discharges.

#### E. Related Fireworks Regulatory Agencies

##### 1. Office of the California State Fire Marshal.

California's Fireworks Law, passed in 1938, established the Office of the State Fire Marshal (SFM) as the fireworks classification authority in California.

Fireworks are classified through laboratory analysis, field examinations and test firing of items. As part of the program, SFM requires the licensing of all pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies. Pyrotechnic operators, who discharge fireworks at public displays or launch high powered and experimental rockets, must also pass a written examination and provide proof of experience. The State's Explosives Law authorizes the California State Fire Marshal to adopt regulations for the safe use, handling, storage and transportation of fireworks in California. The laws and regulations governing the transportation, use and storage of fireworks in California are contained in:

- a. State Fireworks Law, California Health and Safety Code, Section 12500 – 12728;
- b. State Fireworks Regulations, Title 19, California Code of Regulations (CCR), Chapter 6;
- c. Storage, Title 27, Code of Federal Regulations (CFR) part 55, Sub-part K; and
- d. Hazardous Materials Transportation, Title 13, CCR.

##### 2. California State Department of Toxic Substances Control.

In light of the risks to public health and the environment posed by perchlorate releases, the California Legislature adopted the Perchlorate Contamination Prevention Act of 2003, amending Chapter 6.5 of Division 20 of, the Health and Safety Code and requiring the California Department of Toxic Substances Control (DTSC) to adopt regulations specifying BMPs for perchlorate and perchlorate-containing substances. The perchlorate BMP regulations were adopted on December 31, 2005 and are contained in CCR, Title 22. Social Security Division 4.5. Environmental Health Standards for the Management of Hazardous Waste Chapter 33. Best Management Practices for Perchlorate Materials Article 1, § 67384.1 - § 67384.11. These regulations provide at § 67384.8 (c), Special Best Management Practices for Flares and Pyrotechnic Perchlorate Materials, that:

“Within twenty-four (24) hours of a public display of fireworks or the use of dangerous fireworks, the pyrotechnics operator, in addition to complying with title 19 of the California Code of Regulations, section 1003, shall, to the extent practical, collect any stars and un-ignited pyrotechnic material found during the required inspection of the entire firing range.”

##### 3. United States Coast Guard.

The United States Coast Guard (USCG), pursuant to 33 CFR 100, implements a Marine Safety Program designed to ensure the safety of vessels and recreational boaters on navigable United States waters during fireworks display events. The USCG issues Marine Event permits to parties sponsoring or hosting public display of fireworks marine



events that have the potential to endanger marine safety. An Application for Approval of Marine Event must be submitted to the USCG or approval no later than 135 days prior to the event if the applicant does not meet criteria specified in 33 CFR 100.15 (c), or 60 days prior to the event if the applicant does meet the criteria. After approving plans for the holding of a fireworks display event, the USCG is authorized to promulgate special local regulations as necessary to ensure public safety on navigable waters immediately prior to, during, and immediately after the approved fireworks event. Such regulations may include a restriction on, or control of, the movement of vessels through a specified fireworks display area.

#### 4. South Coast Air Quality Management District.

The South Coast Air Quality Management District (AQMD) is the air pollution control agency for all of Orange County and the urban portions of Los Angeles, Riverside and San Bernardino Counties. The AQMD historically has not required permits for equipment associated with fireworks displays at theme park activities or annual celebrations. AQMD Rule 219- Exemptions From Written Permit Requirements, specifically exempts pyrotechnic equipment from written permit requirements. AQMD prohibitory Rule 4-4 - Open Burning, also provides exemption from rule provisions for various fireworks and pyrotechnics activities. Ventura County Air Pollution Control District has no similar rules.

#### 5. United States Department of Transportation.

Prior to transportation into and within the United States, all explosives, including fireworks, must be classed and approved by Department of Transportation (DOT). Federal hazardous materials (hazmat) transportation law (Federal hazmat law; 49 U.S.C., 5101 et seq.) authorizes DOT to issue classification documents in accordance with the Hazardous Materials Regulations (HMR; 49 CFR, parts 100 -185). All fireworks must be in compliance with, and meet the terms and conditions of, the American Pyrotechnic Association (APA) Standard 87-1 (which is incorporated by reference as part of the HMR, or be submitted to a DOT-approved laboratory for examination and classification (see 49 CFR 173.56(b)). If approved, fireworks are assigned an explosives classification number by the Associate Administrator of Hazardous Materials Safety.

Approval holders also must comply with the rules set forth by the USCG; United States Customs and Border Protection; Bureau of Alcohol, Tobacco, and Firearms; as well as the Consumer Product Safety Commission.

### **IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS**

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants that are discharged into the waters of the United States. The control of pollutants discharged is established through effluent limitations and other requirements in NPDES permits. There are two principal bases for effluent limitations in the Code of Federal Regulations. Section 122.44(a) requires that permits include applicable technology-based limitations and standards; and section 122.44(d) requires that permits include water quality-based effluent limitations to attain and maintain applicable numeric and narrative water quality criteria to protect the beneficial uses of the receiving water.

As most recently evaluated in *Coastal Environmental Rights Foundation v. Naples Restaurant Group, LLC* (2023 C.D. Cal.) \_\_\_F.Supp.3d \_\_\_ (Case No. 2:21-cv-09172-MCS-JEM), mortars constitute a point source from which discharges of residual firework

pollutants, such as debris and chemicals, may occur. This Order does not establish effluent limitations but requires BMPs and establishes prohibitions.

#### A. Discharge Prohibitions

Based on 40 CFR section 122.21(a) and Water Code section 13260, which require filing an application and Report of Waste Discharge before discharge can occur, Section IV.1. of the Order prohibits discharges of any waste at a location different from the location(s) listed in the NOA.

Based on California Water Code section 13263, which requires the Los Angeles Water Board to prescribe WDRs that prevent nuisance conditions, Section IV.2. of the Order prohibits discharge of pollutants so as to create pollution, contamination, or nuisance as defined by Water Code section 13050.

#### B. Technology Based Effluent Limitations

Section 301(b) of the CWA and implementing EPA permit regulations at 40 CFR section 122.44 require that permits include conditions meeting applicable technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet applicable water quality standards in the receiving water. The CWA requires USEPA to develop effluent limitations, guidelines and standards (ELGs). USEPA has not developed ELGs for this type of industry or discharge. Section 402(a)(1) of the CWA and section 125.3 of the CFR authorize the use of best professional judgment to derive technology-based effluent limitations on a case-by-case basis where ELGs are not available for certain industrial categories and/or pollutants of concern.

#### C. Water Quality Based Effluent Limitations

##### 1. Scope and Authority

Section 301(b) of the CWA and section 122.44(d) require that permits include limitations more stringent than applicable federal technology-based requirements where necessary to achieve applicable water quality standards in the receiving water.

##### 2. Applicable Beneficial Uses, and Water Quality Criteria and Objectives

Typical beneficial uses covered by this Order include the following:

- a. Inland surface waters above an estuary – municipal and domestic supply, industrial service and process supply, agricultural supply, groundwater recharge, freshwater replenishment, aquaculture, warm and cold freshwater habitats, inland saline water and wildlife habitats, water contact and noncontact recreation, fish migration, and fish spawning.
- b. Inland surface waters within and below an estuary – industrial service supply, marine and wetland habitats, estuarine and wildlife habitats, water contact and noncontact recreation, commercial and sport fishing, aquaculture, migration of aquatic organisms, fish migration, fish spawning, preservation of rare and endangered species, preservation of biological habitats, and shellfish harvesting.
- c. Coastal Zones (both nearshore and offshore) – industrial service supply, navigation, water contact and noncontact recreation, commercial and sport fishing, marine habitat, wildlife habitat, fish migration and spawning, shellfish harvesting, and rare, threatened, or endangered species habitat.

Water quality criteria and objectives to protect these beneficial uses are described below:

- a. Basin Plan - The Basin Plan specifies numerous water quality objectives to protect aquatic life, human health, and other beneficial uses. These objectives include the primary and secondary maximum contaminant levels for waters designated for use as domestic or municipal supply.
  - b. CTR - The CTR specifies numeric aquatic life and human health criteria for numerous priority pollutants. These criteria apply to inland surface waters and enclosed bays and estuaries. Some human health criteria are for consumption of “water and organisms” and others are for consumption of “organisms only.” Waters with the municipal or domestic supply beneficial use designation are subject to the “water and organisms” criteria.
  - c. Ocean Plan- The Ocean Plan specifies water quality objectives to protect the quality of ocean waters for use and enjoyment. The beneficial uses of the ocean waters that shall be protected include industrial, recreation, navigation, and aquatic life. This plan is applicable to both point sources and non-point sources of waste discharges to the ocean.
3. Determining the Need for WQBELs
- a. Available Information

The need for WQBELs in the Order is evaluated based on the pertinent EPA regulations and SIP requirements for a reasonable potential analysis (RPA). Available water quality information for the RPA includes data collected from fireworks water quality monitoring conducted in the Los Angeles Region (San Pedro Bay and Alamitos Bay Fireworks Water Quality Monitoring reports in 2017, 2018, and 2022) and the San Diego Region (Annual Fireworks Monitoring Reports, SeaWorld, 2013 – 2019).

The Los Angeles Water Board issued several Investigative Orders from 2017 to 2022, for July 4th-related firework display activities conducted at Boathouse on the Bay, Queen Mary and Big Bang on the Bay events in the Long Beach harbor area. The investigative orders required surface and depth-discrete water samples, which were collected and analyzed before and after firework displays. Post-event samples were taken at different depths of the receiving waters. Parameters typically found in fireworks were analyzed, including Arsenic, Barium, Cadmium, Chromium, Cobalt, Copper, Lead, Mercury, Molybdenum, Nickel, Potassium, Selenium, Silver, Thallium, Tin, Titanium, Vanadium, Zinc, bis-phthalate, Total Phosphorous, and Perchlorate. No statistically significant evidence from the post-event samples indicated that concentrations of the analyzed parameters were higher than those in the pre-event samples from any of the fireworks events.

Receiving water and sediment monitoring were conducted by SeaWorld San Diego (SeaWorld), from September 2012 through September 2018, to evaluate the potential impacts of its fireworks-related discharges to Mission Bay in the San Diego Region. The effects of SeaWorld’s fireworks displays on Mission Bay are representative of worst case conditions compared to the Los Angeles Region firework shows because SeaWorld conducts far more fireworks events each year than the few events typically scheduled within the Los Angeles Region, occurring primarily on major holidays, like the 4th of July or New Years holidays.

The table below presents the most stringent applicable water quality criteria and objectives and estimated receiving water concentrations for the receiving waters potentially affected by authorized fireworks discharges. Metals are expressed in total recoverable concentrations. There is no reasonable potential for any of the pollutants considered to exceed a water quality criterion or objective because the estimated receiving water concentrations do not exceed the most stringent criteria and objectives.

**Table F-3. Water Quality RPA (SeaWorld, 2012 – 2018)**

<b>Pollutant</b>	<b>Unit</b>	<b>Governing Criterion/Objective</b>	<b>Estimated Receiving Water Concentration</b>
Aluminum	µg/L	200	80
Antimony	µg/L	6.0	0.23
Barium	µg/L	1,000	10
Copper	µg/L	8.2	7.5
Iron	µg/L	300	32
Perchlorate	µg/L	6.0	2.5
Phosphorus, Total	µg/L	No criteria	250
Potassium	mg/L	No criteria	450
Strontium	mg/L	No criteria	8.4
Titanium	µg/L	No criteria	72
Zinc	µg/L	86	14

**b. Water Quality Objectives from Basin Plan**

TMDL-based Wasteload Allocations (WLAs) are the main water quality objectives in Basin Plan applicable to this Order. The Los Angeles Water Board developed TMDL-based WLAs for metals, nutrients, toxic organic compounds in the major rivers and its tributaries in the Los Angeles Water Board Region. Discharges to a receiving water with an established TMDL limitation are considered to have shown a reasonable potential for the pollutants to be present in the discharge at levels that would cause or contribute to a violation of water quality standards.

The Los Angeles Water Board is required to ensure that the effluent limitations in this Order are “consistent with the assumptions and requirements of any available wasteload allocation for the discharge.” (40 CFR section 122.44(d)(1)(vii)(B).) Although TMDLs apply to discharges authorized under this Order, none of the TMDLs for metals, nutrients, or toxic organic compounds or supporting staff reports indicate that discharges from the public fireworks displays authorized under this Order are significant sources of the relevant pollutants.

In addition, based on the relevant data gathered in the Los Angeles Region and the instantaneous, intermittent short-term nature of discharges from the public fireworks displays, the Los Angeles Water Board determined that discharges regulated under this Order meet section 122.44(d)(1)(vii)(B) requirements because (1) applicable TMDLs do

not identify specific waste load allocations for discharges from fireworks displays activities and these discharges do not significantly impact water quality, and (2) more stringent requirements than those included in this Order are not needed to address impairment of surface waters with TMDLs.

If the Executive Officer determines that any existing or any newly adopted WLAs must be implemented through TMDL-specific permit requirements for discharges from fireworks displays, the Discharger will be required to maintain enrollment under this Order until the Los Angeles Water Board issues an individual or general NPDES Permit for those discharges to which the WLAs apply. Alternatively, if future TMDLs are adopted that address pollutants that are likely to be in discharges from fireworks displays and allocate waste loads specifically to Dischargers regulated under this Order, the Los Angeles Water Board may consider adding TMDL-specific permit requirements to this Order in a subsequent permit amendment per the reopener provisions or during permit reissuance.

The Los Angeles Water Board has developed minerals water quality objectives for waterbodies in the Los Angeles Region. These water quality objectives do not require or contemplate a reasonable potential analysis at the permit development stage.

#### c. Water Quality Criteria from CTR

SIP section 1.3 sets forth the reasonable potential analysis (RPA) procedures used for this Order for assessing whether a priority pollutant in the CTR has reasonable potential to exceed a water quality objective. The same procedures are used as guidance for other firework pollutants of concern. There are three triggers in determining reasonable potential:

**Trigger 1** is activated if the maximum effluent concentration is greater than or equal to the lowest applicable water quality objective.

**Trigger 2** is activated if the receiving water concentration is greater than the lowest applicable water quality objective *and* the pollutant is detected in effluent.

**Trigger 3** is activated if a review of other information indicates that a WQBEL is needed to protect beneficial uses.

Additionally, Section 1.3 of the SIP recognizes that a reasonable potential analysis at the permit development stage is unnecessary if a TMDL has been developed and WLAs assigned to the discharge.

Trigger 1 is not applicable to the Order because the residual firework pollutants are present and dispersed over the receiving water after solid fireworks are delivered to the air. "Maximum effluent concentration" used in Trigger 1 does not exist in the fireworks context.

There are water quality impaired waterbodies in the Los Angeles Region in which concentrations of pollutants regulated under this Order are greater than the lowest applicable water quality objective. Since the Order covers residual firework pollutants discharges to any and all waterbodies in the Los Angeles Region, Trigger 2 is activated for all discharges under the Order.

There is no other information available indicating a WQBEL is needed to protect beneficial uses. Therefore, Trigger 3 is not activated.

#### 4. WQBEL Calculations

WQBELs in NPDES permits are generally calculated in the numeric form following procedures contained in EPA's *Technical Support Document for Water Quality-Based Toxics Control (TSD) of 1991* (USEPA/505 /2-90-001) and the SIP. When numeric effluent limitations are infeasible, in accordance with 40 CFR 122.44(k), best management practices shall be included in applicable NPDES permits to control or abate the discharge of pollutants. Since the residual firework pollutants are present only after the delivery of fireworks to air and are not in the form of liquid effluent, it is infeasible, pursuant to the TSD and/or SIP procedures, to calculate numerical effluent limitations for the residual firework pollutants discharge covered by the Order. Accordingly, applicable water quality criteria and objectives are translated to the narrative BMPs as permit conditions in the Order.

#### A. Final Effluent Limitation Considerations

##### 1. Anti-Backsliding Requirements

Sections 402(o) and 303(d)(4) of the CWA and federal regulations at 40 CFR 122.44(l) prohibit backsliding in NPDES permits. These anti-backsliding provisions require effluent limitations in a reissued permit to be as stringent as those in the previous permit, with some exceptions where limitations may be relaxed. There is no backsliding issue in the Order since it sets forth a first time NPDES permit to regulate the discharge of residual firework pollutants in the Los Angeles Region.

##### 2. Antidegradation Policies

The State Water Board established California's Antidegradation Policy in State Water Board Resolution No. 68-16. Resolution No. 68-16 incorporates the federal Anti-Degradation Policy where the federal policy applies under federal law. Resolution No. 68-16 requires that existing high quality of waters is maintained unless degradation is justified based on specific findings. The Los Angeles Water Board's Basin Plan implements, and incorporates by reference, both the state and federal policies.

In accordance with State Water Board Administrative Procedures Update No. 90-004, the potential for degradation is evaluated by comparing the receiving water quality likely to result from the new permit to the water quality baseline. The water quality baseline is the best receiving water quality that has existed since 1968 when considering Resolution No. 68-16 or since 1975 under the federal policy, unless subsequent lowering was due to regulatory action consistent with State and federal antidegradation policies. If poorer water quality was permitted, the most recent water quality resulting from permitted action is the baseline water quality. For purposes of this analysis, existing water quality is assumed to be the best that has existed since 1968 and 1975. Water quality in 1968 and 1975 was worse than it is now because most Clean Water Act controls, such as the secondary treatment standards for municipal wastewater treatment, were not yet in place. Fireworks displays have taken place, unregulated, for decades, and no poorer water quality has been permitted. Therefore, the permitted discharge under this Order is consistent with the federal Anti-Degradation provision of 40 CFR Section 131.12 and State Water Board Resolution No. 68-16 and will improve water quality in the Los Angeles Region by virtue of implementing discharge prohibitions and requiring BMPs that will reduce impacts of residual firework pollutants to surface waters.

##### 3. Stringency of Requirements for Individual Pollutants

This Order's restrictions on individual pollutants are no more stringent than required to implement Clean Water Act requirements.

This Order's requirements protect water quality standards, including beneficial uses and water quality objectives approved pursuant to federal law. EPA approved most Basin Plan beneficial uses and water quality objectives prior to May 30, 2000. Beneficial uses and water quality objectives submitted to EPA prior to May 30, 2000, but not approved by EPA before that date, are nonetheless "applicable water quality standards for purposes of the Clean Water Act" pursuant to 40 CFR 131.21(c)(1). EPA approved the remaining beneficial uses and water quality objectives, so they are applicable water quality standards pursuant to 40 CFR 131.21(c)(2).

## **V. RATIONALE FOR RECEIVING WATER LIMITATIONS**

Discharges covered under the Order must conform to applicable water quality standards and shall not cause an exceedance above any applicable narrative or numeric water quality objective in the receiving water, including but not limited to all applicable provisions contained in:

1. Water Board's Basin Plan, including beneficial uses, water quality objectives, and implementation plans;
2. State Water Board plans and policies for water and sediment quality control including:
  - a. Water Quality Control Plan for Control of Temperature in the Coastal and Interstate Waters and Enclosed Bays and Estuaries (Thermal Plan);
  - b. Water Quality Control Plan Ocean Waters of California (Ocean Plan), including beneficial uses, water quality objectives, and implementation plans;
  - c. Amendment to the Ocean Plan and Part I Trash Provisions of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California;
  - d. Water Quality Control Plan for Enclosed Bays and Estuaries of California – Sediment Quality Provisions (Sediment Quality Provisions), including the narrative objectives for sediment quality;
  - e. Water Quality Control Policy for the Enclosed Bays and Estuaries of California;
  - f. Policy for Implementation of Toxics Standards for Inland Surface Waters, and Enclosed Bays, and Estuaries of California; and
  - g. Statement of Policy with Respect to Maintaining High Quality of Waters in California (State Water Board Resolution No. 68-16);
3. Priority pollutant criteria promulgated by EPA through:
  - National Toxics Rule (NTR), 40 CFR 131.36, (promulgated on December 22, 1992, and amended on May 4, 1995, and November 9, 1999); and
  - California Toxics Rule (CTR), 65 Federal Register 31682-31719 (May 18, 2000), adding section 131.38 to 40 CFR.

## **VI. RATIONALE FOR PROVISIONS**

## A. Standard Provisions

40 CFR 122.41 provides conditions that apply to all NPDES permits. They are the Standard Provisions of this Order listed in Attachment D. The Dischargers enrolled in this Order permit shall comply with all the Standard Provisions as applicable.

40 CFR 123.25(a)(12) allows the state to omit or modify conditions to impose more stringent requirements. In accordance with 40 CFR 123.25, this Order omits federal conditions that address enforcement authority specified in 40 CFRs 122.41(j)(5) and (k)(2) because the enforcement authority under the California Water Code is more stringent. In lieu of these conditions, this Order incorporates by reference California Water Code section 13387(e).

Because the discharge of residual firework pollutants does not share typical attributes of facilities engaged in wastewater discharge, some Standard Provides in Attachment D, such as conditions on bypass and compliance schedules, are not applicable.

## B. Discharge Prohibitions

40 CFR 122.42 provides additional conditions applicable to specified categories of NPDES permits. In the NPDES permit regulation, these categories are specified as “Existing manufacturing, commercial, mining, and silvicultural dischargers”, “Publicly owned treatment works”, “Municipal separate storm sewer systems”, “Storm water discharges”, “Concentrated animal feeding operations”, and “Public notification requirements for CSO discharges to the Great Lakes Basin”. This Order does not fall within any of the specified categories and, therefore, does not include additional conditions.

## C. Special Prohibitions

In addition to conditions required for all and specified categories of NPDES permits, 40 CFR 122.43 requires establishment of conditions on a case-by-case basis, to provide for and ensure compliance with all applicable requirements of CWA and regulations. Special Provisions are established in this Order that apply to all discharges of residual firework pollutants to surface waters in the Los Angeles Region.

## D. Best Management Practices

As discussed in section IV. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS of the Factsheet, it is infeasible to establish numeric effluent limitations for the residual firework pollutant discharges from fireworks displays. Therefore, BMPs are required in lieu of effluent limitations to control and abate residual firework pollutant discharges and serve as special permit conditions in the Order, in accordance with 40 CFR section 122.44(k).

The BMPs are derived from 22 CCR section 67384.8, guidance targeting perchlorate-containing fireworks (see Massachusetts Department of Environmental Protection, Fireworks Best Environmental Management Practices, May 2011), NPDES orders governing fireworks in other regions, and other applicable authorities cited herein. These guidance and authorities are relevant to preventing, controlling, and responding to discharges associated with fireworks. The BMPs reflect best available technology economically achievable (BAT) and best practicable treatment control technology (BPT) to reduce or prevent discharges of pollutants in a manner that reflects best industry



practice, considering technological availability and economic practicability and achievability.

#### E. Reopener Provisions

Pursuant to 40 CFR 122.62, this Order may be modified, revoked and reissued, or terminated for cause. Reasons for modification may include new information on the impact of discharges regulated under this Order, promulgation of new effluent standards and/or regulations, adoption of new policies and/or water quality objectives, and/or new judicial decisions affecting requirements of this Order. In addition, if receiving water quality is threatened due to discharges covered under this Order, the Order may be reopened to incorporate more stringent requirements addressing the constituents creating the threat.

### VII. PUBLIC PARTICIPATION

The Los Angeles Water Board has considered the issuance of WDRs that will serve as a General NPDES permit for Discharges of Residual Firework Pollutants from Public Fireworks Displays to Surface Waters in Coastal Watersheds of Los Angeles and Ventura Counties. As a step in the WDR adoption process, the Los Angeles Water Board staff developed tentative WDRs. The Los Angeles Water Board encourages public participation in the WDR adoption process.

#### A. Notification of Interested Parties

The Los Angeles Water Board notified the Discharger and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and provided them with an opportunity to submit their written comments and recommendations. Notification was provided through email and public notice.

The public had access to the agenda and any changes in dates and locations through the Los Angeles Water Board's website at <http://www.waterboards.ca.gov/losangeles>.

#### B. Written Comments

Interested persons were invited to submit written comments concerning these tentative WDRs as provided through the notification process electronically at [losangeles@waterboards.ca.gov](mailto:losangeles@waterboards.ca.gov) with a copy to [Peter.ho@waterboards.ca.gov](mailto:Peter.ho@waterboards.ca.gov).

To be fully responded to and considered by the Los Angeles Water Board, written comments were due at the Los Angeles Water Board offices by 5:00 p.m. **on May 4, 2023**.

#### C. Public Hearing

The Los Angeles Water Board held a public hearing on the tentative WDRs during its regular Board meeting on the following date and time and at the following location:

Date: May 25, 2023  
Time: 9 AM  
Location: Junipero Serra Building (Carmel Room)  
320 West 4th Street, Los Angeles, CA 90013

A virtual platform was also available for those who wanted to join online. The directions were provided in the agenda to register or to view the Board meeting.

Additional information about the location of the hearing and options for participating are made available 10 days before the hearing. Any person desiring to receive future notices about any proposed Board action regarding this Discharger, please contact [Peter.ho@waterboards.ca.gov](mailto:Peter.ho@waterboards.ca.gov), to be included on the e-mail list.

Interested persons were invited to attend. At the public hearing, the Los Angeles Water Board heard testimony, if any, pertinent to the discharge, WDRs, and NPDES Permit. For accuracy of the record, important testimony was requested in writing.

#### D. Waste Discharge Requirements Petitions

Any person aggrieved by this action of the Los Angeles Water Board may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, Title 23, sections 2050 and following. The State Water Board must receive the petition by 5:00 p.m., within 30 calendar days of the date of adoption of this Order at the following address, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day:

State Water Resources Control Board  
Office of Chief Counsel  
P.O. Box 100, 1001 I Street  
Sacramento, CA 95812-0100

Or by email at [waterqualitypetitions@waterboards.ca.gov](mailto:waterqualitypetitions@waterboards.ca.gov)

For instructions on how to file a petition for review, see:

[http://www.waterboards.ca.gov/public\\_notices/petitions/water\\_quality/wqpetition\\_instr.shtml](http://www.waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml)

#### E. Information and Copying

The Tentative Permit and other information are on file and may be inspected at the address above at any time between 8:30 a.m. and 4:45 p.m., Monday through Friday. Copying of documents may be arranged through the Los Angeles Water Board by calling (213) 576-6651.

#### F. Register of Interested Persons

Any person interested in being placed on the mailing list for information regarding this Order was invited to contact the Los Angeles Water Board, reference this Order, and provide a name, address, and phone number.

#### G. Additional Information

Requests for additional information or questions regarding this Order should be directed to Peter Ho at (213) 620-2093 or at [Peter.ho@waterboards.ca.gov](mailto:Peter.ho@waterboards.ca.gov).