**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD**
**SAN FRANCISCO BAY REGION**
1515 Clay Street, Suite 1400, Oakland, California 94612
www.waterboards.ca.gov/sanfranciscobay

**ORDER R2-2026-XXXX**
**NPDES PERMIT CAG992001**

# GENERAL WASTE DISCHARGE REQUIREMENTS FOR DISCHARGE OF RESIDUAL FIREWORK POLLUTANTS FROM PUBLIC FIREWORKS DISPLAYS (FIREWORKS GENERAL PERMIT)

| | |
|---|---|
| This Order was adopted on: | **Month XX, 2026** |
| This Order shall become effective on: | **August 1, 2026** |
| This Order shall expire on: | **July 31, 2031** |
| CIWQS regulatory measure number: | **XXXXXX** |

To obtain coverage under this Order, prospective dischargers must submit the Notice of Intent (NOI) form shown in Attachment B and a filing fee equivalent to the first year's annual fee. Discharge is not authorized until the California Regional Water Quality Control Board, San Francisco Bay Region (Regional Water Board), Executive Officer issues an Authorization to Discharge. Authorized dischargers that intend to continue discharging after this Order's expiration date shall file a new NOI form no later than **November 3, 2030**.

The U.S. Environmental Protection Agency (U.S. EPA) and the Regional Water Board have classified discharges under this general National Pollutant Discharge Elimination System (NPDES) permit (General Permit) as "**minor**."

I do hereby certify that this Order with all attachments is a full, true, and correct copy of the Order adopted by the Regional Water Board on the date indicated above.

Eileen White, Executive Officer

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## ATTACHMENTS

# 1. GENERAL PERMIT SCOPE

These general waste discharge requirements (WDRs) shall serve as an NDPES General Permit for discharges of residual firework pollutants associated with public fireworks displays to surface waters, such as creeks, streams, rivers (including flood control canals), lakes, and San Francisco Bay.

## 1.1. Discharges Not Covered by this General Permit

This Order does not apply to the following types of discharges:

1.1.1. Discharges from individuals who use fireworks;

1.1.2. Discharges to the Pacific Ocean;

1.1.3. Discharges covered under an individual NPDES permit or WDRs; or

1.1.4. Discharges to sanitary and storm sewer systems.

# 2. FINDINGS

**2.1. Legal Authorities.** This Order serves as general WDRs pursuant to California Water Code article 4, chapter 4, division 7 (commencing with § 13260). This Order also serves as a general NPDES permit issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by U.S. EPA and Water Code chapter 5.5, division 7 (commencing with § 13370). The Regional Water Board has authority to issue general WDRs under Water Code section 13263, subdivision (i) and issue general NPDES permits under 40 C.F.R. section 122.28.

**2.2. Background and Rationale for Requirements.** The Regional Water Board developed the requirements in this Order based on information submitted as part of the application process, information obtained through monitoring and reporting programs, and other available information. The Fact Sheet (Attachment F) contains background information and rationale for the requirements in this Order and is hereby incorporated into and constitutes findings for this Order. Attachments A through D are also incorporated into this Order.

**2.3. Provisions and Requirements Implementing State Law. Discharge** Prohibition 3.2 and the receiving water limitation in provision 5 are included to implement state law only. These provisions are not required or authorized under federal CWA; consequently, violation of this prohibition is not subject to the enforcement remedies that are available for NPDES violations.

**2.4. Notification of Interested Parties.** The Regional Water Board notified prospective enrollees and interested agencies and persons of its intent to prescribe these WDRs, and has provided an opportunity to submit written comments and recommendations. Fact Sheet section 7.1 provides details regarding the notification.

**2.5. Provisions and Requirements Implementing State Law.** Discharge Prohibition 3.2 and the receiving water limitations in section 5 of this Order are included to implement state law only. Discharge prohibition 3.2 and the receiving water limitations in section 5 are not required or authorized under the federal CWA; consequently, violation of this prohibition and the receiving water limitations in section 5 are not subject to the enforcement remedies that are available for NPDES violations.

**2.6. Consideration of Public Comment.** The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge. Fact Sheet section 7.4 provides details regarding the public hearing.

THEREFORE, IT IS HEREBY ORDERED that Order R2-2020-0021 is rescinded upon the effective date of this Order, except for enforcement purposes, and, in order to meet the provisions contained in Water Code division 7 (commencing with § 13000) and regulations adopted thereunder, and the provisions of the CWA and regulations and guidelines adopted thereunder, the Discharger shall comply with the requirements in this Order. This action in no way prevents the Regional Water Board from taking enforcement action for violations of the previous orders.

## 3. DISCHARGE PROHIBITIONS

**3.1.** Discharge of waste at a location or in a manner different than described in an NOI and Authorization to Discharge is prohibited.

**3.2.** Discharge of pollutants shall not create nuisance as defined by California Water Code section 13050.

## 4. EFFLUENT LIMITATIONS

The Discharger shall implement best management practices in accordance with Provision 6.3.

## 5. RECEIVING WATER LIMITATIONS

Discharges shall not cause an exceedance of the aquatic toxicity objectives specified in section II.C of the *State Policy for Water Quality Control: Toxicity Provisions* (Toxicity Provisions) in the receiving waters.

## 6. PROVISIONS

### 6.1. Standard Provisions

6.1.1. The Discharger shall comply with all “Standard Provisions” in Attachment D of this Order, as applicable (e.g., Attachment D provisions 1.7, 5.4, and 7.2 do not apply).

6.1.2. If there is any conflict, duplication, or overlap between provisions in this Order, the more stringent provision shall apply.

## 6.2. Special Provisions

6.2.1. **Reopener Provisions.** The Regional Water Board may modify or reopen this Order prior to its expiration date in any of the following circumstances as allowed by law or as otherwise authorized by law. A Discharger may request a permit modification based on any of these circumstances. With any such request, the Discharger shall include antidegradation and anti-backsliding analyses as necessary.

6.2.1.1. If present or future investigations demonstrate that the discharges governed by this Order have or will have a reasonable potential to cause or contribute to adverse impacts on water quality or beneficial uses of the receiving waters;

6.2.1.2. If new or revised water quality objectives or total maximum daily loads (TMDLs) come into effect for San Francisco Bay or contiguous water bodies (whether statewide, regional, or site-specific). In such cases, effluent limitations in this Order may be modified as necessary to reflect the updated water quality objectives or wasteload allocations. Adoption of the effluent limitations in this Order is not intended to restrict in any way future modifications based on legally adopted water quality objectives or TMDLs or as otherwise permitted under federal regulations governing NPDES permit modifications;

6.2.1.3. If metal translator, dilution, or other water quality studies provide a basis for determining that a permit condition should be modified;

6.2.1.4. If a State Water Board precedential decision, new policy, new law, or new regulation is adopted; or

6.2.1.5. If an administrative or judicial decision on a separate NPDES permit or WDRs addresses requirements similar to this discharge.

6.2.1.6. To revise the aquatic toxicity provisions, if the California Supreme Court determines that the Test of Significant Toxicity cannot be used in NPDES permits and the State Water Board suspends or revises the aquatic toxicity water quality standards.

6.2.2. **Application for General Permit Coverage and Authorization to Discharge**

6.2.2.1. **Notice of Intent (NOI).** A prospective Discharger seeking an Authorization to Discharge pursuant to this Order shall complete and submit the NOI form in Attachment B of this Order and include all applicable documentation (e.g., Best Management Practices Plan). The NOI shall be submitted at least 30 days before any planned discharge. A prospective Discharger seeking

coverage for similar discharges from multiple events or multiple locations may complete one NOI form that describes all proposed discharges. A Discharger may be the fireworks event host, fireworks display operator, or any other entity that agrees to be responsible for compliance with all conditions specified in this Order. The Executive Officer may modify the NOI form in Attachment B or require additional information prior to authorizing any discharge. Dischargers authorized to discharge under the previous order that submitted an NOI form at the end of the previous order term need not submit a new NOI form to renew their Authorization to Discharge.

6.2.2.2. **Authorization to Discharge.** If the Executive Officer concludes that a proposed or previously authorized discharge is eligible for coverage under this Order, the Executive Officer will issue an Authorization to Discharge. Upon the effective date of the Authorization of Discharge, the Discharger shall comply with the requirements of this Order. Any non-compliance with this Order's requirements shall constitute a violation of the CWA and Water Code and may be grounds for one or more of the following: enforcement; termination, revocation and reissuance, or modification of the Authorization to Discharge; issuance of an individual permit; or denial of an application for reissuance.

6.2.2.3. **NOI Modifications.** A Discharger may modify its NOI by submitting a revised NOI at least 30 days before it proposes to implement changes. The Discharger shall include a letter describing the changes, their purpose, when they are to go into effect, and any new or additional measures taken or planned to prevent potential non-compliance with this Order's requirements. If the Executive Officer concludes that the modifications warrant modifications to the Authorization to Discharge, the Executive Officer will issue a modified Authorization to Discharge.

6.2.2.4. **Discharge Termination.** A Discharger may terminate coverage under this Order by submitting a letter requesting permit coverage rescission and stating the reason for termination. When an individual NPDES permit is issued to a Discharger otherwise subject to this Order, the applicability of this Order to the individual NPDES permittee automatically terminates on the effective date of the individual permit. The Executive Officer may also require a Discharger covered under this Order to apply for and obtain an individual NPDES permit for any of the causes specified for an individual permit as set forth in 40 C.F.R. section 122.28(b)(3) as described in section 6.2.2.5 of this Order.

6.2.2.5. **Need for Individual NPDES Permit.** The Executive Officer may require any Discharger authorized to discharge pursuant to this Order to subsequently apply for and obtain an individual NPDES permit in the following circumstances:

6.2.2.5.1. The Discharger is not in compliance with the requirements of this Order;

6.2.2.5.2. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants from the facility;

6.2.2.5.3. Effluent limitation guidelines are promulgated for the discharges covered by this Order;

6.2.2.5.4. A new or revised water quality control plan containing requirements applicable to the discharge is approved;

6.2.2.5.5. A new or revised water quality control plan containing requirements applicable to the discharges covered by this Order is approved; or

6.2.2.5.6. Any other condition specified in 40 C.F.R. section 122.28(b)(3) is met.

### 6.3. Best Management Practices (BMPs)

Prior to commencing discharge pursuant to this Order, the Discharger shall prepare and implement a Best Management Practices Plan (BMPs Plan) that describes steps to ensure that residual firework pollutant discharges will not adversely affect receiving waters. The BMPs Plan shall include the following elements:

6.3.1. **Discharge Characterization.** Describe activities conducted within the firing range, potential pollutant sources associated with each activity, and the nature of the pollutants that could be discharged.

6.3.2. **BMP Identification.** Describe the BMPs to be implemented to control pollutant discharges, including BMPs for each potential pollutant source that represent the best available technology that is economically achievable. Describe the anticipated effectiveness of each BMP. Consider, and include as appropriate, the following:

6.3.2.1. Preventative BMPs – measures to reduce or eliminate the generation of pollutants and waste;

6.3.2.2. Control BMPs – measures to control or manage pollutants and waste after they are generated and before they come in to contact with water; and

6.3.2.3. Response BMPs – measures to respond to discharges with containment control, or cleanup measures to minimize the potential adverse effects of pollutant discharge.

6.3.3. **BMP Implementation.** Implement each of the following minimum BMPs to the extent practicable and economically achievable:

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

6.3.3.2. Use propellants that burn cleaner, produce less smoke, and reduce residual firework pollutant loading to surface waters;

6.3.3.3. Select firing range locations and designs that reduce residual firework pollutant discharges;

6.3.3.4. 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;

6.3.3.5. Inspect each firework launch area for potential safety issues on an ongoing basis;

6.3.3.6. Perform visual observations and monitoring activities to assess BMP performance;

6.3.3.7. 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 firework launch areas;

6.3.3.8. As soon as practicable and no later than 24 hours after fireworks displays, collect, remove, and manage fireworks debris, particulate matter, and waste from within the design firing ranges for all firework launch areas;

6.3.3.9. As soon as practicable, properly dispose of fireworks debris, particulate matter, and waste collected from within the design firing ranges for all firework launch areas; and

6.3.3.10. As soon as practicable after fireworks displays, conduct BMP effectiveness evaluations.

6.3.4. **Employee Training.** Ensure that all personnel implementing the BMPs Plan are properly trained regarding BMP implementation. Identify the personnel to be trained, their responsibilities, and the type of training they are to receive.

6.3.5. **Record Keeping.** Develop and implement management procedures to track and record implementation of the BMPs required by Provisions 6.3.2 and 6.3.3 and the training required by Provision 6.3.4, and maintain implementation records for a minimum of five years.

6.3.6. **Annual Evaluation.** At least once each calendar year, evaluate the effectiveness of the BMPs Plan, update the BMPs Plan as appropriate, and describe any revisions in the self-monitoring report required by Provision 6.4.3.

### 6.4. Reporting Provisions

6.4.1. **Firework Display Notifications.** At least 7 calendar days prior to each fireworks display, the Discharger shall notify the Regional Water Board, via

email to R2NPDES.GeneralPermits@waterboards.ca.gov, of its intent to conduct a public fireworks display so Regional Water Board staff may inspect the site and evaluate compliance with this Order. The Discharger shall provide a date, time, location, and contact information for the fireworks display and post-firework display cleanup activities.

6.4.2. **Firework Display Reports.** The Discharger shall complete and maintain a Fireworks Display Report (see Attachment C) for each fireworks display within 14 calendar days following each fireworks display. Fireworks Display Reports shall be provided to the Regional Water Board upon request and shall be submitted with the self-monitoring reports required by Provision 6.4.3.

6.4.3. **Self-Monitoring Reports**

6.4.3.1. **Format.** The Discharger shall submit self-monitoring reports (SMRs) via email to R2NPDES.GeneralPermits@waterboards.ca.gov. At any time during the term of this Order, the State Water Board or Regional Water Board may notify the Discharger to electronically submit SMRs using the State Water Board's California Integrated Water Quality System (CIWQS) website (http://www.waterboards.ca.gov/ciwqs/index.html). The CIWQS website will provide additional information for SMR submittal in the event of a planned service interruption.

6.4.3.2. **Due Dates and Contents.** The Discharger shall submit SMRs annually by February 15 each year, covering the previous calendar year (January 1 through December 31). If there has been no discharge during the year, the Discharger must still submit an SMR to report the status of the discharge. SMRs shall contain the items described below:

6.4.3.2.1. Transmittal letter that includes the following:

6.4.3.2.1.1. CIWQS Identification Number shown in the Authorization to Discharge;

6.4.3.2.1.2. List of fireworks displays and their locations, if any, held during the calendar year;

6.4.3.2.1.3. Clear identification of any violations of this Order or clear statement that there were no violations;

6.4.3.2.1.4. Detailed description of any violations, their causes, 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);

6.4.3.2.1.5. Statement that annual fee has been paid; and

6.4.3.2.1.6. Signature in accordance with Attachment D section 5.2.

6.4.3.2.2. Fireworks Display Report (see Attachment C) for each fireworks display.

6.4.3.2.3. Comprehensive discussion of performance and compliance, 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.

6.4.3.2.4. Documentation that the Discharger evaluated and updated its BMPs Plan, as appropriate, in accordance with Provision 5.4.6, including evaluation dates, personnel who performed the evaluations, and descriptions of any revisions.

6.4.4. **Discharge Monitoring Reports.** The Discharger shall submit Discharge Monitoring Reports (DMRs) in accordance with Attachment D section 5.3.2 if instructed to do so by the State Water Board or Regional Water Board.

6.4.5. **Violations and Unauthorized Discharges**

6.4.5.1. The Discharger shall report by telephone and email to Regional Water Board staff who oversees the implementation of this Order (Authorizations to Discharge will identify the staff contact) within 24 hours of becoming aware of a violation of this Order.

6.4.5.2. The Discharger shall report spills or unauthorized discharges to the California Office of Emergency Services (telephone 800-852-7550) when spills meet or exceed applicable reportable quantities for hazardous materials.

6.4.5.3. The Discharger shall submit a written report to the Regional Water Board within five calendar days following the telephone and email notification described above unless directed otherwise by Regional Water Board staff in writing. Electronic submittal is acceptable. The report shall include the following:

6.4.5.3.1. Date, time, and duration of violation;

6.4.5.3.2. Location of violation (map, street address, and description of location);

6.4.5.3.3. Nature of violation;

6.4.5.3.4. Volume and quantity of any material involved;

6.4.5.3.5. Affected receiving water, if any;

6.4.5.3.6. Cause of violation;

6.4.5.3.7. Estimated size of affected area;

6.4.5.3.8. Observed receiving water impacts (e.g., oil sheen, fish kill, water discoloration);

6.4.5.3.9. Actions taken to correct violation or to contain, minimize, or clean up discharges;

6.4.5.3.10. Future corrective actions planned to prevent recurrence and implementation schedule; and

6.4.5.3.11. Persons or agencies notified.

# ATTACHMENT A – DEFINITIONS AND ABBREVIATIONS

## 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 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 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]).

**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, skyrockets, 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.

**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).

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

**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 Regional 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 flashes 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.

## ABBREVIATIONS

**lbs -** pounds

**mg/L** - milligrams per liter

**µg/L** - micrograms per liter

# ATTACHMENT B – NOTICE OF INTENT FORM

This NOTICE OF INTENT form shall be completed and submitted to apply for authorization or reauthorization to discharge under the Groundwater General Permit, NPDES Permit CAG912002.

## 1. DISCHARGER INFORMATION AND CERTIFICATION

The following certification shall be signed in accordance with Attachment D section 5.2. The Discharger hereby agrees to comply with and be responsible for all conditions specified in NPDES Permit CAG912002.

| | | | |
|---|---|---|---|
| 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 C.F.R. § 122.22(d).) | | | |
| Signature: | | Date: | |
| Printed Name: | | Title: | |
| Discharger Name: | | Email Address: | |
| Mailing Address: | | Phone Number: | |
| Discharger Type: | ☐ Public<br>☐ Private | ☐ New Discharger<br>☐ Former Discharger | |
| Duly Authorized Representative (DAR): 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 5.2.3. 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. | | | |
| DAR Name: | | Title: | |
| DAR Affiliation: | | Email Address: | |
| Discharge Location Address (for fixed location): | | Facility Name (for fixed location): | |

## 2. BILLING INFORMATION

| | | | |
|---|---|---|---|
| Billing Name: | | | |
| Mailing Address: | | | |
| Contact Name: | | Phone Number: | |
| Email Address: | | | |

## 3. DISCHARGE INFORMATION

| | | | |
|---|---|---|---|
| Discharge Location Type: | ☐ Single<br>☐ Multiple | | |
| Receiving Water Name(s): | | | |
| Latitude [1] | | Longitude [1] | |

1. For a single discharge location, submit latitude and longitude coordinates in decimal degrees with 5 figures to the right of the decimal point.

## 4. BEST MANAGEMENT PRACTICES PLAN

Attach a Best Management Practices Plan (BMPs Plan) as described in Provision 6.3 of the Order.

## 5. APPLICATION FEE AND MAILING INSTRUCTIONS

Submit application fee by check payable to “State Water Resources Control Board” to this address:

San Francisco Bay Regional Water Quality Control Board
Attn: NPDES Wastewater Division
1515 Clay Street, Suite 1400
Oakland, CA 94612

For the current fee, see the current Water Quality Fee Schedule at https://www.waterboards.ca.gov/resources/fees/water_quality/. Discharges covered by this permit are “Category 3” discharges for purposes of California Code of Regulations Title 23, Division 3, Chapter 9, subchapter 1, § 2200(b)(10).

Submit this form (with signature and attachments) via email to R2NPDES.GeneralPermits@waterboards.ca.gov or as otherwise indicated by the corresponding permit at www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/general_permits.shtml.

# ATTACHMENT C– FIREWORKS DISPLAY REPORT FORM

This Fireworks Display Report shall be completed no later than 14 calendar days following each fireworks display. The Discharger may attach additional information as necessary. Fireworks Display Reports shall be made available to the Regional Water Board upon request and shall be submitted with self-monitoring reports in accordance with Provision 6.5.3 of the Order.

## 1. EVENT INFORMATION

| | | | |
|---|---|---|---|
| Discharger Name: | | | |
| Event Name: | | | |
| Contact Person Name: | | | |
| Phone Number: | | Email Address: | |
| Event Location Address: | | | |
| Latitude: | | Longitude: | |
| Receiving Water Name: | | | |
| Event Date: | | | |
| Event Start Time (hh:mm): | | Event End Time (hh:mm): | |

## 2. FIRING RANGE MAP

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

## 3. PYROTECHNIC OPERATORS

| NAME | LICENSE NUMBER | LICENSE ISSUE DATE | LICENSE EXPIRATION DATE |
|---|---|---|---|
| | | | |
| | | | |

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| | | | |
| | | | |

## 4. FIREWORKS INFORMATION

| | | | |
|---|---|---|---|
| Number of Aerial Fireworks Used: | | Maximum Shell Size Used (inches): | |
| Number of Low Level Fireworks Used: | | Type (check all that apply): | ☐ Mines<br>☐ Romans<br>☐ Comets<br>☐ Cakes |
| Number of Set Piece Fireworks: | | Type (check all that apply): | ☐ Sets<br>☐ Devices |
| Net Explosive Weight (lbs) | | | |
| Were alternative fireworks used? | ☐ Yes<br>☐ No | | |
| Were the entire firing range (including the fireworks launching area and adjacent shorelines, 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? | | | |
| ☐ Yes<br>☐ No (if No, explain): | | | |

| | | | | | |
|---|---|---|---|---|---|
| Cleanup Date: | | Cleanup Start Time (hh:mm): | | Cleanup End Time (hh:mm) | |

| | | | |
|---|---|---|---|
| Waste collected from receiving water (lbs, wet weight): | | Dry Weight (lbs): | |
| Waste Collected from areas other than receiving water (lbs wet weight): | | Dry Weight (lbs): | |
| Total Weight (lbs wet weight): | | Total Weight (lbs dry weight): | |

## 5. 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: | | | |
| Mailing Address: | | | |
| Email Address: | | Phone Number: | |

# ATTACHMENT D – STANDARD PROVISIONS

## CONTENTS

# ATTACHMENT D – STANDARD PROVISIONS

## 1. STANDARD PROVISIONS – PERMIT COMPLIANCE

### 1.1. Duty to Comply

1.1.1. The Discharger must comply with all of the terms, requirements, and conditions of this Order. Any noncompliance constitutes a violation of the Clean Water Act (CWA) and the California Water Code and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; denial of a permit renewal application; or a combination thereof. (40 C.F.R. § 122.41(a); Wat. Code, §§ 13261, 13263, 13265, 13268, 13000, 13001, 13304, 13350, 13385.)

1.1.2. The Discharger shall comply with effluent standards or prohibitions established under CWA section 307(a) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Order has not yet been modified to incorporate the requirement. (40 C.F.R. § 122.41(a)(1).)

### 1.2. 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 C.F.R. § 122.41(c).)

### 1.3. 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 C.F.R. § 122.41(d).)

### 1.4. 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) that are installed or used by the Discharger to achieve compliance with the conditions of this Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. 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 C.F.R. § 122.41(e).)

### 1.5. Property Rights

1.5.1. This Order does not convey any property rights of any sort or any exclusive privileges. (40 C.F.R. § 122.41(g).)

1.5.2. 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 C.F.R. § 122.5(c).)

## 1.6. Inspection and Entry

The Discharger shall allow the Regional Water Board, State Water Board, U.S. 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. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i); Wat. Code, §§ 13267, 13383):

1.6.1. 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. § 1318(a)(4)(B)(i); 40 C.F.R. § 122.41(i)(1); Wat. Code, §§ 13267, 13383);

1.6.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order (33 U.S.C. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(2); Wat. Code, §§ 13267, 13383);

1.6.3. 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. § 1318(a)(4)(B)(ii); 40 C.F.R. § 122.41(i)(3); Wat. Code, §§ 13267, 13383); and

1.6.4. Sample or monitor, at reasonable times, for the purposes of ensuring Order compliance or as otherwise authorized by the CWA or the Water Code, any substances or parameters at any location. (33 U.S.C. § 1318(a)(4)(B); 40 C.F.R. § 122.41(i)(4); Wat. Code, §§ 13267, 13383.)

## 1.7. Bypass

### 1.7.1. Definitions

1.7.1.1. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. (40 C.F.R. § 122.41(m)(1)(i).)

1.7.1.2. “Severe property damage” means substantial physical damage to property; damage to the treatment facilities, which causes them to become inoperable; or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production. (40 C.F.R. § 122.41(m)(1)(ii).)

1.7.2. **Bypass not exceeding limitations.** The Discharger may allow any bypass to occur that does not cause exceedances of effluent limitations, but only if it is for essential maintenance to ensure efficient operation. These bypasses are not

subject to the provisions listed in Standard Provisions – Permit Compliance sections 1.7.3, 1.7.4, and 1.7.5 below. (40 C.F.R. § 122.41(m)(2).)

1.7.3. **Prohibition of bypass.** Bypass is prohibited, and the Regional Water Board may take enforcement action against a Discharger for bypass, unless (40 C.F.R. § 122.41(m)(4)(i)):

1.7.3.1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage (40 C.F.R. § 122.41(m)(4)(i)(A));

1.7.3.2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance (40 C.F.R. § 122.41(m)(4)(i)(B)); and

1.7.3.3. The Discharger submitted notice to the Regional Water Board as required under Standard Provisions – Permit Compliance section 1.7.5 below. (40 C.F.R. § 122.41(m)(4)(i)(C).)

1.7.4. **Approval.** The Regional Water Board may approve an anticipated bypass, after considering its adverse effects, if the Regional Water Board determines that it will meet the three conditions listed in Standard Provisions – Permit Compliance section 1.7.3 above. (40 C.F.R. § 122.41(m)(4)(ii).)

1.7.5. **Notice**

1.7.5.1. **Anticipated bypass.** If the Discharger knows in advance of the need for a bypass, it shall submit prior notice, if possible, at least 10 days before the date of the bypass. The notice shall be sent to the Regional Water Board. As of December 21, 2028, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10 below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(i).)

1.7.5.2. **Unanticipated bypass.** The Discharger shall submit a notice of an unanticipated bypass as required in Standard Provisions – Reporting section 5.5 below (24-hour notice). The notice shall be sent to the Regional Water Board. As of December 21, 2028, a notice shall also be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10 below. Notices shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(m)(3)(ii).)

### 1.8. Upset

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Discharger. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. (40 C.F.R. § 122.41(n)(1).)

1.8.1. **Effect of an upset.** An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Standard Provisions – Permit Compliance section 1.8.2 below are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review. (40 C.F.R. § 122.41(n)(2).)

1.8.2. **Conditions necessary for a demonstration of upset.** A Discharger who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that (40 C.F.R. § 122.41(n)(3)):

1.8.2.1. An upset occurred and that the Discharger can identify the cause(s) of the upset (40 C.F.R. § 122.41(n)(3)(i));

1.8.2.2. The permitted facility was, at the time, being properly operated (40 C.F.R. § 122.41(n)(3)(ii));

1.8.2.3. The Discharger submitted notice of the upset as required in Standard Provisions – Reporting section 5.5.2.2 below (24-hour notice) (40 C.F.R. § 122.41(n)(3)(iii)); and

1.8.2.4. The Discharger complied with any remedial measures required under Standard Provisions – Permit Compliance section 1.3 above. (40 C.F.R. § 122.41(n)(3)(iv).)

1.8.3. **Burden of proof.** In any enforcement proceeding, the Discharger seeking to establish the occurrence of an upset has the burden of proof. (40 C.F.R. § 122.41(n)(4).)

## 2. STANDARD PROVISIONS – PERMIT ACTION

### 2.1. 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 C.F.R. § 122.41(f).)

### 2.2. 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 C.F.R. § 122.41(b).)

### 2.3. Transfers

This Order is not transferable to any person except after notice to the Regional Water Board. The Regional 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 Water Code. (40 C.F.R. §§ 122.41(l)(3), 122.61.)

## 3. STANDARD PROVISIONS – MONITORING

**3.1.** Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. (40 C.F.R. § 122.41(j)(1).)

**3.2.** Monitoring must be conducted according to test procedures approved under 40 C.F.R. part 136 for the analyses of pollutants unless another method is required under 40 C.F.R. chapter 1, subchapter N. Monitoring must be conducted according to sufficiently sensitive test methods approved under 40 C.F.R. part 136 for the analysis of pollutants or pollutant parameters or as required under 40 C.F.R. chapter 1, subchapter N. For the purposes of this paragraph, a method is sufficiently sensitive when:

3.2.1. The method minimum level (ML) is at or below the level of the most stringent effluent limitation established in the permit for the measured pollutant or pollutant parameter, and either the method ML is at or below the level of the most stringent applicable water quality criterion for the measured pollutant or pollutant parameter or the method ML is above the applicable water quality criterion but the amount of the pollutant or pollutant parameter in the facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

3.2.2. The method has the lowest ML of the analytical methods approved under 40 C.F.R. part 136 or required under 40 C.F.R. chapter 1, subchapter N, for the measured pollutant or pollutant parameter.

**3.3.** In the case of pollutants or pollutant parameters for which there are no approved methods under 40 C.F.R. part 136 or otherwise required under 40 C.F.R. chapter 1, subchapter N, monitoring must be conducted according to a test procedure specified in this Order for such pollutants or pollutant parameters. (40 C.F.R. §§ 122.21(e)(3), 122.41(j)(4), 122.44(i)(1)(iv).)

## 4. STANDARD PROVISIONS – RECORDS

**4.1.** The Discharger shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, 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 Regional Water Board Executive Officer at any time. (40 C.F.R. § 122.41(j)(2).)

**4.2.** Records of monitoring information shall include:

4.2.1. The date, exact place, and time of sampling or measurements (40 C.F.R. § 122.41(j)(3)(i));

4.2.2. The individual(s) who performed the sampling or measurements (40 C.F.R. § 122.41(j)(3)(ii));

4.2.3. The date(s) analyses were performed (40 C.F.R. § 122.41(j)(3)(iii));

4.2.4. The individual(s) who performed the analyses (40 C.F.R. § 122.41(j)(3)(iv));

4.2.5. The analytical techniques or methods used (40 C.F.R. § 122.41(j)(3)(v)); and

4.2.6. The results of such analyses. (40 C.F.R. § 122.41(j)(3)(vi).)

**4.3.** Claims of confidentiality for the following information will be denied (40 C.F.R. § 122.7(b)):

4.3.1. The name and address of any permit applicant or Discharger (40 C.F.R. § 122.7(b)(1)); and

4.3.2. Permit applications and attachments, permits, and effluent data. (40 C.F.R. § 122.7(b)(2).)

## 5. STANDARD PROVISIONS – REPORTING

### 5.1. Duty to Provide Information

The Discharger shall furnish to the Regional Water Board, State Water Board, or U.S. EPA within a reasonable time, any information that the Regional Water Board, State Water Board, or U.S. 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 Regional Water Board, State Water Board, or U.S. EPA copies of records required to be kept by this Order. (40 C.F.R. § 122.41(h); Wat. Code, §§ 13267, 13383.)

## 5.2. Signatory and Certification Requirements

5.2.1. All applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed and certified in accordance with Standard Provisions – Reporting sections 5.2.2, 5.2.3, 5.2.4, 5.2.5, and 5.2.6 below. (40 C.F.R. § 122.41(k).)

5.2.2. For a corporation, all permit applications shall be signed by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (1) 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 (2) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that 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 ensure 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 C.F.R. § 122.22(a)(1).)

For a partnership or sole proprietorship, all permit applications shall be signed by a general partner or the proprietor, respectively. (40 C.F.R. § 122.22(a)(2).)

For a municipal, state, federal, or other public agency, all permit applications shall be signed by either a principal executive officer or ranking elected official. For purposes of this provision, a principal executive officer of a federal agency includes (1) the chief executive officer of the agency, or (2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of U.S. EPA). (40 C.F.R. § 122.22(a)(3).).

5.2.3. All reports required by this Order and other information requested by the Regional Water Board, State Water Board, or U.S. EPA shall be signed by a person described in Standard Provisions – Reporting section 5.2.2 above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

5.2.3.1. The authorization is made in writing by a person described in Standard Provisions – Reporting section 5.2.2 above (40 C.F.R. § 122.22(b)(1));

5.2.3.2. 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 C.F.R. § 122.22(b)(2)); and

5.2.3.3. The written authorization is submitted to the Regional Water Board and State Water Board. (40 C.F.R. § 122.22(b)(3).)

5.2.4. If an authorization under Standard Provisions – Reporting section 5.2.3 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 section 5.2.3 above must be submitted to the Regional Water Board and State Water Board prior to or together with any reports, information, or applications to be signed by an authorized representative. (40 C.F.R. § 122.22(c).)

5.2.5. Any person signing a document under Standard Provisions – Reporting section 5.2.2 or 5.2.3 above shall make the following 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." (40 C.F.R. § 122.22(d).)

5.2.6. Any person providing the electronic signature for documents described in Standard Provisions – Reporting sections 5.2.1, 5.2.2, or 5.2.3 that are submitted electronically shall meet all relevant requirements of Standard Provisions – Reporting section 5.2, and shall ensure that all relevant requirements of 40 C.F.R. part 3 (Cross-Media Electronic Reporting) and 40 C.F.R. part 127 (NPDES Electronic Reporting Requirements) are met for that submission. (40 C.F.R § 122.22(e).)

### 5.3. Monitoring Reports

5.3.1. Monitoring results shall be reported at the intervals specified in the Monitoring and Reporting Program (Attachment E) in this Order. (40 C.F.R. § 122.41(l)(4).)

5.3.2. Monitoring results must be reported on a Discharge Monitoring Report (DMR) form or forms provided or specified by the Regional Water Board or State Water Board. All reports and forms must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10 and comply

with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. (40 C.F.R. § 122.41(l)(4)(i).)

5.3.3. If the Discharger monitors any pollutant more frequently than required by this Order using test procedures approved under 40 C.F.R. part 136, or another method required for an industry-specific waste stream under 40 C.F.R. chapter 1, subchapter N, the results of such monitoring shall be included in the calculation and reporting of the data submitted in the DMR or reporting form specified by the Regional Water Board or State Water Board. (40 C.F.R. § 122.41(l)(4)(ii).)

5.3.4. Calculations for all limitations that require averaging of measurements shall utilize an arithmetic mean unless otherwise specified in this Order. (40 C.F.R. § 122.41(l)(4)(iii).)

## 5.4. Compliance Schedules

Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Order shall be submitted no later than 14 days following each schedule date. (40 C.F.R. § 122.41(l)(5).)

## 5.5. Twenty-Four Hour Reporting

5.5.1. 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 report shall also be provided within five (5) days of the time the Discharger becomes aware of the circumstances. The report 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.

For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described above (with the exception of time of discovery) as well as the type of event (i.e., combined sewer overflow, sanitary sewer overflow, or bypass event), type of overflow structure (e.g., manhole, combined sewer overflow outfall), discharge volume untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the event, and whether the noncompliance was related to wet weather.

As of December 21, 2028, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events must be submitted to the Regional Water Board and must be submitted electronically to the initial recipient defined in Standard Provisions – Reporting section 5.10 The reports shall comply with 40 C.F.R. part 3, 40 C.F.R. section 122.22, and 40 C.F.R. part 127. The

Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(6)(i).)

5.5.2. The following shall be included as information that must be reported within 24 hours:

5.5.2.1. Any unanticipated bypass that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(A).)

5.5.2.2. Any upset that exceeds any effluent limitation in this Order. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

5.5.3. The Regional Water Board may waive the above required written report on a case-by-case basis if an oral report has been received within 24 hours. (40 C.F.R. § 122.41(l)(6)(ii)(B).)

### 5.6. Planned Changes

The Discharger shall give notice to the Regional Water Board as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required under this provision only when (40 C.F.R. § 122.41(l)(1)):

5.6.1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 C.F.R. section 122.29(b) (40 C.F.R. § 122.41(l)(1)(i)); or

5.6.2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in this Order unless the discharge is an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in 40 C.F.R. section 122.42(a). (40 C.F.R. § 122.41(l)(1)(ii).) If the discharge is an existing manufacturing, commercial, mining, or silvicultural discharge as referenced in 40 C.F.R. section 122.42(a), this notification applies to pollutants that are subject neither to effluent limitations in this Order nor to notification requirements under 40 C.F.R. section 122.42(a)(1) (see Additional Provisions – Notification Levels section 7.1.1). (40 C.F.R. § 122.41(l)(1)(ii).)

### 5.7. Anticipated Noncompliance

The Discharger shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity that may result in noncompliance with this Order's requirements. (40 C.F.R. § 122.41(l)(2).)

### 5.8. Other Noncompliance

The Discharger shall report all instances of noncompliance not reported under Standard Provisions – Reporting sections 5.3, 5.4, and 5.5 above at the time

monitoring reports are submitted. The reports shall contain the information listed in Standard Provision – Reporting section 5.5 above. For noncompliance related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports shall contain the information described in Standard Provision – Reporting section 5.5 and the applicable required data in appendix A to 40 C.F.R. part 127. The Regional Water Board may also require the Discharger to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (40 C.F.R. § 122.41(l)(7).)

### 5.9. 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 Regional Water Board, State Water Board, or U.S. EPA, the Discharger shall promptly submit such facts or information. (40 C.F.R. § 122.41(l)(8).)

### 5.10. Initial Recipient for Electronic Reporting Data

The owner, operator, or duly authorized representative is required to electronically submit NPDES information specified in appendix A to 40 C.F.R. part 127 to the initial recipient defined in 40 C.F.R. section 127.2(b). U.S. EPA will identify and publish the list of initial recipients on its website and in the Federal Register, by state and by NPDES data group [see 40 C.F.R. section 127.2(c)]. U.S. EPA will update and maintain this list. (40 C.F.R. § 122.41(l)(9).)

## 6. STANDARD PROVISIONS – ENFORCEMENT

The Regional Water Board is authorized to enforce the terms of this permit under several provisions of the Water Code, including, but not limited to, Water Code sections 13268, 13385, 13386, and 13387.

## 7. ADDITIONAL PROVISIONS – NOTIFICATION LEVELS

### 7.1. Non-Municipal Facilities

Existing manufacturing, commercial, mining, and silvicultural Dischargers shall notify the Regional Water Board as soon as they know or have reason to believe (40 C.F.R. § 122.42(a)):

7.1.1. 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 C.F.R. § 122.42(a)(1)):

7.1.1.1. 100 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(1)(i));

7.1.1.2. 200 µg/L for acrolein and acrylonitrile; 500 µg/L for 2,4 dinitrophenol and 2-methyl 4,6 dinitrophenol; and 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(1)(ii));

7.1.1.3. Five (5) times the maximum concentration reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(1)(iii)); or

7.1.1.4. The level established by the Regional Water Board in accordance with 40 C.F.R. section 122.44(f). (40 C.F.R. § 122.42(a)(1)(iv).)

7.1.2. 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 C.F.R. § 122.42(a)(2)):

7.1.2.1. 500 micrograms per liter (µg/L) (40 C.F.R. § 122.42(a)(2)(i));

7.1.2.2. 1 milligram per liter (mg/L) for antimony (40 C.F.R. § 122.42(a)(2)(ii));

7.1.2.3. Ten (10) times the maximum concentration reported for that pollutant in the Report of Waste Discharge (40 C.F.R. § 122.42(a)(2)(iii)); or

7.1.2.4. The level established by the Regional Water Board in accordance with 40 C.F.R. section 122.44(f). (40 C.F.R. § 122.42(a)(2)(iv).)

### 7.2. Publicly Owned Treatment Works (POTWs)

7.2.1. All POTWs shall provide adequate notice to the Regional Water Board of any new introduction of pollutants into the POTW from an indirect discharger that would be subject to CWA sections 301 or 306 if it were directly discharging those pollutants (40 C.F.R. § 122.42(b)(1)).

7.2.2. All POTWs shall provide adequate notice to the Regional Water Board of any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of adoption of this Order. (40 C.F.R. § 122.42(b)(2).)

7.2.3. Adequate notice shall include information on the quality and quantity of effluent introduced into the POTW as well as any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW. (40 C.F.R. § 122.42(b)(3).)

# ATTACHMENT E – MONITORING AND REPORTING PROGRAM

## NOT USED

# ATTACHMENT F – FACT SHEET

## CONTENTS

# TABLES

# ATTACHMENT F – FACT SHEET

This Fact Sheet includes the legal requirements and technical rationale that serve as the basis for the requirements of this Order. As described in section 2.2 of the Order, the Regional Water Board incorporates this Fact Sheet as findings supporting the issuance of the Order.

## 1. PERMIT INFORMATION

**1.1.** This Order regulates residual firework pollutant discharges to San Francisco Bay and inland surface waters associated with public fireworks displays.

**1.2.** Any facility owner or operator that completes a Notice of Intent (NOI) form and thereby applies for an Authorization to Discharge under this Order, and that is granted such authorization, is hereinafter called a "Discharger." For purposes of this Order, references to "discharger" or "permittee" in applicable federal and state laws, regulations, plans, and policies are held to be equivalent to references to a Discharger herein.

## 2. DISCHARGE DESCRIPTION

This Order covers residual fireworks 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. Fireworks are a class of low explosive pyrotechnic devices used for aesthetic or entertainment purposes (e.g., noise, light, smoke, or confetti).

### 2.1. Firework Categories

Fireworks vary in design but can be grouped according to their design detonation height**.**

2.1.1. **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 a 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 or sand 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.

2.1.2. **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.

2.1.3. **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.

## 2.2. Firework Chemical Constituents

Table F-1 includes a list of known chemicals used in fireworks as fuels, oxidizers, binding agents, and coloration and sound effects.

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

| Constituent | Function |
|---|---|
| Aluminum | Creates silver and white flames and sparks |
| Antimony | Creates glitter effects |
| Barium | Creates green colors and stabilizes other volatile elements |
| Carbon | Provides fuel as a main component of black powder |
| Calcium | Enhances fireworks colors; calcium salts produce orange fireworks |
| Chlorine | Enhances volatility and light emission of color-producing metals |
| Cesium | Creates indigo colors |
| Copper | Creates blue colors |
| Iron | Creates sparks that vary in color according to the heat of the metal |
| Lithium | Creates red colors; lithium carbonate is a common colorant |

| Constituent | Function |
|---|---|
| Magnesium | Creates white sparks or improves firework brilliance |
| Phosphorus | Creates glow-in-the-dark effects and burns spontaneously in air; found in some firework fuels |
| Potassium | Creates violet colors; provides oxygen as a salt compound (e.g., potassium nitrate, potassium perchlorate) in black powder |
| Sodium | Creates gold or yellow colors frequently masking less intense colors |
| Strontium | Creates red colors and stabilizes fireworks mixtures |
| Sulfur | Provides fuel as a main component of black powder |
| Titanium | Creates silver sparks |
| Zinc | Creates smoke effects |

## 2.3. Fireworks Discharges

Fireworks chemical constituents burn at high temperatures when the fireworks explode. The burst charge scatters the chemical constituents within the fireworks, separating them from the fireworks casing and internal shell components. Combustion residues are produced in the form of smoke, airborne particulates, chemical pollutants, and debris, including paper, cardboard, and fuses. Combustion residues can fall into receiving waters. Un ignited pyrotechnic material, such as duds, can also fall into receiving waters.

Various factors can affect residual firework pollutant concentrations in receiving waters adjacent to fireworks displays, including event frequency, duration, number of ignited fireworks per event, type and size of fireworks, burn efficiency, and wind direction and velocity. The receiving water fallout area affected by residual fireworks pollutants varies depending on wind speed and direction, shell size, mortar placement angle, type and height of fireworks explosions, and other environmental factors. Wind shear and tidal action can transport residual fireworks pollutants to waters and shorelines outside the fallout area.

## 2.4. Discharge Summary

The table below presents a summary of fireworks discharges from the sole Discharger enrolled under the previous order based on monitoring data collected between August 2020 and December 2025.

**Table F-2. Summary of Fireworks Discharges**

| Year | Number of Fireworks Displays | Total Ordnance (lbs) | Collected Waste (lbs) [1] |
|---|---|---|---|
| 2020 [2] | 0 | 0 | 0 |
| 2021 | 11 | 8,254 | 160 |
| 2022 | 23 | 13,411 | 193 |
| 2023 | 25 | 11,237 | 333 |
| 2024 | 15 | 9,228 | 282 [3] |

Footnotes:

[1] Waste collected from receiving waters. Weights are expressed as dry weight.
[2] No Dischargers were enrolled in 2020.
[3] In 2024, the sole Discharger enrolled in the previous order reported a total debris collection weight of 3,420 pounds from non-receiving water areas. This included debris from barge decks, cardboard shipping cartons, and multi-shot carcasses.

## 3. APPLICABLE PLANS, POLICIES, AND REGULATIONS

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

### 3.1. Legal Authorities

This Order serves as WDRs pursuant to California Water Code article 4, section 4, division 7 (commencing with § 13260). This Order is also issued pursuant to federal Clean Water Act (CWA) section 402 and implementing regulations adopted by the U.S. EPA, and Water Code section 5.5, division 7 (commencing with § 13370). It serves as an NPDES permit for point source discharges to surface waters from enrolled facilities.

### 3.2. California Environmental Quality Act (CEQA)

Under Water Code section 13389, this action to adopt an NPDES permit is exempt from the provisions of the California Environmental Quality Act (CEQA), Public Resources Code division 13, section 3 (commencing with § 21100). Discharge Prohibition 3.2 and the receiving water limitations in section 5 of the Order are state law requirements that are retained from the previous order. To the extent that Water Code section 13389 does not apply to these state law requirements, retaining these requirements is not a project subject to CEQA because doing so will not cause a direct or indirect physical change in the environment (Public Resources Code §§ 21065, 21080).

### 3.3. State and Federal Laws, Regulations, Policies, and Plans

3.3.1. **Water Quality Control Plan.** The Regional Water Board adopted the *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan), which designates beneficial uses, establishes water quality objectives, and contains

implementation programs and policies to achieve those objectives for all waters addressed through the plan. Requirements in this Order implement the Basin Plan. In addition, this Order implements State Water Board Resolution 88-63, which established state policy that all waters, with certain exceptions, should be considered suitable or potentially suitable for municipal or domestic supply. Receiving water beneficial uses include some or all of the following:

- Agricultural Supply
- Areas of Special Biological Significance
- Cold Freshwater Habitat
- Commercial and Sport Fishing
- Estuarine Habitat
- Freshwater Replenishment
- Fish Migration
- Fish Spawning
- Groundwater Recharge
- Industrial Process Supply
- Industrial Service Supply
- Marine Habitat
- Municipal and Domestic Supply
- Navigation
- Non-Contact Water Recreation
- Preservation of Rare or Endangered Species
- Shellfish Harvesting
- Warm Freshwater Habitat
- Water Contact Recreation
- Wildlife Habitat

3.3.2. **National Toxics Rule (NTR) and California Toxics Rule (CTR).** The NTR and CTR contain federal water quality criteria for priority pollutants. U.S. EPA adopted the NTR on December 22, 1992, and amended it on May 4, 1995, and November 9, 1999. About 40 NTR criteria apply in California. U.S. EPA adopted the CTR on May 18, 2000. The CTR promulgated new toxics criteria for California and incorporated the NTR criteria that applied in the state. U.S. EPA amended the CTR on December 10, 2024, to promulgate a freshwater selenium criterion consisting of bird tissue, fish tissue, and water column elements.

3.3.3. **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 establishes implementation provisions for priority pollutant criteria and objectives, and provisions for chronic toxicity control. The SIP became effective on April 28, 2000, with respect to the priority pollutant criteria U.S. EPA promulgated for California through the NTR and the priority pollutant objectives the Regional Water Board established through the Basin Plan. The SIP became effective on May 18, 2000, with respect to the priority pollutant criteria U.S. EPA promulgated through the CTR. The State Water Board adopted amendments to the SIP on February 24, 2005, that became effective on July 13, 2005. Requirements of this Order implement the SIP.

3.3.4. **Toxicity Provisions.** On December 1, 2020, the State Water Board adopted *State Policy for Water Quality Control: Toxicity Provisions* (Toxicity Provisions), which established statewide numeric water quality objectives for both acute and

chronic toxicity using the Test of Significant Toxicity (TST) and a program of implementation to control toxicity. On October 5, 2021, the State Water Board adopted a resolution confirming that the Toxicity Provisions were adopted as a state policy for water quality control for all inland surface waters, enclosed bays, estuaries, and coastal lagoons of the state, regardless of their status as waters of the United States. The Toxicity Provisions establish a uniform regulatory approach to provide consistent protection of aquatic life beneficial uses and protect aquatic habitats and life from the effects of known and unknown toxicants. The Toxicity Provisions were approved by the Office of Administrative Law on April 25, 2022, and by U.S.EPA on May 1, 2023.

On December 14, 2023, the State Water Board applied for U.S. EPA Region IX review and approval of a limited-use alternative test procedure (ATP) for the use of one effluent concentration when conducting whole effluent toxicity (WET) tests, pursuant to 40 C.F.R. section 136.5 (Aug. 28, 2017). The application is specific to acute or chronic WET tests in Table 1 of the application when using the TST statistical approach (U.S. EPA, 2010) for analyzing the data. The application is being sought for all dischargers or facilities in the State of California and their associated laboratories. The ATP application is still pending with U.S. EPA.

The use of the TST has been the subject of litigation. In December 2024, the Second District Court of Appeal upheld the use of the TST in an NPDES permit in the case *Camarillo Sanitary District v. California Regional Water Quality Control Board - Los Angeles Region*.

A separate legal challenge to the State Water Board's adoption of the Toxicity Provisions originated in Fresno County Superior Court on July 18, 2022, through a petition for writ of mandate filed by Camarillo Sanitary District, City of Simi Valley, City of Thousand Oaks, Central Valley Clean Water Association, and Clean Water SoCal (formerly known as Southern California Alliance of Publicly Owned Treatment Works) (Petitioners) . One of the claims was that the Toxicity Provisions was inconsistent with the Clean Water Act. On October 9, 2023, the superior court denied the petition in its entirety.

On December 19, 2023, three of the Petitioners filed a notice of appeal of the Fresno Superior Court's decision upholding the Toxicity Provisions. On August 5, 2025, the Fifth District Court of Appeal issued a published opinion holding that the TST statistical approach, which is an integral component of the Toxicity Provisions, cannot be utilized in NPDES permitting to evaluate WET data because the TST is not an approved method under 40 C.F.R. part 136. The Court of Appeal did not, however, disturb the Toxicity Provisions' use of the TST as a part of its water quality objectives. The State Water Board prevailed on all other claims in the litigation. The Court of Appeal's decision became final on September 4, 2025.

On September 15, 2025, the State Water Board filed a petition for review of the Fifth Circuit Court of Appeal's decision with the California Supreme Court. On November 12, 2025, the California Supreme Court granted review. The issues to be briefed and argued are limited to the issues raised in the State Water Board's petition for review.

Pending the California Supreme Court's review, the opinion of the Fifth Circuit Court of Appeal is not binding on the Water Boards. However, the opinion may be cited, not only for its persuasive value, but also for the limited purpose of establishing the existence of a conflict in authority.

In accordance with Water Code sections 13146 and 13247, the Regional Water Board must fully implement the water quality objectives and their implementation procedures in the Toxicity Provisions. The numeric water quality objectives for chronic and acute toxicity established by the Toxicity Provisions, which are based on the TST, were approved by U.S. EPA and remain in effect. As such, the numeric water quality objectives continue to serve as the applicable federal water quality standards in California.

The Regional Water Board must also continue to comply with federal Clean Water Act NPDES regulations for determining reasonable potential and establishing applicable water quality-based effluent limitations (WQBELs). NPDES regulations (40 C.F.R. section122.44(d)(1)(vii)(A)) require that all WQBELs be derived from and comply with all applicable water quality standards. Moreover, although the Toxicity Provisions left in place narrative water quality objectives for aquatic toxicity in the Basin Plan, the Toxicity Provisions did supersede Basin Plan provisions and portions of the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP) for implementing narrative water quality objectives. As such, there are currently no Basin Plan or SIP procedures in effect for implementing narrative water quality objectives to determine reasonable potential as required by 40 C.F.R. section 122.44(d)(1)(ii). As a result, the Regional Water Board must fully implement all of the Toxicity Provisions.

3.3.5. **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. The State Water Board adopted amendments to the plan on June 5, 2018, that became effective on March 11, 2019. This plan establishes sediment quality objectives and related implementation provisions for specifically defined sediments in most bays and estuaries.

3.3.6. **Safe Clean Water.** In compliance with Water Code section 106.3, it is State of California policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. This Order promotes the policy because, as explained in Fact Sheet

section 4.3.3., the reasonable potential analysis considers applicable water quality objectives, including maximum contaminant levels (MCLs) designed to protect human health and to ensure that water is safe for domestic use, where applicable.

3.3.7. **Antidegradation Policy.** Federal regulations at 40 C.F.R. section 131.12 require that state water quality standards include an antidegradation policy consistent with the federal policy. The State Water Board established California's antidegradation policy through State Water Board Resolution 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*, which incorporates the federal antidegradation policy where the federal policy applies under federal law. Resolution 68-16 requires that existing water quality be maintained unless degradation is justified based on specific findings. The Basin Plan implements, and incorporates by reference, both the state and federal antidegradation policies. Permitted discharges must be consistent with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution 68-16.

3.3.8. **Anti-Backsliding Requirements.** CWA sections 402(o) and 303(d)(4) and 40 C.F.R. section 122.44(l) restrict backsliding in NPDES permits. These anti-backsliding provisions require that effluent limitations in a reissued permit be as stringent as those in the previous permit, with some exceptions in which limitations may be relaxed.

3.3.9. **Endangered Species Act Requirements.** 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 §§ 2050 to 2097) or Federal Endangered Species Act (16 U.S.C.A. §§ 1531 to 1544). This Order requires compliance with effluent limits, aquatic toxicity receiving water limitations, and other requirements to protect the beneficial uses of waters of the state, including protecting rare, threatened, or endangered species. Dischargers are responsible for meeting all applicable Endangered Species Act requirements.

## 3.4. Impaired Water Bodies on CWA section 303(d) List

On December 13, 2024, U.S. EPA approved a revised list of impaired waters pursuant to CWA section 303(d), which requires identification of specific water bodies where it is expected that water quality standards will not be met after implementation of technology-based effluent limitations on point sources. This list includes San Francisco Bay as a waterbody impaired by mercury, PCBs, selenium, chlordane, DDT, dieldrin, dioxin and furan compounds, and invasive species. This list also includes diazinon and pesticide-related toxicity in San Francisco Bay Area urban creeks. Where it has not done so already, the Regional Water Board plans to adopt total maximum daily loads (TMDLs) for pollutants on the 303(d) list. TMDLs establish wasteload allocations for point sources and load

allocations for nonpoint sources and are established to achieve water quality standards.

The SIP requires effluent limitations for all 303(d)-listed pollutants to be consistent with TMDLs and associated wasteload allocations. A TMDL for mercury became effective February 12, 2008, and a TMDL for PCBs became effective March 29, 2010. Neither TMDL contains wasteload allocations for residual fireworks discharges because they are not known to be sources of mercury or PCBs. A TMDL for selenium in North San Francisco Bay became effective on August 23, 2016. This TMDL does not contain wasteload allocations for residual fireworks discharges to surface waters because they are not known to be sources of selenium in this sub-embayment. Residual fireworks discharges to surface waters are also not known to be sources of chlordane, DDT, dieldrin, dioxin and furan compounds, or invasive species. A TMDL for diazinon and pesticide-related toxicity in San Francisco Bay Area urban creeks became effective May 21, 2007, which does not contain wasteload allocations for residual fireworks discharges because they are not known to be sources of diazinon or pesticide-related toxicity. Additionally, discharges regulated through this Order are not expected to contribute to any water quality impairment because the requirements of Provision 5.4 of this Order will sufficiently control potential pollutant discharges.

## 4. RATIONALE FOR EFFLUENT LIMITATIONS AND DISCHARGE SPECIFICATIONS

The CWA requires point source dischargers to control the amount of conventional, non-conventional, and toxic pollutants discharged into 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: 40 C.F.R. section 122.44(a) requires that permits include applicable technology-based limitations and standards, and 40 C.F.R. 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 receiving waters.

### 4.1. Discharge Prohibitions

#### 4.1.1. Prohibitions in this Order

4.1.1.1. **Discharge Prohibition 3.1. (No discharge other than as described in NOI and Authorization to Discharge):** This prohibition is based on 40 C.F.R. section 122.21(a) and Water Code section 13260, which require filing an application (i.e., an NOI or a Report of Waste Discharge) before a discharge can occur. Discharges not described in an NOI and Authorization to Discharge, and subsequently in this Order, are prohibited.

4.1.1.2. **Discharge Prohibition 3.2. (No discharge of pollutants shall create nuisance).** This prohibition is necessary to prevent the creation of nuisance conditions, as defined on Water Code section 13050.

## 4.2. Technology-Based Effluent Limitations

### 4.2.1. Scope and Authority

CWA section 301(b) and 40 C.F.R. section 122.44 require that permits include conditions meeting technology-based requirements at a minimum, and any more stringent effluent limitations necessary to meet water quality standards. Regulations at 40 C.F.R. section 122.45 require that effluent limitations for continuous discharges other than publicly-owned treatment works be expressed as maximum daily and average monthly limitations, unless impracticable. The effluent limitations in this Order are practicable based on their development as described below. The CWA requires that technology-based effluent limitations (TBELs) be established based on several levels of control:

- **Best practicable treatment control technology (BPT)**. BPT represents the average of the best existing performance by well-operated facilities within an industrial category or subcategory. BPT standards apply to toxic, conventional, and non-conventional pollutants.

- **Best available technology economically achievable (BAT).** BAT represents the best existing performance of treatment technologies that are economically achievable within an industrial point source category. BAT standards apply to toxic and non-conventional pollutants.

- **Best conventional pollutant control technology (BCT).** BCT represents the control from existing industrial point sources of conventional pollutants, including biochemical oxygen demand, total suspended solids, fecal coliform, pH, and oil and grease. BCT standards are established after considering the relationship between the cost of attaining a reduction in effluent discharge and the benefits that would result and the cost effectiveness of additional industrial treatment beyond BPT.

- **New source performance standards (NSPS).** NSPS represent the best available demonstrated control technology standards. The intent of NSPS guidelines is to set limitations that represent state-of-the-art treatment technology for new sources.

The CWA requires U.S. EPA to develop effluent limitations, guidelines, and standards representing the application of BPT, BAT, BCT, and NSPS. CWA section 402(a)(1) and 40 C.F.R. section 125.3 authorize the use of best professional judgment (BPJ) to derive technology-based effluent limitations on a case-by-case basis whenever U.S. EPA has not promulgated effluent limitations, guidelines, and standards. When BPJ is used, the Regional Water Board must consider specific factors listed in 40 C.F.R. section 125.3. U.S. EPA has not developed effluent limitations, guidelines, and standards for the types of discharges covered by this Order; therefore, all TBELs are based on the Basin Plan or BPJ. The TBELs based on BPJ reflect BPT and BAT. Since U.S. EPA

has not developed effluent limitations, guidelines, and standards, NSPS does not apply.

### 4.2.2. Applicable Limitations

Since U.S. EPA has not issued effluent limit guidelines for the pyrotechnic industry, Provision 6.3 of this Order imposes narrative BMP-based requirements that represent BPT and BAT controls based on best professional judgment. BPT and BAT controls are required because typical fireworks constituents include toxic and non-conventional pollutants (e.g., aluminum, antimony, barium, carbon, calcium, chlorine, cesium, copper, iron, potassium, lithium, magnesium, oxidizers such as nitrates, chlorates and perchlorates, phosphorus, sodium, sulfur, strontium, titanium, and zinc). BCT controls do not apply to these discharges because they only apply to conventional pollutants (i.e., biochemical oxygen demand, total suspended solids, fecal coliform, pH, and oil and grease). NSPS controls do not apply to these discharges because they are not “new sources” (i.e., sources created after U.S. EPA established NSPS effluent limitations, guidelines, and standards for the pyrotechnic industry, which it has not done).

This narrative approach is authorized by 40 C.F.R. section 122.44(k), which allows BMPs to be used to control or abate pollutant discharges when numeric effluent limitations are infeasible. Numeric effluent limitations for residual fireworks pollutants are infeasible because it is impracticable to capture, treat, and monitor pollutants dispersed in the air before they enter the receiving waters, and as such, there is insufficient data to calculate limits.

In establishing these limits, the Regional Water Board considered the factors specified in 40 C.F.R. sections 125.3(d)(1) and 125.3(d)(3), as indicated in the table below:

**Table F-3. 40 C.F.R. Section 125.3(d) Factors**

| Factor | Considerations |
|---|---|
| Cost of applying technology relative to effluent reduction benefits | BMPs, such as cleaning firework launch and fallout areas using boats, brushes, brooms, and nets, are economically achievable in the context of fireworks display operations. For example, readily available motorized equipment and existing fireworks personnel can be used to remove potential pollutants in cleanup efforts. The costs are anticipated to be small relative to the benefits of preventing pollutants from harming receiving water quality. |
| Age of equipment and facilities | Dischargers may need to acquire new equipment to implement appropriate BMPs (e.g., rental or purchase of boats for cleanup). Dischargers may also be able to rely on some existing equipment, such as brooms, brushes, nets, and boats. |
| Process employed | The processes Dischargers can employ to comply with these TBELs are readily available because Dischargers |

| Factor | Considerations |
|---|---|
| | already employ treatment technologies sufficient to comply with these TBELs. |
| Engineering aspects of various controls | Readily available controls are practicable and capable of meeting the requirements of this Order. For example, cleaning fireworks launch and fallout areas does not require sophisticated engineering controls. |
| Process changes | New processes may be needed to comply with this Order, but necessary equipment is readily available. |
| Non-water quality environmental impacts | No significant non-water-quality impacts are foreseeable. There may be minimal air emission impacts from using limited amounts of fuel to operate boats needed for cleanup efforts. Waste materials must be removed from fireworks launch and fallout areas and be properly disposed of. |

## 4.3. Water Quality-Based Effluent Limitations

### 4.3.1. Scope and Authority

CWA section 301(b) and 40 C.F.R. section 122.44(d) require permits to include limitations more stringent than federal technology-based requirements where necessary to achieve water quality standards. According to 40 C.F.R. section 122.44(d)(1)(i), permits must include effluent limitations for all pollutants that are or may be discharged at levels that have a reasonable potential to cause or contribute to an exceedance of a water quality standard, including numeric and narrative objectives within a standard. Where reasonable potential has been established for a pollutant, but there is no numeric criterion or objective, water quality-based effluent limitations (WQBELs) must be established using (1) U.S. EPA criteria guidance under CWA section 304(a), supplemented where necessary by other relevant information; (2) an indicator parameter for the pollutant of concern; or (3) a calculated numeric water quality criterion, such as a proposed state criterion or policy interpreting a narrative criterion, supplemented with relevant information. The process for determining reasonable potential and calculating WQBELs when necessary is intended to achieve applicable water quality objectives and criteria, and thereby protect designated beneficial uses of receiving waters as specified in the Basin Plan.

### 4.3.2. Beneficial Uses and Water Quality Criteria and Objectives

Fact Sheet section 3.3.1 identifies the potential beneficial uses of the receiving waters for discharges subject to this Order. Water quality criteria and objectives to protect these beneficial uses are described below:

4.3.2.1. **Basin Plan Objectives.** The Basin Plan specifies numeric water quality objectives for many pollutants to protect aquatic life (see Basin Plan section 3.3.21). It also specifies narrative water quality objectives, such as the narrative toxicity objective: “All waters shall be maintained free of toxic

substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms."

4.3.2.2. **CTR Criteria.** 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 municipal or domestic supply beneficial use designation are subject to the "water and organisms" criteria.

4.3.2.3. **NTR Criteria.** The NTR establishes numeric aquatic life and human health criteria for a number of toxic pollutants for San Francisco Bay waters upstream to and including Suisun Bay and the Sacramento-San Joaquin Delta.

4.3.2.4. **Toxicity Provisions.** The Toxicity Provisions establish numeric chronic and acute toxicity objectives that apply to all inland surface waters, enclosed bays, and estuaries in the state with aquatic life beneficial uses. The chronic toxicity water quality objective is as follows:

$H_o$: Mean Response (ambient water) ≤ 0.75 x Mean Response (control water)
$H_a$: Mean Response (ambient water) > 0.75 x Mean Response (control water)

Where:

$H_o$ = Null Hypothesis
$H_a$ = Alternative Hypothesis
0.75 = Regulatory Management Decision criterion (i.e., 75 percent)

$H_o$ means the ambient water is toxic when the test organism response in a bioassay is less than or equal to 75 percent of the control response;
$H_a$ means the ambient water is not toxic when the test organism response is greater than 75 percent of the control response. For example, if an average of 75 percent of bioassay test organisms or fewer survive when exposed to ambient water relative to the average number that survive when exposed to control water, the ambient water is toxic (i.e., the test result is "fail"). Conversely, if an average of more than 75 percent of bioassay test organisms survive relative to those exposed to control water, the ambient water is not toxic (i.e., the test result is "pass").

4.3.2.5. **Sediment Quality Objectives.** The *Water Quality Control Plan for Enclosed Bays and Estuaries – Part 1, Sediment Quality* contains the following narrative water quality objectives:

4.3.2.5.1. "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 policy 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.

4.3.2.5.2. "Pollutants shall not be present in sediments at levels that will bioaccumulate in aquatic life to levels that are harmful to human health in bays and estuaries of California." This objective is to be implemented by a three-tiered procedure based on pollutant concentrations in sediment and fish tissue.

4.3.2.5.3. "Pollutants shall not be present in sediment at levels that alone or in combination are toxic to wildlife and resident finfish by direct exposure or bioaccumulate in aquatic life at levels that are harmful to wildlife or resident finfish by indirect exposure in bays and estuaries of California." This objective is to be implemented on a case-by-case basis, based upon an ecological risk assessment.

4.3.2.6. **Receiving Water Salinity.** Basin Plan section 4.6.2 (like the CTR and NTR) states that the salinity characteristics (i.e., freshwater vs. saltwater) of the receiving water are to be considered in determining the applicable water quality objectives. Freshwater criteria apply to discharges to waters with salinities equal to or less than one part per thousand (ppt) at least 95 percent of the time. Saltwater criteria apply to discharges to waters with salinities equal to or greater than 10 ppt at least 95 percent of the time in a normal water year. For discharges to water with salinities in between these two categories, or tidally influenced freshwaters that support estuarine beneficial uses, the water quality objectives are the lower of the salt or freshwater criteria (the latter calculated based on ambient hardness) for each substance. This Order covers discharges to various receiving waters; therefore, the reasonable potential analysis is based on the more stringent of the freshwater and saltwater quality criteria and objectives.

4.3.2.7. **Receiving Water Hardness.** Some freshwater objectives for metals are hardness dependent (as hardness increases, the toxicity of certain metals decreases). In determining the freshwater water quality objectives that depend on hardness, a hardness value of 100 mg/L as $CaCO_3$ was used, which is conservative and generally protective of aquatic life in all circumstances contemplated by this permit. Mean and median hardness data collected through the Surface Water Ambient Monitoring Program for the San Francisco Bay Region are 250 mg/L and 232 mg/L.

4.3.2.8. **Metals Translators.** NPDES regulations at 40 C.F.R. 122.45(c) require that effluent limitations for metals be expressed as total recoverable metal. Since water quality objectives for metals are typically expressed as dissolved metal, translators must be used to convert metals concentrations from dissolved to total recoverable and vice versa. The CTR includes default

translators; however, site-specific conditions, such as water temperature, pH, suspended solids, and organic carbon affect the form of metal (dissolved, non-filterable, or otherwise) present in the water and therefore available to cause toxicity. In general, the dissolved form of the metal is more available and more toxic to aquatic life than non-filterable forms. Metals translators can be developed to account for site-specific conditions, thereby preventing exceedingly stringent or under protective water quality objectives.

This Order covers discharges to various receiving waters; therefore, site-specific conditions vary. CTR default translators were used for all priority pollutant metals except for copper in San Francisco Bay. Basin Plan Tables 7.2.1-1 and 7.2.1-2 set forth metal translators for San Francisco Bay segments. The site-specific translators for Central and Lower San Francisco Bay result in the most stringent copper criteria. These translators are listed in the table below.

**Table F-4. Copper Translators**

| San Francisco Bay Segment | Chronic Translator | Acute Translator |
|---|---|---|
| Central and Lower San Francisco Bays | 0.73 | 0.87 |

### 4.3.3. Reasonable Potential Analysis

4.3.3.1. **Available Information.** The reasonable potential analysis for this Order is based on receiving water and sediment monitoring conducted by SeaWorld San Diego (SeaWorld) from September 2012 through September 2021 to evaluate the potential impacts of its fireworks-related discharges to Mission Bay in the San Diego Region (Annual Fireworks Monitoring Reports, SeaWorld, 2013 – 2021). The effects of SeaWorld's fireworks displays on Mission Bay are representative of worst-case conditions for the San Francisco Bay Region because SeaWorld conducts far more fireworks events each year than the number of events typically scheduled throughout the San Francisco Bay Region (SeaWorld conducted 144 fireworks displays from 2019 to 2021 compared to about 73 fireworks displays occurring throughout this Region). Moreover, SeaWorld implements BMPs similar to those specified in Provision 5.4 of this Order before, during, and after each of its fireworks displays.

4.3.3.2. **Methodology.** SIP section 1.3 sets forth the methodology used to assess whether a priority pollutant has reasonable potential to exceed a water quality objective. SIP section 1.3 applies to priority pollutants and is used for other fireworks pollutants of concern as guidance. The analysis begins with identifying the maximum effluent concentration (MEC) observed for each pollutant based on available effluent concentration data. However, effluent data are unavailable because the fireworks-related pollutants are dispersed in the air before they enter receiving waters. Thus, this analysis begins by

identifying the estimated receiving water concentrations for the fireworks pollutants of concern listed in Fact Sheet Table F-1. SIP section 1.4.3 states that ambient background concentrations are either the maximum ambient concentration observed or, for water quality objectives intended to protect human health, the arithmetic mean of observed concentrations. There are three triggers in determining reasonable potential:

4.3.3.2.1. **Trigger 1** is activated if the maximum effluent concentration is greater than or equal to the lowest applicable water quality criterion (MEC ≥ water quality criterion).

4.3.3.2.2. **Trigger 2** is activated if the ambient background concentration observed in the receiving water is greater than the water quality criterion (B > water quality criterion) and the pollutant is detected in any effluent sample.

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

4.3.3.3. **Analysis.** The following table 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. The listed pollutants are those known to be in fireworks and from which receiving water data are available. Some pollutants do not have promulgated water quality criteria or objectives, and reasonable potential for discharges to exceed water quality objectives for those pollutants is unknown. For pollutants with water quality criteria or objectives, there is no reasonable potential for discharges to exceed them because the estimated receiving water concentrations do not exceed the most stringent criterion or objective.

**Table F-5. Reasonable Potential Analysis – Water Quality**

| Pollutant | Unit | C or Governing Criterion or Objective | Estimated Receiving Water Concentration (SeaWorld, 2012-2018) | RPA Result |
|---|---|---|---|---|
| Aluminum | µg/L | 200 [1] | 80 | No |
| Antimony | µg/L | 6.0 [1] | 0.23 | No |
| Barium | µg/L | 1,000 [1] | 10 | No |
| Copper | µg/L | 8.2 [2] | 7.5 | No |
| Iron | µg/L | 300 [3] | 32 | No |
| Perchlorate | µg/L | 6.0 [4] | 2.5 | No |
| Phosphorus, Total | µg/L | No Criteria | 250 | Unknown |
| Potassium | mg/L | No Criteria | 450 | Unknown |
| Strontium | mg/L | No Criteria | 8.4 | Unknown |
| Titanium | µg/L | No Criteria | 72 | Unknown |
| Zinc | µg/L | 86 [2] | 14 | No |

Footnotes:

[1] This is the Maximum Contaminant Level from Title 22 of the California Code of Regulations.
[2] This is the most stringent criterion consistent with the CTR and Basin Plan.
[3] This is the Secondary Contaminant Level from Title 22 of the California Code of Regulations.
[4] This is the Maximum Contaminant Level for perchlorate that the California Department of Public Health adopted in October 2007.

4.3.3.4. **Acute and Chronic Toxicity.** Dischargers covered by this Order are exempt from toxicity requirements. Toxicity Provisions section III.C.11 exempts insignificant non-stormwater discharges from acute and chronic toxicity requirements if they do not have reasonable potential to cause or contribute to the exceedance of toxicity water quality objectives. In accordance with Toxicity Provisions section III.C.11.a, reasonable potential analysis does not need to include the analysis methods in Toxicity Provisions section III.C.3. The discharges covered by this Order are insignificant and do not have reasonable potential to cause or contribute to the exceedance of toxicity water quality objectives. Dischargers covered by this Order discharge infrequently and pollutants are dispersed in the air before they reach the receiving water. As required by the Toxicity Provisions, discharges covered by this Order may not cause an exceedance of water quality objectives for aquatic toxicity in receiving waters (see section 5 of this Order).

4.3.3.5. **Sediment Quality.** Pollutants in some receiving water sediments may be present in quantities that alone or in combination are toxic to benthic communities. Efforts are underway to identify stressors causing such conditions. However, available evidence does not link compromised sediment conditions in the San Francisco Bay Region to the discharges subject to this Order. Moreover, sediment monitoring SeaWorld conducted in San Diego's Mission Bay from September 2012 through September 2021 has not established a link between fireworks discharges and potential sediment impacts. The potential impacts of fireworks displays in the San Francisco Bay Region are expected to be significantly less than those in Mission Bay due to the lower event frequency and greater geographic distribution of the fireworks events.

In 2012, 2015, 2018, and 2021, SeaWorld assessed sediment chemistry, benthic community condition, and sediment toxicity at three Mission Bay locations within its fireworks fallout area and two reference locations. Its conclusions regarding Mission Bay sediment conditions are presented in the following table:

**Table F-6. Reasonable Potential Analysis – Sediment Quality**

| Monitoring Location | Station No. | 2012 [1] | 2015 [1] | 2018 [1] | 2021 [1] |
|---|---|---|---|---|---|
| Fireworks Fallout Area | 1 | Unimpacted | Likely Impacted | Possibly Impacted | Possibly Impacted |
| Fireworks Fallout Area | 2 | Unimpacted | Likely Unimpacted | Possibly Impacted | Possibly Impacted |

| Monitoring Location | Station No. | 2012 [1] | 2015 [1] | 2018 [1] | 2021 [1] |
|---|---|---|---|---|---|
| Fireworks Fallout Area | 3 | Unimpacted | Unimpacted | Possibly Impacted | Possibly Impacted |
| Reference | 1 | Likely Unimpacted | Likely Unimpacted | Unimpacted | Unimpacted |
| Reference | 2 | Likely Unimpacted | Unimpacted | Unimpacted | Unimpacted |

Footnote:

[1] Impacts are determined based on three lines of evidence (LOE): sediment chemistry, benthic community condition, and sediment toxicity. Impact categories are defined based on *Water Quality Control Plan for Enclosed Bays and Estuaries—Part 1, Sediment Quality*:

- Unimpacted: Confident that sediment contamination is not causing significant adverse impacts to aquatic life living in the sediment at the site.
- Likely Unimpacted: Sediment contamination at the site is not expected to cause adverse impacts to aquatic life, but some disagreement among the LOE reduces certainty in classifying the site as unimpacted.
- Possibly Impacted: Sediment contamination at the site may be causing adverse impacts to aquatic life, but these impacts are either small or uncertain because of disagreement among LOE.
- Likely Impacted: Evidence for a contaminant-related impact to aquatic life at the site is persuasive, even if there is some disagreement among LOE.
- Clearly Impacted: Sediment contamination at the site is causing clear and severe adverse impacts to aquatic life.
- Inconclusive: Disagreement among the LOE suggests that either the data are suspect or that additional information is needed before a classification can be made.

In 2012 and 2015, five of six results indicated no or likely no sediment impact in Mission Bay. In 2018, three results indicated a potential sediment impact, but the 2018 assessment is questionable because the sediment sampling coincided with an extensive dredge and fill program in Mission Bay that took place from January through October 2018. Furthermore, the sediment quality assessment occurred in September 2018, at the end of the 2016-18 triennial period, when the number of fireworks displays was considerably lower than during the previous triennial period (i.e., 86 versus 273 events). This indicates that the “possibly impacted” results were unlikely the result of the fireworks displays since fewer impacts were observed when more fireworks displays took place. Similarly, in September 2021, three results indicated a potential sediment impacts even though the number of fireworks displays during the 2019-2021 triennial period was considerably less than at the end of 2016-2018 triennial period (i.e., 144 versus 273 events). As indicated above, the potential impacts of fireworks displays in the San Francisco Bay Region are expected to be far less, considering that between 2021 and 2024, 73 firework displays were conducted in San Francisco Bay with no more than 7 shows occurring at a single location in any year, according to discharge data.

**4.3.3.6. Narrative Water Quality Objectives.** Basin Plan chapter 3 includes narrative water quality objectives for all surface waters within the region, except the Pacific Ocean. Where reasonable potential is found, the Basin Plan requires these objectives to be translated into effluent limitations.

4.3.3.6.1. Basin Plan section 3.3.1 requires that discharges not exceed bacterial water quality objectives for marine and freshwater receiving waters with water contact recreation, shellfish harvesting, non-contact water recreation, and municipal supply beneficial uses. Discharges covered by this Order are not known to be sources of anthropogenic bacteria. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.2. Basin Plan section 3.3.2 requires that controllable water quality factors not cause a detrimental increase in the concentration of bioaccumulative, toxic substances in bottom sediments or aquatic life. Discharges covered by this Order are not known to be sources of bioaccumulative or toxic substances in bottom sediments or aquatic life. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.3. Basin Plan section 3.3.3 requires that receiving waters not contain biostimulatory substances in concentrations that promote aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses. Discharges covered by this Order are not known to be sources of biostimulatory substances, such as nitrates, ammonium, and phosphates. Therefore, there is no reasonable potential for discharges to contain biostimulatory substances in concentrations that could exceed this narrative water quality objective in receiving waters.

4.3.3.6.4. Basin Plan section 3.3.4 requires that discharges be free of coloration that causes nuisance or adversely affects beneficial uses. Discharges covered by this Order are not known to be sources of substances causing coloration in receiving waters at levels adversely affecting beneficial uses or nuisance. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.5. Basin Plan section 3.3.5 requires that dissolved oxygen remain above 5.0 mg/L in tidal waters downstream of Carquinez Bridge and above 7.0 mg/ in tidal waters upstream of Carquinez Bridge. It also requires that dissolved oxygen remain above 7.0 mg/L in nontidal waters with cold water habitat beneficial uses and above 5.0 mg/L in nontidal waters with warm water habitat beneficial uses. Furthermore, the median dissolved oxygen concentration for any three consecutive months is not to be less than 80 percent of the dissolved oxygen content at saturation. When natural factors cause concentrations less than that specified above, the discharge is not to cause further reduction in ambient dissolved oxygen concentrations.

Discharges covered by this Order are not known to be sources of substances causing low dissolved oxygen concentrations in surface waters. Therefore, there is no reasonable potential for discharges to

contain dissolved oxygen at levels below the narrative water quality objective.

4.3.3.6.6. Basin Plan section 3.3.6 requires that discharges not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses. Discharges of residual fireworks debris contain floating materials such as paper, cardboard, and plastics that impact receiving waters. However, Provision 6.3 of this Order establishes narrative technology-based requirements that will sufficiently control these discharges to meet the narrative water quality objective. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.7. Basin Plan section 3.3.7 requires that discharges not contain visible, floating, suspended, or deposited oil or other products of petroleum origin. Discharges covered by this Order are not known to be sources of floating oil, residual petroleum products, or other floating substances. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.8. Basin Plan section 3.3.8 requires that receiving waters remain free of toxic substances in concentrations that are lethal to or that produce significant alterations in population or community ecology or receiving water biota. As described in Fact Sheet sections 4.3.3.4 and 4.3.3.5, discharges covered by this Order are not known to be sources of toxicity. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.9. Basin Plan section 3.3.9 requires that pH not be depressed below 6.5 nor raised above 8.5 in receiving waters, and that discharges not cause changes greater than 0.5 pH units in normal ambient pH levels. Discharges covered by this Order are not known to contain substances in significant amounts that could change the pH in receiving waters. Therefore, there is no reasonable potential for discharges to violate the narrative water quality objective in receiving waters.

4.3.3.6.10. Basin Plan section 3.3.10 requires that radioactive material not be present in concentrations that result in the accumulation of radionuclides in the food web that could present hazards to human, plant, animal, or aquatic life. Discharges covered by this Order are not known to be sources of radioactive substances that would present hazards to human, plant, animal, or aquatic life. Therefore, there is no reasonable potential for discharges to contain radionuclides at levels above this narrative water quality objective.

4.3.3.6.11. Basin Plan section 3.3.11 requires that discharges not increase the total dissolved solids or salinity of receiving waters so as to adversely affect

beneficial uses. Discharges covered by this Order are not known to be sources of dissolved solids or salinity. Therefore, there is no reasonable potential for discharges to violate this narrative water quality objective in receiving waters.

4.3.3.6.12. Basin Plan section 3.3.12 requires that discharges not alter suspended sediment in such a manner as to cause nuisance or adversely affect beneficial uses or detrimental increase in the concentrations of toxic pollutants in sediments or aquatic life. Discharges covered by this Order are not known to be significant sources of suspended sediment that would cause nuisance or adversely affect beneficial uses or detrimental increase concentrations of toxic pollutants in sediments or aquatic life. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.13. Basin Plan section 3.3.13 requires that discharges not cause bottom deposits or aquatic growths to the extent that such deposits or growths cause nuisance or adversely affect beneficial uses. The discharges covered by this Order are not known to cause bottom deposits or contain pollutants that may cause aquatic growths to the extent that such growths could cause a nuisance or affect beneficial uses. Furthermore, the effluent limitations and Provision 6.3 of this Order require discharges be subject to best management practices to control materials or pollutants that could cause bottom deposits and adversely affect the receiving waters. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.14. Basin Plan section 3.3.14 requires that discharges not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses. Discharges covered by this Order are not known to be significant sources of suspended materials that would cause nuisance or affect beneficial uses of receiving waters. Therefore, there is no reasonable potential for discharges to exceed this narrative objective in receiving waters.

4.3.3.6.15. Basin Plan section 3.3.15 requires that discharges be free of dissolved sulfides above natural background levels. Sulfides can occur as a result of bacterial activity on organic matter under anaerobic conditions. Sulfides cannot exist to a significant degree in an oxygenated environment. The discharges covered by this Order are not known to be sources of sulfides because they do not contain organic matter. Therefore, there is no reasonable potential for discharges to contain sulfides at levels above this narrative water quality objective.

4.3.3.6.16. Basin Plan section 3.3.16 requires that discharges not contain taste- or odor-producing substances that impart undesirable tastes or odors to edible products of aquatic origin, that cause nuisance, or that adversely

affect beneficial uses. Discharges covered by this Order are not known to contain anthropogenic substances that impart undesirable tastes or odors to edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses in receiving waters. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.17. Basin Plan section 3.3.17 requires that discharges not alter temperatures beyond present natural background levels unless it can be demonstrated that such alterations do not adversely affect beneficial uses, and prohibits temperature increases of more than 2.8°C above natural receiving water temperatures. Discharges covered by this Order are not known to be significant sources of substances that alter temperatures of receiving waters beyond natural background levels. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.18. Basin Plan section 3.3.18 requires that discharges be free of toxic substances in concentrations that are lethal to or that produce detrimental responses to aquatic organisms. As described in Fact Sheet sections 4.3.3.4 and 4.3.3.5, discharges covered by this Order are not known to be sources of toxicity. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.19. Basin Plan section 3.3.19 requires that discharges be free of changes in turbidity that cause nuisance or adversely affect beneficial uses, or increases from normal background light penetration or turbidity greater than 10 percent in areas where natural turbidity is greater than 50 nephelometric turbidity units. Discharges covered by this Order are not known to be significant sources of turbidity. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters.

4.3.3.6.20. Basin Plan section 3.3.20 requires that discharges be free of un-ionized ammonia to prevent annual median concentrations in excess of 0.025 mg/L (as nitrogen) and concentrations in Central and Lower San Francisco Bay in excess 0.16 mg/L and 0.4 mg/L (as nitrogen). Discharges covered by this Order are not known to be sources of un-ionized ammonia in concentrations that are toxic to receiving waters. Therefore, there is no reasonable potential for discharges to exceed this narrative water quality objective in receiving waters

**4.3.4.** Water Quality-Based Effluent Limitations

This Order does not contain WQBELs because the narrative technology-based requirements of Provisions 6.3 of this Order will control discharges sufficiently

to meet applicable water quality standards (i.e. there is no reasonable potential for the discharges to cause exceedances of water quality objectives). There is evidence that the implementation of BMPs is sufficient to maintain water quality standards. After the Super Bowl 50 fireworks shows in January and February 2016, fireworks debris, including cardboard, plastic, fuses, and wires, washed up on the San Francisco Bay shoreline at Aquatic Park for roughly one month after the events. In July 2016, Baykeeper and a fireworks contractor signed a Memorandum of Understanding committing the contractor to implement BMPs similar to those required by Provision 6.3 of this Order. Baykeeper confirmed that the contractor consistently implemented the BMPs and, thus, significant fireworks debris has not been reported since.

## 4.4. Discharge Requirement Considerations

4.4.1. **Anti-Backsliding.** This Order complies with the anti-backsliding provisions of CWA sections 402(o) and 303(d)(4), and 40 C.F.R. section 122.44(l), which generally require effluent limitations in a reissued permit to be as stringent as those in the previous order. The requirements of this Order are at least as stringent as those in the previous order.

As discussed in Fact Sheet section 5, this Order removes the receiving water limitations that were included in the previous order. This Order also removes part of the nuisance provision contained in Discharge Prohibition III.B of the previous order, retaining the remainder as a state-only requirement (see Fact Sheet section 6.5). The removal of these requirements, as a matter of federal law, is consistent with the U.S. Supreme Court's holding in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704. However, as discussed in Fact Sheet section 4.3.4, the Regional Water Board has determined that the requirements in this Order are sufficient to ensure the discharge complies with Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)). As a result, the removal of the receiving water limitations and revision of the discharge prohibition does not authorize the additional discharge of pollutants or authorize the violation of water quality standards. This Order does not, therefore, authorize either backsliding or further degradation of water quality.

4.4.2. **Antidegradation.** This Order complies with the antidegradation provisions of 40 C.F.R. section 131.12 and State Water Board Resolution 68-16. It does not authorize lowering water quality as compared to the level of discharge authorized in the previous order, which is the baseline by which to measure whether degradation will occur. This Order does not allow for an increased flow, a reduced level of treatment, or increased effluent limitations relative to the previous order.

This Order removes the generalized receiving water limitations that were included in the previous order. As discussed in Fact Sheet section 4.3.4, the effluent limits established in this Order are sufficient to protect receiving waters.

The removal of the generalized receiving water limitations will not result in an increased volume or concentration of pollutants in the discharge. As explained in Fact Sheet section 4.3.4, the technology and water quality-based effluent limits established in this Order are sufficient to ensure that water quality and beneficial uses are protected. Additionally, this Order includes receiving water limits related to toxicity and a prohibition related to nuisance pursuant to state law only (see Fact Sheet section 5). This Order does not, therefore, authorize further degradation of water quality.

4.4.3. **Stringency of Requirements for Individual Pollutants.** This Order contains technology-based effluent limitations that implement minimum, applicable federal technology-based requirements. This Order's restrictions on individual pollutants are no more stringent than required to implement CWA requirements.

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

## 5. RATIONALE FOR RECEIVING WATER LIMITATIONS

This Order removes the receiving water limitations contained in section V of the previous order that served as backstops for unanticipated circumstances or changes to effluent quality that could affect water quality. The receiving water limitations made the Discharger responsible for the quality of the receiving water without specifying specific requirements (e.g., effluent limitations) or other actions the Discharger must take that apply at or before the discharge point. The Regional Water Board removed the receiving water limitations to be consistent with the U.S. Supreme Court's ruling in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704, which held that NPDES permits issued by the U.S. EPA may not include end-result requirements under the Clean Water Act. End-result requirements are provisions that do not spell out what the Discharger must do or refrain from doing; rather, they make the Discharger responsible for the quality of the water in the body of water into which it discharges pollutants.[1]

Section 5 of the Order includes receiving water limitations for aquatic toxicity objectives under state law only. The Toxicity Provisions require the Regional Water

[1] While the Regional Water Board removed generalized receiving water limitations in accordance with the U.S. Supreme Court's decision interpreting the Clean Water Act's NPDES requirements, the Regional Water Board may decide in the future to include other similar requirements as a matter of state authority.

Board to include receiving water limitations for the aquatic toxicity objectives when applying the exemption for insignificant discharges. As described in Fact Sheet section 4.3.3.4, discharges covered by this Order are insignificant discharges as defined in the Toxicity Provisions. The inclusion of the receiving water limitations as state-only requirements is consistent with *City and County of San Francisco v. U.S. EPA* as that case addressed requirements in NPDES permits relying on federal authority.

The requirements in this Order will ensure that the discharge satisfies Clean Water Act section 301(b)(1)(C) (33 U.S.C. § 1311(b)(1)(C)), which requires that the permit include any more stringent limitation, including those necessary to meet water quality standards. See Fact Sheet section 4.3.4. If unanticipated circumstances or changes to effluent quality occur during the permit term, the Regional Water Board may reopen the permit to include any limitations necessary to protect water quality.

## 6. RATIONALE FOR PROVISIONS

### 6.1. Standard Provisions

Attachment D contains standard provisions that apply to all NPDES permits in accordance with 40 C.F.R. section 122.41 and additional conditions applicable to specific categories of permits in accordance with 40 C.F.R. section 122.42. The Discharger must comply with these provisions. The conditions set forth in 40 C.F.R. sections 122.41(a)(1) and (b) through (n) apply to all state-issued NPDES permits and must be incorporated into permits either expressly or by reference.

In accordance with 40 C.F.R. section 123.25(a)(12), states may omit or modify conditions to impose more stringent requirements. This Order also omits the federal conditions that address enforcement authority specified in 40 C.F.R. sections 122.41(j)(5) and (k)(2) because the state's enforcement authority under the Water Code is more stringent. In lieu of these conditions, this Order incorporates Water Code section 13387(e) by reference. This Order also recognizes that Attachment D provisions 1.7.and 7.2 do not apply to the types of discharges covered by this Order.

### 6.2. Special Provisions

#### 6.2.1. Reopener Provisions

These provisions are based on 40 C.F.R. sections 122.62 and 122.63 and allow modification of this Order and its effluent limitations as necessary in response to updated water quality objectives, regulations, or other new and relevant information that may become available in the future, and other circumstances as allowed by law.

#### 6.2.2. Application for General Permit Coverage and Authorization to Discharge

These provisions require submittal of an NOI form and compliance with this Order upon receipt of an Authorization to Discharge, and are based on 40 C.F.R. section 122.28(b). They allow the Executive Officer to terminate an Authorization to Discharge based on 40 C.F.R. section 122.28(b). The provision allowing the Executive Officer to require an individual permit is based on 40 C.F.R. section 122.28(b)(3).

### 6.3. Best Management Practices (BMPs)

This provision is based on Clean Water Act section 304(e) and 40 C.F.R. section 122.44(k), which allow the use of BMPs to control or abate pollutant discharges when numeric effluent limitations are infeasible. BMPs are derived from 22 CCR section 67384.8 and guidance targeting perchlorate-containing fireworks (i.e., Massachusetts Department of Environmental Protection, Fireworks Best Environmental Management Practices, May 2011). This guidance is also relevant to preventing, controlling, and responding to discharges associated with other types of fireworks. Based on this guidance, these 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. The requirements of this provision serve as narrative effluent limitations and facilitate compliance with Discharge Prohibition 3.2.

### 6.4. Reporting Provisions

Clean Water Act section 308 and 40 C.F.R. sections 122.41(h), 122.41(j)-(l), 122.44(i), and 122.48 require that NPDES permits specify reporting requirements. Water Code sections 13267 and 13383 also authorize the Regional Water Board to establish inspection, entry, reporting, and recordkeeping requirements. This provision establishes reporting, and recordkeeping requirements that implement federal and state requirements. The Executive Officer may amend these requirements pursuant to 40 C.F.R. sections 122.62, 122.63, and 124.5. Pursuant to Water Code section 13267, the Executive Officer may specify additional monitoring and reporting requirements in individual Authorizations to Discharge, such as, but not limited to, monitoring in response to a complaint and additional discharge observations. The notification and reporting requirements are necessary to evaluate compliance with this Order, to assess BMP performance and implementation, and to inform the next permit reissuance.

### 6.5. Discharge Prohibition and Receiving Water Limitations from Previous Order Retained to Implement State Law Only

Discharge Prohibition III.B of the previous order stated, “Discharge of pollutants so as to create pollution, contamination, or nuisance as defined by Water Code

section 13050 is prohibited." Consistent with the holding in *City and County of San Francisco, California v. Environmental Protection Agency* (2025) 145 S.Ct. 704 (discussed in Fact Sheet section 3.3.4), this Order does not retain this prohibition as a federal requirement. However, this Order does retain a modified version of this prohibition in section 3.2 as a matter of state law: "Discharge of pollutants shall not create nuisance as defined by Water Code section 13050." This requirement does not address the discharge of pollutants or pollution or contamination because this Order includes technology-based effluent limitations sufficient to prevent nuisance or contamination in receiving waters associated with discharges covered by this Order.

The Regional Water Board has maintained this prohibition as a state law requirement to implement Water Code section 13263, which identifies the need to prevent nuisance as a factor to consider when issuing waste discharge requirements. The U.S. Supreme Court's decision in *City and County of San Francisco v. U.S. EPA* did not interpret the Water Code. Furthermore, there is no provision of the Water Code analogous to the NPDES permit shield that was a part of the basis of the U.S. Supreme Court's decision. Likewise, the Porter-Cologne Water Quality Control Act has consistently recognized the ability of the Water Boards to regulate to prevent nuisance, and the Porter-Cologne Water Quality Control Act does not share the legislative history of the federal Clean Water Act. This Order, therefore, maintains the requirements identified above to continue protections as a matter of state law.

Section V of the previous order contained receiving water limitations related to discharges containing toxicity. Specifically, section V.9 prohibited the discharge of "Toxic or other deleterious substances in concentrations or quantities that cause deleterious effects on…aquatic biota…either at levels created in the receiving waters or as a result of biological concentration." Section V.C stated, "Discharge shall not cause a violation of any water quality standard for receiving waters adopted by the Regional Water Board or State Water Resources Control Board (State Water Board) as required by the CWA and regulations adopted thereunder," which now includes the objectives in the Toxicity Provisions. Consistent with *City and County of San Francisco v. Environmental Protection Agency*, this Order does not retain these receiving water limitations as federal requirements. This Order does, however, include receiving water limitations for aquatic toxicity in section 5 as a matter of state law only.

The Regional Water Board included the receiving water limitations as state-only requirements to implement the Toxicity Provisions. The Toxicity Provisions require the Regional Water Board to include receiving water limitations for aquatic toxicity objectives when applying the exemption for insignificant discharges. As described in Fact Sheet section 4.3.3.3.1, the discharges covered by this Order are insignificant discharges as defined in the Toxicity Provisions.

As required by Water Code section 13263, the Regional Water Board has considered the beneficial uses to be protected, the water quality objectives reasonably required for that purpose, other waste discharges, the need to prevent nuisance, and the factors listed in Water Code section 13241 in establishing these state law requirements. The Water Code section 13241 factors are considered below.

6.5.1. **Past, present, and probable future beneficial uses of water.** Basin Plan Chapter 2 identifies designated beneficial uses for water bodies in the San Francisco Bay Region. Beneficial uses of water relevant to this Order are also identified above in Fact Sheet section 3.3.1. The Regional Water Board has taken beneficial uses into account in establishing the requirements of this Order. Neither the prohibition against nuisance nor the receiving water limitations in section 5 of this Order will adversely affect present and future beneficial uses of water.

6.5.2. **Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.** The environmental characteristics of freshwater and non-freshwater receiving waters in the San Francisco Bay Region are described in Basin Plan Table 2-1. Neither the prohibition against nuisance nor the receiving water limitations in section 5 of this Order will adversely affect the environmental characteristics of these receiving waters.

6.5.3. **Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.** By complying with the CWA-mandated requirements established through this Order, the Dischargers will ensure control over factors that could affect water quality. The requirement to prevent nuisance and the receiving water limitations in section 5 of this Order will ensure that best management practices required through this Order do not result in environmental conditions that could adversely affect the surrounding community.

6.5.4. **Economic considerations.** The Dischargers have reliably implemented best management practices without creating nuisance conditions or exceeding the receiving water limitations in section 5 of this Order. Therefore, this prohibition and the receiving water limitation are unlikely to impose additional economic costs on Dischargers. In the unlikely event that the Dischargers incur additional costs to prevent nuisance or the exceedance of the receiving water limitations in relation to their discharges, the costs would be justified and necessary to protect public health and the environment. If a nuisance or an exceedance of the receiving water limitations were to occur, it would have a negative economic impact on tourism, recreation, and affected residents in the area.

6.5.5. **The need for developing housing within the region.** Neither the requirement to prevent nuisance nor the receiving water limitations in section 5 of this Order will adversely affect the development of housing within the region.

6.5.6. **The need to develop and use recycled water.** Neither the requirement to prevent nuisance nor the receiving water limitation in section 5 of this Order will have an impact on the development and use of recycled water.

## 7. PUBLIC PARTICIPATION

The Regional Water Board considered the issuance of WDRs that will serve as an NPDES permit for the discharge of residual firework pollutants associated with public fireworks displays in the San Francisco Bay Region. As a step in the WDRs adoption process, the Regional Water Board developed tentative WDRs and encouraged public participation in the WDRs adoption process.

**7.1. Notification of Interested Parties.** The Regional Water Board notified the Dischargers and interested agencies and persons of its intent to prescribe WDRs for the discharge and provided an opportunity to submit written comments and recommendations. The public had access to the agenda and any changes in dates and locations through the Regional Water Board's website at waterboards.ca.gov/sanfranciscobay.

Consistent with Water Code section 189.7, the Regional Water Board notified potentially affected disadvantaged communities and tribal communities of this Order and provided them with an opportunity to engage prior to the public comment period. The Regional Water Board also notified disadvantaged communities and tribal communities of the opportunity to submit written comments during the public comment period.

**7.2. Environmental Justice.** Water Code section 13149.2 requires the Regional Water Board to make a concise programmatic finding on potential environmental justice, tribal impact, and racial equity considerations for reissued regional WDRs. The Regional Water Board has considered readily available information concerning anticipated water quality impacts in disadvantaged communities and tribal communities that may result from the changes to the permit requirements in this Order. The Regional Water Board has also considered the environmental justice concerns within its authority raised regarding those impacts.

The discharges authorized by this Order will occur across the San Francisco Bay region. There are disadvantaged communities[2] and tribal communities[3] in the

[2] Water Code section 13149.2, subdivision (f)(1), defines "disadvantaged community" as "a community in which the median household income is less than 80 percent of the statewide annual median household income level." The statewide annual median household income in the U.S. Census Bureau 2020 Census was $78,672.6. Based on these data, a community with a household income less than $62,938 is a "disadvantaged community" as used in section 13149.2.

[3] Water Code section 13149.2, subdivision (f)(3), defines "tribal community" as "a community within a federally recognized California Native American tribe or nonfederally recognized Native American tribe on the contact list maintained by the Native American Heritage Commission for the purposes of Chapter 905 of the Statutes of 2004."

region. This Order requires that all discharges immediately comply with applicable water quality objectives; therefore, the nature and location of the discharges under this Order are not expected to impact environmental justice, disadvantaged communities, tribal communities, or racial equity.

**7.3. Written Comments.** Interested persons were invited to submit written comments concerning the tentative WDRs as explained through the notification process. Comments were to be submitted either in person, by email, or by mail to the attention of Marcos De la Cruz.

Written comments were due at the Regional Water Board office by 5:00 p.m. on March 13, 2026.

**7.4. Public Hearing.** The Regional Water Board held a public hearing on the tentative Order during its regular meeting at the following date and time:

Date: April 8, 2026
Time: 9:00 a.m.
Contact: Marcos De la Cruz, (510) 622-2365,
marcos.delacruz@waterboards.ca.gov

Interested persons were provided notice of the hearing and information on how to participate. During the public hearing, the Regional Water Board heard testimony pertinent to the discharges, and Order.

Dates and venue can change. The Regional Water Board's web address is https://www.waterboards.ca.gov/sanfranciscobay, where one can access the current agenda for changes.

**7.5. Reconsideration of Waste Discharge Requirements.** Any person aggrieved by this Regional Water Board action may petition the State Water Board to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, section 2050. The State Water Board must receive the petition at the following address within 30 calendar days of the date of Regional Water Board action:

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

A petition may also be filed by email at waterqualitypetitions@waterboards.ca.gov.

For instructions on how to file a water quality petition for review, see waterboards.ca.gov/public_notices/petitions/water_quality/wqpetition_instr.shtml.

**7.6. Information and Copying.** NOIs, related supporting documents, and comments received are on file and may be inspected at the Regional Water Board address

above by making an appointment with the Regional Water Board's custodian of records. Document copying may be arranged by calling (510) 622-2300.

**7.7. Register of Interested Persons.** Any person interested in being placed on the mailing list for information regarding the WDRs and NPDES permit should contact the Regional Water Board, reference the Facility, and provide a name, address, and phone number.

**7.8. Additional Information.** Requests for additional information or questions regarding this Order should be directed to Marcos De la Cruz, (510) 622-2365, marcos.delacruz@waterboards.ca.gov.