

CITY OF CONCORD
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September 3, 2019

By U.S. Mail and email (ctadmin@contracosta.courts.ca.gov)

Mr. Richard Nakano, Foreperson
2018-2019 Contra Costa County Civil Grand Jury
725 Court Street
P.O. Box 431
Martinez, CA 94553-0091

RE: City of Concord Response to 2018-2019 Grand Jury Report No. 1907,
"Stormwater Trash Reduction"

Dear Mr. Nakano:

This letter serves as the City of Concord's response to the Contra Costa Grand Jury's findings and recommendations set forth in Report No. 1907, entitled "Stormwater Trash Reduction." As summarized on page 13 of the report, only findings and recommendations applicable to the City of Concord are addressed in the responses below. This letter was reviewed by the Concord City Council at its August 27, 2019, City Council Meeting, and I was directed to submit the response for the City of Concord.

I. FINDINGS

Finding F1: "The 2015 Municipal Regional Stormwater Permit (Permit) requires most of the cities, towns, and the County to take action to reduce trash discharges by 80%, from 2009 baseline levels, by July 1, 2019."

Response: The City of Concord agrees with the Finding.

Finding F3: "Using the formula prescribed in the Permit, Brentwood, Clayton, Concord, Danville, El Cerrito, Lafayette, Martinez, Moraga, Orinda, Pittsburg, Richmond, San Pablo, San Ramon, and Walnut Creek report that they have already reached their July 1, 2019 trash reduction goals."

Response: The City of Concord agrees with the Finding.

Finding F6: "Both the Contra Costa Clean Water Program (CCCWP) and LAFCO reports that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County."

Response: The City of Concord agrees with the Finding.

Finding F7: "Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packaging in their communities."

Response: The City of Concord agrees with the Finding. As a point of clarification, the City of Concord refers to the banned food packaging as "Polystyrene Foam" since Styrofoam™ is trademarked brand for a type of plastic foam, also commonly called expanded polystyrene.

Finding F9: "No narrative summary of the accomplishments, challenges, costs, and funds needed to fully comply with the Permit is provided in the required annual reports prepared by CCCWP, the County, and each city and town."

Response: The City of Concord agrees with the Finding. Through BASMAA, the annual report form is developed for all 76 regional permittees and is approved by the San Francisco Bay Regional Water Quality Control Board. This approved reporting form does not require a narrative summary.

II. RECOMMENDATIONS

Recommendation R3: "The Board of Supervisors and all City/Town Councils should consider directing staff to provide a concise summary of their Annual Reports, citing their accomplishments, challenges, costs, and funds needed to fully comply with the Permit, by December 31, 2019."

Response: The recommendation will not be implemented because it is not warranted. The City of Concord is already compliant with the San Francisco Bay Regional Water Quality Control Board Permit (Order No. R2-2015-0049). The City of Concord produces an annual stormwater report as required by the permit that is readily available to the public via the State's online reporting systems. Any additional reporting is considered duplicative.

Recommendation R4: "The Board of Supervisors and City/Town Councils should consider identifying additional revenue sources to fully fund Permit requirements in order to comply with the Permit and avoid potential liability, by June 30, 2020."

Response: The recommendation will not be implemented because it is not warranted. The City of Concord is already compliant with the San Francisco Bay Regional Water Quality Control Board Permit (Order No. R2-2015-0049) requirement for stormwater trash reductions by June 30, 2020; therefore, the City of Concord does not need to identify additional revenue sources in order to comply and avoid potential liability by June 30, 2020.

Bruce Davis, Senior Civil Engineer, is available to answer any questions or provide any additional information concerning the above responses. You can reach him at (925) 671-3470 or by email at bruce.davis@cityofconcord.org.

Sincerely,



Valerie J. Barone
City Manager