



City of Martinez

525 Henrietta Street, Martinez, CA 94553-2394

July 24, 2019

Via US Mail and Email: ctadmin@contracosta.courts.ca.gov

Contra Costa County
Grand Jury
P.O. Box 431
Martinez, CA. 94553

Subject: City of Martinez Response to Grand Jury Report No. 1907, "Stormwater Trash Reduction" by the 2018-2019 Contra Costa Grand Jury.

In accordance with your request and California Penal Code Sections 933.05 (a) and 933.05 (b), the City of Martinez is submitting responses to Grand Jury Findings No. F1, F3, F6, F7 and F9, and Recommendations No. 3 and 4 in the subject Grand Jury Report. Findings No. F2, F4, F5 and F8, and recommendations R1 and R2 are not applicable to the City of Martinez.

Background

The Federal Clean Water Act, as amended by the Water Quality Act of 1987, requires a permit for stormwater discharges from municipal systems to prevent harmful pollutants into the waterways. Discharges from stormwater systems operated by the Contra Costa County and Cities and towns within the county area subject to the Clean Water Act.

The Clearwater Act is enforced locally by the San Francisco Regional Water Quality Control Board through a Municipal Regional Stormwater Permit (Permit) issued in July of 2015. Under the Permit Cities, Towns and Counties are required to reduce their trash discharged by the stormwater systems by 80%, from 2009 base levels, by July 1, 2019. Cities and Counties are required to prepare a detailed annual report that documents their trash reduction performance.

City of Martinez Responses to Grand Jury Findings F1, F3, F6, F7 and F9:

Grand Jury 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: Agree.

Grand Jury 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: Agree.

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

Response: Agree.

Grand Jury 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: Agree. However, as a point of clarification, the City has a Polystyrene product ban. "Styrofoam" is a trademarked name that utilizes Polystyrene.

Grand Jury 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: Partially Agree. Through the Bay Area Stormwater Management Agencies Association (BASMAA), the annual report form is developed for all 76 regional permittees and approved by the San Francisco Regional Water Quality Control Board. This approved reporting form does not require a narrative summary.

City of Martinez Responses to Grand Jury Recommendations R3 and R4:

Grand Jury 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 has been implemented. The Board of Supervisors and all City/Town Councils produce a comprehensive annual Stormwater Report as required by the Regional Municipal Permit that highlights accomplishments and challenges. This information is readily available to the public via the State's online reporting systems. Any additional reporting is considered duplicative.

Grand Jury 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 Martinez is already compliant with the San Francisco Regional Water Quality Control Board Permit (Order No. R2-2015-0049) requirement for trash reductions by June 30, 2020; therefore, the City does not need to identify additional revenue sources in order to comply and avoid liability by June 30, 2020.

Sincerely,



**Dave Scola, Public Works Director
City of Martinez**