

---

September 4, 2019

Civil Grand Jury - Foreperson  
Contra Costa County Civil Grand Jury  
P.O. Box 431  
Martinez, CA 94553-0091  
[ctadmin@contracosta.courts.ca.gov](mailto:ctadmin@contracosta.courts.ca.gov)

Subject: **Response to Report No 1907, "Stormwater Trash Reduction"**

Mr. Nakano:

Pursuant to California Penal Code Section 933.05, this letter responds to Contra Costa County Grand Jury Report No. 1907, "Stormwater Trash Reduction."

## GRAND JURY FINDINGS

**Finding #2.** Antioch, Brentwood, Oakley and the eastern portion of the County were added to the Permit in February 2019 and have a requirement to reduce trash discharges by 70% from their 2016 baseline trash levels by December 31, 2019. **Response:** The City believes this finding is accurate.

**Finding #6.** Both the CCCWP and LAFCO report that the unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns and the County." **Response:** The City believes this finding is accurate.

**Finding #9.** 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 the CCCWP, the County and each city and town." **Response:** The City believes this finding is accurate.

## RECOMMENDATIONS:

**Recommendations #2.** The City/Town Councils of Antioch, Brentwood, Clayton, Danville, Moraga, Oakley, Orinda, Pleasant Hill, and San Ramon should consider limiting the use of Styrofoam containers in their communities by June 20, 2020.

**Response:** The recommendation requires further analysis. The staff needs, cost and availability to prepare the needed ordinance must be evaluated and work plans developed. We cannot commit to having that study completed within the 6 months that you propose. Without further consideration of the question itself we cannot speculate on what a reasonable response or action timeline might be.

**Recommendation #3.** 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 requires further analysis. The recommendation affects not only the cities of Contra Costa and the County but also the full 76 co-permittees under the MRP. The annual form report is collaboratively prepared by a BASMAA workgroup and reviewed and approved by the Regional Water Board staff. This requires the consensus of many parties. While the City of Oakley is willing to propose this change, it could not be implemented until at least a year from the date of this letter.

**Recommendation #4.** The Board of Supervisors and all City/Town Councils should consider identifying additional revenue sources to fully fund the Permit and avoid potential liability by June 30, 2020.

**Response:** The recommendation requires further analysis. However, identifying additional funding sources is ongoing as a matter of course. Staff continuously looks for funding sources in concert with the CCCWP. This effort goes to grant funding programs at the state level, and of course, does include the Contra Costa effort to add a new stormwater utility assessment, which you must know, failed at the ballot box. Searches for new funding for elements of the permit requirements includes the implementation of the BASMAA Roadmap for funding sustainable street that goes to the Green Infrastructure requirement of the Permit. The City of Oakley has met the 70% reduction requirement.

We thank you for the opportunity to respond to the Civil Grand Jury's recent Report No 1907.

Sincerely,



Bryan H. Montgomery  
City Manager