



September 3, 2019

Mr. Richard Nakano, Foreperson
Contra Costa County Grand Jury
P.O. Box 431
Martinez, CA 94553

Subject: City of Orinda response to Grand Jury Report No. 1907, "Stormwater Trash Reduction"

Dear Mr. Nakano,

The City of Orinda provides this response to the subject Grand Jury Report pursuant to California Government Code Section 933.05.

FINDINGS:

F1: The 2015 Municipal Regional Stormwater 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.

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.

F6: Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs area a challenge for cities, towns, and the County.

Response: Agree. Furthermore, permit requirements are once again expected to expand with the upcoming Permit 3.0, which would be effective January 1, 2021, and will put additional demands on limited city resources.

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 Disagree. The form of the annual report is approved by the State Water Board and does not have said summary sections and therefore are not required. Equivalent information is available through other city documents, such as the annual budget and the staff report for setting the annual stormwater utility assessment fee. These documents are processed through City Council meetings, open to the public.

RECOMMENDATIONS:

R2: 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 30, 2020.

Response: This recommendation requires further analysis. The City of Orinda will consider limiting the use of Styrofoam containers in our community at a future City Council meeting prior to December 8, 2019. It is noted that alternative ways to limit use of styrofoam can also be explored at the State and Federal levels, such as placing limits on the suppliers and/or distributors of such containers, which may be efficient and effective as well.

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: This recommendation will not be implemented because it is not warranted or reasonable. As noted in F9, equivalent information is available in other city documents. Furthermore, the State Water Board establishes and prescribes the format and information in the Annual Report, and cities are required to use the format.

R4: The Board of Supervisors and all 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: This recommendation will not be implemented because it is not warranted or reasonable. The City of Orinda intends to meet the June 30, 2020 trash reduction goal set forth in the Permit, and therefore does not anticipate the need for additional funding with respect to that particular requirement.

The Orinda City Council approved this response at the September 3, 2019 City Council meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Inga Miller', with a stylized flourish at the end.

Inga Miller
Mayor

Cc: ctadmin@contracosta.courts.ca.gov