



August 7, 2019

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

Re: Response to Grand Jury Report No. 1907 - "Stormwater Trash Reduction".

Dear Mr. Nakano,

This correspondence will serve as the City of Walnut Creek's response to your June 4, 2019 letter regarding Grand Jury Report No. 1907- "Stormwater Trash Reduction"

FINDING:

F1: The 2015 Municipal Regional 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 with the 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 with the finding

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

Response: Agree with the 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 with the 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: Agree with the finding. Through Bay Area Stormwater Management Association (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 report template, that we must follow, does not address funding.

RECOMMENDATIONS:

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

Response: This recommendation has not yet been implemented but will be implemented by December 31, 2019. An executive summary of the FY 2018-2019 annual report and trash reduction achievements will be prepared and provided to City Council. The summary will include a brief narrative of the accomplishments and challenges, costs and funding of permit provisions.

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: The recommendation will not be implemented because it is not warranted. The City of Walnut Creek is already compliant with the San Francisco Bay Regional Water Quality Control Board Permit (Order No. R2-2015-0049) requirement for stormwater trash reduction. The permit requires a reduction of 80% by June 30, 2019 and the City of Walnut Creek has achieved a trash reduction of 96.2%; therefore additional funding sources are not required to meet the current permit.

If the trash reduction goal continues to increase in future Municipal Stormwater Permits, this could create funding challenges for the City's Clean Water Program. Additional funding may be required to reach higher trash reduction goals.

The City Council approved this response at their August 6, 2019 regular meeting.

Sincerely,



Dan Buckshi,  
City of Walnut Creek, City Manager