



December 11, 2019

Via US Mail and Email: [ctadmin@contracosta.courts.ca.gov](mailto:ctadmin@contracosta.courts.ca.gov)

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

**Regarding: Response to Grand Jury Findings and Recommendations Concerning Report 1907  
"Stormwater Reduction - Are We Doing All That We Can?"**

Dear Mr. Nakano:

In response to your request and pursuant to Section 933.05 of the California Penal Code, the City of Antioch ("Antioch" or "City") is submitting responses to **Findings 2, 6, 8, and 9** and **Recommendations 2, 3 and 4** in Grand Jury Report 1907.

**I. RESPONSES TO GRAND JURY FINDINGS 2, 6, 8, AND 9**

**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 21, 2019."*

**Response: The City of Antioch agrees with this finding.**

**Finding 6**

*"Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are a challenge for cities, towns, and the County."*

**Response: The City of Antioch agrees with this finding.**



### **Finding 8**

"Caltrans reports that highways and ramps along portions of Highways 4 and 24, Interstates 80, 580, and 680 in Antioch, El Cerrito, Richmond, and in the unincorporated areas of the County are high trash generation areas."

#### **Response: The City of Antioch partially disagrees with this finding.**

The Grand Jury Report references a table taken from the Caltrans, Trash Load Reduction Workplan for the San Francisco Bay Region, 2016, which indicated the locations of highway ramps with high trash levels; however, none of the ramps listed are within the City of Antioch. The Grand Jury Report also referenced a letter dated November 7, 2018, that was apparently co-signed by Antioch, urging the Water Board to take enforcement action against CalTrans; however, a copy of that letter could not be located and verified. While we understand and agree that trash can accumulate on highways and on/off ramps owned and operated by CalTrans, not all the facts of this finding apply to Antioch. The City is, however, pursuing a partnership with CalTrans to install trash capture devices in order to meet both agencies' reduction requirements.

### **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 CCCWP, the County, and each city and town."*

#### **Response: The City of Antioch partially disagrees with this finding.**

While Antioch agrees there is no narrative summary provided in the annual reports, there is also no provisional requirement to do so. More importantly, the annual report form is developed in collaboration with all 76 regional municipal stormwater permittees through the Bay Area Stormwater Management Agencies Association (BASMAA) and ultimately approved by the Water Board. Modifying the report format would require a majority consensus of all involved. The City of Antioch already presents a narrative summary covering those items during (1) the annual fiscal year budget period and (2) when establishing the Stormwater Utility Assessment (SUA), which is the mechanism for securing stormwater funding in Contra Costa County.

## **II. RESPONSES TO GRAND JURY RECOMMENDATIONS 2, 3, AND 4**

### **Recommendation 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 30, 2020."*

**Response. The recommendation requires further analysis.**

The City of Antioch will need to fully analyze and evaluate the impacts of implementing this type of ordinance. As presented in the Grand Jury Report, trash comes in many different forms and from many different sources. Focusing on one specific source ban is not a feasible solution to achieve mandatory trash reduction requirements, or even potential credits, especially when its replacement could be discarded in the same manner. Like the Statewide plastic bag ban, single-use container bans, regardless of the material used, should be considered and addressed regionally or statewide. A standardized State ban would be far more effective than having ordinances implemented piecemeal, which could vary greatly from city to city.

Because of limited staffing, resources, and a short timeline, the City cannot commit to a deadline of June 30, 2020, as recommended. Additionally, the current Municipal Regional storm water permit (MRP) expires in December 2020 and language for a new MRP is currently being negotiated, with a tentative implementation date of Spring 2021. Therefore, implementing and providing feedback on effectiveness for one specific trash source control measure in order to potentially receive trash reduction credits prior to the current MRP ending, is not feasible. It is also unclear if those same trash source control credits specifically for this source control measure will be carried into the new permit. The City has been participating in the new permit negotiations and will begin evaluating available trash credits when they are ratified in the new MRP, which could include Styrofoam.

**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. This recommendation will not be implemented because it is not warranted, or it is not reasonable.**

The annual report format is prepared collaboratively by a BASMAA workgroup and reviewed and approved by Regional Water Board staff. Therefore, this recommendation not only affects the cities within Contra Costa and the County, but all 76 municipalities under the storm water permit. Changes to that format would require consensus of many parties. In addition, the City of Antioch already includes a narrative summary in its Annual Fiscal Year Budget which presents accomplishments, challenges, costs and possible future funding needs for storm water. This information is also presented to Council in the annual

establishment of the City's Stormwater Utility Assessment, which is the mechanism in which storm water funding is secured.

**Recommendation 4**

*"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 has been implemented.**

As an effort to increase funding to meet increasingly stringent storm water regulations, a countywide ballot measure was conducted in 2012. The measure was sponsored and funded by the Contra Costa Clean Water Program, which the City of Antioch is a member; however, it failed by a 60% "No" response. The City of Antioch continues to pursue other funding opportunities through state and federal grants, loans, and other mechanisms. Antioch has and continues to work with other cities and agencies, like BASMAA and CASQA, both regionally and statewide to encourage and propose legislation on storm water funding options.

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

Sincerely,



Ron Bernal  
City Manager