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December 18, 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" - REVISED**

Foreperson Granlund:

The response letter originally sent by the City of Oakley included some responses in need of revision. Please accept this letter as the full, accurate and compliant response to Civil 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 will not be implemented because the City believes that regional or statewide efforts that focus on the larger issue of water pollution are needed to effectively address these challenges. If this is to be an issue for each individual city to address, 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 and believe a regional or statewide effort is needed and would prove far more effective.

**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 will not be implemented, as it is not warranted or is not reasonable. The annual form report is collaboratively prepared by a BASMAA workgroup and reviewed and approved by the Regional Water Board staff. All 76 permittees under the MRP are affected by such a recommendation. The City of Oakley provides all required reports and those are available to the public.

**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 has been implemented. Efforts to increase funding needed to achieve compliance were evident by the County-wide ballot measure conducted in 2012. The measure was sponsored by the Contra Costa Clean Water Program, of which the City of Oakley is a member. While the measure failed, it is evidence of efforts being made to seek the needed funding. The City of Oakley will continue to seek other funding opportunities, including State legislation that would provide mechanisms for more adequate storm water funding.

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

Sincerely,



Bryan H. Montgomery  
City Manager