



CITY OF

August 21, 2019

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

Re: City of Pinole Response to Grand Jury Report No. 1907: "Stormwater Trash Reduction" by 2019 Contra Costa Grand Jury

Dear Mr. Nakano,

Below please find the City of Pinole's responses to Grand Jury Report No. 1907: "Stormwater Trash Reduction".

Grand Jury Findings:

- 1. The 2015 Municipal Regional Stormwater Permit requires most the cities, towns, and the County to take action to reduce trash discharge by 80%, from 2009 baseline levels, by July 1, 2019.***

Response: The City of Pinole agrees with this finding.

- 4. In June, 2018, Hercules and Pinole were issued Cease and Desist Orders by the Water Board requiring them to improve their performance in meeting their trash reduction goals.***

Response: The City of Pinole agrees with this finding.

- 6. Both the CCCWP and LAFCO report that unfunded federal and state mandated stormwater permit compliance programs are challenged for cities, towns, and the County.***

Response: The City of Pinole agrees with this finding.

- 7. 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: The City of Pinole agrees with this finding.

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

Response: The City of Pinole partially disagrees with this finding. The City of Pinole should also be listed as impacted by high trash generation along the portion of Interstate 80 and the ramps that are in Pinole.

- 9. No narrative summary of the accomplishments, challenges, cost 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 Pinole agrees with this finding.

Grand Jury Recommendations:

- 1. The City Councils of Hercules and Pinole should each consider directing their city manager to implement trash controls to bring them into compliance with 80% trash reduction goal by December 31, 2019.**

Response: The recommendation has been implemented. Summary as follows:

R1-1. The City of Pinole adopted a trash capture ordinance in late 2017. The City hosted a vendor fair to introduce commercial property owners and managers to trash capture manufacturers and installers. Implementation and compliance efforts are ongoing. The City has performed three direct mailings at targeted commercial property owners and managers educating them about the requirements of the ordinance. We have experience a significant number of property owners and managers seeking and achieving compliance. We continue to address compliance as a component of our Code Enforcement activities.

R1-2. The Pinole City Council approved as part of the FY 2019/20 annual operating budget more than double the funding for the Code Enforcement division. Staffing has increased, facilitating more active Code Enforcement activities.

R1-3. The City of Pinole hosted a tour with three staff members of the RWQCB to demonstrate the compliance efforts. The RWQCB staff was able to see many properties in compliance as well as a few that were not in compliance.

R1-4. A Code Enforcement Officer visited restaurants in Pinole in the 4th quarter of FY 2018/19 to educate businesses about the Styrofoam ban. The Code Enforcement Officer revisited every restaurant and all were in compliance with the Styrofoam ban.

R1-5. In FY 2017/18 the Pinole City Council approved a capital project to install trash capture devices in several additional medium to low trash volume roads. Additionally, the project included the installation of trash capture devices in City owned parking lots in high trash capture areas.

- 3. The Board of Supervisors and all City/Town Councils should consider directing staff to provide 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 has not yet been implemented but in part will be implemented in the future. The City of Pinole will provide a concise summary of our accomplishments with our Annual Report. The City of Pinole is not able to quantify the full cost to comply with the Permit. Costs will be shared by the CCCWP, private property owners, Caltrans, and the City.

- 4. The Board of Supervisors and all City/Town Councils should consider identifying additional review 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, in part, been implemented. Additionally, parts of the recommendation require further analysis.

R4-1. The City of Pinole has directed funding from the Solid Waste Fund for the purchase of a Street Sweeper to aid with permit compliance.

R4-2. The City of Pinole directs some road maintenance funding toward the cost of implementing the street sweeping program to aid with permit compliance.

R4-3. The City, as part of the CCCCWP, has supported legislation at the State level to create a utility user fee structure for stormwater programs. The State legislature has failed to pass such legislation.

R4-4. The City of Pinole has already passed local sales tax revenue measures for Police, Fire, Recreation, and Road Maintenance. The City's ability to continue to pass local sales tax measures is capped by State law. The City lacks adequate funding for public safety and thus needs to focus local funding measures here prior to unfunded State mandates.

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If you have any questions about the above, please do not hesitate to contact City Manager Michelle Fitzer at (510) 724-8933.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Murray". The signature is fluid and cursive, with the first name "Peter" and last name "Murray" clearly distinguishable.

Peter Murray
Mayor