

August 5, 2019

Grand Jury  
Attn: Foreperson Richard S. Nakano  
P.O. Box 431  
Martinez, CA 94553  
(also by email to [ctadmin@contracosta.courts.ca.gov](mailto:ctadmin@contracosta.courts.ca.gov))

Re: **Grand Jury Report No. 1907, “Stormwater Trash Reduction” by the 2018-2019 Contra Costa County Grand Jury**

Dear Mr. Nakano:

On behalf of the San Pablo City Council, this letter responds to Grand Jury Report No. 1907, “Stormwater Trash Reduction” by the 2018-2019 Contra Costa Grand Jury. With regard to FINDINGS, the City of San Pablo responds as follows:

- 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:** The City of San Pablo agrees with this 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:** The City of San Pablo agrees with this finding.
- F6:** “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 San Pablo agrees with this finding.
- F7:** “Concord, El Cerrito, Hercules, Lafayette, Martinez, Pinole, Pittsburg, Richmond, San Pablo, and Walnut Creek have established ordinances banning Styrofoam food packing in their communities.”
- Response:** The City of San Pablo agrees with this finding. However, as a point of clarification, the City of San Pablo has a “plastic foam” product ban not a

“Styrofoam” ban. Styrofoam is a trademarked brand for a type of plastic foam, also called expanded polystyrene.

**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:** The City of San Pablo agrees with this finding. Through the Bay Area Stormwater Management Agencies 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 (RWQCB). Therefore, the RWQCB determines what and how information is reported. This approved reporting form does not require a narrative summary. The City of San Pablo completes the form provided with the required information.

With regard to RECOMMENDATIONS, the City of San Pablo responds as follows:

**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 has not yet been implemented. Staff will develop a summary of the FY 2018/19 Annual Report and deliver this report to the City Council by December 31, 2019.

**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. The City of San Pablo has already obtained over \$5 million dollars in funding, from grants and other non-City sources, to assist with the current permit requirements by June 30, 2020. The City of San Pablo does not need to identify additional revenue sources in order to comply.

We hope the City of San Pablo’s responses to the findings and recommendations outlined in Grand Jury Report No. 1907 are helpful to the Grand Jury’s purposes.

Sincerely,

Rich Kinney  
Mayor