

Legislation Text

File #: #19-325, Version: 1

PREPARED BY: AMANDA BOOTH

DATE OF MEETING: 08/05/19

SUBJECT:

AUTHORIZING THE MAYOR TO SIGN AND THE CITY MANAGER TO SUBMIT THE RESPONSE LETTER TO THE CONTRA COSTA GRAND JURY REPORT NO. 1907: STORMWATER TRASH REDUCTION

CITY MANAGER RECOMMENDATION

Authorize by Minute Order

COMPLIANCE STATEMENTS

FY 2019-21 Council Priority Workplan Compliance Statement

Enhance Community Resilience - (202) *Develop Long-Term Environmental Stewardship Goals* is an adopted policy item under the adopted FY 2019-21 Council Priority Workplan, effective March 1, 2019.

CEQA Compliance Statement

The response letter is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3). The activity is covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. In this situation, the activity is responding to the Grand Jury (and not any underlying stormwater activities) and thus there is no potential for causing a significant effect on the environment.

BACKGROUND

As a result of amendments to the Federal Clean Water Act, the Environmental Protection Agency was given the authority to regulate stormwater discharges from municipal storm drains under the National Pollutant Discharge Elimination System (NPDES) regulations. In California, the NPDES permit is administered by Regional Water Quality Control Boards. The City of San Pablo is a Co-Permittee under the Municipal Regional Stormwater Permit (MRP) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB). The MRP regulates discharges from municipal separate storm sewer systems (MS4s) and outlines measures the City must undertake to prohibit non-stormwater discharges to storm drains and minimize the presence of pollutants in stormwater.

The main objective of the NPDES program is to improve water quality and creek health through the reduction and/or elimination of polluted runoff. On January 1, 2016 the new NPDES Permit, Municipal Regional Permit 2.0 (MRP 2.0), became effective. As part of the new permit, all permittees are required to install devices and implement programs that reduce trash loads from storm drains in order

to achieve trash reduction beyond the 2009 baseline levels. The permit requires a 70% reduction of trash below baseline levels by July 1, 2017 and an 80% reduction by July 1, 2019.

The City of San Pablo was able to meet the required 80% reduction target by July 1, 2018 with a reduction of 87% through the following actions:

- Across the City, a combined total of 128 devices and facilities have been installed that reduce trash from entering the creeks by 67%. The two types of devices are:
 - 113 Connector Pipe Screen (CPS) units that capture trash at it enters the stormdrain system across 345 acres of the City.
 - 15 Low Impact Development (LID) facilities (also known as bioswales) that capture trash and treat other stormwater pollutants. These LID facilities treat 37 acres of the City.
- The City has approved two source control ordinances - bans on single-use plastic bags and expanded polystyrene (also known as Styrofoam™) - which provide a combined calculated 10% reduction in trash to the creeks according to the formula outlined in the NPDES permit.
- In the 2017/18 reporting year, the City received 10% in reduction credits through various creek and shoreline clean-ups. The City removed 13,330 gallons of trash to receive the maximum reduction credits of 10%.

GRAND JURY REPORT

The Contra Costa Grand Jury provided a report dated May 22, 2019 outlining its investigation into whether cities in Contra Costa are doing all that they can to comply with the trash reduction requirements in the NPDES permit. City staff generally agree with the findings of the report that pertain to the City of San Pablo. The report had two recommendations for the City of San Pablo, one of which City staff recommends implementing while the other is not recommended, because it is unwarranted:

- Report 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.”*
 - City staff recommend implementing this action and will provide a summary of the Annual Report to City Council by December 31, 2019.
- Report 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.”*
 - 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.

City Staff recommend that the City Council approve the attached response letter to the Contra Costa Grand Jury for submittal by the required September 6, 2019 deadline.

FISCAL IMPACT

There is no direct fiscal impact associated with this item. It is estimated that ten hours of staff time will be required to implement Recommendation 3: "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."

ATTACHMENTS

1. Contra Costa County Grand Jury Report No. 1907
2. City of San Pablo's Response Letter dated August 5, 2019