



**Contra
Costa
County**

To: Board of Supervisors
From: Brian M. Balbas, Public Works Director/Chief Engineer
Date: December 17, 2019

Subject: Contra Costa County Municipal Regional Stormwater Permit 2018-19 Annual Report Summary,
Countywide. Project No. 7517-6W7201

RECOMMENDATION(S):

ACCEPT a summary of Contra Costa County's 2018-19 Fiscal Year Annual Report of compliance with Bay Area's Municipal Regional Stormwater Permit in response to the Grand Jury's Report No. 1907 "Stormwater Trash Reduction: Are We Doing All That We Can?" (Grand Jury Report).

FISCAL IMPACT:

No fiscal impact to the General Fund and minimal impact to the department's budget. The County's stormwater trash reduction program is funded primarily with Stormwater Utility Assessments. The work to prepare this summary is a minimal cost.

BACKGROUND:

The 2018-19 Contra Costa County Grand Jury completed the Grand Jury Report in June of 2019.

The County Grand Jury Report discusses the background of stormwater discharge regulations under the 1972 Federal Water Pollution Control Act (Clean Water Act), which establishes National Pollutant Discharge Elimination (NPDES) permits. In the Bay Area,

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **12/17/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor

Candace Andersen, District II
Supervisor

Diane Burgis, District III Supervisor

Karen Mitchoff, District IV Supervisor

Federal D. Glover, District V
Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 17, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

By: Stacey M. Boyd, Deputy

Contact: Michele Mancuso,
(925) 313-2236

the San Francisco Regional Water Quality Control Board regulates

BACKGROUND: (CONT'D)

the Bay Area's Municipal Regional Stormwater Permit (MRP) 2.0. MRP 2.0 required municipalities to achieve a trash reduction of 80% from their 2009 baseline trash levels by July 1, 2019. Noncompliance with MRP 2.0 can result in a Notice of Violation and a federal fine of \$37,500 per violation per day and a state violation of \$10,000 per violation per day. The Grand Jury Report discusses options to reduce trash, such as installing full trash capture devices or instituting source control programs such as plastic bag or polystyrene (Styrofoam) bans. The Grand Jury Report acknowledges that trash is present along highways and notes that collaboration between Caltrans and municipalities is an important potential solution.

The Grand Jury Report indicates that the primary source of revenue for compliance with MRP 2.0, for most Contra Costa municipalities, is the Stormwater Utility Assessment (SUA) authorized in 1993. The SUA reached its maximum limit in FY 2009-10 and many municipalities have since supplemented their revenues with general funds to maintain compliance with MRP 2.0. The Grand Jury Report suggests that municipalities review other potential funding sources to achieve permit compliance.

To increase public awareness, the Grand Jury Report recommends that municipalities write a narrative summary of their Annual Report to their Board of Supervisors or city council including permit compliance efforts, challenges, costs and funds needed to comply with MRP 2.0 Trash Reduction requirements.

For unincorporated Contra Costa County, the County Watershed Program submitted the 2018-19 Annual Report on time and met the 2018-19 compliance requirements. The main accomplishments for FY 2018-19 are:

1. Contra Costa County met the 80% Trash Reduction Requirement.
2. The County completed an additional trash capture device project in 2018-19, increasing the trash reduction from full trash capture from 20% to 30% of the County's total trash reduction. The County is installing additional trash capture devices in winter 2020 and is looking for opportunities to collaborate with Caltrans on full trash capture projects.
3. The County completed and submitted a Green Infrastructure (GI) Plan, adopted by the Board of Supervisors' on August 6, 2019, with the County's Annual Report. The GI plan is a long-term plan to design and build green infrastructure that treats stormwater draining from public rights-of-way and developments before draining directly to Contra Costa creeks and the Bay. The County is looking for opportunities to install green infrastructure projects on County parcels and rights-of-way to treat stormwater runoff.

Regarding the fiscal impacts implementing MRP 2.0, staff has worked with the Transportation, Water, and Infrastructure Committee. Staff estimates that it will cost approximately \$5 million annually to comply with all the MRP 2.0 provisions. However, the

County only receives \$3.2 million each year in discretionary revenue for stormwater related sources available from the General Fund. Staff identified \$510,000 of Road funds and \$75,000 of Flood Control Funds that could be used to help pay for program activities, leaving a shortfall of approximately \$1.2 million.

On August 6, 2019, the Board of Supervisors' adopted the Grand Jury Report and referred the identification of additional revenue sources to fund stormwater compliance, to the Finance Committee.

On November 4, 2019, the Finance Committee heard a presentation and directed County Watershed Program staff to develop options for additional funding sources to comply with MRP 2.0. Staff will bring the options to the Finance Committee for consideration in February 2020.

CONSEQUENCE OF NEGATIVE ACTION:

The narrative summary of the County's Annual Report, as recommended by the Grand Jury Report, will not be accepted.