

April 3, 2009 Email from:

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Larry Johmann, Guadalupe Coyote Resource Conservation District

Subject: MRP Comments

I have reviewed the proposed changes to the draft MRP and find the changes to the Trash section unacceptable.

Much of the serious pollution is not entering our creeks as a result of their proximity to Retail/Wholesale Commercial Land Use Areas. It is entering our waterways via illegal dumping either directly into the water or along waterway banks. A very large amount of toxic garbage and waste is coming from illegal encampments or "party" sites, at least in Santa Clara County.

At a recent SCVURPPP meeting, San Jose and Sunnyvale gave a presentation on their use of trash capture devices in storm sewers. They seem to be spending a lot of money and effort on the program. From the slides that were shown, each capture device was capturing some trash, some more than others, depending on location. From what I recall, the amount of trash captured ranged from a half dozen large pieces to several dozen large pieces, such as plastic cups, bottles, bags and food containers and a variety of small pieces, Styrofoam bits etc., at each location. The majority of what was being captured seemed to be vegetation litter, such as leaves, branches, sticks etc. I can't recall how often they said they cleaned out the devices. While capturing trash coming from storm drains is important and is probably a significant source of trash in some areas, it is a very small portion of trash entering urban Santa Clara County waterways and it is far less hazardous. Just before the meeting ended I asked why no one was addressing trash/garbage pollution coming from encampments and other illegal dumping? The question resulted in a bunch of excuses such as, this type of pollution wasn't storm water related and it was being addressed by other programs. The fact is, much of it is storm water related, because when garbage is thrown on the banks of a waterway it washes into the waterways during storms and high flows. In at least our area, this type of pollution is not being effectively addressed by any program and our waterways are continuing to be severely polluted by encampments and illegal dumping. The cities are spending tens, if not hundreds of thousands of dollars, to try to capture a very small portion of lighter weight and unsightly trash from entering our streams but are largely ignoring the gross, deliberate pollution of our waterways. Much of this garbage/waste is highly hazardous, from identifiable sources and locations and is jeopardizing the health of citizens and especially creek side residents and volunteers, who are constantly asked to clean up the mess. There is a large amount of money being spent trying to prevent or clean-up insignificant

amounts of trash and garbage but very little time and effort is being spent on preventing the major source of pollution or for cleaning it up. It is inexcusable and perhaps even criminal for officials to ignore this problem and put the health and lives of its citizens at risk. In 2006 a SCVWD Biologist working in the creek fell and got some water in his mouth, and became sick. He was out of work for over a year and almost died from the infection he contracted and its treatment. Most SCVWD and City employees will not go near our downtown waterways without full body protection. Yet the cities constantly ask volunteers to clean up these messes and even make them sign liability waivers before they do work.

I have again attached several recent photos taken on a small reach of Coyote Creek to support my point. Virtually all of the garbage/waste shown in the photos is from identified encampments and much of the stuff is extremely hazardous. Friends of Coyote Creek volunteers and the Boy Scouts cleaned up all of the stuff in the 1st 2 photos from Coyote Creek in Williams Park on March 21, 2009, over 2,000 lbs of garbage. The garbage in the photos includes but is not limited to, bags of human feces, dozens of propane tanks, hundreds of butane lighters and fuel canisters, all sort of prescription drug bottles, most still containing pills, non prescription drugs, personal care items, soaps, shampoos, cosmetics, household cleaner containers, most containing some amounts of some kind of liquid, batteries, spray paint cans, electronic devices, shoes, clothing, plastic bags full of stuff, back packs, and the all types of food and drink containers.

The middle two photos show an encampment and resulting garbage under and downstream of the Santa Clara St Bridge, at Roosevelt Park and only a dozen blocks east of San Jose City Hall. The last two photos show encampments dug into the side of the creek bank upstream of Julian St. Riparian vegetation has been chopped down, dirt from the excavation has been thrown into the creek channel, a liquid waste pipe runs directly from the encampment shelter into the creek and a bucket of feces can be seen floating in the creek. This encampment is tunneled into the bank right next to a San Jose high school building. In addition to the severe pollution and riparian vegetation removal, the excavation will cause the creek bank to fail during a large storm event jeopardizing the building, the downstream bridge and lives. This and other sites in the same area was identified in the 2007 photos supplied to the DA, the RWQCB, SCVWD, and San Jose Public Health and Police but nothing has been done about the problem.

The Guadalupe Coyote Resource Conservation District filed a letter complaint with the Santa Clara County DA's Office in April 2007 and asked them to require local officials enforce our anti pollution laws but noting meaningful has been done to date. The GCRC also provided the RWQCB hundreds of photos documenting the trash pollution of the Guadalupe River and Coyote Creek in the spring of 2007 and nothing meaningful has been done to address the problems to date. The above problems need to be effectively addressed by the RWQCB and local governments NOW. It is totally unacceptable to only

require area governments to address these problems in a 2013 plan that will not have to be implemented until 2023!

Unfortunately it seems like it will either take some volunteer or creek side resident to get a debilitating illness or die from this pollution before any meaningful action will be taken to stop it or some type of legal action to force responsible official to do their jobs.

Larry Johmann
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