



Friends of Five Creeks

*Volunteers preserving and restoring watersheds of
North Berkeley, Albany, Kensington, south El Cerrito and Richmond since 1996
1236 Oxford St., Berkeley, CA 94709
510 848 9358 f5creeks@gmail.com www.fivecreeks.org*

June 20, 2023

City of Berkeley Manager, Mayor, and Council
Parks, Recreation, and Waterfront; Transportation and Infrastructure; and Community Health Commissions
San Francisco Bay Regional Water Quality Control Board

Re: Pollution and public health risks from lack of toileting facilities for unhoused

Berkeley Mayor, Council, staff, commission members; staff and members of the Regional Water Quality Control Board:

Friends of Five Creeks, a 27-year-old, all-volunteer group working for creeks and watershed from Berkeley to Richmond, applauds planned capital projects that will green and beautify Aquatic Park. We look forward eagerly to Berkeley's finding a way to help those living in RVs and camper vans east of the park's lagoons empty their sewage safely and without causing pollution. This effort should include providing portable toilets for those living in RVs and packed tent encampments like those on Eighth and Harrison, just south of Codornices Creek, in conditions that would disgrace many of the world's poorest nations.

We appreciate the city's focus on providing stable, long-term housing, including a new \$4.9 million state grant to convert another motel in the near future. Berkeley also is paying the Downtown Streets Team \$1.6 million to engage the unhoused in picking up litter. It can afford a few thousand dollars for portable toilets and a pumping service to provide basic dignity and sanitation.

Through the worst of the pandemic Friends of Five Creeks paid for a portable toilet at 8th and Codornices Creek, the north end of the tent encampment. We were grateful that the city eventually took it over, and sorry that it has now been removed – and that the two toilets formerly at 8th and Harrison are down to one. Campers have included the old, the incontinent, people with walkers and wheelchairs, and people who are seriously delusional and addicted. Do you think they will all walk hundreds of feet to wait at a toilet in the middle of the night? From experience, we know that they will have accidents that cause them to discard their clothing, or refuse to leave the toilet when the cleaner comes.

It goes without saying that under these conditions, human waste goes into storm drains and flows from there to creeks, Aquatic Park, and the Bay. This is supported by the attached record of city tests, showing near-continuous advisories due to exceedance of enterococcus standards in Aquatic Park after the Grayson Street RV site and pump station closed in fall 2022. Anti-pollution agencies such as the Water Quality Control Board should not tolerate this.

We hope to see basic sanitation a priority in policies and spending to end the epidemic of addiction, mental illness, and homelessness that shames and weakens our community and society.

Sincerely,

Susan Schwartz, President, Friends of Five Creeks

Attachment: Aquatic Park Lagoon Enterococcus Sampling Results. Yellow = Enterococcus exceedance

Aquatic Park Lagoon Enterococcus Sampling Results				
Sample Collection Date	North	Middle	South	Comments/Observations
05/30/23	ND	ND	10	
05/23/23	20	ND	230	Lagoon is under Yellow Advisory due to Enterococcus exceedances in South sample point; no measurable amounts of precipitation were recorded on 5/23/23; no reported sewage release on/around 5/23/23;
05/16/23	ND	ND	ND	Advisory lifted as of 5/16/22 based on water sample results received for 2nd consecutive week w/no exceedances
05/09/23	ND	ND	ND	
05/02/23	860	30	20	Lagoon is under Yellow Advisory due to Enterococcus exceedances in North sample point; no measurable amounts of precipitation were recorded on 5/2/23; no reported sewage release on/around 5/2/23;
04/25/23	10/13 g/kg	ND/12 g/kg	ND/12 g/kg	Salinity samples were measured at 10, 12, & 12 g/kg
04/18/23	ND/10 g/kg	ND/11 g/kg	20/10 g/kg	Salinity samples were measured at 10, 11, & 10 g/kg
04/11/23	ND/8.9 g/kg	10/9.5 g/kg	20/9.4 g/kg	Salinity samples were measured at 8.9, 9.5 & 9.4 g/kg
04/04/23	ND/9 g/kg	20/9.1 g/kg	20/9.1 g/kg	Salinity samples were measured at 9, 9.1 & 9.1 g/kg
03/28/23	20/10 g/kg	630/8.9 g/kg	96/9 g/kg	Only one exceedance (middle) resulting in a continued Yellow advisory. Measurable amounts of rain were recorded during the early morning hours on 3/28/23, which could account for the spike in the middle sample. Salinity samples were measured at 10, 8.9 & 9 g/kg
03/21/23	31/12 g/kg	31/12 g/kg	400/11 g/kg	Only one exceedance (south) resulting in a continued Yellow advisory. Measurable amounts of rain were recorded during the early morning hours on 3/21/23 and continued into the week. Salinity samples were measured at 12, 12 & 11 g/kg
03/14/23	5500/11 g/kg	1300/10 g/kg	1600/10 g/kg	Exceedances in all 3 samples (north, middle and south) resulting in a continued Yellow advisory. Measurable amounts of precipitation were recorded on/around 3/14/23, which is a likely cause for the exceedances. Initiated salinity sampling at each of the sampling sites with results reflected as # grams of salt/kg of bay water (in the lagoon)
03/10/23	1000	860	800	Exceedances in all 3 samples (north, middle and south) resulting in a Yellow advisory. Measurable amounts of precipitation were recorded on/around 2/28/23, which is a likely cause for the exceedances.
02/21/23	20	100	30	
02/16/23	20	ND	ND	
02/07/23	20	10	10	Rec'd community concerns over the presence/observations of several dead leopard sharks and bat rays; staff conducted cursory assessment, and met with EBMUD staff who were investigating complaints of "rotten egg" odor, but unable to identify source/cause; notified Fish and Wildlife by completing Mortality Report on F/W website;
01/31/23	100	100	ND	Yellow Advisory lifted as of 2/9/23 based on two consecutive sample sets with no Enterococcus exceedances; reports of 3 dead sting rays observed on 2/7/23, however no other dead fish or other wildlife were observed/reported; State Fish and Wildlife were notified by the reporting party via email on 2/7/23
01/26/23	20	31	ND	

01/17/23	200	97	230	Lagoon to remain under yellow advisory; slight, but measurable amounts of rainfall was detected on 1/15/23; 2 of the 3 sample sites exceeded the Enterococcus thresholds;
01/10/23	4900	4100	1800	Lagoon to remain under yellow advisory; significant amounts of rainfall on 1/10/23 resulting in significant Enterococcus exceedances in each of the 3 sample points;
01/03/23	670	170	150	Lagoon to remain under yellow advisory; measurable amounts of rainfall on/around 1/2 - 1/3/23 resulting in Enterococcus exceedances in each of the 3 sample points;
12/29/22	380	2000	1700	Lagoon to remain under yellow advisory; measurable amounts of rainfall on/around 12/29/22 resulting in Enterococcus exceedances in each of the 3 sample points;
12/20/22	ND	30	1100	Lagoon to remain under yellow advisory; no measureable amounts of rain was detected on/around 12/20/22; unknown cause for Enterococcus spike from the South sample point as there was no 'unusual' activity observed at the lagoon during sampling
12/14/22	10	ND	100	Lagoon to remain under yellow advisory; no measureable amounts of rain on/around 12/14/22; staff observed "floating slime and foam" in the North and Middle sample points; abundance of ducks and other water fowl were observed in the South sample point at time of collection
12/06/22	ND	30	ND	
11/29/22	10	200	ND	Lagoon to remain under Yellow Advisory until 2 successive sample sets are all below the threshold of 110 cfu/100 ml; no detectable rainfall on/around 11/29/22; no observations/notes recorded re: the presence of water fowl and/or other unusual activity observed at the lagoon
11/22/22	ND	ND	150	Lagoon to remain under Yellow Advisory until 2 successive sample sets are all below the threshold of 110 cfu/100 ml; no detectable rainfall on/around 11/22/22, however staff observed ducks and other water fowl present in moderate numbers between the middle and southern sampling points
11/15/22	ND	ND	10	
11/08/22	500	660	590	Lagoon is under Yellow Advisory due to Enterococcus exceedances in each of the collected samples; Measurable amounts of precipitation were recorded on 11/7/22 and 11/8/22, which likely accounts for the elevated Enterococcus levels in each sample;
11/03/22	ND	31	ND	
10/25/22	ND	31	ND	
10/18/22	10	ND	ND	
10/17/22				No Enterococcus samples collected this day, however, EH staff investigated a report of a what appeared to be a small quantity of paint dumped into the lagoon; City Parks Division dispatched Clean Harbors to boom and vacuum up remaining paint residual that same day, 10/17/22. There were no sightings or reports of other dead fish or other animals as a result.
10/13/22	ND	ND	ND	
09/22/22	ND	31	ND	
09/13/22	ND	ND	10	

City of Berkeley Aquatic Park Enterococcus Sampling Results, newest to oldest. Yellow = advisory posted due to exceedance. Grayson St. RV lot and pump-out station closed October 2023. Three-page attachment to Friends of Five Creeks June 20 letter re toileting facilities for unhoused.

09/06/22	ND	ND	ND	
08/23/22	ND	ND	ND	
08/16/22	ND	ND	ND	
08/09/22	ND	ND	ND	
08/04/22	ND	ND	ND	
07/26/22	ND	ND	ND	
07/19/22	20	10	ND	
07/12/22	ND	10	20	
07/05/22	20	10	10	
06/28/22	31	41	10	
06/23/22	ND	10	ND	
06/14/22	ND	100	30	
06/06/22	41	20	10	
05/31/22	0	10	10	
05/26/22	10	ND	ND	
05/17/22	ND	ND	ND	
05/10/22	ND	ND	ND	
05/03/22	10	100	ND	Advisory lifted as of 5/16/22 based on water sample results received for 2nd consecutive week w/no exceedances
04/26/22	0	10	10	
04/19/22	200	110	10	Exceedances in 2 of 3 samples (north, middle lagoon sample) resulting in the continuance of a Yellow advisory. Measurable amounts of precipitation were recorded on 4/19/22, which is a likely cause for the exceedance.
04/12/22	100	200	ND	Exceedances in 3 of 3 samples (middle lagoon sample) resulting in the continuance of a Yellow advisory. Measurable amounts of precipitation were recorded on 4/11/22, which is a likely cause for the exceedance.
04/05/22	ND	ND	10	
03/29/22	10	200	100	Exceedance in 1 of 3 samples (middle sample) resulting in a Yellow advisory. Measurable amounts of precipitation were recorded on 3/27 and on 3/28/2022, which is a likely cause for the exceedance.
03/22/22	10	ND	100	
03/15/22	10	75	20	
03/08/22	ND	10	20	
03/01/22	10	ND	ND	
02/22/22	ND	10	ND	Advisory lifted as of 2/22/22 based on water sample results received for 2nd consecutive week w/no exceedances
02/15/22	ND	20	20	
02/08/22	ND	410	41	Yellow Advisory reinstated due to an exceedance in 1 of the 3 samples collected on 2/8/2022; there was no measurable amount of rainfall, and there were no reports of sewage releases on/or around 2/8/2022
02/03/22	ND	ND	ND	Advisory lifted as of 2/10/22 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the exceedance on the 1/13/22 sample
01/25/22	ND	41	20	
01/18/22	ND	20	20	
01/13/22	ND	620	30	Advisory to remain in-effect for 2 additional sampling events due to a spike in the Enterococcus levels collected from the mid-lagoon sampling point. No reports of sewage release, however there was a report of possible illegal dumping which was received on 1/5/22; EH staff investigated but were unable to determine whether illegal dumping occurred;

01/04/22	180	180	41	Advisory reinstated due to exceedances in 2 of the 3 samples collected on 1/4/2022; minor amounts of rainfall ranging from 0.1 - 0.3" fell from 1/1 - 1/4/2022, which may have contributed to the higher bacterial counts; there were no reports of sewage releases in/around the Aquatic Park Lagoon; there was a report of possible illegal dumping into the lagoon on/around 1/5/2022, however, EH staff investigated but were unable to confirm
01/13/22	ND	620	30	Advisory to remain in-effect for 2 additional sampling events due to a spike in the Enterococcus levels collected from the mid-lagoon sampling point. No reports of sewage release, however there was a report of possible illegal dumping which was received on 1/5/22; EH staff investigated but were unable to determine whether illegal dumping occurred;
01/18/22	ND	20	20	
12/28/21	10	100	41	Advisory lifted as of 1/10/22 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the exceedances on the 12/14/21 samples
12/21/21	41	10	100	
12/14/21	1800	3,300	2700	Yellow Advisory to remain in-effect due to exceedances in each of the 3 sample locations; over 3" of rainfall were recorded on 12/13/21, which likely caused the bacteria levels to spike
12/07/21	360	10	100	Yellow Advisory posted on Friday, 12/17/21 due to elevated Enterococcus level in the North sample point on 12/7/21; no measurable amounts of rain were recorded on 12/6/21, and no reports of surfacing sewage overflows on/around 12/7/21
11/30/21	ND	ND	20	
11/23/21	10	ND	50	Advisory lifted as of 12/7/21 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the initial exceedance on the 11/9/21 sample
11/16/21	31	10	100	
11/09/21	400	1,200	100	Measurable amounts of precipitation were recorded on 11/8/21 and 11/9/21, which is the likely cause for elevated Enterococcus levels; Yellow Advisory to remain in-effect for at least 2 consecutive sampling cycles
11/02/21	10	100	10	
10/26/21	8200	10,400	6488	Yellow Advisory posted on Friday, 10/29/21 due to preliminary results provided by lab; spike caused by significant rain events during previous several days prior to sample collection
10/19/21	10	ND	ND	
10/12/21	10	ND	ND	
10/05/21	ND	10	ND	
09/30/21	20	ND	ND	Sample collected on Thursday instead of Tuesday
09/21/21	20	ND	ND	
09/14/21	ND	ND	ND	
09/07/21	ND	10	ND	
08/31/21	ND	30	ND	
08/24/21	ND	ND	10	
08/17/21	ND	10	ND	
08/10/21				
08/03/21	ND	ND	ND	
07/27/21	ND	ND	ND	

				Advisory lifted as of 7/28/21 based on satisfactory results of each of the 3 sample points testing below the 110 cfu/100ml threshold for 2 consecutive weeks after the initial exceedance on the 7/6/21 sample
07/20/21	ND	10	ND	
07/13/21	ND	10	10	
07/06/21	ND	230	ND	Yellow Advisory to be posted; no reports of sewage release in/around the AP lagoon; no rain recorded since April; according to our staff sampler, there was a large presence of Canadian geese in middle segment of the lagoon at the time of sampling
06/29/21	ND	41	ND	
06/22/21	ND	ND	10	
06/15/21	ND	10	ND	
06/08/21	ND	10	ND	
06/01/21	ND	ND	ND	
05/25/21	ND	31	ND	
05/18/21	ND	41	ND	
05/11/21	ND	ND	10	
05/04/21	ND	20	ND	
04/27/21	10	100	20	
04/20/21	10	ND	ND	
04/13/21	ND	ND	10	
04/06/21	20	10	10	
03/30/21	20	20	ND	
03/23/21	10	ND	20	
03/16/21	ND	ND	ND	
03/09/21	41	31	ND	
03/02/21	ND	10	ND	
02/23/21	31	ND	10	
02/16/21	ND	20	10	Advisory lifted as of 2/25/21 based on water sample results received for 2nd consecutive week w/no exceedances
02/09/21	ND	ND	41	Advisory posted on 2/11/21 due to notification of Enterococcus exceedances in water samples collected on 2/2/21
02/02/21	590	360	120	Fairly significant rainfall between 1/31/21 - 2/2/21; no reported sewage releases reported in Berkeley on/around that date range
01/26/21	ND	10	ND	
01/19/21	31	100	200	No rain reported, however unusually strong wind gusts recorded earlier that morning and during the day, which could have blown additional debris into the lagoon
01/12/21	10	ND	100	
01/05/21	160	63	31	Some rainfall recorded on 1/4 and 1/6/21
12/29/20	31	10	63	
12/22/20	10	10	ND	
12/15/20	1300	20	120	Fairly significant rainfall recorded on 12/13/20; no reported sewage releases reported in Berkeley on/around that date
12/08/20	100	10	100	
12/01/20	10	ND	ND	
11/24/20	10	10	10	
11/17/20	10	200	200	Minor rain showers
11/10/20	10	ND	ND	
11/03/20	ND	10	10	
10/27/20	ND	ND	10	
10/20/20	200	ND	10	No reported sewage releases reported in/around Berkeley
10/13/20	20	ND	* N/A	* Sample not collected due to time constraint with sample 'hold-time' and courier service
10/06/20	ND	ND	10	
09/29/20	ND	20	100	

09/22/20	84	ND	ND	
09/17/20	10	97	31	
NOTE: The State standard for monitoring water quality and determining posting status for the Aquatic Park lagoon is based on the "Enterococcus" numbers only. Enterococcus figures in RED exceed the State Standard				
http://www.balancehydrologics.com/raingage/index.php				
https://www.waterboards.ca.gov/water_issues/programs/ss0/ss0_map/ss0_pub.shtml				
Indicates Advisory Posted due to Enterococcus exceedance				
CALIFORNIA STATE STANDARDS		CURRENT STATE STANDARDS FOR SINGLE SAMPLE (#cfu/100 ml)		
BACTERIAL CONSTITUENT		≤ 110		
Enterococcus:				